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Federal Register

FRIDAY, MARCH 18, 1977

highlights

EDUCATIONAL WORKSHOPS ON HOW TO USE THE FEDERAL REGISTER

OFR announces workshop to be held in Seattle, Washington, 3–30 and 3–31–77.

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 776.....Pub. L 95–11
To dedicate the canal and towpath of the Chesapeake and Ohio Canal National Historical Park to Justice William O. Douglas, and for other purposes. (Mar. 15, 1977; 91 Stat. 21)
Price: $.35

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

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

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

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

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

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: Part 213 is amended to show that two additional positions of Special Assistant to the Chairman are excepted under Schedule C because they are confidential in nature.

EFFECTIVE DATE: March 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3360(a) is amended to read as follows:

§ 213.3360 Consumer Product Safety Commission.

(a) Four Special Assistants, one Director of Congressional Relations, and one Public Information Officer to the Chairman.

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

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

[FR Doc.77-8017 Filed 3-17-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final Rule.

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

EFFECTIVE DATE: March 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3305(a)(26) is added as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(26) One Confidential Assistant to the Under Secretary for Monetary Affairs.

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

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

[FR Doc.77-8019 Filed 3-17-77;8:45 am]

PART 213—EXCEPTED SERVICE

National Transportation Safety Board

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: Part 213 is amended to show a change in title from Confidential Secretary to the Chairman of the Board to Confidential Assistant to the Chairman. This change in title reflects more appropriately the duties of the position.

EFFECTIVE DATE: March 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3396(a)(2) is amended to read as follows:

§ 213.3396 National Transportation Safety Board.

(a) *Office of the Chairman.* * * *

(2) One Confidential Assistant to the Chairman and one Confidential Secretary to each of four Board Members.

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

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

[FR Doc.77-8018 Filed 3-17-77;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

MOUNTAIN PLAINS REGIONAL OFFICE

New Administrative Boundaries, Address of New Office

The Department approved a new regional office for the Food and Nutrition Service to serve the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming beginning October 12, 1976.

This Region, designated as the "Mountain Plains Region," encompasses part of the areas formerly served by the Midwest and West-Central Regional Offices.

In addition to reducing the unusually heavy workload of the Midwest and West-Central Regional Offices, the new regional office will enable all three offices to more effectively serve the States in their respective regions through greater concentrated effort and cooperation, provide proportionately more technical assistance and be more responsive to specific regional, State and local problems.

The purpose of the amendments, herein, to the regulations governing the National School Lunch Program (7 CFR Part 210), the Special Milk Program for Children (7 CFR Part 215), the School Breakfast Program (7 CFR Part 220), the Summer Food Service Program for Children (7 CFR Part 225), the Child Care Food Program (7 CFR Part 226), the Nonfood Assistance Program (7 CFR Part 230), the Special Supplemental Food Program for Women, Infants and Children (7 CFR Part 246), the Donation of Foods for Use in United States, Its Territories and Possessions and Areas Under Its Jurisdiction (7 CFR Part 250), and the Food Stamp Program (7 CFR Part 270), is to (1) reflect the new administrative boundaries of the three affected FNS regional offices, and (2) to provide the name and address of the new regional office.

The West-Central Regional Office will be redesignated as the Southwest Regional Office concurrent with the phasing in of program operations at the Mountain Plains Regional Office.

Since the amendments are technical in nature and are nonsubstantive with respect to program requirements or benefits to the States, local entities and individuals, it is impracticable, unnecessary and not in the public interest to follow the proposed rulemaking and public participation procedure. Accordingly, the above-cited regulations are amended as follows:

[Amdt. 25]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

In § 210.20, paragraphs (c) and (d) are revised, and a new paragraph (g) is added to read as follows:

§ 210.20 Program information.

* * * * *

(c) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin: Midwest Regional Office, Food and Nutrition Service, U.S. Department of

Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-C-30, Dallas, Texas 75202.

* * * * *

(g) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 1823 Stout Street, Denver, Colorado 80202.

(Catalog of Federal Domestic Assistance Program No. 10.555, National School Lunch Program)

[Amdt. 15]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

In § 215.16, paragraphs (d) and (e) are revised and a new paragraph (g) is added as follows:

§ 215.16 Program information.

* * * * *

(d) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin: Midwest Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(e) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-C-30, Dallas, Texas 75202.

* * * * *

(g) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 1823 Stout Street, Denver, Colorado 80202.

(Catalog of Federal Domestic Assistance Program No. 10.556, Special Milk Program for Children)

[Amdt. 27]

PART 220—SCHOOL BREAKFAST PROGRAM

In § 220.21, paragraphs (c) and (d) are revised, and a new paragraph (g) is added to read as follows:

§ 220.21 Program information.

* * * * *

(c) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-C-30, Dallas, Texas 75202.

* * * * *

(g) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, FNS, U.S. Department of Agriculture, 1823 Stout Street, Denver, Colorado 80202.

(Catalog of Federal Domestic Assistance Program No. 10.553, School Breakfast Program)

[Amdt. 1]

PART 225—SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

In § 225.18, paragraphs (d) and (e) are revised and a new paragraph (g) is added to read as follows:

§ 225.18 Program information.

* * * * *

(d) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin: Midwest Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(e) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

* * * * *

(g) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 1823 Stout Street, Denver, Colorado 80202.

(Catalog of Federal Domestic Assistance Program No. 10.559, Summer Food Service Program for Children)

[Amdt. 1]

PART 226—CHILD CARE FOOD PROGRAM

In § 226.31, paragraphs (d) and (e) are revised and a new paragraph (g) is added to read as follows:

§ 226.31 Program information.

* * * * *

(d) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin: Midwest Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(e) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

* * * * *

(g) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 1823 Stout Street, Denver, Colorado 80202.

(Catalog of Federal Domestic Assistance Program No. 10.558, Child Care Food Program)

[Amdt. 1]

PART 230—NONFOOD ASSISTANCE PROGRAM

In § 230.19, paragraphs (d) and (e) are revised and a new paragraph (g) is added to read as follows:

§ 230.19 Program information.

* * * * *

(e) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin: Midwest Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(a) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-C-30, Dallas, Texas 75202.

* * * * *

(g) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 1823 Stout Street, Denver, Colorado 80202.

(Catalog of Federal Domestic Assistance Program No. 10.554, Non-Food Assistance Program)

[Amdt. 3]

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

In § 246.21, paragraphs (d) (4), (5), (6) and (7) are revised to read as follows:

§ 246.21 Miscellaneous.

* * * * *

(d) * * *

(4) Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin: U.S. Department of Agriculture, Food and Nutrition Service, Midwest Regional Office, 536 Clark Street, Chicago, Illinois 60605.

(5) Arkansas, Louisiana, New Mexico, Oklahoma, Texas: U.S. Department of Agriculture, Food and Nutrition Service, Southwest Regional Office, 1100 Commerce Street, Room 5-D-22, Dallas, Texas, 75202.

(6) Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming: U.S. Department of Agriculture, Mountain Plains Regional Office, Food and Nutrition Service, 1823 Stout Street, Denver, Colorado 80202.

(7) Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, Washington: U.S. Department of Agriculture, Food and Nutrition Service, Western Regional Office, 550 Kearney Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.557, Special Supplemental Food Program for Women, Infants and Children)

[Amdt. 37]

PART 250—DONATION OF FOOD FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

In § 250.11, the paragraphs pertaining to the Midwest and West-Central Regional Offices are revised and a new paragraph is added to read as follows:

§ 250.11 Where to obtain information.

* * * * *

Midwest Regional Office, Food and Nutrition Service, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605 for the following States: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Southwest Region, Food and Nutrition Service, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202 for the following States: Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

* * * * *

Mountain Plains Region, Food and Nutrition Service, U.S. Department of Agriculture, 1823 Stout Street, Denver, Colorado 80202 for the following States: Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming.

(Catalog of Federal Domestic Assistance Program No. 10.550, Food Distribution)

[Amdt. 100]

PART 270—GENERAL INFORMATION AND DEFINITIONS

In § 270.5(b), subparagraphs (3) and (4) are revised and a new subparagraph (7) is added. The revised and new subparagraphs read as follows:

§ 270.5 Miscellaneous provisions.

* * * * *

(b) * * *

(3) For project areas in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin: Midwest Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 536 South Clark Street, Chicago, Illinois 60605.

(4) For project areas in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office ,U.S. Department of Agriculture, Food and Nutrition Service, 1100 Commerce Street, Suite 5-D-22, Dallas, Texas 75202.

* * * * *

(7) For project areas in Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 1823 Stout Street, Denver, Colorado 80202.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamp Program)

Effective date: These amendments shall be effective as of December 6, 1976.

Dated: March 14, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-7847 Filed 3-17-77;8:45 am]

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

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

• The purpose of this document is to amend the list of commuted traveltime allowances for agricultural inspection services relating to imports and exports and to consolidate all existing amendments into one list. •

This amendment amends the list of commuted traveltime allowances, 7 CFR 354, Overtime Services Relating to Imports and Exports, and consolidates all existing amendments into one list for the convenience of the user. Since the last amendment (November 16, 1976, 41 FR 50412), commuted traveltimes have been established for Wilkes Barre/Scranton Airport, Pennsylvania, when served from Allentown, Moosic, and Williamsport; Columbus, New Mexico, when served from Las Cruces; England Air Force Base, Louisiana, when served from Alexandria; and Barksdale Air Force Base, Louisiana, when served from Shreveport.

Pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 (37 FR 28464, 28477, as amended; 38 FR 19141) the administrative instructions appearing at 7 CFR 354.2, as amended, February 10, May 18, August 24, and November 16, 1976, (41 FR 5804, 20389, 35693, and 50412) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are revised to read as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty, as defined in § 354.1 shall, in addition, include a commuted traveltime period for the respective areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The prescribed commuted traveltime periods are set forth below:

Commuted traveltime allowance

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Alabama:			
Birmingham (including Birmingham Municipal Airport).	Tuscaloosa		3
Do	Pelham		2
Chickasaw	Mobile		2
Mobile		2	
Port Osborne	Pelham or Tuscaloosa		3
Undesignated ports	Mobile		3
Alaska:			
Anchorage		1	
Seward	Anchorage		6
Undesignated ports	do		3
Arizona:			
Davis-Monthan AFB, Tucson	Nogales		4
Douglas		1	
Do	Nogales		6
Nogales		1	
Phoenix		2	
Do	Nogales		6
Do	Tucson		5
San Luis		2	
Tucson		1	
Do	Nogales		3
Yuma International Airport		1	
Undesignated ports	Nogales		3
Arkansas:			
Blytheville AFB		1	
Dardanelle	Little Rock		3
Fort Smith	do		6
Little Rock		1	
Little Rock AFB		1	
Pine Bluff	Little Rock		2
Undesignated ports	Memphis, Tenn		3
Bahamas:			
Nassau		1	
Bermuda:			
Ferry Reach		1	
California:			
Andrade	Calexico		2
Antioch	San Francisco		4
Burbank	Los Angeles		3
Calexico		1	
Camp Pendleton, USMC, Oceanside	San Diego		3
Castle AFB	Merced		1
El Segundo	Los Angeles		2
El Toro MCAS	do		3
George AFB	do		4
Gillespie Field	San Diego		1
Hamilton AFB, Novato	Travis AFB		3
Imperial Beach NAS	San Diego		1
Los Angeles (including San Pedro, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor, and Long Beach Municipal Airport).		2	

Location covered	Served from—	Metropolitan area	
		Within	Outside
March AFB	Los Angeles		4
Martinez	San Francisco		3
Mather Field AFB	Travis AFB		3
McClellan AFB	do		3
Moffett Field NAS, Sunnyside	San Francisco		3
North Island	San Diego		1
Norton AFB	Los Angeles		4
Ontario	do		3
Pittsburg	San Francisco		4
Port Chicago	do		3
Redwood City	do		2
Richmond	do		3
Rodeo	do		3
Sacramento		1	
Do	Travis AFB		2
Sacramento Metropolitan Airport	do		3
San Diego (includig Mexican border at San Ysidro; Brown, Gillespie and Lindbergh Fields, Imperial Beach; North Island, Miramar and Naval and Civilian Maritime within the San Diego Unified Port District).		2	
San Francisco (including Alameda, Oakland, San Francisco International Airport, and Oakland International Airport).		2	
Seal Beach	Los Angeles		2
Stockton		1	
Do	Travis AFB		2
Tecate	San Diego		2
Travis AFB		1	
Vallejo	San Francisco		2
Undesignated ports	San Diego, Los Angeles, or San Francisco.		3
Colorado:			
Denver (including Stapleton International Airport).		2	
Ent AFB (Peterson Field)	Denver		5
Connecticut:			
Bradley Field, Windsor Locks	Boston, Mass		6
Do	Warwick, R.I		6
Bradley International Airport, Windsor Locks		1	
Do	Hadley, Mass		2
Bridgeport	Groton		3
Do	Wallingford		2
Do	Warwick, R.I		6
Do	Windsor Locks		3
Groton (including New London)		1	
New Haven	Groton		2
Do	Wallingford		1
Do	Warwick, R.I		6
Do	Windsor Locks		2
New London	Warwick, R.I		4
Windsor Locks	Wallingford		3
Undesignated ports	do		3
Delaware:			
Claymont	Dover		3
Do	Wilmington		1
Delaware City	do		2
Do	Dover		3
Dover		1	
Greater Wilmington Airport	Dover		3
Wilmington (including marine terminal and airport).		1	
Wilmington	Philadelphia, Pa		3
Do	Dover		3
District of Columbia:			
Washington, D.C. metropolitan area (including Arlington, Alexandria, and Dulles International Airport, Va.; Andrews AFB, Md.; and Washington Navy Yard).		2	
Florida:			
Apalachicola	Pensacola		6
Boca Grande	Tampa		5
Eglin AFB	Pensacola		3
Fort Lauderdale		1	
Fort Myers	Tampa		5
Fort Pierce	West Palm Beach		3
Jacksonville		2	
Key West		1	
Marathon	Key West		2
McCoy AFB	Tampa		4
Melbourne	Port Canaveral		2
Miami		2	
Panama City	Pensalcola		5
Patrick AFB		1	
Pensacola		1	
Do	Mobile, Ala		3
Port Canaveral		1	
Port Everglades		1	
Port St. Joe	Pensacola		6
St. Petersburg		2	
Sanford NAS	Tampa		5
Tampa		2	
West Palm Beach		1	
Undesignated ports	Jacksonville, Miami, Port Canaveral, or Tampa.		3
Georgia:			
Atlanta		2	
Brunswick	Savannah		4
Columbus	Atlanta		4

Location covered	Served from—	Metropolitan area	
		Within	Outside
Macon	do		4
Marietta	do		2
St. Mary's	Jacksonville, Fla		3
Savannah		2	
Undesignated ports	Atlanta or Savannah		3
Hawaii:			
Barbers Point NAS	Honolulu		2
Hilo		1	
Honolulu		2	
Kaanapali, Lahaina, Maui	Kahului, Maui		2
Kahului, Maui		1	
Do	Honolulu		4
Kaneohi MCAS	do		2
Kenau	Hilo		1
Keahole		1	
Keauhou	Keahole		2
Lihue, Kauai		2	
Do	Honolulu		5
Schofield barracks, Wahiawa, Oahu	do		2
Undesignated ports	Hilo, Honolulu, or Keahole		3
Illinois:			
Chicago		3	
Peoria	Princeton		3
Do	Watseka		5
Indiana:			
Indianapolis	Chicago, Ill		5
Do	Frankfort		3
Do	Franklin		2
Mount Vernon	Huntingburg		4
Port of Gary	Hanna		2
Iowa:			
Do	Boone		3
Kentucky:			
Covington	Lexington		4
Fort Campbell	Brentwood, Tenn		4
Do	Elizabethtown		2
Do	Lexington		4
Louisiana:			
Barksdale AFB	Shreveport	1	
Barksdale AFB, Shreveport	Baton Rouge		6
Baton Rouge (including Port Allen)		2	
Burns	New Orleans		4
Burnside	Baton Rouge		3
Convent	do		3
Donaldsonville	do		3
England AFB	Alexandria	1	
England AFB, Alexandria	Baton Rouge		4
Geismar	do		2
Lake Charles	Port Arthur, Tex		3
Do		1	
Morgan City	New Orleans		4
New Orleans		2	
Ostrica	New Orleans		4
Plaquemine	Baton Rouge		2
St. Gabriel	do		2
St. James	do		3
Uncle Sam	do		3
Undesignated ports	do		4
Venice	New Orleans		4
Pointes on the Mississippi River above the St. Charles-Jefferson Parish boundary to and including Gramercy, La.; any point below Chalmette, La., on the east bank; and Belle Chasse, La., and points to and including Port Sulphur on the west bank.	do		3
Undesignated ports	Baton Rouge or New Orleans		3
Maine:			
Bangor		1	
Bath	Portland		2
Brunswick NAS	do		2
Bucksport	Bangor		2
Cousins Island	Portland		1
Eastport	Bangor		6
Kittery	Portland		3
Portland		1	
Searsport	Bangor		2
Undesignated ports	Bangor or Portland		3
Maryland:			
Aberdeen Proving Ground	Baltimore		3
Andrews AFB	Fredericksburg, Va		3
Annapolis	Baltimore		3
Baltimore		3	
Cambridge	Baltimore		4
Do	Dover, Del		4
Salisbury	do		3
Do	Baltimore		4
Undesignated ports	Andrews AFB, Dover, Del., or Dulles International Airport, Va.		3
For other points in Maryland, see D.C. listing.			
Massachusetts:			
Boston		3	
Fall River	Warwick, R.I		3
New Bedford	do		4
Otis AFB	do		5
Plymouth	do		4
Sandwich	do		5
Westover AFB, Chicopee	Boston		6
Do	Hadley		1
Woods Hole	Warwick, R.I		6
Undesignated ports	do		3
Michigan:			
Bay City	Detroit		5
Battle Creek	Kalamazoo		2
Detroit (including Detroit Metropolitan Airport, Inkster).		3	

Location covered	Served from—	Metropolitan area	
		Within	Outside
Kent County Airport	Grand Rapids	1	
Monroe	Detroit		3
Muskegon	do		6
Do	Kalamazoo		3
Port Huron	Detroit		4
Saginaw	do		5
South Haven	do		6
Minnesota:			
Duluth		1	
Minneapolis-St. Paul		2	
Silver Bay	Duluth		3
Mississippi:			
Greenville		1	
Do	Memphis, Tenn		5
Gulfport	Mobile, Ala		4
Kessler AFB	do		4
Natchez	Baton Rouge, La		5
Do	Brookhaven		4
Pascagoula	Mobile, Ala		3
Vicksburg	Baton Rouge, La		6
Do	Florence		3
Undesignated ports	Mobile, Ala		3
Missouri:			
Kansas City International Airport		2	
St. Louis		2	
St. Louis International Airport		2	
Montana:			
Butte International Airport	Billings		6
Do	Butte (or vicinity by inspectors temporarily detailed in excess of 12 hr).	2	
Great Falls International Airport	Great Falls	1	
Nevada:			
Las Vegas		1	
Reno		1	
New Hampshire:			
Newington	Portland, Maine		3
Pease AFB	do		3
Portsmouth	do		3
Undesignated ports	Rouses Point, N.Y.		3
New Jersey:			
Atlantic City	Philadelphia, Pa		3
Bridgeport (Monsanto)	Wilmington, Del		1
Burlington	Philadelphia, Pa		3
Deepwater (Penns Grove)	Wilmington, Del		1
Lakehurst NAS	McGuire AFB		2
McGuire AFB	Philadelphia, Pa		3
Do	Freehold		
Do	Seabrook		23
Do	Trenton		4
McGuire AFB, Wrightstown		2	
Paulsboro	Philadelphia, Pa		3
Trenton	McGuire AFB		3
New Mexico:			
Albuquerque		1	
Columbus	Las Cruces		4
Holloman AFB, Alamogordo	El Paso, Tex		4
Undesignated ports	do		3
New York:			
Buffalo		2	
Chateaugay (including Churubusco and Cannon Corners).	Rouses Point		2
Jamaica, Long Island		3	
Lewiston	Buffalo		2
Massena	Ogdensburg		2
Do	Rouses Point		4
New York		3	
Niagara Falls	Buffalo		2
Ogdensburg		1	
Do	Rouses Point		5
Oswego	Buffalo		6
Plattsburgh	Rouses Point		2
Rochester	Buffalo		4
Roosevelt Town	Ogdensburg		2
Do	Rouses Point		4
Rouses Point (including Champlain)		1	
Syracuse		1	
Do	Buffalo		6
Undesignated ports	Buffalo or Rouses Point		3
North Carolina:			
Camp Lejeune	Wilmington		3
Charlotte	Monroe		2
Do	Wilmington		6
Cherry Point	New Bern		2
Do	Wilmington		4
Do	Morehead City		1
Elizabeth City	do		6
Do	New Bern		5
Morehead City		1	
Do	New Bern		2
Do	Wilmington		4
New River MCAS, Jacksonville	do		2
Pope AFB	do		4
Do	Fayetteville		2
Seymour-Johnson AFB	Wilmington		3
Do	Goldsboro		2
Sunny Point Army Terminal, Southport	Wilmington		2
Wilmington		1	
Undesignated ports	New Bern, Monroe, Morehead City, or Wilmington.		3
Ohio:			
Akron	Cleveland		2

Location covered	Served from—	Metropolitan area	
		Within	Outside
Ashtabula	Perry		2
Cincinnati	Toledo		6
Cleveland		2	
Do	Perry		3
Columbus	Cleveland		6
Do	Marysville		2
Do	Sidney		5
Do	Washington Court House		3
Dayton	Marysville		3
Do	Sidney		2
Do	Toledo		6
Do	Washington Court House		3
Fairport Harbor	Cleveland		2
Lockbourne AFB	do		6
Loraine	do		2
Toledo		2	
Do	Detroit, Mich		3
Undesignated ports	Cleveland or Toledo		3
Oklahoma:			
Altus AFB	Hobart		2
Do	Elk City		3
Muskogee		1	
Port of Catoosa	Muskogee		3
Tulsa International Airport	do		3
Tinker AFB, Oklahoma City		1	
Will Rogers World Airport, Oklahoma City		1	
Oregon:			
Astoria		1	
Do	Portland		5
Coos Bay (including North Bend)		1	
Newport	Coos Bay		5
Port Westward	Astoria		2
Portland		2	
Westport	Astoria		2
Undesignated ports	Astoria, Coos Bay, or Portland		3
Pennsylvania:			
Chester	Philadelphia		3
Do	Wilmington, Del		1
Erie	Buffalo, N.Y., or Cleveland, Ohio		4
Do	Meadville		3
Greater Pittsburgh International Airport	Cleveland, Ohio		6
Do	Hollidaysburg		6
Do	Meadville		5
Do	Pittsburgh	3	
Harrisburg International Airport	Carlisle		2
Do	Allentown		4
Do	Meadville		6
Do	Philadelphia		5
Do	University Park		5
Do	Williamsport		6
Marcus Hook	Philadelphia		3
Do	Wilmington, Del		1
Philadelphia		3	
Do	McGuire Air Force Base		3
Do	Wilmington, Del		3
Tullytown	Philadelphia		3
Wilkes-Barre/Scranton Airport	Allentown		5
Do	Williamsport		6
Do	Meadville		2
Puerto Rico:			
Aguadilla	Mayaguez		2
Aguirre	Ponce		2
Arecibo	San Juan		4
Borinquen Field	Mayaguez		2
Fajardo		1	
Do	San Juan		3
Guanica	Mayaguez		2
Guayama	Ponce		2
Guayanilla	do		2
Humacao and Yabucoa	San Juan		4
Mayaguez (including points from Ramey to Cabo Rojo).	do		5
Mayaguez and El Mani Airport		1	
Ponce (including all subports in the Ponce customs district).	do		4
Ponce and Mercedita Airport		1	
Ramey AFB (including Borinquen Airport)		1	
Do	do		3
Roosevelt Roads	Fajardo		2
San Juan		2	
Tallaboa (Penuelas)	Ponce		2
Yabucoa	Fajardo		4
Rhode Island:			
Davisville NSD	Boston, Mass		4
Do	Warwick		3
Melville	do		3
Newport	Boston, Mass		5
Do	Warwick		4
Portsmouth	do		3
Providence	Boston, Mass		4
Do	Warwick		2
Quonset Point	Boston, Mass		4
Do	Warwick		3
Saunderstown	do		3
Tiverton	do		3
Warwick		1	
Undesignated ports	do		3
South Carolina:			
Beaufort-Port Royal	Charleston		4

Location covered	Served from—	Metropolitan area	
		Within	Outside
Do	Savannah		3
Charleston	Charleston	2	
Columbia			4
Do		1	
Georgetown	do		3
Greenville-Spartanburg		1	
Greenville-Spartanburg Airport, Columbia	do		6
McEntire NG Air Base	Columbia		2
McEntire NG Air Base, Eastover	Charleston		4
Myrtle Beach AFB	do		4
Do	Conway		1
Shaw AFB	Columbia and Florence		2
Shaw AFB, Sumter	Charleston		4
Undesignated ports	do		3
Tennessee:			
Knoxville		1	
Memphis		1	
Do	Batesville, Miss		2
Millington	Memphis		2
Nashville		1	
Undesignated ports	Atlanta, Ga		5
Do	Brentwood		3
Do	Memphis		3
Do	Knoxville and Pulaski		4
Texas:			
Alamo	Hidalgo		1
Aransas Pass	Corpus Christi		2
Barbours Cut	Houston		3
Bayport	do		3
Baytown	do		2
Beaumont	Port Arthur		2
Do	Lake Charles		3
Brownsville		1	
Carswell Field, Fort Worth	Dallas-Fort Worth Regional Airport		3
Corpus Christi		1	
Corpus Christi NAS	Corpus Christi		1
Dallas		1	
Dallas (including Love Field)	Dallas-Fort Worth Regional Airport		1
Dallas-Fort Worth Regional Airport		1	
Do	Denton		2
Do	Waxahachie		3
Del Rio		1	
Donna	Hidalgo		2
Dyess AFB	Abilene	1	
Eagle Pass		1	
Edinburg	Hidalgo		2
El Paso		1	
Fabens	El Paso		2
Falcon Heights	Roma		1
Freeport	Galveston or Houston		
Galveston		1	
Do	Houston		4
Gregory	Corpus Christi		1
Harbor Island	do		2
Harlingen	Brownsville		2
Hidalgo		1	
Do	Brownsville		3
Houston (except Houston Intercontinental Airport).		2	
Houston Intercontinental Airport		3	
Kelly AFB	San Antonio		2
Do	Boerne		3
La Feria	Hidalgo		2
Laredo		1	
Love Field	Waxahachie		2
Do	Denton		2
McAllen	Hidalgo		1
Meacham Field	Dallas-Fort Worth Regional Airport		2
Mercedes	Hidalgo		2
Mission	do		1
Orange	Port Arthur		3
Do	Lake Charles		2
Pharr	Hidalgo		1
Point Comfort		1	
Do	Corpus Christi		5
Port Arthur		1	
Do	Lake Charles		3
Port Isabel	Brownsville		2
Port Lavaca	Corpus Christi		4
Presidio		1	
Progreso		1	
Do	Brownsville or Hidalgo		2
Randolph AFB	San Antonio		2
Rio Grande City	Roma		1
Rockport	Corpus Christi		2
Roma		1	
Do	Hidalgo		3
Do	Brownsville		5
Do	Laredo		4
San Antonio International Airport	Boerne		2
San Antonio		1	
San Juan	Hidalgo		1
Texas City	Galveston		1
Weslaco	Hidalgo		2
Undesignated ports	Houston		3
Utah:			
Salt Lake City International Airport		2	
Hill Air Force Base, Ogden	Salt Lake City		4
Vermont:			
Alburg	Rouses Point, N.Y	1	

Location covered	Served from—	Metropolitan area	
		Within	Outside
St. Albans (including Highgate Springs and Morses Line).	do		2
Undesignated ports	do		3
Virgin Islands:			
Alexander Hamilton Airport, St. Croix		1	
Charlotte Amalie, St. Thomas		1	
Christiansted, St. Croix		1	
Frederiksted, St. Croix		1	
Virginia:			
Dulles International Airport	Baltimore, Md		3
Do	Fredericksburg		3
Newport News		2	
Norfolk		2	
Quantico MCAS	Andrews AFB, Md. or Dulles International Airport.		3
Undesignated ports	Andrews AFB, Md., Dulles International Airport, Newport News, or Norfolk.		3
For other points in Virginia, see D.C. listing.			
Washington:			
Anacortes	Blaine		3
Do	Seattle		5
Ault Field	Blaine		4
Do	Seattle		5
Bellingham	Blaine		2
Do	Seattle		6
Bangor NSD	do		4
Blaine		1	
Cherry Point	Blaine		1
Do	Seattle		6
Edmonds	do		2
Everett	do		3
Ferndale	Blaine		2
Do	Seattle		6
Fort Lewis	McChord AFB		1
Grays Harbor	Astoria, Oreg		3
Do	McChord AFB		4
Do	Seattle		6
Kalama	Portland, Oreg		3
Longview	Astoria or Portland, Oreg		3
Lynden	Blaine		2
McChord AFB		1	
Do	Seattle		3
Olympia	McChord AFB		2
Do	Seattle		3
Paine Field	do		3
Point Wells		2	
Port Angeles	McChord AFB or Seattle		6
Port Townsend	Seattle		4
Raymond	Astoria, Oreg		2
SEA TAC Airport		2	
Do	McChord AFB		2
Seattle		2	
Snohomish County Airport	Seattle		2
Sumas	Blaine		2
Tacoma	McChord AFB		2
Do	Seattle		3
Vancouver		2	
Willapa Bay	Astoria, Oreg		3
Do	McChord AFB		4
Do	Seattle		6
Undesignated ports	Astoria or Portland, Oreg., McChord AFB, or Seattle.		3
Wisconsin:			
Green Bay	Milwaukee		6
Kenosha	do		2
Milwaukee		2	
Racine	do		2
Superior	Duluth, Minn	1	
Undesignated ports	Duluth, Minn., or Milwaukee		3
Temporary detail: Any inspection point to which an employee may be temporarily detailed.		1	

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date: The foregoing revision shall become effective upon publication in the FEDERAL REGISTER (March 18, 1977), when it shall supersede 7 CFR 354.2, as amended, February 10, May 18, August 24, and November 16, 1976, (41 FR 5804, 20389, 35693, and 50412).

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

Done at Washington, D.C., this 11 day of March 1977.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc.77-7947 Filed 3-17-77;8:45 am]

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

[Lemon Reg. 84]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 20–26, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.384 Lemon Regulation 84.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues good this week. Average f.o.b. price was $5.17 per carton the week ended March 12, 1977, compared to $5.01 per carton the previous week. Track and roll-

ing supplies at 120 cars were the same as last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 15, 1977.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 20, 1977, through March 26, 1977, is hereby fixed at 230,000 cartons.

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

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

Dated: March 16, 1977.

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

[FR Doc.77-8453 Filed 3-17-77;12:29 pm]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Docket 30259; Reg. PR-165, Amdt. No. 1]

PART 305—RULES OF PRACTICE IN INFORMAL NONPUBLIC INVESTIGATIONS BY THE BUREAU OF ENFORCEMENT

Public Disclosure of Orders Initiating Informal Investigations

Effective: April 17, 1977.

Adopted: March 15, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This is an amendment of Civil Aeronautics Board regulations to provide that Board orders which initiate informal enforcement investigations and which do not disclose the identity of persons being investigated may, at the discretion of the Board, be made available to the public. This amendment is being made in the interests of governmental openness, but will avoid subjecting any persons to unfair publicity.

EFFECTIVE DATE: April 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, 202–673–5442.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking PDR–43[1], the Civil Aeronautics Board proposed to amend Part 305 of its Procedural Regulations (14 CFR Part 305) to provide that orders initiating future Part 305 investigations be published in the FEDERAL REGISTER in cases where the order does not identify the persons or firms under investigation. The remainder of the record of Part 305 proceedings would continue to be kept confidential, except as otherwise required by law.

Part 305 investigations are informal proceedings conducted by the Board's Bureau of Enforcement to determine whether formal enforcement action should be instituted with respect to violations of the Federal Aviation Act or the Board's regulations. Section 305.10 (14 CFR 305.10) now specifies that the entire record of Part 305 proceedings, including the initiating order, shall be kept confidential. As we explained in PDR–43, the Board's decision to accord strict confidentiality to these informal proceedings was intended to shield persons under such preliminary investigation from unfair publicity and to encourage a cooperative attitude on the part of witnesses. Our proposal to amend Part 305 reflected our determination that public disclosure of future initiating orders which do not identify persons under investigation would comport with current concepts of governmental openness without subjecting innocent parties to unwarranted notoriety or impeding informal investigations.

The proposed rule would also have revised § 305.10 to permit public disclosure of other parts of the Part 305 record when "required by law," so as to remove any appearance of conflict between the Board's obligations under the Freedom of Information Act[2] and its own regulations.

No comments were filed pursuant to the Notice.

Upon consideration, the Board has determined to adopt the proposed rule with one modification discussed below. The tentative findings and conclusions set forth in PDR–43 are incorporated herein and made final, except as modified.

Upon further reflection, the Board now believes that there may be instances where a Part 305 order which does not specifically identify any persons may nevertheless be unsuitable for public disclosure. For example, an order which initiates a narrowly focused investigation, such as an examination of a particular violation in a certain small market, may leave little doubt as to the targets of the investigation, despite the absence of any express reference to specific parties in the order. In order to retain some discretion to keep orders such as these confidential, we are revising the final rule to state that Part 305 initiating orders will be published "[u]nless the Board determines otherwise."

Accordingly, the Civil Aeronautics Board hereby revises § 305.10 of its Procedural Regulations (14 CFR 305.10) effective April 17, 1977, as set forth below:

§ 305.10 Nonpublic character of proceedings.

Investigations shall be attended only by the witnesses and their counsel, the administrative law judge, the Investigation Attorney, other Board personnel concerned with the conduct of the proceeding and the official stenographer. All orders initiating investigations, motions to quash or modify investigation subpoenas, orders disposing of such motions, documents, and transcripts of testimony shall be part of the record in the investigation. Unless the Board determines otherwise, all orders initiating investigations which do not disclose the identity of the particular persons or firms under investigation shall be published in the FEDERAL REGISTER. Except as otherwise required by law, the remainder of the record of such proceedings shall constitute internal Board documents which shall not be available to the general public. The use of such records in Board proceedings subject to Part 302 of the Rules of Practice shall be governed by §§ 302.19(g) and 302.39 and by the law of evidence applicable to Board proceedings.

(Sections 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-8215 Filed 3-17-77;8:45 am]

[1] Dated December 23, 1976, 41 FR 56669.

[2] 5 U.S.C. 552.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 558–C; Docket Nos. CP75–96, RM 77–6, etc.]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Alaska Natural Gas Transportation Act of 1976; Procedures Prescribed for Implementation

MARCH 11, 1977.

Pursuant to Section 16 of the Natural Gas Act (52 Stat. 830, 15 U.S.C. 717o) and Section 5 of the Alaska Natural Gas Transportation Act of 1976 (90 Stat. 2904, et seq., 15 U.S.C. 719c), the Commission is hereby amending Paragraph (e) of § 2.100 of its General Policy and Interpretations (18 CFR 2.100) which excepts, in part, from § 1.4(d) of the Commission's Rules of Practice and Procedure (18 CFR 1.4(d)) the operations and procedures required by the Alaska Natural Gas Transportation Act of 1976 as implemented by § 2.100 of the General Policy and Interpretations. § 1.4(d) of the Rules of Practice and Procedure proscribes ex parte communications with members of the Commission under certain circumstances and § 2.100(e) of the General Policy and Interpretations provides an exception to that rule with respect to the operations and procedures under the Natural Gas Transportation Act of 1976. The exception provided by § 2.100(e) is itself subject to an exception which provides that the Commission or its delegate shall not receive communications regarding matters of substance from:

(1) Any applicant, or affiliate thereof, or any witness for an applicant;
(2) Counsel for any applicant or party to the proceeding; and
(3) Any party or any witness for such party, if such person has advocated on the record the approval or rejection of any project proposed by any applicant.

On March 8, 1977, Alcan Pipeline Company filed with the delegates of the Commission an amended proposal for a transportation system to bring natural gas from the North Slope of Alaska to the lower 48 United States. The Commission also is informed that Arctic Gas has filed with the Canadian National Energy Board substantial amendments to its proposal. The initial intention of the Commission in establishing the procedures under § 2.100 was to rely for information from the applicants upon the record of the proceeding in Docket Nos. CP75–96, et al., before the administrative law judge. Consequently, the modification of the ex parte rule by Order 558–B prohibited substantive communications between the applicants and the Commission. It is now apparent, however, that the formal hearing record, which was closed on November 12, 1976, does not reflect all material information that the applicants now possess relating to their respective proposals and that the Commission should consider in fulfilling its responsibility under the Alaska Natural Gas Transportation Act of 1976. It is necessary, therefore, to modify § 2.100 to enable the Commission to receive and consider supplemental information from the applicants.

The applicants in Docket Nos. CP75–96, *et al.*, may file in writing with the Commission on or before March 22, 1977, any supplemental information relating to their respective proposals. Other parties likewise may file supplemental information in writing on or before March 22, 1977. Any party desiring to respond to such supplemental information shall file a responding statement in writing on or before March 30, 1977. It is stressed that the Commission is concerned only with new information or data that were developed or became available after November 12, 1977. Information or arguments repetitious to those contained in the record or briefs heretofore filed with the Commission should not be included and will not be considered.

Further, it will be necessary for members of the Commission Staff to make technical and environmental analyses of this supplemental information. The shortness of time will compel that the Commission employ for this purpose some technical staff members who participated in the proceeding before the Administrative Law Judge. Such staff members have the background and knowledge to relate expeditiously the supplemental information to what has gone before. The reports prepared by those persons will be placed in the public files of the Commission at the time of presentation to the Commission and, of course, the Commission in evaluating the reports will be cognizant of any positions previously taken by such person.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Transportation Act of 1976 that paragraph (e) of § 2.100 of the Commission's General Policy and Interpretations be amended to permit the Commission and its delegate to receive supplemental information which the Commission might consider material to its implementation of said statute. The Commission, acting pursuant to the provisions of the Natural Gas Act, particularly Section 16 thereof (52 Stat. 830, 15 U.S.C. 717o), and the Alaska Natural Gas Transportation Act of 1976, particularly Section 5 thereof (90 Stat. 2904, et seq., 15 U.S.C. 719c), orders:

1. Paragraph (e) of § 2.100, Part 2, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding at the end thereof:

§ 2.100 Statement of Procedures Prescribed for the Implementation of the Alaska Natural Gas Transportation Act of 1976, 15 U.S.C. 719, et seq.

* * * * * * *

(e) * * *

The restrictions in this paragraph shall not apply to written communications for presentation of or analysis of supplemental information or data that are filed or received pursuant to the terms of Order 558–C.

2. The matters tendered by Alcan Pipeline Company on March 8, 1977, are accepted for consideration.

3. Applicants and other parties in the proceeding in Docket Nos. CP75–96, *et al.*, may file in writing with the Commission on or before March 22, 1977, any supplemental information relating to the respective proposals.

4. Any party to the proceeding in Docket Nos. CP75–96, *et al.*, desiring to respond to any supplemental information filed pursuant to paragraph 3 above shall file a responding statement in writing on or before March 30, 1977.

5. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–7863 Filed 3–17–77;8:45 am]

Title 45—Public Welfare

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

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Intermediate Care Facilities for the Mentally Retarded

AGENCY: Health Care Financing Administration, HEW.

ACTION: Final rule.

SUMMARY: This rule provides an extension for 120 days of the March 18, 1977, effective date for Federal standards (45 CFR 249.13) applicable to institutions for the mentally retarded participating as intermediate care facilities under the Medicaid program. Facilities entering the program or subject to recertification prior to July 18, 1977, will be subject to the current Federal standards under 45 CFR 249.12 and Federal requirements for plans of compliance under 45 CFR 249.33(a)(8).

EFFECTIVE DATE: March 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard C. Davison, 202–245–0136.

SUPPLEMENTARY INFORMATION: Federal regulations applicable to intermediate care facilities for the mentally retarded (ICF/MR) effective March 18, 1974, provide that facilities participating under the program must be determined by the State to meet certain standards set forth under 45 CFR 249.12 and have submitted a plan of compliance for meeting the Federal standards set forth under 45 CFR 249.13 no later than March 18, 1977.

A notice of proposed rulemaking was published on January 18, 1977, 42 FR 3325, with the purpose of modifying certain ICF/MR requirements and extending the period allowed for compliance with certain selected standards which

would otherwise become effective on March 18, 1977. Comments to the Notice, both pro and con, have raised serious questions with respect to the impact of (a) imposing compliance with the standards as of March 18, 1977, and (b) the proposed amendments on the current operations of State programs for the mentally retarded, as well as on Federal and State actions to achieve deinstitutionalization.

Resolution of the issues, which have long range implications, cannot be completed by the already established March 18, 1977, effective date. Therefore, in order to assure thorough review and analysis, the Department is issuing this final rule providing an extension of the current effective date to July 18, 1977. Therefore, facilities entering the program or subject to recertification will continue to be subject to existing Federal standards under 45 CFR 249.12 and Federal requirements for plans of compliance under CFR 249.33(a)(8).

This will provide administrative relief for both States and facilities until July 18, 1977, and issuance of new regulations applicable to ICFs/MR under the program. During this period, the Secretary intends to reconsider the substance of the regulations with the goal of achieving the best possible balance between meeting the needs of the retarded in the most beneficial and effective manner and providing reasonable means for States to take steps that meet the standards finally decided on. Facilities considering entering the program prior to July 18, 1977, may wish to defer application, however, until the Department's final decision on standards is announced.

The Department's current policies on the regulation process provide for publication of a "Notice of Intent" to develop regulations on which all interested persons may comment and which would be followed by a notice of proposed rulemaking (NPRM).

However, good cause exists in the case of this final rule, extending the effective date of Federal standards applicable to ICFs/MR to dispense with the "Notice of Intent" and "Notice of Proposed Rule-Making". Otherwise, facilities found not to meet the new Federal standards after March 18, 1977, would be terminated from or denied admission under the Medicaid program, with a loss of Federal matching payments to the States. Therefore, this amendment must be published immediately as final to assure continuity of program administration and to prevent irreparable harm to the institutions and unnecessary hardship to the individuals being cared for.

Accordingly, 45 CFR 249.12, 249.13 and 249.33 are amended to incorporate the change discussed above.

Part 249, Chapter II, Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 249.10 is amended by revising paragraph (b)(15)(i)(*D*) to read as set forth below:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * *

(b) *Federal financial participation.*

* * *

(15) *Intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902(a)(31)(A) of the Act, to be in need of such care.* Intermediate care facility services may include services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions. (See paragraph (d)(1)(vi) of this section.) "Intermediate care facility services" means those items and services furnished by a facility which meets the following conditions:

(i) * * *

(D) It meets the standards for an intermediate care facility specified by the Secretary under § 249.12, and in the case of an institution for the mentally retarded or persons with related conditions, also meets the standards specified under § 249.13 no later than July 18, 1977; and

* * * * *

2. Section 249.12 is amended by revising paragraph (c)(6) to read as set forth below:

§ 249.12 Standards for intermediate care facilities.

* * * * *

(c) In addition, for institutions for the mentally retarded or persons with related conditions the following standards specified pursuant to section 1905(d) of the Social Security Act shall apply.

* * * * *

(6) No later than July 18, 1977, the institution meets the standards specified in § 249.13. For institutions determined to meet the standards specified in § 249.13, the following sections of paragraphs (a) and (c) of this section do not apply: (a)(1)(i), (ii), (iv), (v) and (vi); (a)(4); (a)(6)(i)(B), (iii), (v), (vi), (vii), and (viii); (a)(7); (a)(8); (c)(4); and (c)(5).

3. Section 249.13 is amended by revising the introductory sentence to read as set forth below:

§ 249.13 Standards for intermediate care facility services in institutions for the mentally retarded or persons with related conditions.

Effective July 18, 1977, the standards for intermediate care facility services (as defined in § 249.10(b)(15)) in an institution for the mentally retarded or persons with related conditions which are specified by the Secretary pursuant to section 1905 (c) and (d) of the Social Security Act and referred to in § 249.12(c)(6), are specified in this section. At such time as an institution is deemed to meet the standards contained in this section, such institution will no longer be required to meet the following provisions of § 249.12: (a)(1)(i), (ii), (iv), (v) and (vi); (a)(4); (a)(6)(i)(B), (iii), (v), (vi), (vii) and (viii); (a)(7); (a)(8); (c)(4); and (c)(5).

* * * * *

4. Section 249.33, is amended by revising paragraph (a)(8) and (a)(8)(i)(B) to read as set forth below:

§ 249.33 Standards for payment for skilled nursing facility and intermediate care facility services.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

* * * * *

(8) Provide during the period ending July 18, 1977, that in the case of an institution (or distinct part thereof) for the mentally retarded or persons with related conditions, the single State agency will:

(i) Prior to the execution of a provider agreement covering intermediate care facility services, where the institution is not in compliance with the standards specified in § 249.13, obtain a written plan of compliance which shall be submitted (including any amendments thereto) by the institution to the single State agency and approved by the Secretary, for achieving conformity with the standards specified in § 249.13. The plan of compliance shall:

(A) Detail the extent of the institution's current compliance with the standards prescribed in § 249.13, and the specific action steps required to achieve compliance with the standards specified in such section, including:

(*1*) The number, job titles, and qualifications of personnel currently employed by the facility and arrangements for recruiting and training additionally required personnel sufficient to assure that each resident participates in an effective program of active treatment;

(2) Any necessary structural changes and renovations to buildings and a schedule for their completion;

(*3*) The programs and services currently provided and any required reorganization or expansion thereof.

(B) Establish a timetable not exceeding July 18, 1977, for completion of all action steps necessary to achieve conformity with the standards specified in § 249.13;

* * * * *

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

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

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 11, 1977.

DON WORTMAN,
Acting Administrator,
Health Care Financing Administration.

Approved: March 15, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 77-8324 Filed 3-17-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20965; RM-2714]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Cody, Wyoming; Changes Made in Table of Assignments

Adopted: March 8, 1977.

Released: March 10, 1977.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted October 7, 1976, 41 FR 46465, inviting comments on a proposal to assign Channel 250 (Class C) to Cody, Wyoming, and deleting Channel 232A. The proceeding was instituted on the basis of a petition filed by Shoshone Communications Corporation ("petitioner"). There were no oppositions filed to the proposal. Supporting comments were filed by petitioner.

2. Cody (pop. 5,161)[1], seat of Park County (pop. 17,752)[1], is located in the northwestern part of Wyoming, approximately 85 kilometers (53 miles) west of Yellowstone National Park. It is served by a full-time AM station, KODI, licensed to petitioner. Channel 232A is assigned to Cody, but it is presently unoccupied and unapplied for.

3. Petitioner states that Cody is a thriving community with over 400 retail businesses and gross retail sales of over $60 million and that Park County's healthy economy complements that of Cody. Cody's diversified industrial output ranges from petroleum and agricultural products to construction materials. Moreover, petitioner asserts that a tourist population of over one million people travel through Cody each year.

4. Channel 250 could be assigned to Cody, Wyoming, in conformity with the minimum distance separation requirements. The proposed assignment would preclude the use of Channels 249A, 250, 251 and 252A. However, alternate channels are available for assignment to two of the five communities (Lovell, Wyoming, pop. 2,371 and Forsyth, Montana, pop. 1,873), which are located in the precluded areas and presently do not have local aural broadcast facilities. The other three communities each has at least one AM station and one Class C FM assignment or station. Petitioner's engineering analysis, using Roanoke Rapids, 9 F.C.C. 2d 672 (1967) and Anamosa and Iowa City, Iowa, 46 F.C.C. 2d 520 (1974), criteria indicates that, if Channel 250 were assigned and Channel 232A were deleted, an FM station operating with 75 kilowatts and antenna height of 153 meters (500 feet), would provide a first FM and first aural service to 1,592 persons in a 3,999 square kilometer (1,543 square miles) area; a second FM service to 14,886 persons in a 6,045 square kilometer (2,334 square miles) area; and a second aural service to 2,857 persons in a 4,877 square kilometer (1,883 square miles) area.

5. The proposed Channel 250 assignment would provide for an FM station which could render significant first and second aural service to substantial areas. In this light and since it has been shown that there are alternate channels available for assignment to the communities without local aural broadcast service located in the precluded area, we believe the public interest would be served by the proposed assignment. The existing Channel 232A assignment would be deleted to avoid intermixture of channels, a step which would allow the channel to be utilized elsewhere.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. In view of the foregoing, *it is ordered*, That effective April 21, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Cody, Wyoming, is amended as follows:

City:	*Channel No.*
Cody, Wyo.	250

8. *It is furthered ordered*, That this proceeding is terminated.

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

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

[FR Doc.77-8201 Filed 3-17-77;8:45 am]

[1] Petitioner states that, according to the Cody Chamber of Commerce, the 1975 population estimate is 7,200 for Cody and 21,000 for Park County.

Title 50—Wildlife and Fisheries

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

PART 651—HADDOCK, COD, YELLOWTAIL FLOUNDER

Atlantic Fisheries: Atlantic Groundfish Plan, Notice of Approval, Implementation, and Emergency Regulations; Correction

In FR DOC 77-7185 appearing in the FEDERAL REGISTER on Monday, March 14, 1977, beginning on page 13997, the following change should be made:

1. Page 13999, § 651.7(a) is corrected to read as follows:

§ 651.7 Landing restrictions.

(a) It shall be unlawful for any person or vessel to land more than 5,000 pounds (2.3 metric tons) of yellowtail flounder for each crew member on board up to a maximum of 30,000 pounds (13.605 metric tons) of yellowtail flounder, per trip, from the waters east of 69°00'W. long.

* * * * *

Dated: March 14, 1977.

JACK GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-8222 Filed 3-17-77;8:45 am]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

PART 201—GENERAL PROVISIONS

Recording of Notices of Identity and Signal Carriage Complement of Cable Systems

AGENCY: Library of Congress, Copyright Office.

ACTION: Final Regulation.

SUMMARY: This regulation makes clear that the public records of the Copyright Office are open to the recording of notices of identity and signal carriage complement required to be made by cable systems under section 111(d)(1) of Title 17 of the United States Code as amended by Pub. L. 94-553 (90 Stat. 2541), the Act for General Revision of the Copyright Law. The regulation pertains to the nature of the document to be filed and the action to be taken by the Copyright Office upon its receipt. The regulation is interim in nature and may be modified and supplemented in further rulemaking proceedings.

EFFECTIVE DATE: March 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Larry M. Schultz, Information Specialist, Copyright Office, Library of Congress, Washington, D.C. 20559, (703-557-8700).

SUPPLEMENTARY INFORMATION: Section 111(c) of the first section of Pub. L. 94-553 establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. Section 111(d)(1) establishes the following initial recording requirements for cable systems which seek to enjoy the benefits of the compulsory license:

(1) Any system that is in operation on April 17, 1977 must record the following information in the Copyright Office no later than April 18, 1977:

(a) "The identity and address of the person who owns or operates the secondary transmission service or has power to exercise primary control over it"; and

(b) "The name and location of the primary transmitter or primary transmitters whose signals are regularly carried by the cable system."

(2) Any system that begins operation after April 17, 1977, must record the specified information (quoted in the preceding paragraph) at least one month before the date operations commence. (As a transitional exception, the recording deadline for any system that starts operating between April 18, 1977, and May 18, 1977, is April 18, 1977.)

(3) After making the record described in the preceding two paragraphs, the cable system must then make supplemental records "within thirty days after each occasion on which the ownership or control or the signal carriage complement of the cable system changes."

On January 27, 1977 the Copyright Office published a proposed regulation

§ 201.11 (42 FR 5109) pertaining to the recording of the above notices by cable systems. As the Office indicated at that time, the regulation is an interim measure designed to facilitate cable systems' compliance with the immediate statutory obligations of Section 111(d)(1) of the Act.

In addition to the filings identified above, Section 111(d)(1) also authorizes the Register of Copyrights to prescribe regulations under which, after the initial information has been recorded, the recording of "further information" can be required. Also, Section 111(d)(2) requires the semiannual filing of other information by cable systems in accordance with Office regulations. Additional rulemaking proceedings are necessary, and will be promptly instituted, as a basis for the formulation of regulations implementing Section 111 as a whole. The Office's action in this proceeding, and its conclusions with respect to the comments received, should not be taken as prejudging any of the issues involved in the additional rulemaking, or as foreclosing modification of the interim regulation adopted herein as a result of such proceedings.

Twenty initial and reply comments were received in response to the Notice of Proposed Rulemaking. Although most of the comments urged modification of the proposed regulation, after careful consideration we have decided to promulgate proposed § 201.11 without substantial change, on the interim basis noted. A discussion of the major comments follows.

1. *Relationship with the Federal Communications Commission; Use of FCC Forms.* A number of comments pertained to the relationship between the Copyright Office and the Federal Communications Commission. As suggested in several comments, the Office will consult with the Commission and its Cable Bureau to explore the possibilities of coordinated filing requirements and data bases. Other comments, however, go beyond this and suggest that the Copyright Office itself collect or "use" information from the Commission's files. These suggestions reflect a misunderstanding of the Copyright Office function under section 111 of the Act. For the purpose of this rulemaking, section 111(d)(1) requires cable systems to "record in the Copyright Office a notice including [specified information]" as a condition to a compulsory license. The new regulation provides a basis for such recordations. Whether cable systems do or do not record the information is not a matter for Copyright Office cognizance. We have no enforcement authority under the Act; nor are we charged to supply or supplement the information to be recorded with us by cable systems.

Several comments urged that the Copyright Office accept for recording a copy of a cable system's FCC Form 325 (or specified schedules thereof) or FCC Certificate of Compliance, or related papers, either in the form on file with the Commission or with modifications. Where an FCC form, in its original or modified form, gives all information required to be recorded under section 111(d)(1) of the Act, nothing in the regulation precludes the system from recording a copy in the Copyright Office. In such a case, for Copyright Office purposes the copy should be prominently identified as an "Initial Notice of Identity and Signal Carriage Complement" in compliance with paragraph (c)(i) of the new regulation. The Office's recordation of a copy of an FCC form is not, however, determinative of whether all required information is included. Requests or directions to the Copyright Office to secure information or notices from the Federal Communications Commission, or mere statements that the required information is on file with the Commission, will not be followed or recorded.

2. *Additional information.* Comments from copyright owners and broadcast organizations urged that the regulation be modified to require the recording of various items of information not referred to in the proposal. These included such matters as: identifying and classifying signals as independent or network, local or distant; telephone numbers of cable systems; channel numbers; time periods of secondary carriage; dates of operation; and special information pertaining to substituted programming.

The Copyright Office has considerable doubt whether it has statutory authority to require such information in initial notices required to be recorded by April 18, 1977. This doubt, coupled with the short time period remaining before the initial filing deadline and the desirability of further exploration of the issues, has led us to conclude we cannot require the recording of such additional information at the present time. This conclusion is, however, limited to the adoption of this interim regulation. It is possible that all or part of this information should be required to be filed in supplemental records under the "further information" clause of section 111(d)(1). It is equally possible that all or part of such information should not be required until the filing of accountings under section 111(d)(2). These are serious issues to be explored in the further rulemaking proceedings referred to earlier and no inferences or grounds of argument should be drawn from our present action.

3. *Required information.* Copyright owners and broadcast organizations also urged that the recording of information "suggested" for inclusion in cable notices under the proposal be made mandatory. For reasons similar to those noted in the discussion of comments directed to additional information (paragraph (2)), we have concluded that we are not now in a position to impose requirements going beyond the literal language of the first clauses of section 111(d)(1).

We have also concluded that the "suggestions" made in the proposal are reasonably ancillary to or descriptive of the statutory language, and should be retained in the interim regulation.

4. *Location of primary transmitters.* A number of comments from cable systems urged that explicit identification of the "location" of primary transmitters not be required. These comments assert that the location of primary transmitters can be obtained by the Copyright Office through cross-referencing primary transmitter call signs to trade publications or FCC records. However, section 111(d)(1) of Pub. L. 94-553 expressly requires recordation of the "name and location" of primary transmitters in the Copyright Office. The Office has no authority to modify or waive this provision and, as stated earlier, is not charged to supplement cable system filings. Accordingly, the regulation retains the statutory language.

5. *All-Band FM carriage.* Several comments addressed the question of signal identification when FM radio signals are carried in secondary transmissions on an all-band basis. The proposed regulation followed the statute in requiring "the name and location of the primary transmitter or primary transmitters whose signals are regularly carried by the cable system." Cable systems argued that where they carry the entire FM band, specific identification of individual FM signals is rendered virtually impossible, or at least very burdensome, because of the intervention of changing technological, climatic, atmospheric or similar conditions.

The Copyright Office is concerned about the issues raised. While we do not wish to impose unnecessarily burdensome tasks upon cable systems, we cannot vary the language of the statute. Similarly the fact that FCC filing requirements accept a simple "all-band" statement for FM signal carriage is not itself determinative for copyright purposes. For example, the recording provisions of the copyright law are clearly designed to allow third-party (copyright owner) identification of the carriage of their works in secondary transmissions for the purposes of calculating and claiming compensation.

One cable system suggested that the all-band problem would be ameliorated by requiring cable systems to identify only those FM signals "generally receivable" under normal conditions. However, the record in the instant proceeding is insufficient for the purpose of drawing such lines, either as a matter of definition (the authority for which is doubtful) or for purposes of suggested inclusion. Accordingly, we have not made any special provision for all-band FM carriage. Without in any way passing upon whether there has been compliance with the Act, the Copyright Office will accept for recording any FM identification submitted.

6. *Regular carriage.* Several copyright owners and broadcast organizations objected to the statement in the preamble to the Notice of Proposed Rulemaking that "identification of primary transmitters whose signals are carried on a sporadic basis, such as under the program substitution rules of the Federal Communications Commission, is not required." They asserted that cable systems might well engage in the consistent

or "regular carriage" of particular primary transmitters on a substitute basis. Some argued that identification of even "sporadically" carried signals was required. Cable systems, however, took the position that substituted programming can never be considered "regularly carried."

The controversy appears to revolve around the issue of whether the word "regular" has a categorical meaning (e.g., as opposed to "substituted" carriage), or relates simply to the frequency or consistency of a carriage of any signal. The Office is not in a position to determine this issue in the instant proceeding. (Similarly, the Office cannot, under the statutory language and present record, adopt the suggestion of one comment that it draw a definition of "regular carriage" for radio signals.) The interim regulation adopts, without interpretation, the language of the statute.

7. *Filing fee.* Several copyright owners noted the absence of a filing fee from the proposed regulation. They expressed concern that the Office would deduct its administrative expenses under the regulation from statutory royalties to be later deposited in the Office by cable systems for ultimate distribution to copyright owners.

The absence of a filing fee is attributable to the lack of clear authority for the imposition of such a requirement for § 111 filings before January 1, 1978, and the absence of any foreseeable administrative expenses of significance related to the recordation of notices under this regulation. In light of the foregoing, no implication should be drawn as to the question of filing fees or deduction of expenses with respect to recordings made after January 1, 1978. Additionally, any expenses attributable to the administration of the present regulation before that date will not be deducted from statutory royalties.

8. *Miscellaneous comments.* Several comments urged the Office to provide printed forms for use by cable systems. Copyright owners favor this as an aid to the manageable collation and identification of data. The Office is exploring the possibility of printed forms, and related questions of computerized data bases, but cannot take final action at this time.

One comment inquired into the application of the regulation to the activities of closed circuit television systems in educational institutions which, as part of their activities, engage in secondary transmission of broadcast signals to dormatories, classrooms, auditoriums or the like. The regulation, and relevant section of the Act, are only applicable to a "cable system" as defined in § 111(f) of Pub. L. 94–553, that is, to a facility that "in whole or in part receives signals transmitted or programs broadcast by one or more television broadcast stations licensed by the Federal Communications Commission, and makes secondary transmissions of such signals or programs by wires, cables, or other communications channels to subscribing members of the public who pay for such service." Retransmission facilities that do not fall within this definition are not subject to the recording requirement of section 111 (d) and its implementing regulation. Factual or other determinations as to the application of this definition to any particular activity or facility are beyond the province of the Copyright Office.

One comment questioned the suggestion in proposed § 201.11(c) (1) that the Initial Notice of Identity and Signal Carriage include the name and address "of the cable system." The statute permits cable systems to choose among giving the name of the person or entity which owns, operates or primarily controls the system. Given these alternatives, the only purpose of the suggestion was to serve as an aid in identification, as in the related suggestion that fictitious names be given. The comment did not object to the fictitious name provision, and accurately points out that in many cases there will be no meaningful distinction between a fictitious name used by the owner to conduct business, and the name of the system. The proposed regulation does not seek mandatory disclosure of stockholders or parent cooperations.

One comment suggested that the reference to the "name of the community served by the system" in proposed § 201.11(c) (1) be changed to the "name of the community or communities . . ." No objection was raised to this in the reply comments, and it appears to be a worthwhile clarification. The regulation has been modified accordingly.

In view of the statutory deadline of April 18, 1977 for recordings by cable systems already in operation, the regulation is effective March 18, 1977. Because the Office considers the regulation as essentially declaratory of the Act, any complying notices which have been submitted to the Office before publication will be recorded.

In consideration of the foregoing, the proposed regulation is adopted with the single change noted and is set forth below.

Dated: March 15, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved:

WILLIAM J. WELSH,
Acting Librarian of Congress.

Part 201 of 37 CFR chapter II is amended by adding a new § 201.11 to read as follows:

§ 201.11 Notices of identity and signal carriage complement of cable systems.

(a) *Definitions.* (1) An "Initial Notice of Identity and Signal Carriage Complement" is a notice under section 111(d) (1) of Title 17 of the United States Code is amended by Pub. L. 94–553 and required by that section to be recorded in the Copyright Office "at least one month before the date of the commencement of operations of the cable system or within one hundred and eighty days after (October 19, 1976), whichever is later" for any secondary transmission by the cable system to be subject to compulsory licensing.

(2) A "Notice of Change of Identity or Signal Carriage Complement" is a notice under section 111(d) (1) of Title 17 of the United States Code as amended by Pub. L. 94–553 and required by that section to be recorded in the Copyright Office "within thirty days after each occasion on which the ownership or control or the signal carriage complement of the cable system changes" for any secondary transmission by the cable system to be subject to compulsory licensing.

(b) *Forms.* The Copyright Office does not provide printed forms for the use of persons recording Initial Notices or Notices of Change.

(c) *Contents.* (1) An Initial Notice of Identity and Signal Carriage Complement shall be identified as such by prominent caption or heading, and shall include the following:

(i) The identity and address of the person who, or entity which, owns or operates the cable system or has power to exercise primary control over it. It is suggested that the "identity" include the legal name of the person or entity, together with any fictitious or assumed name used for the purpose of conducting the business of the cable system, and that the "address" be given as the full mailing address of that person or entity. It is further suggested that the Notice include the legal name, fictitious or assumed name (if any), and full mailing address of the cable system if different from the above, together with the name of the community or communities served by the system.

(ii) The name and location of the primary transmitter or primary transmitters whose signals are regularly carried by the cable system. It is suggested that the "name" of the primary transmitter be given by station call sign, accompanied by a brief statement of the type of signal carried (for example, "TV", "FM" or "AM"); and that the "location" of the primary transmitter be given as the name of the community to which the transmitter is licensed by the Federal Communications Commission (in the case of domestic signals) or with which the transmitter is identified (in the case of foreign signals).

(2) A Notice of Change of Identity or Signal Carriage Complement shall be clearly identified as such by prominent caption or heading, and shall include the information required by paragraph (c) (1) of this section. It is suggested that the notice also include a brief statement of the nature and date of the change which occasioned the recording of the notice.

(d) *Signature.* It is suggested that all Initial Notices and Notices of Change be dated and that they contain the individual signature of the person identified as the individual person who owns or operates the cable system or has power to exercise primary control over it, or by a duly authorized representative of that person; or, if an entity is identified as owning, operating, or controlling the system, the signature should be that of an officer if the entity is a corporation, or a partner if the entity is a partnership.

(e) *Recording in Copyright Office.* (1) The Copyright Office will record the Notices described in this section by placing them in the appropriate public files of the Office.

(2) Upon request and payment of a fee of $3, the Copyright Office will furnish a certified receipt for any such Notice.

(17 U.S.C. 207, and under the following sections of Title 17 of the United States Code as amended by Pub. L. 94-553: §§ 111(d)(1); 702)

[FR Doc.77-8347 Filed 3-17-77;8:45 am]

proposed rules

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

FEDERAL TRADE COMMISSION

[16 CFR Part 257]

ADVERTISING OF CHILDREN'S PREMIUMS ON TELEVISION

Rejection of Proposed Guide

AGENCY: Federal Trade Commission.

ACTION: Rejection of Proposed Guide.

SUMMARY: The Federal Trade Commission has decided not to adopt a proposed guide prohibiting all advertising directed to or viewed by child audiences which contains premium offers (offers of toys, prizes, and other promotions with the purchase of various products). The Commission will continue to evaluate the fairness of such advertisements on an individual basis.

EFFECTIVE DATE: March 9, 1977.

STATEMENT OF REASONS FOR REJECTING THE PROPOSED GUIDE ON TELEVISION ADVERTISING OF PREMIUMS TO CHILDREN

On July 11, 1974, the Commission proposed a guide to advertisers which would state that no "premiums" should be offered in child-directed television advertising.[1] Two periods for comment followed. During the first, which extended from the proposal date to September 23, 1974, the Commission received in excess of 500 comments on the proposal in general. During the second, from July 7, 1975, to September 8, 1975, the Commission received 59 comments on an experimental study of the proposed guide and on a proposed alternative.[2]

The Commission has carefully considered the study and the comments, and has decided not to adopt the proposed guide. The Commission has decided to take this action because facts available to the Commission at this time do not demonstrate that all premium advertising televised to child audiences is inherently or invariably unfair or deceptive.

Rejection of the guide does not imply that such advertising is not subject to abuse. The comments and studies developed in response to the Commission's proposal tend to establish that children, especially young children, are particularly vulnerable to television advertising. The Commission will continue to monitor television advertising directed to children, or likely to have a special impact on them, including premium advertising.

The Commission intends to judge each advertisement on the basis of the particular circumstances.[3]

I. THE PROPOSED GUIDE

The proposed guide would have prohibited as unfair all premium offers in television advertising when a majority of the audience consisted of children. "Children" are defined as "under twelve years of age." Essentially, the proposed guide would have affected advertising aired during Saturday and Sunday mornings as well as certain weekday early morning and after-school hours.[4]

For the purposes of the proposed guide, a premium is defined as an offer of a product or service to a consumer conditioned upon the consumer's purchase of another product or service or upon the performance of some act by the consumer. Within this broad definition, there exist numerous well-recognized categories. Premiums may be free, offered with the primary product or service without payment of additional consideration, or they may be "self-liquidating," available only on the payment of some additional sum that returns part or all of the cost of the premium to the seller. Premiums can also be categorized by method of distribution: direct premiums, offered in or on the package containing the primary product, or in some other fashion at the primary product's point-of-purchase; "mail-ins," distributed by mail upon request, often with proof of purchase required and often on a self-liquidating basis; and coupon and trading stamp plans, in which the consumer receives coupons or stamps redeemable for merchandise. A reusable container is another variety of premium. So is a premium conditioned on the consumer's performance of some act other than a purchase, such as a "traffic builder" premium available to anyone who visits the advertiser's store.[5]

II. PREVALENCE OF TELEVISION ADVERTISING OF PREMIUMS

Premiums are not uncommon features of child-directed television advertising. Winick, in a sample of 236 children's television commercials, found that 8.5 percent of the commercials included premium offers, and, ranking the premium message by degree of significance within the commercial, reported that 23.4 percent of cereal commercials accorded premiums "very much" significance as did 18.8 percent of restaurant commercials, and 9.1 percent of crunchy snack commercials.[6] Atkin found premiums present in 11 percent of network commercial on a Saturday morning during the 1972–73 season, and in 10 percent during the 1973–74 season; he observed premiums in 34 percent of all cereal commercials and in 14 percent of commercials for other edibles.[7] The National Association of Broadcasters, in its own monitoring of Saturday morning and early afternoon Saturday network programming in 1974, found premiums present in 8.1 percent of the commercials aired.[8] It has been estimated that more than $8 million in network advertising revenues alone are derived from children's premium commercials each year.[9]

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[1] 39 FR 25505. The proposed Guide is Attachment A to this Statement.

[2] 40 FR 28489: "Advertising of Children's Premiums on Television: An Experimental Evaluation of the F.T.C.'s Proposed Guide," by Terence A. Shimp, Robert F. Dyer and Salvatore F. Divita under the sponsorship of the George Washington University School of Government and Business Administration; and "Proposed Standards for Advertising Premiums on Children's Television," by the Cracker Jack Division of Borden Foods, Borden, Inc.

[3] Recent Commission actions concerning children's advertising include the entry of consent orders prohibiting the use of hero figures in televised and comic book vitamin advertising directed to children, Hudson Pharmaceutical Corp., File No. 762 3054, and television commercial portrayal of unsupervised children near or participating in the cooking of food, Uncle Ben's, Inc., File No. 762 3122.

[4] ARB, Arbitron Television Market Summary, 18 vols., February, 1976; Barcus, Television in the Afternoon Hours, October, 1975 (at 7–12) (hereinafter Barcus, Afternoon).

[5] This enumeration of types of premiums is intended to be illustrative and not exhaustive. For a glossary of premium terms used within the industry, see Incentive Marketing Facts, December, 1973, at 302–33.

[6] Winick, et al., Children's Television Commercials: A Content Analysis 23 (1973). It should be noted that the figures cited from Winick do not necessarily reflect the role of premiums on the air, since the figures referred to were drawn from a 1971 sample of commercials from advertising agency files rather than from monitoring. His sample also predated the effective date (October, 1972) of the National Association of Broadcasters (NAB) Guidelines for Children's Premiums and Offers. Nevertheless, Winick's figures seem to be generally in accord with later observations, cited infra.

[7] Appendix to Comment of Council on Children, Merchandising and Media, at 2.

[8] Comment of National Association of Broadcasters at 17.

[9] Advertising Age, June 17, 1974, at 124. Total network advertising revenues from children's programing totalled $104.3 million in 1973—Pearce, The Economics of Children's Television: An Assessment of the Impact of a Reduction in the Amount of Advertising 8 (Federal Communications Commission, June, 1974). Cf. Winick, et al., Children's Television Commercials 4 (New York, 1973), estimating total television advertising to children in 1972 at $164 million.

III. EVIDENCE AND COMMENTS CONCERNING THE PROPOSED GUIDE

The arguments for adopting the proposed guide have been presented in a staff statement that accompanied the proposal and in public comments on the proposal.[10] The essence of the arguments in favor of the proposed guide is that televised premium advertising tends to divert the child's attention from the merits of a product being sold, thus encouraging the purchase of unwanted or inferior products.

It is important to note that the proposed guide does not challenge the use of premiums per se.[11] Nor would it prohibit the advertising of their availability except on television. It is the view of the Commission that sufficient evidence has not been presented that would support these key distinctions that inhere in the guide.

Stated otherwise, if the use of premiums is lawful, then the advertising of their availability would not, without more, appear to be unlawful.[12] Similarly, if advertising were deemed lawful in media other than television, there would be no intuitive basis for concluding, without more, that the use of television would render it unlawful. At this time the Commission does not have an adequate factual basis to support the distinctions drawn in the proposed guide between premiums and their advertising or between televised premiums advertisements and other premium offers.

Although the Commission's staff presented for comment several arguments by analogy from common law and state statute treatment of children and premiums in proposing the guide, the Commission's primary concern has been the availability of empirical information on the effects on children of televised premium advertising. The proceeding solicited reputable research or other evidence to explore the proposition that television premium advertising causes the harm postulated by the initial proposal.

Unfortunately, the great bulk of available evidence concerns the more general issue of children's television advertising.[13] It does not sufficiently elucidate the particular question of premiums.

[10] 39 FR 25505 et seq. (July 11, 1974); Docket No. 218-19, Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C.

[11] See the comments of Consumers Union.

[12] *Cf. Virginia State Board of Pharmacy* v. *Virginia Citizens Consumers Council, Inc.*, ____ U.S. ____, 96 S. Ct. 1817 (1976). See also, *Capital Broadcasting Co.*, v. *Mitchell*, 333 F. Supp. 582, 585-586 (D.D.C. 1971), aff'd, 405 U.S. 1000 (1972).

[13] While the research results described in this section represent a consensus, no such consensus exists on the policy implications of those findings, even among the authors of the research. Robertson and Rossiter feel that different policies would be appropriate depending on which of two theories of child development is used as a base. If children are perceived as progressing through stages of cognitive development that are largely independent of external influences (a theory usually associated with the Swiss psychologist. Jean Piaget), then Robertson and Rossiter suggest that restricting the amount and form of advertising to which children under a given age are subjected might be "a consistently derived conclusion." If, on the other hand, the ability to cope with television advertising depends primarily on experience and parental teaching (a point of view they describe as a learning theory position), advertising restrictions would not be called for. Robertson and Rossiter, infra at 20.

CHILDREN'S TELEVISION ADVERTISING GENERALLY

The Commission's 1971 advertising hearings devoted considerable time to children's advertising practices, but the staff report on those hearings concluded that data was lacking.[14] Although little additional evidence has been produced since the 1971 hearings, available research does tend to support the general proposition that small children cannot be expected to fully understand the purpose and import of television commercials, and may therefore be considered particularly vulnerable to unfair or deceptive television advertising. Although the available literature could not be considered exhaustive, that conclusion would be self-evident to most persons in light of their everyday experience with small children.

More specifically, the literature tends to support the conclusions that young children (1) fail to understand the nature and profit-making purpose of television commercials,[15] (2) tend to trust and believe television advertising indiscriminately,[16] (3) tend to recall only simple, concrete elements of commercials,[17] (4) have difficulty distinguishing commercials from programs,[18] and (5) tend to want whatever products are advertised on television.[19] Although this information therefore leads the Commission to conclude that all television advertising directed to children should be monitored with particular attention, and should be held to stricter standards of fairness and accuracy than advertising directed to adults, it does not necessarily follow from this research that all televised premium advertising directed to children is inherently unfair or deceptive.

USE OF PREMIUMS ON TELEVISION

The effectiveness of premium advertising as a technique for selling to children is evidenced by its very ubiquity. One commentator concludes that "[b]ecause the preschooler is probably at home most of the time, he is likely to accompany his mother to the store and to exert a considerable role at the point of purchase. He is usually especially influential in terms of 'free' premiums that

[14] "The issue of advertising to children was one of the most important covered in the hearings. The weight of testimony and supporting data on this topic far outstripped any other. However, as our review in this chapter has indicated, there is a great deal of conflict in viewpoint, and little hard data which can be used in resolving it. . . . Lack of understanding as to how television advertising affects the child has been a major impediment to better regulation of children's television." J. Howard and J. Hulbert, Advertising and the Public Interest: A staff Report to the Federal Trade Commission VI-29, VI-31 (1973).

[15] See Ward and Wackman, "Effects of Television Advertising On Consumer Socialization," 19-20 and Tables 8-10 (Grant OCD-CD-380, Office of Child Development, U.S. Department of Health, Education and Welfare, Sept., 1973) (hereinafter cited as Ward and Wackman, "Socialization"). See also Blatt, Spencer and Ward, "A Cognitive Developmental Study of Children's Reactions to Television Advertising," and Rubinstein, Comstock and Murray (eds.), "Television and Social Behavior," Vol. IV, at 452 (1972) (hereinafter cited as Blatt, Spencer and Ward); Ward, Reale and Levinson, "Children's Perceptions, Explanations, and Judgments of Television Advertising: A Further Exploration," Id. at 468 (hereinafter cited as Ward, Reale and Levinson); Ward, "Effects of Television Advertising on Children and Adolescents," Id. at 432 (hereinafter cited as Ward). Ward and Wackman, "Children's Information Processing of Television Advertising," in Clarke (ed.), New Models for Mass Communication Research 119, 124 (1973) (hereinafter cited as Ward and Wackman, "Information"). Sixty-three percent of the children aged 5-8 sampled by Ward and Wackman supplied responses indicating low awareness of what a television commercial is and why it is shown on television.

[16] Robertson and Rossiter, in "Children and Commercial Persuasion: An Attribution Theory Analysis," 1 J. Consumer Research 13, 17 (June 1974) (hereinafter cited as Robertson and Rossiter) report that one study of first graders found that approximately two-thirds of the sample trusted and liked all commercials. See also Ward and Wackman, "Socialization," supra note 12, at 16 and Tables 12-14; and Ward, Reale, and Levinson, supra, at 482-486.

[17] See Blatt, Spencer and Ward, supra, at 458; Ward, Reale and Levinson, supra, at 480-83; Ward and Wackman, "Information," supra, at 121; Bever, Smith, Bergen and Johnson, "Young Viewers' Troubling Response to TV Ads," Harv. Bus. Rev. 109-120 (November-December, 1975); and Stephens and Moore, "Price Accuracy as a Consumer Skill," 15 J'l Adv'g Res., No. 4 (Aug. 1975) 27.

[18] Ward and Wackman, "Information," supra, at 125. Seventy-nine per cent of Ward and Wackman's 5-8 year old sample exhibited what the authors describe as "low-level" differentiation. See also, Ward, Reale and Levinson, supra, at 474-75; Federal Communications Commission, Children's Television Report and Policy Statement, Dkt. No. 19142, 39 Fed. Reg. 39396 (Nov. 6, 1974) at 21; and Wells, "Children as Consumers," in Newman (ed.), On Knowing the Consumer 140 (1966).

[19] Ward, Reale and Levinson, supra, at 482-86; In Robertson and Rossiter's sample, 53.3 per cent of first graders and 26.7 per cent of third graders wanted all products advertised. Robertson and Rossiter, supra, at 17. In the Ward and Wackman study, 66 per cent of kindergarten-age children wanted "most things they show on TV commercials." Ward and Wackman, "Socialization," supra, at Table 19. Cf. Wells, "Communicating With Children," 5 J. Advertising Research, No. 2, 2, 8 (1965); "The older children also seem to have learned to be more selective (quite possibly more effective) in their requests. After five or six years of being told 'no,' *they no longer ask for everything they see.*" (Emphasis added). Rossiter and Robertson, "Children's TV Commercials: Testing the Defenses," 24 J. of Communication, No. 4 (Autumn, 1974) 137, 142.

are obtained with the purchase of products."[20]

Some research explicitly on the effect of premium advertising on children has been conducted,[21] although it is scarce and inconclusive. The empirical data compiled by Professor Charles Atkin of Michigan State University, under a grant from the Office of Child Development of the Department of Health, Education and Welfare, does tend to indicate that premiums play a role in children's attempts to persuade their mothers to buy one product, breakfast cereal.[22] In interviews with 211 mothers who had reported that their children did ask for cereals seen on television, 47 percent of the mothers said their children gave a premium in the box as a reason for wanting a particular brand. In response to a follow-up question asking whether their children ever want cereal for the purpose of getting a premium in the box, an additional 36 percent responded affirmatively.[23] Atkin noted that premiums were by far the most frequently cited reason for wanting a cereal in his survey.[24] In in-store observations of 410 mothers shopping with their children, 48 percent of all child cereal requests involved mention of a premium. Atkin commented that the 48 percent figure was probably an understatement, since it could not take into account children with an unexpressed desire for the premium. Atkin concluded: "The findings from interviews and observations suggest that premiums are the main reason why children select certain cereals in the supermarket. Premiums are the most salient factor recalled by mothers, and a large majority of the mothers agree that their children base cereal requests on the premium offered. This result is reinforced by the observation of actual requests in the supermarket, where almost half of all request incidents explicitly involved reference to the premium."[25]

Atkin also collected data that could have illuminated the question whether premiums actually lead children to purchase inferior or unwanted products, but the results were not conclusive. Although 64 percent of the mothers sampled said they regarded premiums in cereal boxes as "a bad thing," 19 percent gave reasons for their antagonism that reflected adversely on the characteristics of the product: 11 percent said their children failed to eat cereal requested on the basis of premiums, and 8 percent said the cereal was of poor quality. However, the reports from mothers of children basing cereal requests on premiums indicated that their children were no more often disappointed with the cereal than mothers whose children made nonpremium requests.[26] The largest single reason for hostility to premiums—19 percent—was the poor quality of the premiums themselves.[27]

In addition to Atkin's study, empirical work in this area was performed by Ronald S. Rubin, of Florida Technological University.[28] Rubin showed two different commercials for the same food product to two groups of children; the commercials were similar except that one contained a premium offer while the other did not. In comparing the children's reactions to the two commercials, Rubin reported that the children exposed to the premium exhibited confusion over whether the commercial's purpose was to sell the product or the premium itself. With respect to the use of the product, Rubin concluded that while the viewers of the premium commercial seemed to understand the use of the food product, they "responded as if the toy car were the product and the responses elicited were with regard to the use of the toy car * * *. Even though they responded to the use of the cereal, the emphasis of the response was on the using of the car which signified that the product was indeed the car itself."[29] "[A]s for the child's understanding of what he was supposed to want, the children who viewed the produce-oriented commercial understood the cereal was the product sought, whereas those who viewed the premium-oriented situation were confused. They were confused between the car and the cereal. They had no clear understanding of exactly what the message wanted them to want."[30]

It should also be noted that the premium commercial Rubin employed interspersed premium and product material, and thus may have devoted more than half of its 30 seconds to the premium. In any case, the fact that the premium segment was not continuous would have violated the National Association of Broadcasters premium guidelines (which went into effect after Rubin collected his data.) These considerations qualify to some extent the applicability of Rubin's conclusions to present premium commercials, assuming that present commercials comply with the NAB premium guidelines. In addition, the Commission believes that the size of the samples, the format of the advertising, and other factors might also qualify the results.

The study of premiums by Shimp, Dyer and Divita[31] was undertaken specifically to examine the proposed Guide. The experimenters devised four 30-second commercials for a mythical cereal product, Snappy Fruit Smacks. One devoted all 30 seconds to the product and the remaining three divided the time between a premium and the product in differing proportions (10 seconds premium/20 seconds product, 15 seconds for each, and 20 seconds premium/10 seconds product). Each version contained the same number of bits of information about the product and the premium (except for the all-product commercial, of course), with the information stretched out or compressed to fit the time available. The commercials were then shown to a sample of grade school children made up of first and sixth graders. Afterwards, a test was administered to the children to determine how the number of correct answers to questions about the product and the premium varied with the format of the commercial and the age of the children.

[20] Winick, Williamson, Chuzmir and Winick, Children's Television Commercials: A Content Analysis, 40 (1973).

[21] Faber and Ward, "An Assessment of Children's Abilities to Process and Comprehend Premium Messages in Television Commercials," in Working Papers for "The Effects of Television Advertising on Children: An Evaluation of the Literature," a project supported by the NSF, (Nov. 1975).

[22] Atkin, "Effects of Television Advertising and News Programming," Office of Child Development Grant No. OCD-CB-346(C1) (in progress), submitted as an appendix to Comment of Council on Children, Media and Merchandising. Page numbers will refer to pages in that appendix, as submitted.

[23] Atkin, supra, at 5.

[24] Id. Atkin also compared children's reactions to two filmed commercials for the same food product, identical except that one contained a premium offer and the other did not. The impact of the premium in that comparison appeared to be modest: only 6 percent of the children exposed to the premium version said that "kids like to get (the product) in the food store" to obtain the premium, as opposed to 84 percent who gave other reasons and 10 percent who did not know. (One percent of the children who saw the nonpremium version gave premiums in answer to the query, 86 percent gave other reasons and 13 percent did not know.) The children exposed to the premium advertisement expressed a greater desire to possess the product, but no greater intent to ask for it in the store, than those viewing the nonpremium commercial. Atkin suggests that an explanation for what he describes as the "general lack of effects in the experiment" might be the children's previous exposure to the same commercial, thus severly limiting the impact of a single additional exposure. Id. at 10–11, Table 6.

[25] Atkin, supra, at 6. Atkin also notes that it was difficult to trace premium-based requests directly to television advertising, although the children seemed familiar with the premium offers available on the shelf; alternative sources for that familiarity, he suggests, could be direct exposure to the package or communication with siblings or friends.

[26] Id. at 9 and Table 4.

[27] Id. at 13. In a comment submitted at the request of DeHart and Broide, Inc., public affairs counsel for Cracker Jack, Burns W. Roper, President of the Roper Organization, Inc., did, however, offer an alternative interpretation of the Atkin data. Roper emphasizes the portion of the Atkin study dealing with the exposure of children to premium and nonpremium commercials, and discounts those portions dealing with the reported and observed prominence of premiums in the cereal requests of children in supermarkets and mothers' objections to premiums based on deficiencies in the primary product. Roper, however, suggests no reason for doubting the validity of the two latter sets of findings; he simply assigns greater weight to the former. Atkins remarks that the comparison between the premium and nonpremium commercials may have been hampered by the children's prior exposure to those advertisements.

[28] R. Rubin, A Exploratory Investigation of Children's Responses to Commercial Content of Television Advertising in Relation to Their Stages of Cognitive Development (1972) (unpublished doctoral dissertation, University of Massachusetts). The Rubin paper was cited in a comment to the proposed guide (Comment of Leo Burnett U.S.A. at 12), although not presented in its entirety.

[29] Rubin, supra note 26, at 110.

[30] Id. at 113.

[31] Supra, note 2.

The experiment hypothesized that, if the distraction hypothesis is correct, children seeing the no-premium commercial should have better recall of the product. This was not borne out by the results. Furthermore, the experiment concluded that the premium offer did not create a more favorable attitude toward the brand than the no-premium commercial, and did not prefer the advertised product to a statistically meaningful extent in a brand choice experiment. They did find some correlations between positive attitudes toward the premium and brand preferences ratings for the product.

This study is interesting, but hardly definitive. The comments which analyzed the research in detail pointed out a variety of problems: comparisons were made between the control group and each experimental group, but not between the control group and the entire experimental population; the sample seems to have been biased by size, age, income and sex, toward "no-effects" results; the comparison of a fictional cereal with a real one raises serious problems of unknown degree. Other problems concerned the failure to correlate results by age, and failure to measure the attractiveness of the premium or the non-experimental cereal.[32]

CONCLUSION

The Commission is not prepared to conclude at this point that the facts support a finding of unfairness or deception that would justify a per se rule against all child-directed, televised premium advertising. The Commission is reluctant to conclude that the probability of consumer dissatisfaction with a product sold with a premium, and truthfully depicted in a child-directed television commercial, is so great that no such television presentations should be permitted under any circumstances.

However, the evidence accumulated during this proceeding concerning the vulnerability of children to television advertising warrants close monitoring of such advertising. The Commission will continue to act on a case-by-case basis and will give particular attention to the effects on children of the advertising of certain kinds of products, such as toys and food, which account for the vast bulk of all advertising directed to this segment of the population. Additionally, scrutiny also will be given to advertisements which could have a particularly harmful impact on children although not specifically directed to them.

There are distinct advantages in proceeding on a case-by-case basis where, as in this instance, the evidence is less than clear-cut. Particular commercials can present more concrete facts for the Commission's consideration. As a result, more specific guidelines may emerge. Furthermore, the case approach is especially well-suited to developing information about the effects of certain types of advertising claims and techniques. Given our limited resources, such data will enhance the Commission's efforts to establish better enforcement priorities.[33]

Consequently, the proposed guide has been rejected, without prejudice to the Commission to take such further action as should be warranted by the facts surrounding particular advertisements.

By direction of the Commission dated March 9, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-8238 Filed 3-17-77;8:45 am]

[32] The comments of Professors Rossiter, Wackman, Atkin, and Consumers Union were of particular interest.

[33] Current research under the sponsorship of the National Science Foundation concerning the effects of TV advertising on children, an undertaking encouraged by the Commission, recognizes the need to link research objectives more closely with regulatory considerations.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 240]

[Release No. 34-13309]

LIFE INSURANCE COMPANIES

Quarterly Reporting Requirements; Correction

In FR Doc. 77-6945 appearing at page 13122 in the FEDERAL REGISTER of March 9, 1977, Item 2 of the amendatory material in column 3 relating to §§ 240.13a-13 and 240.15d-13 is corrected by changing the instructions and the codified material thereunder:

2. In Part 240, §§ 240.13a-13 and 240.-15d-13 would be amended by revising paragraphs (c)(1) thereof to read as follows:

§ 240.13a-13 Quarterly reports on Form 10-Q (§ 249.308a of this chapter).

* * * * *

(c) * * *

(1) Life insurance companies and holding companies having only life insurance subsidiaries for quarters in fiscal years ending on or before December 25, 1978, if they do not meet the tests specified in paragraph (t)(1)(i) of § 210.3-16; or

* * * * *

§ 240.15d-13 Quarterly reports on Form 10-Q (§ 249.308a of this chapter).

* * * * *

(c) * * *

(1) Life insurance companies and holding companies having only life insurance subsidiaries for quarters in fiscal years ending on or before December 25, 1978, if they do not meet the tests specified in paragraph (t)(1)(i) of § 210.3-16; or

* * * * *

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 10, 1977.

[FR Doc.77-8016 Filed 3-17-77;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 1 and 3]

[Doc. No. RM77-4]

OBSERVATION OF COMMISSION MEETINGS AND EX PARTE COMMUNICATIONS

INGAA Comments Accepted

MARCH 11, 1977.

On November 15, 1976, the Commission issued a notice of proposed rulemaking in Docket No. RM77-4, (published November 29, 1976, 41 FR 52303), calling for comments in writing by January 5, 1977. By notice issued December 30, 1976, the date was extended to and including January 26, 1977. On February 4, 1977, the Interstate Natural Gas Association of America (INGAA), filed a motion requesting acceptance of their late-filed comments in the above-designated proceeding.

Upon consideration, notice is hereby given that INGAA's comments are accepted as timely filed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7972 Filed 3-17-77;8:45 am]

[18 CFR Parts 2, 3, 33, 34, 35, 101, 104, 125, 131, 141, 154, 201, 204, 260]

[Doc. No. RM77-11]

EDITORIAL CHANGES

Corrections, Minor Revisions, and Clarifications; Extension of Time Denied

MARCH 11, 1977.

On March 7, 1977, the Salt River Project filed a motion to extend the time for filing comments to the proposed rulemaking issued February 22, 1977 (Published 3-2-77, 42 FR 12072), in the above designated matter. The comment date was established so that a final order could be issued before the April 1, 1977, date for revising Title 18 of the Code of Federal Regulations.

Upon consideration, notice is hereby given that the extension of time in the above matter is denied. This denial, of course, does not preclude any interested person from notifying the Commission of any apparent technical errors which may appear in the published volumes of the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7971 Filed 3-17-77;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Secretary

[28 CFR Part 16]

[Order No. 701-77]

PRODUCTION OR DISCLOSURE OF INFORMATION

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed Regulation.

SUMMARY: The Department of Justice proposes to issue regulations exempting

systems of records maintained by the Tax Division from provisions of the Privacy Act of 1974, 5 U.S.C. 552a, for the reasons set forth in the proposed exemption notice.

Persons wishing to comment on the proposed exemptions may address their comments in writing to the Administrative Counsel, Office of Management and Finance, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530. All comments must be received by April 18, 1977. No oral hearings are contemplated. Comments will be available for inspection in Room 1266, Main Justice Building, 10th and Constitution Avenue, NW., Washington, D.C. For further information contact Harry Gastley, 739-5361.

Pursuant to the provisions of 5 U.S.C. 552a (j)(2) and (k) (1) and (2), the Department of Justice proposes to issue regulations exempting two systems of records maintained by the Tax Division, JUSTICE/TAX-001 (Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Criminal Tax Cases) and JUSTICE/TAX-005 (Tax Division Special Projects Files) from subsections (c) (3) and (4); (d) (1), (2), (3) and (4); (e) (1), (2), (3), (4) (G), (H), (I), (5) and (8); (f) and (g) of 5 U.S.C. 552a. Regulations are also proposed exempting a system of records, JUSTICE/TAX-002 (Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Civil Tax Cases) from subsections (c) (3); (d) (1), (2), (3), (4); (e) (1), (4) (G), (H), (I) and (f) of 5 U.S.C. 552a. Finally, regulations are proposed exempting a system records, JUSTICE/TAX-004 (Tax Division Freedom of Information—Privacy Act File Requests) from subsections (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of 5 U.S.C. 552a.

By virtue of the authority vested in me by 5 U.S.C. 552a (j) and (k), and as Attorney General of the United States, § 16.93 of Subpart E of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is revised to read as follows:

§ 16.93 Exemption of Tax Division Systems—limited access.

(a) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of 5 U.S.C. 552a:

(1) Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Criminal Tax Cases (JUSTICE/TAX-001)—Limited Access.

(2) Tax Division Special Projects Files (JUSTICE/TAX-005)—Limited Access.

These exemptions apply to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(b) The systems of records listed under paragraphs (a)(1) and (a)(2) of this section are exempted for the reasons set forth below, from the following provisions of 5 U.S.C. 552a:

(1) (c)(3). The release of the disclosure accounting, for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for those systems of records, would enable the subject of an investigation of an actual or potential criminal tax case to determine whether he or she is the subject of investigation, to obtain valuable information concerning the nature of that investigation and the information obtained, and to determine the identity of witnesses or informants. Such access to investigative information would, accordingly, present a serious impediment to law enforcement. In addition, disclosure of the accounting would constitute notice to the individual of the existence of a record even though such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2) (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this subsection is inapplicable to the extent that these systems of records are exempted from subsection (d).

(3) (d)(1); (d)(2); (d)(3); (d)(4). Access to the records contained in these systems would inform the subject of an actual or potential criminal tax investigation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his or her activities, and of the identity of witnesses or informants. Such access would, accordingly, provide information that could enable the subject to avoid detection, apprehension and prosecution. This result, therefore, would constitute a serious impediment to effective law enforcement not only because it would prevent the successful completion of the investigation but also because it could endanger the physical safety of witnesses or informants, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4) (e)(1). The notices for these systems of records published in the FEDERAL REGISTER set forth the basic statutory or related authority for maintenance of these systems. However, in the course of criminal tax and related law enforcement investigations, cases, and matters, the Tax Division will occasionally obtain information concerning actual or potential violations of law that may not be technically within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain some or all of such information in these systems of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(5) (e)(2). In a criminal tax investigation or prosecution, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, influence witnesses improperly, destroy evidence, or fabricate testimony.

(6) (e)(3). The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7) (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable to the extent that these systems of records are exempted from subsection (f) and (d).

(8) (e)(4)(I). The categories of sources of the records in the systems have been published in the FEDERAL REGISTER in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in these systems, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal tax and related law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9) (e)(5). In the collection of information for criminal tax enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light. Furthermore, the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal tax information and related data necessary for effective law enforcement.

(10) (e)(8). The individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue warrants or subpoenas and could reveal investigative techniques, procedures, or evidence.

(11) (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him dealing with an actual or potential criminal tax, civil tax, or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the

subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f) (2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(12) (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsections (d) and (f).

(c) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of 5 U.S.C. 552a:

(1) Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Civil Tax Cases (JUSTICE/TAX-002)—Limited Access.

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(d) The system of records listed under paragraph (c)(1) is exempted for the reasons set forth below, from the following provisions of 5 U.S.C. 552a:

(1) (c)(3). The release of the disclosure accounting, for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for this system of records, would enable the subject of an investigation of an actual or potential civil tax case to determine whether he or she is the subject of investigation, to obtain valuable information concerning the nature of that investigation and the information obtained, and to determine the identity of witnesses or informants. Such access to investigative information would, accordingly, present a serious impediment to law enforcement. In addition, disclosure of the accounting would constitute notice to the individual of the existence of a record even though such notice requirement under subsection (f)(1) is specifically exempted for this system of records.

(2) (d)(1); (d)(2); (d)(3); (d)(4). Access to the records contained in this system would inform the subject of an actual or potential civil tax investigation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his or her activities and of the identity of witnesses or informants. Such access would, accordingly, provide information that could enable the subject to avoid detection. This result, therefore, would constitute a serious impediment to effective law enforcement not only because it would prevent the successful completion of the investigation but also because it could endanger the physical safety of witnesses or informants, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(3) (e)(1). The notices for this system of records published in the FEDERAL REGISTER set forth the basic statutory or related authority for maintenance of this system. However, in the course of civil tax and related law enforcement investigations, cases and matters, the Tax Division will occasionally obtain information concerning actual or potential violations of law that are not strictly or technically within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific case. In the interests of effective law enforcement, it is necessary to retain some or all of such information in this system of records since it can aid in establishing patterns of tax compliance and can provide valuable leads for federal and other law enforcement agencies.

(4) (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable to the extent that this system of records is exempted from subsection (f) and (d).

(5) (e)(4)(I). The categories of sources of the records in this system have been published in the FEDERAL REGISTER in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary in order to protect the confidentiality of the sources of civil tax and related law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(6) (f). Procdures for notice to an individual pursuant to subsection (f)(1) as to existence of records pertaining to the individual dealing with an actual or potential criminal tax, civil tax, or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or case, pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f) (2) through (5) are inapplicable to this system of records to the extent that this system of records is exempted from subsection (d).

(e) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of 5 U.S.C. 552a:

(1) Tax Division Freedom of Information—Privacy Act Request Files (JUSTICE/TAX-004).

(2) These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Tax Division for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other Tax Division systems and only to the same extent as the records contained in such other systems have been exempted.

(f) The system of records listed under paragraph (e)(1) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necesary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied, or with regard to review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and correction, the purpose of the Privacy Act in providing such exemptions, and of the Department of Justice in claiming such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

Dated: March 11, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-7986 Filed 3-17-77;8:45 am]

[28 CFR Part 16]

[Order No. 703-77]

PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Exemption of a System of Records Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed regulation.

SUMMARY: This regulation proposes to exempt the JUSTICE/DEA-INS-111, the Automated Intelligence Record System (Pathfinder) from provisions of subsections (c) (3), (4), (d), (e) (1), (2), and (3), (e)(4) (G), (H), and (I), (e) (5) and (8), (f), (g) and (h) of the Privacy Act 5 U.S.C. 552a, so as to maintain the confidentiality of information compiled for the purpose of criminal investigations.

DATES: All interested persons are invited to submit their comments in writing regarding this regulation on or before April 18, 1977. No oral hearings are contemplated.

ADDRESSES: Office of Administrative Counsel, Office of Management and Finance, Room 1121, Department of Justice, Washington, D.C. 20530. For further information contact: Harry Gastley, Office of Administrative Counsel, 202-739-5361.

Section 16.102 would be added to read as follows.

§ 16.102 Exemption of Drug Enforcement Administration and Immigration and Naturalization Service Joint System of Records.

(a) The following system of records is exempted pursuant to provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), and (I), (e) (5) and (8), (f), (g), and (h) of 5 U.S.C. 552a; in addition the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552 (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a.

(1) Automated Intelligence Record System (Pathfinder), JUSTICE/DEA-INS-111. These exemptions apply to the extent that information in those systems is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2).

(b) The system of records listed under paragraph (a) of this section is exempted, for the reasons set forth from the following provisions of 5 U.S.C. 552a:

(1) (c)(3). The release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to determine whether he is the subject of investigation, or to obtain valuable information concerning the nature of that investigation, and the information obtained, or the identity of witnesses and informants and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2) (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this subsection is inapplicable to the extent that these systems of records are exempted from subsection (d).

(3) (d). Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation, or the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4) (e)(1). The notices of these systems of records published in the FEDERAL REGISTER set forth the basic statutory or related authority for maintenance of this system. However, in the course of criminal or other law enforcement investigations, cases, and matters, the Immigration and Naturalization Service or the Drug Enforcement Administration will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information in these systems of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(5) (e)(2). In a criminal investigation or prosecution, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(6) (e)(3). The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7) (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable to the extent that these systems of records are exempted from subsections (f) and (d).

(8) (e)(4)(I). The categories of sources of the records in these systems have been published in the FEDERAL REGISTER in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in these systems, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal and other law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9) (e)(5). In the collection of information for criminal law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators, intelligence analysts, and government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal or other intelligence necessary for effective law enforcement.

(10) (e)(8). The individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue warrants or subpoenas and could reveal investigative techniques, procedures, or evidence.

(11) (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him dealing with an actual or potential criminal, civil, or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f) (2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(12) (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems

of records are exempted from subsections (d) and (f).

(13) (h). Since an exemption is being claimed for subsection (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsections (d) and (f).

(14) In addition, exemption is claimed for these systems of records from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to the provisions of 5 U.S.C. 552a(k)(1): subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) to the extent that the records contained in these systems are specifically authorized to be kept secret in the interests of national defense and foreign policy.

Dated: March 11, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-7987 Filed 3-17-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 806b]

[AF Reg 12-35]

AIR FORCE PRIVACY ACT PROGRAM

Review of Initial Refusals

AGENCY: Department of the Air Force.

ACTION: Advance Notice of a Proposed Rulemaking Amendment.

SUMMARY: On November 28, 1975, there was published in the FEDERAL REGISTER (40 FR 55580) the final adopted rules of the Department of the Air Force governing the Air Force Privacy Act Program. Two amendments to those rules were subsequently published in the FEDERAL REGISTERS of April 27, 1976 (41 FR 17549) and January 31, 1977 (42 FR 5696).

Notice is hereby given that the Department of the Air Force now proposes to amend §§ 806b.18 and 806b.22 of Subpart B (40 FR 55584 and 55585). Both sections now contain instructions which form the basis for processing an individual's request for review of an Air Force official's refusal to amend his or her record. From the standpoint of the individual and the Air Force, placement of these instructions in a single section would add clarification and be more comprehensible. Accordingly, the proposed amendment combines these instructions into a single section (§ 806b.18) and by revoking and reserving § 806b.22. Additional changes encompassed by this amendment include: (1) the substitution of the Director of Administration, Headquarters United States Air Force as the official who receives the individual's request for review in lieu of the Administrative Assistant to the Secretary of the Air Force; and (2) the exclusion of Air Staff (HQ USAF) functions having primary responsibility for records subject to Air Force Privacy Board review from membership on the Board. The intent of these changes is to avoid unecessary delays in processing an individual's request for review and to ensure that any recommendations made by the Board are fairly and impartially rendered. This rule is proposed under the authority of the Privacy Act of 1974 (Pub. L. 93-579, Sec 3(f) of 5 U.S.C. 552a).

COMMENTS BY: April 16, 1977.

ADDRESSED TO: Director of Administration, Headquarters United States Air Force (HQ USAF/DA), Room 5A266, Pentagon Building, Washington, D.C. 20330.

FOR FURTHER INFORMATION CALL: Major Mokuau (202) 767-4545.

For the stated reasons, the Department of the Air Force proposes to amend Title 32 CFR Part 806b by revising § 806b.18 and by revoking and reserving § 806b.22 of the Air Force Privacy Act Program (32 CFR 806b) as follows:

§ 806b.18 Review of initial refusals.

(a) An individual may request a revision of the initial refusal in writing from the Office of the Secretary of the Air Force within 45 days of the denial. The request should be addressed to the Director of Administration, Headquarters United States Air Force (HQ USAF/DA), Washington, D.C. 20330, and sent through the initial Denial Authority. The Denial Authority will forward to HQ USAF/DA a complete file consisting of: (1) The request for review; (2) The request for amendment; (3) The initial refusal; (4) A copy of the record or portions involved; and (5) Any records or coordination actions that relate to the initial refusal.

(b) The Directorate of Administration (HQ USAF/DA) will convene the Air Force Privacy Board to review the initial denial. Membership of the Board will consist of a representative from HQ USAF/DA (Chairman), the Office of the Judge Advocate General (HQ USAF/JA), and an Air Staff function not having primary responsibility for the record in question. If the record is the primary responsibility of HQ USAF/DA or HQ USAF/JA, a member from another Air Staff organization will be substituted on the Board. The Chairman may, when deemed appropriate, request the assistance of subject matter experts to advise the Board.

(c) Functions of the Board include: (1) Reviewing requests submitted in accordance with § 806.18(a); and (2) Providing recommendations to the Office of the Vice Chief of Staff of the Air Force.

(d) If the Office of the Vice Chief of Staff of the Air Force determines that the record should be amended, the individual will be advised promptly. Simultaneously, the appropriate Systems Manager will be directed, through the Denial Authority, to amend the records and direct previous recipients to amend their copies (§ 806b.17(b)).

(e) If the Office of the Vice Chief of Staff of the Air Force determines that a denial is appropriate, the request will be forwarded through the Office of the Air Force General Counsel (SAF/GC) to the Office of the Administrative Assistant to the Secretary of the Air Force (SAF/AA) for a final decision.

(f) If (SAF/AA) determines that the record should be amended, the individual will be advised promptly. Simultaneously, the appropriate Systems Manager will be directed, through the Denial Authority, to amend the records and direct previous recipients to amend their copies (§ 806b.17(b)).

(g) If after conducting the review, SAF/AA upholds the Denial Authority's refusal to amend the record, the individual will be notified that:

(1) The amendment request has been refused after review with reasons for refusal.

(2) He or she has a right to file with the Systems Manager, a concise statement containing reasons why he or she disagrees with the Air Force's decision.

(3) The disagreement statement will be a part of the record and will, thus, become available to anyone who subsequently uses the record.

(4) Known prior recipients of the disputed record will be provided a copy of his or her disagreement statement.

(h) A final determination on the individual's request for review of an initial refusal to amend a record must be completed within 30 workdays after receipt by HQ USAF/DA, unless it is determined that a fair and equitable review cannot be completed in that time. If additional time is required, the individual will be informed in writing of the reasons for the delay and of the date when the results of the review may be expected.

(i) The procedure established by this paragraph is for purposes of Air Force Regulation 40-771, 'Appeal and Grievance Procedures' (not published in FEDERAL REGISTER), a statutory appeal procedure. A request for review of a refusal to amend a personal record may not be processed through the regulatory grievance procedure of AFR 40-711 or a grievance procedure contained in an agreement negotiated under Executive Order 11491, as amended."

§ 806b.22 [Reserved]

Section 806b.22 is revoked and reserved.

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

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

MARCH 15, 1977.

[FR Doc.77-7983 Filed 3-17-77;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS

Metric System of Measurement and Miscellaneous Amendments

AGENCY: Saint Lawrence Seaway Development Corporation.

ACTION: Proposed rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation, pursuant to provisions of its enabling act (33 USC 981 et seq.), and pursuant to the authority vested in the Secretary of Transportation with respect to the St. Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21943), acting jointly with the St. Lawrence Seaway Authority of Canada, is proposing to amend Subpart A—Seaway Regulations of 33 CFR Part 401 with respect to the metric system of measurement. Section 3 of Public Law 94-168, the Metric Conversion Act of 1975, states that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States. The Canadian Government officially converted to the metric system on April 1, 1976. Therefore, the St. Lawrence Seaway Authority and the Saint Lawrence Seaway Development Corporation have agreed to publish the Seaway Regulations with metric measurements for the 1977 navigation season. The substance of the Regulations is being preserved at this time with two exceptions which will be discussed as Supplementary Information.

DATES: Comments received not later than April 18, 1977 will be considered.

ADDRESSES: Interested parties may submit written comments to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 (Attention: General Counsel).

FOR FURTHER INFORMATION CONTACT:

Frederick A. Bush, General Counsel, 315-764-0271, Ext. 245.

SUPPLEMENTARY INFORMATION: As indicated in the foregoing summary, with two exceptions, the substance of the Seaway Regulations is being preserved with respect to the metric system of measurement. The metric equivalents will simply be added to the Regulations as the primary system of measurement with the English measurements being supplemental. No actual measurements are being changed at this time.

The first of the two exceptions mentioned in the summary concerns proposed amendment of § 401.24 to delete specific reference to Form SLS 429, The St. Lawrence Seaway Application for Vessel Preclearance, and deletion of the form itself as Schedule I of the Regulations. Schedules II, III, and IV would be renumbered as Schedules I, II, and III. This amendment would allow revisions to be made to the Application for Vessel Preclearance form without amending the Regulations.

The second exception concerns amendment of § 401.51 to indicate a change in the distance between signs and movable bridges. It is proposed to change "four thousand six hundred feet" to "four thousand nine hundred twenty feet" which is the actual distance. This will also be a metric revision.

For the stated reasons, the Corporation proposes to amend the Seaway Regulations as follows:

1. In § 401.3 paragraphs (a) and (b) are amended to read as follows:

§ 401.3 Maximum vessel dimensions.

(a) No vessel of more than 222.50 meters (730 feet) in overall length or 23.16 meters (76 feet) in extreme breadth, including permanent fenders, shall transit.

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than 35.66 meters (117 feet) above water level.

* * * * *

2. Section 401.4 is amended to read as follows:

§ 401.4 Minimum length and weight.

No vessel of less than 6.10 meters (20 feet) in overall length or 907.18 kilograms (1 ton) in weight shall transit.

3. Section 401.6 is amended to read as follows:

§ 401.6 Draft markings.

(a) Vessels of more than 19.81 meters (65 feet) in overall length shall be correctly and distinctly marked and equipped with draft markings on both sides at the bow and stern.

(b) In addition to the markings required by paragraph (a) of this section, vessels of more than 106.68 meters (350 feet) in overall length shall be marked on both sides with midship draft markings.

4. Section 401.8 is amended to read as follows:

§ 401.8 Landing booms.

Vessels of more than 45.72 meters (150 feet) in overall length shall be equipped with at least one adequate landing boom on each side.

5. Section 401.9 is amended to read as follows:

§ 401.9 Radiotelephone equipment.

(a) Self-propelled vessels, other than pleasure craft of less than 19.81 meters (65 feet) shall be equipped with VHF (very high frequency) radiotelephone equipment.

(b) The radio transmitters on a vessel shall

(1) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of 48.28 kilometers (30 miles); and

* * * * *

6. Section 401.10(a)(2) and (c) is amended to read as follows:

§ 401.10 Mooring lines.

(a) Mooring lines shall

* * * * *

(2) be fitted with a spliced eye not less than 2.44 meters (8 feet) long;

* * * * *

(c) * * *

Table

Ship's overall length	Length of mooring line	Breaking strength
38.10 m to 60.96 m (125 ft to 200 ft)	109.73 m (360 ft)	88.96 kN (10 tons).
61.26 m to 91.44 m (201 ft to 300 ft)	do	133.45 kN (15 tons).
91.74 m to 121.92 m (301 ft to 400 ft)	do	177.93 kN (20 tons).
122.22 m to 182.88 m (401 ft to 600 ft)	do	249.10 kN (28 tons).
183.18 m to 222.50 m (601 ft to 730 ft)	do	311.33 kN (35 tons).

7. Section 410.12 is amended to read as follows:

§ 401.12 Minimum requirements—mooring lines and fairleads.

(a) Minimum requirements in respect to mooring lines and winches and the location of fairleads on vessels are as follows:

(1) Vessels of 38.10 meters (125 feet) or less in overall length shall have at least two mooring lines or hawsers that may be led through closed chocks and be hand held, one of which shall lead from the break of the bow and the other shall lead from the quarter;

(2) Vessels of more than 38.10 meters (125 feet) but not more than 60.96 meters (200 feet) in overall length shall have four mooring lines, two of which shall be power operated by winches, capstans or windlasses and shall be led through a type of fairlead acceptable to the Corporation and the Authority, of which two mooring lines

* * * * *

(3) The other two mooring lines required on vessels of more than 38.10 meters (125 feet) but not more than 60.96 meters (200 feet) may be led through closed chocks and may be hand held;

(4) Vessels of more than 60.96 meters (200 feet) in overall length shall have four mooring lines, two of which shall lead from the break of the bow and two of which shall lead from the quarter, and

* * * * *

(b) The following table sets out the requirements for the location of fairleads for vessels of 60.96 meters (200 feet) or more in overall length:

Table

Overall length of vessels in meters	For mooring lines No. 1 and 2	For mooring lines No. 3 and 4
60.96 m to 91.44 m (200 ft to 300 ft)	Between 9.14 m and 24.38 m (30 ft and 80 ft) from the stem.	Between 9.14 m and 24.38 m (30 ft and 80 ft) from the stern.
91.44 m to 121.92 m (300 ft to 400 ft)	Between 12.19 m and 30.48 m (40 ft and 100 ft) from the stem.	Between 15.24 m and 33.53 m (50 ft and 110 ft) from the stern.
121.92 m to 152.40 m (400 ft to 500 ft)	Between 12.19 m and 33.53 m (40 ft and 110 ft) from the stem.	Between 15.24 m and 39.62 m (50 ft and 130 ft) from the stern.
152.40 m to 182.88 m (500 ft to 600 ft)	Between 15.24 m and 39.62 m (50 ft and 130 ft) from the stem.	Between 18.29 m and 45.72 m (60 ft and 150 ft) from the stern.
182.88 m to 222.50 m (600 ft to 730 ft)	Between 18.29 m and 48.77 m (60 ft and 160 ft) from the stem.	Between 21.34 m and 51.82 m (70 ft and 170 ft) from the stern.

8. In § 401.13 paragraph (b) is amended to read as follows:

§ 401.13 Hand lines.

Hand lines shall:

* * * * *

(b) Have a minimum diameter of 12.70 millimeters (½ inch) and a minimum length of 30.48 meters (100 feet).

9. Section 401.14 is amended to read as follows:

§ 401.14 Anchor marking buoys.

An orange colored anchor marking buoy of a type approved by the Corporation and the Authority, fitted with 22.86 meters (75 feet) of suitable line, shall be secured directly to each anchor so that the buoy will mark the location of the anchor when the anchor is dropped.

10. Section 401.15 is amended to read as follows:

§ 401.15 Stern anchors.

Every vessel of more than 106.88 meters (350 feet), the keel of which is laid after January 1, 1975, shall be equipped with a stern anchor.

11. The intro text of § 401.16 is amended to read as follows:

§ 401.16 Propeller direction alarms.

Every vessel of more than 79.25 meters (260 feet) in overall length shall be equipped with

* * * * *

12. The intro text of § 401.21 is amended to read as follows:

§ 401.21 Rudder angle indicators.

Every vessel of more than 79.25 meters (260 feet) in overall length shall be equipped with rudder angle indicators or repeaters that are—

* * * * *

13. Section 401.22(a) is amended to read as follows:

§ 401.22 Preclearance of vessels.

(a) No vessel, other than a pleasure craft of 317.52 metric tons (350 tons) or less in weight shall transit until an application for preclearance has been made, pursuant to § 401.24, to the Corporation or the Authority by the vessel's representative and the application has been approved by the Corporation or the Authority pursuant to § 401.25.

* * * * *

14. Section 401.24 is revised to read as follows:

§ 401.24 Application for preclearance.

The representative of a vessel may, on a form obtained from the Corporation, Massena, New York, or the Authority, Cornwall, Ontario, apply for preclearance, giving particulars of the ownership, liability insurance and physical characteristics of the vessel and guaranteeing payment of the tolls and charges that may be incurred by the vessel.

* * * * *

15. Section 401.28(a) is amended to read as follows:

§ 401.28 Speed limits.

(a) The maximum speed over the bottom for a vessel of more than 12.19 meters (40 feet) in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in an area between the place set out in Column I of an item of Schedule I and the place set out in Column II of that item exceed the speed set out in Column III or Column IV of that item, whichever is designated by the Corporation and the Authority from time to time as being appropriate to existing water levels.

* * * * *

16. Section 401.29 is amended to read as follows:

§ 401.29 Maximum draft.

(a) The loading, draft and speed of a vessel in transit shall be controlled by the master, who shall take into account the vessel's individual characteristics and its tendency to list or squat, so as to avoid striking bottom.[1]

(b) The draft of a vessel shall not, in any case, exceed 79.25 decimeters (26 feet) or the maximum permissible draft designated by the Corporation or the Authority for the part of the Seaway in which a vessel is passing.

(c) No vessel shall transit the Sault Ste. Marie (Canada) Canal with a draft in excess of the maximum permissible draft currently prescribed by the Authority for that Canal or unless the available depth of water on the appropriate controlling point for draft exceeds by at least 7.62 centimeters (3 inches) the maximum draft of the vessel at the time.

17. Section 401.31 is amended to read as follows:

[1]The main channels between the Port of Montreal and Lake Erie have a controlling depth of 8.23 meters (27 feet).

§ 401.31 Meeting and passing.

* * * * *

(c) Except as instructed by the vessel traffic controller, no vessel shall overtake and pass or attempt to overtake and pass another vessel—

(1) * * *

(2) Within 609.60 meters (2000 feet) of a canal entrance;

* * * * *

18. Section 401.35 is amended to read as follows:

§ 401.35 Employment of tugs.

No tug shall be fastened alongside a vessel in a canal so that the aggregate of the beams exceeds—

(a) 16.76 meters (55 feet) in the case of the Sault Ste. Marie (Canada) Canal; or

(b) 23 meters (75 feet 6 inches) in the case of any other canal.

19. Section 401.42 is amended to read as follows:

§ 401.42 Passing hand lines.

(a) At locks, hand lines shall be secured to the mooring lines and passed as follows:

* * * * *

(2) Hand lines shall be passed to upbound vessels by the linesmen as soon as the vessel passes the open gates, and secured, by means of a close hitch, to the mooring lines 61 centimeters (2 feet) behind the splice of the eye; and

* * * * *

20. The table in § 401.48 is amended to read as follows:

§ 401.48 Turning basins.

* * * * *

TABLE

* * * * *

2. Welland Canal:

(a) Turning Basin No. 1—Opposite St. Catherines Wharf for vessels up to 106.68 meters (350 feet).

(b) Turning Basin No. 2—Between Lock 7 and Guard Gate for vessels up to 182.88 meters (600 feet).

(c) * * *

(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to 167.64 meters (550 feet).

(e) For vessels up to 79.25 meters (260 feet):

* * * * *

21. Section 401.51 is amended to read as follows:

§ 401.51 Signalling approach to a bridge.

Unless a vessel's approach has been recognized by a flashing red signal light, three distinct blasts shall be sounded on the vessel's whistle when it comes abreast of any of the bridge whistle signs, which signs shall be placed at distances varying between 670.56 meters and 1,500 meters (2,200 feet and 4,921 feet) upstream and downstream from movable bridges at sites other than lock sites.

22. Section 401.65(a)(1) is revised to read as follows:

§ 401.65 Communication—ports, docks and anchorages.

(a) * * *

(1) Toronto and Hamilton—0.87 of a nautical mile (1 mile) outside of harbor limits; and

* * * * *

23. In § 401.67 (b) and (c) are revised to read as follows:

§ 401.67 Explosive vessels.

A vessel carrying:

* * * * *

(b) More than 9.07 metric tons (10 tons) of explosives that do not explode en masse; or

(c) More than 90.72 metric tons (100 tons) of explosives having a fire hazard with minor or no explosive effect, shall be deemed for the purposes of these Regulations to be an explosive vessel.

24. Section 401.68 is amended by revising paragraphs (a) (1), (2) and (3) to read as follows:

§ 401.68 Explosives permit.

(a) * * *

(1) 1.81 metric tons (2 short tons) of explosives with mass explosive risk;

(2) 45.36 metric tons (50 short tons) of explosives that do not explode en masse; or

(3) 453.59 metric tons (500 short tons) of explosives having a fire hazard without explosive effect.

* * * * *

25. In § 401.69, paragraphs (b) (1) through (11) are revised as follows:

§ 401.69 Hazardous cargo vessels.

A vessel that is:

* * * * *

(b) * * *

(1) 45.36 metric tons (50 tons) of gases, compressed, liquified or dissolved under pressure.

(2) 45.36 metric tons (50 tons) of inflammable liquids of the low flashpoint group,

(3) 45.36 metric tons (50 tons) of organic peroxides,

(4) 90.72 metric tons (100 tons) of oxidizing substances,

(5) 90.72 metric tons (100 tons) of inflammable liquids of the intermediate flashpoint group,

(6) 90.72 metric tons (100 tons) of inflammable solids or spontaneously combustible substances,

(7) 90.72 metric tons (100 tons) of substances emitting inflammable gases when wet,

(8) 90.72 metric tons (100 tons) of poisonous substances,

(9) 90.72 metric tons (100 tons) of infectious subtances,

(10) 181.44 metric tons (200 tons) of corrosive substances, or

(11) 453.59 metric tons (500 tons) of inflammable liquids of the high flashpoint group,

shall be deemed for the purposes of the regulations in this part to be a hazardous cargo vessel.

26. In § 401.74 paragraph (a) is revised to read as follows:

§ 401.74 Transit declaration.

(a) The Seaway Transit Declaration Form (Cargo and Passenger), which may be obtained from the Corporation, Massena, New York, or from the Authority, Cornwall, Ontario, shall be forwarded to the Corporation or the Authority by the representative of every vessel, other than a pleasure craft of not more than 317.52 metric tons (350 tons), within fourteen days after the vessel first enters the Seaway on any upbound or downbound voyage.

* * * * *

27. Section 401.82 is revised to read as follows:

§ 401.82 Reporting mast height.

A vessel, any part of which extends more than 33.53 meters (110 feet) above water level shall not transmit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the Seaway station.

28. Schedule II is revised to read as follows:

SCHEDULE II.—*Table of Speeds*[1]

From	To	Maximum speed over the bottom, knots	
		Col. III	Col. IV
Upper Entrance South Shore Canal.	Lake St. Louis Buoy 13A	10.4 (12 mi/h)	10.4 (12 mi/h).
Lake St. Louis Buoy 13A	Lower Entrance Beauharnois Lock.	15.5 (18 mi/h)	15.5 (18 mi/h).
Upper Entrance Beauharnois Lock Buoy 5B.	Lake St. Francis Buoy 27F	8.6 (10 mi/h upb) 10.4 (12 mi/h dnb)	8.6 (10 mi/h upb). 10.4 (12 mi/h dnb).
Lake St. Francis Buoy 27F	Lake St. Francis Buoy 87F	15.5 (18 mi/h)	15.5 (18 mi/h).
Lake St. Francis Buoy 87F	Snell Lock	8.6 (10 mi/h upb) 10.4 (12 mi/h dnb)	7.7 (9 mi/h upb). 10.4 (12 mi/h dnb).
Eisenhower Lock	Richards Point Light 65	11.3 (13 mi/h)	10.4 (12 mi/h).
Richards Point Light 65	Morrisburg Buoy 84	13.0 (15 mi/h)	10.4 (12 mi/h).
Morrisburg Buoy 84	Ogden Island Buoy 99	11.3 (13 mi/h)	10.4 (12 mi/h).
Ogden Island Buoy 99	Blind Bay ½ mile east of Light 196	13.0 (15 mi/h)	10.4 (12 mi/h).
Blind Bay ½ mile east of Light 162	Deer Island Light 183	11.3 (13 mi/h)	10.4 (12 mi/h).
Deer Island Light 183	Bartlett Point Light 227	8.6 (10 mi/h upb) 10.4 (12 mi/h dnb)	7.7 (9 mi/h upb). 10.4 (12 mi/h dnb).
Bartlett Point Light 227	Tibbetts Point	13.0 (15 mi/h)	10.4 (12 mi/h).
Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island.	Open waters between Wolfe and Howe Islands through the said Middle Channel.	9.5 (11 mi/h)	9.5 (11 mi/h).
Lock 1, Welland Canal	Outer Piers, Port Weller Harbor	7.7 (9 mi/h)	7.7 (9 mi/h).
Port Robinson	Ramey's Bend through the Welland Bypass.	7.7 (9 mi/h)	7.7 (9 mi/h).
All other canals		6.1 (7 mi/h)	6.1 (7 mi/h).

[1] Maximum speeds at which a vessel may travel in identified areas in both normal and high water conditions are set forth in this schedule. The Corporation and the Authority shall, from time to time, designate the set of speed limits which is in effect. The maximum speeds set forth in the schedule shall always be subject to specific instruction to a particular vessel.

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended and Sec. 104, Pub. L. 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943).)

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

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
D. W. OBERLIN,
Administrator.

[FR Doc. 77-7894 Filed 3-17-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 140]

(FRL 699-8)

MARINE SANITATION DEVICE STANDARD

Complete Prohibition for Specified Waters

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Administrator, Environmental Protection Agency to amend the present regulations in 40 CFR 140.4.

The proposed amendment list those waters that the Administrator determines require a complete prohibition of the discharge from a vessel of any sewage (whether treated or not) for the purpose of protecting and enhancing their quality.

The State of Minnesota has made application, pursuant to section 312(f) (4) of the Federal Water Pollution Control Act Amendments of 1972, that the Administrator, by regulation, prohibit the discharge from a vessel of any sewage, whether treated or not, into the Boundary Waters Canoe Area of the State of Minnesota. Information given to the Administrator states that the use of the Boundary Waters Canoe Area is limited to recreation, principally by canoes. Vessels powered by motors are allowed only on certain lakes within the Boundary Waters Canoe Area and on these, motors must be less than 10 horsepower. The State reports that water from all lakes within the Boundary Waters Canoe Area is routinely used for drinking purposes with no treatment by people using the area for recreation.

Proposed § 140.4(b) (1) lists those waters, the quality of which the Administrator has determined require the complete prohibition of the discharge from a vessel of any sewage (whether treated or not) for their protection and enhancement.

All comments should be submitted in triplicate to the Director, Criteria and

Standards Division, Office of Water Planning and Standards (WH-585), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. All written comments received by May 17, 1977 will be considered in developing the final regulation.

Dated: March 7, 1977.

ANDREW W. BREIDENBACH,
Acting Administrator.

Section 140.4 is amended by adding new paragraph (b) (1):

§ 140.4 **Complete prohibition.**

(b) * * *

(1) For the following waters the discharge from a vessel of any sewage (whether treated or not) is completely prohibited:

Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, as described in 16 U.S.C. 577–577d–1.

[FR Doc.77-8259 Filed 3-17-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[41 CFR Parts 101–43, 101–44, 101–45 and 101–48]

UTILIZATION, DONATION, OR DISPOSAL OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Proposed Changes

Notice is hereby given that the General Service Administration (GSA) proposes to amend the Federal Property Management Regulations (FPMR) to establish new Part 101–48—Utilization, Donation, or Disposal of Abandoned and Forfeited Personal Property, and cancel Subpart 101–43.4—Utilization of Abandoned and Forfeited Personal Property, Subpart 101–44.6—Donation of Abandoned and Forfeited Personal Property, and Subpart 101–45.4—Disposal of Abandoned and Forfeited Personal Property. The proposed amendment is designated to simplify the regulations that deal with abandoned and forfeited personal property by consolidating and establishing them as a separate part of FPMR Subchapter H.

Written comments concerning the proposed amendment may be submitted to the General Services Administration (F), Washington, D.C. 20406, on or before April 15, 1977.

In consonance with the foregoing, it is proposed to amend the FPMR as follows:

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

1. The table of contents for Part 101–43 is amended to delete the entries for Subpart 101–43.4 and all sections thereof and to reserve the subpart as follows:

Subpart 101–43.4 [Reserved]

2. Part 101–43 is amended to delete the provisions of Subpart 101–43.4 and to reserve the subpart as follows:

Subpart 101–43.4 [Reserved]

PART 101–44—DONATION OF PERSONAL PROPERTY

3. The table of contents for Part 101–44 is amended to delete the entries for all sections of Subpart 101–44.6, delete § 101–44.4904, and reserve the following entries:

101–44.001–2 [Reserved]
101–44.001–6 [Reserved]
101–44.001–8 [Reserved]
101–44.001–16 [Reserved]

Subpart 101–44.6 [Reserved]

4. Part 101–44 is amended to delete and reserve the following sections:

§ 101–44.001–2 [Reserved]
§ 101–44.001–6 [Reserved]
§ 101–44.001–8 [Reserved]
§ 101–44.001–16 [Reserved]

5. Part 101–44 is amended to delete the provisions of Subpart 101–44.6 and to reserve the subpart as follows:

Subpart 101–44.6 [Reserved]

Subpart 101–44.49—Illustrations

§ 101–44.4904 [Deleted]

6. Section 101–44.4904 is deleted.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

7. The table of contents for Part 101–45 is amended to delete the entries for Subpart 101–45.4 and all sections thereof and to reserve the subpart as follows:

Subpart 101–45.4 [Reserved]

8. Part 101–45 is amended to delete the provisions of Subpart 101–45.4 and to reserve the subpart as follows:

Subpart 101–45.4 [Reserved]

9. Part 101–48 is added as follows:

PART 101–48—UTILIZATION, DONATION, OR DISPOSAL OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Sec.
101–48.000 Scope of part.
101–48.001 Definitions.
101–48.001–1 Abandoned or other unclaimed property.
101–48.001–2 Distilled spirits.
101–48.001–3 Eleemosynary institution.
101–48.001–4 Firearms.
101–48.001–5 Forfeited property.
101–48.001–6 Malt beverages.
101–48.001–7 Property.
101–48.001–8 Voluntarily abandoned property.
101–48.001–9 Wine.

Subpart 101–48.1—Utilization of Abandoned and Forfeited Personal Property

101–48.100 Scope of subpart.
101–48.101 Forfeited or voluntarily abandoned property.
101–48.101–1 Sources of property available for utilization.
101–48.101–2 Custody of property.
101–48.101–3 Cost of care and handling.
101–48.101–4 Retention by holding agency.
101–48.101–5 Property required to be reported.
101–48.101–6 Transfer to other Federal agencies.
101–48.101–7 Reimbursement and costs incident to transfer.
101–48.101–8 Billing.
101–48.101–9 Disposition of proceeds.
101–48.102 Abandoned or other unclaimed property.
101–48.102–1 Vesting of title in the United States.
101–48.102–2 Reporting.
101–48.102–3 Reimbursement.
101–48.102–4 Proceeds.

Subpart 101–48.2—Donation of Abandoned and Forfeited Personal Property

101–48.200 Scope of subpart.
101–48.201 Donation of forfeited distilled spirits, wine, and malt beverages.
101–48.201–1 General.
101–48.201–2 Establishment of eligibility.
101–48.201–3 Requests by institutions.
101–48.201–4 Filling requests.
101–48.201–5 Donation of lots not required to be reported.
101–48.201–6 Packing and shipping costs.

Subpart 101–48.3—Disposal of Abandoned and Forfeited Personal Property

101–48.300 Scope of subpart.
101–48.301 General.
101–48.302 Distilled spirits, wine, and malt beverages.
101–48.303 Firearms.
101–48.304 Property other than distilled spirits, wine, and malt beverages and firearms.
101–48.305 Disposition of proceeds from sale.
101–48.305–1 Abandoned or other unclaimed property.
101–48.305–2 Forfeited or voluntarily abandoned property.

Subparts 101–48.4—101–48.48 [Reserved]

Subpart 101–48.49—Illustrations of Forms

101–48.4900 Scope of subpart.
101–48.4901 [Reserved]
101–48.4902 GSA forms.
101–48.4902–18 GSA Form 18, Application of Eleemosynary Institution.

§ 101–48.000 Scope of part.

This part prescribes the policies and methods governing the utilization, donation, and disposal of abandoned and forfeited personal property under the custody or control of any Federal agency in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

§ 101–48.001 Definitions.

For the purposes of this Part 101–48, the following terms shall have the meanings set forth in this section.

§ 101–48.001–1 Abandoned or other unclaimed property.

"Abandoned or other unclaimed property" means personal property that is found on premises owned or leased by the Government and which is subject to the filing of a claim therefor by the former owner(s) within 3 years from the vesting of title in the United States.

§ 101–48.001–2 Distilled spirits.

"Distilled spirits," as defined in the Federal Alcohol Administration Act (27 U.S.C. 211), as now in force or hereafter amended, means ethyl alcohol; hydrated oxide of ethyl; or spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof.

§ 101–48.001–3 Eleemosynary institution.

"Eleemosynary institution" means a nonprofit institution organized and operated for charitable purposes whose net income does not inure in whole or in part to the benefit of shareholders or individuals and which shall have filed with the Regional Administrator, GSA Region 3, a satisfactory statement establishing such status.

§ 101–48.001–4 Firearms.

"Firearms," as defined in 18 U.S.C. 921, as now in force or hereafter amended, means any weapon (including a starter gun) which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon or any firearm muffler or firearm silencer; or any destructive device. This term does not include an antique firearm.

§ 101–48.001–5 Forfeited property.

"Forfeited property" means personal property acquired by a Federal agency either by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States.

§ 101–48.001–6 Malt beverages.

"Malt beverages," as defined in the Federal Alcohol Administration Act (27 U.S.C. 211), as now in force or hereafter amended, means beverages made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops or their parts or products and with or without other malted cereals; and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared therefrom; and with or without the addition of carbon dioxide; and with or without other wholesome products suitable for human food consumption.

§ 101–48.001–7 Property.

"Property" means all personal property, including but not limited to vessels, vehicles, aircraft, distilled spirits, wine, and malt beverages.

§ 101–48.001–8 Voluntarily abandoned property.

"Voluntarily abandoned property" means personal property abandoned to a Federal agency in such a manner as to vest title thereto in the United States.

§ 101–48.001–9 Wine.

"Wine" means any of the wines defined in sections 5381 and 5385 of the Internal Revenue Code of 1954 (26 U.S.C. 5381, 5385), as now in force or hereafter amended, and other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine; wine made from condensed grape must; wine made from agricultural products other than the juice of sound, ripe grapes; imitation wine; compounds sold as wine; vermouth; cider; perry; and sake. The alcoholic content of these beverages shall not contain less than 7 percent nor more than 24 percent of alcohol by volume and shall not be for industrial use.

Subpart 101–48.1—Utilization of Abandoned and Forfeited Personal Property

§ 101–48.100 Scope of subpart.

This Subpart 101–48.1 prescribes the policies and methods for utilization and transfer within the Government of forfeited or voluntarily abandoned personal property subject to the provisions of 40 U.S.C. 304 f through m, and abandoned and other unclaimed property found on premises owned or leased by the Government subject to the provisions of 40 U.S.C. 484(m), which may come into the custody or control of any Federal agency in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Virgin Islands. Property in this category located elsewhere shall be utilized and transferred in accordance with the regulations of the agency having custody thereof.

§ 101–48.101 Forfeited or voluntarily abandoned property.

Forfeited or voluntarily abandoned property, subject to the provisions of 40 U.S.C. 304 f through m, except as otherwise indicated in this Subpart 101–48.1, shall be reported and handled in the same manner as excess property under Subpart 101–43.3.

§ 101–48.101–1 Sources of property available for utilization.

Property available for utilization under § 101–48.101 is property which is in the custody or under the control of any agency of the U.S. Government, as a result of forfeiture or voluntary abandonment.

§ 101–48.101–2 Custody of property.

(a) GSA generally will not take possession of property that is forfeited or voluntarily abandoned. Such property shall remain in the custody of and be the responsibility of the holding agency.

(b) GSA will direct the disposition of forfeited firearms that are subject to the disposal provisions of 26 U.S.C. 5862(b). GSA authorizes the retention of any such firearm by the Secretary of the Treasury or his delegate for official use.

(c) GSA will direct the disposition of distilled spirits, wine, and malt beverages that are forfeited other than by court decree or by order of a court:

(1) By transfer to Government agencies which have a need for such beverages for medicinal, scientific, or mechanical purposes, or for any other purpose for which appropriated funds may be expended by a Government agency;

(2) By donation to eleemosynary institutions (as defined in § 101–48.001–3) which have a need for such beverages for medicinal purposes; or

(3) By destruction.

§ 101–48.101–3 Cost of care and handling.

Each holding agency shall be responsible for performing care and handling of forfeited or voluntarily abandoned personal property pending disposition.

§ 101–48.101–4 Retention by holding agency.

(a) Subject to the limitations on certain types of passenger vehicles (see § 101–43.302(e)), a Federal agency may retain and devote to official use any property in its custody that is (1) forfeited other than by court decree or (2) determined by the agency to be voluntarily abandoned. Large sedans and limousines may be retained by an agency and devoted to official use only if such retention is clearly authorized by the provisions of Subpart 101–38.13.

(b) A holding agency, when reporting property pursuant to § 101–48.101–5, which is subject to pending court proceedings for forfeiture, may at the same time file a request for such property for its official use. GSA will then make application to the court requesting delivery of the property to the holding agency.

(c) Any property that is retained by a Federal agency for official use under this Subpart 101–48.1 shall thereupon lose its identity as forfeited or voluntarily abandoned property. When such property is no longer required for official use, it shall be reported as excess in accordance with § 101–43.311.

§ 101–48.101–5 Property required to be reported.

(a) A Federal agency shall promptly report, in accordance with §§ 101–43.311 through 101–43.313, property in its custody that is forfeited other than by court degree or voluntarily abandoned and not desired for retention by that agency for its official use and property on which proceedings for forfeiture by court decree are being started or have begun, except that:

(1) Reports shall be submitted to the Regional Administrator, GSA Region 3 (mailing address: General Services Administration (3A), Washington, DC 20407), in lieu of being submitted to the GSA regional office for the region in which the property is located. The Office of Management and Budget Approval Number 29–R0012 has been assigned to this reporting requirement;

(2) The reporting agency's internal documents containing information relevant to the property may be used in lieu of the Standard Form 120, Report of Excess Personal Property; and

(3) Distilled spirits, wine, and malt beverages fit for human consumption in quantities of 5 wine gallons or more shall be reported regardless of acquisition cost.

(b) The following information shall be furnished:

(1) Whether property was:

(i) Abandoned;

(ii) Forfeited other than by court decree; or

(iii) The subject of a court proceeding and, if so, the name of the defendant and the place and judicial district of the court from which the decree has been or will be issued;

(2) Existence or probability of a lien or claim of lien, or other accrued or ac-

cruing charges, and the amount involved; and

(3) If the property is distilled spirits, wine, or malt beverages: Quantities and kinds (rye or bourbon or other whiskey and its brand, if any; sparkling or still wine and its color or brand; cordial, brandy, gin, etc.) proof rating, and condition for shipping.

(c) In addition to the exceptions and special handling described in §§ 101–43.312 and 101–43.313, the following forfeited or voluntarily abandoned property need not be reported:

(1) Forfeited arms or munitions of war which are handled pursuant to 22 U.S.C. 401;

(2) Forfeited firearms which are transferable by the holding agency to the Secretary of Defense;

(3) Abandoned, condemned, or forfeited tobacco, snuff, cigars, or cigarettes which the holding agency estimates will not, if offered for sale by competitive bid, bring a price equal to the internal revenue tax due and payable thereon; and which is subject to destruction or delivery without payment of any tax to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States;

(4) Forfeited distilled spirits (including alcohol), wine, and malt beverages not fit for human consumption nor for medicinal, scientific, or mechanical purposes. (Domestic forfeited distilled spirits, wine, and malt beverages which were not produced at a registered distillery, winery, or brewery or which are in containers that have been opened or entered shall be regarded as not fit for human consumption. (See § 101–48.302 for disposition.));

(5) Distilled spirits, wine, and malt beverages in any one seizure of less than 5 wine gallons (see §§ 101–48.201–5 and 101–48.302 for disposition);

(6) Effects of deserters from the Coast Guard or the military services, or of deceased persons of the Coast Guard or the military service, or of deceased inmates of naval or soldiers' homes or Government hospitals;

(7) Seeds, plants, or misbranded packages seized by the Department of Agriculture pursuant to authorities provided by law;

(8) Game and equipment (other than vessels, including cargo) seized by the Department of the Interior pursuant to authorities provided by law;

(9) Files of papers, all dead and undeliverable mail matter, and nonmailable matter in the custody of the Postmaster General;

(10) Infringing articles in the custody of the Patent Office, Department of Commerce;

(11) Unclaimed and abandoned personal property subject to applicable customs laws and regulations;

(12) Collection seizures to satisfy tax liens and property acquired by the United States in payment of or as security for debts arising under the internal revenue laws;

(13) Property, the vesting and disposition of which is controlled by the provisions of 38 U.S.C. 5201 (et seq.), Disposition of deceased veterans' personal property; and

(14) Motor vehicles which are 4 or more years old.

(d) The general rule for reporting specified in this § 101–48.101–5 is modified with respect to the following:

(1) Controlled substances (as defined in § 101–43.001–4), regardless of quantity, condition, or acquisition cost, shall be reported to the Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537;

(2) Forfeited firearms not desired for retention by the seizing agency, except those covered by (c) (1) and (2), above, shall be reported provided such firearms are in excellent serviceable condition and known to be used for law enforcement or security purposes or are sufficiently unusual to be of interest to a Federal museum. Forfeited firearms not reportable in accordance with the foregoing criteria shall be destroyed and disposed of pursuant to § 101–48.303;

(3) Property forfeited other than by court decree which is suitable for human consumption or which may be used in the preparation of food may be immediately transferred by the agency having custody to the nearest Federal agency known to be a user of such property, without specific authorization from GSA;

(4) Vessels of 1,500 gross tons or more which the Maritime Administration determines to be merchant vessels or capable of conversion to merchant use shall be reported to the Maritime Administration;

(5) Property seized by one Federal agency but adopted by another for prosecution under laws enforced by the adopting Federal agency shall be reported by the adopting agency to the extent and in the manner required by this Subpart 101–48.1; and

(6) Lost, abandoned, or unclaimed personal property controlled by the provisions of 10 U.S.C. 2575 shall be disposed of as provided by 10 U.S.C. 2575 and regulations issued thereunder by appropriate authority.

(e) Property not required to be reported pursuant to this § 101–48.101–5 and not excepted or modified with respect to reporting pursuant to this § 101–48.101–5 shall be handled as set forth in § 101–43.306.

§ 101–48.101–6 Transfer to other Federal agencies.

(a) Normally, the transfer of forfeited or voluntarily abandoned personal property shall be accomplished by the submission of a Standard Form 122, Transfer Order-Excess Personal Property (see § 101–43.4906), or any other transfer order form approved by GSA, to the Regional Administrator, GSA Region 3 (mailing address General Services Administration (3A), Washington, D.C. 20407), for approval.

(b) Except for property which is subject to court action, the transfer order shall indicate the agency having custoday of the property, the location of the property, the report or case number on which the property is listed, the property required, and the fair value, if applicable.

(c) Property subject to court action may be requested by submitting a transfer order or a letter setting forth the need for the property by the agency. If proceedings for the forfeiture of the property by court decree are being started or have begun, application will be made by GSA to the court, prior to entry of a decree, for an order requiring delivery of the property to an appropriate recipient for its official use.

(d) Transfers of forfeited or voluntarily abandoned distilled spirits, wine, and malt beverages shall be limited to those for medicinal, scientific, or mechanical purposes or for any other official purposes for which appropriated funds may be expended by a Government agency. Transfer orders shall be signed by the head of the requesting agency or his designee. Where officials are designated to sign, the Regional Administrator, GSA Region 3 (mailing address: General Services Administration (3A), Washington, D.C. 20407), shall be advised of designees by letter signed by the head of the agency concerned. No transfer order will be acted upon unless it is signed as provided herein.

(e) Transfer orders requesting the transfer of forfeited or voluntarily abandoned firearms should set forth the need for the property by the requesting agency.

(f) Any property transferred for official use under this Subpart 101–48.1 shall thereupon lose its identity as forfeited or voluntarily abandoned property. When no longer required for official use, it shall be reported as excess in accordance with § 101–43.311.

§ 101–48.101–7 Reimbursement and costs incident to transfer.

(a) Reimbursement upon transfer of personal property forfeited or voluntarily abandoned other than by court decree shall be in accordance with § 101–43.315–3.

(b) Reimbursement for judicially forfeited property shall be in accordance with provisions of the court decree.

(c) Commercial charges incurred at the time of and subsequent to forfeiture or voluntary abandonment but prior to transfer shall be borne by the transferee agency when billed by the commercial organization.

(d) The direct costs incurred by the holding agency prior to the transfer of forfeited or voluntarily abandoned property shall be borne by the transferee agency when billed by the holding agency. Overhead or administrative costs or charges shall not be included. Only costs set forth in 40 U.S.C. 304j, such as storage, packing, preparation for shipment, loading, and transportation, shall be recovered by the holding agency.

§ 101–48.101–8 Billing.

(a) Each holding agency shall be responsible for billing and collecting the

costs of care and handling, as well as the fair value of property transferred to other agencies, when such reimbursement is required in accordance with § 101–43.315–3.

(b) Commercial organizations accruing charges prior to transfer shall be responsible for billing and collecting these charges from the transferee agency.

§ 101–48.101–9 Disposition of proceeds.

Where reimbursement for fair value is to be made in accordance with § 101–43.315–3, the fair value proceeds shall be deposited in the Treasury to miscellaneous recipts or in the appropriate agency account by the transferor agency.

§ 101–48.102 Abandoned or other unclaimed property.

§ 101–48.102–1 Vesting of title in the United States.

Abandoned or other unclaimed property, subject to the provisions of section 203(m) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(m)), shall remain in the custody of and be the responsibility of the agency finding such property. The property shall be held for a period of 30 days from the date of finding such property. Upon expiration of this 30-day period, title to such property vests in the United States, except that title reverts to the owner where a proper claim is filed by the owner prior to official use or transfer for official use and, if there is no official use or transfer for official use, prior to sale of the property.

§ 101–48.102–2 Reporting.

(a) Abandoned or other unclaimed property not utilized by the holding agency shall be reported and handled in the same manner as excess property under Subpart 101–43.3, except as provided in § 101–48.102–2(b).

(b) Abandoned or other unclaimed property which, by the provisions of § 101–43.311, is not required to be reported and which is not otherwise transferred pursuant to Subpart 101–43.3, shall be subject to the provisions of Subpart 101–48.3.

§ 101–48.102–3 Reimbursement.

Reimbursement of fair market value, as determined by the head of the finding or transferor agency, shall be required in connection with official use by the finding agency or transfer for official use of abandoned or other unclaimed property. Fair market value as used herein does not mean fair value as determined under § 101–43.315–3.

§ 101–48.102–4 Proceeds.

Reimbursement for official use by the finding agency or transfer for official use of abandoned or other unclaimed property shall be deposited in a special fund by the finding or transferor agency for a period of at least 3 years. A former owner may be reimbursed from the special fund, based upon a proper claim made to the finding or transferor agency and filed within 3 years from the date of vesting of title in the United States. Such reimbursement shall not exceed fair market value at the time title was vested in the United States, less the costs incident to the care and handling of such property as determined by the head of the agency concerned.

Subpart 101–48.2—Donation of Abandoned and Forfeited Personal Property

§ 101–48.200 Scope of subpart.

This Subpart 101–48.2 prescribes the policies and methods governing the donation by Federal agencies of abandoned and forfeited property in their custody or control in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Virgin Islands.

§ 101–48.201 Donation of forfeited distilled spirits, wine, and malt beverages.

§ 101–48.201–1 General.

Forfeited distilled spirits, wine, and malt beverages for which there is no Federal utilization shall be made available to appropriate eleemosynary institutions prior to other disposition.

§ 101–48.201—2 Establishment of eligibility.

Eleemosynary institutions desiring to obtain available distilled spirits, wine, and malt beverages shall submit GSA Form 18, Application of Eleemosynary Institution (see § 101–48.4902–18), to the General Services Administration (3FW), Washington, D.C. 20407. The Office of Management and Budget Approval Number 29–R0012 has been assigned to this reporting requirement.

§ 101–48.201–3 Requests by institutions.

Eligible institutions desiring to obtain available distilled spirits, wine, and malt beverages shall show on the GSA Form 18, Application of Eleemosynary Institution, the kind and quantity desired. The Federal Supply Service, GSA Region 3, will inform the eligible institution when such alcoholic beverages become available, request confirmation that the institution's requirement is current, and inform the institution that shipment will be initiated upon such confirmation.

§ 101–48.201–4 Filling requests.

The GSA Regional Administrator, Region 3, will authorize the seizing agency to fill such requests as he may determine proper to ensure equitable distribution among requesting institutions.

§ 101–48.201–5 Donation of lots not required to be reported.

Forfeited distilled spirits, wine, and malt beverages not required to be reported under § 101–48.101–5 may be donated to eleemosynary institutions known to be eligible therefor if the beverages are determined by the seizing agency to be suitable for human consumption. The holding agency shall promptly report such donations by letter to the General Services Administration (3FW), Washington, DC 20407. This report shall state the quantity and type so donated, the name and address of the donee institution, and the date of the donation.

§ 101–48.201–6 Packing and shipping costs.

The receiving institutions shall pay all costs of packing, shipping, and transportation.

Subpart 101–48.3—Disposal of Abandoned and Forfeited Personal Property

§ 101–48.300 Scope of subpart.

This Subpart 101–48.3 prescribes the policies and methods governing the disposal of abandoned or other unclaimed, voluntarily abandoned, or forfeited personal property which may come into the custody or control of any Federal agency in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Virgin Islands. Property in this category located elsewhere shall be disposed of under the regulations of the agency having custody thereof.

§ 101–48.301 General.

Any property in the custody of a Federal agency which is not desired for retention by that agency nor utilized within any Federal agency in accordance with Subpart 101–48.1 nor donated in accordance with Subpart 101–48.2 shall be disposed of in accordance with the provisions of this Subpart 101–48.3.

§ 101–48.302 Distilled spirits, wine, and malt beverages.

(a) Distilled spirits, wine, and malt beverages (as defined in § 101–48.001) which are not required to be reported under § 101–48.101–5(c)(4) shall be destroyed as prescribed in § 101–48.302(b); distilled spirits, wine, and malt beverages which are not required to be reported under § 101–48.101–5(c)(5) and which have not been donated as prescribed in Subpart 101–48.2 shall be destroyed in like manner.

(b) When reportable abandoned or forfeited distilled spirits, wine, and malt beverages are not retained by the holding agency, transferred to another agency, or donated to an eleemosynary institution by GSA, the Regional Administrator, General Services Administration, Region 3, will issue clearance to the agency which submitted the report as prescribed by § 101–48.101–5 for destruction of the distilled spirits, wine, and malt beverages. A record of the destruction showing time, place, and nomenclature and quantities destroyed shall be filed with papers and documents relating to the abandonment or forfeiture.

§ 101–48.303 Firearms.

Abandoned or forfeited firearms or voluntarily abandoned firearms shall not be sold as firearms. They may be disposed of by sale as scrap in the manner prescribed in § 101–45.309–4.

§ 101–48.304 Property other than distilled spirits, wine, and malt beverages and firearms.

(a) Property forfeited other than by court decree or voluntarily abandoned, except distilled spirits, wine, and malt beverages and firearms, which is not returned to a claimant, retained by the agency of custody, or transferred in accordance with Subpart 101–48.1 may be released to the holding agency by the Regional Administrator, General Services Administration, Region 3, for public sale except as otherwise provided by law.

(b) Abandoned or other unclaimed property which is not retained by the holding agency, not transferred to another agency, or not required to be reported by the provisions of § 101–48.102, may be reported for sale to the appropriate selling activity at any time after title vests in the United States as provided in § 101–48.102–1.

(c) Voluntarily abandoned, abandoned, or other unclaimed property and, in the absence of specific direction by a court, forfeited property, normally shall be sold by competitive bid as prescribed in § 101–45.304–1, subject to the same terms and conditions as would be applicable to the sale of surplus personal property. Voluntarily abandoned, abandoned, or other unclaimed property and forfeited property may be sold also by negotiation at the discretion of the selling agency but only under the circumstances set forth in § 101–45.304–2. Such property shall be identified by the holding agency as abandoned or other unclaimed, voluntarily abandoned, or forfeited property, and shall be reported for sale to the appropriate GSA regional office or to such other agency as otherwise is responsible for selling its surplus personal property unless specifically required by law to be sold by the holding agency.

§ 101–48.305 Disposition of proceeds from sale.

§ 101–48.305–1 Abaandoned or other unclaimed property.

(a) Proceeds from sale of abandoned or other unclaimed property shall be deposited in a special fund by the finding agency for a period of 3 years. A former owner may be reimbursed for abandoned or other unclaimed property which had been disposed of in accordance with the provisions of this Subpart 101–48.3 upon filing a proper claim with the finding agency within 3 years from the date of vesting of title in the United States. Such reimbursement shall not exceed the proceeds realized from the disposal of such property less disposal costs and costs of the care and handling of such property as determined by the head of the agency concerned.

(b) Records of abandoned or other unclaimed property shall be maintained in such a manner as to permit identification of the property with the original owner, if known, when such property is offered for sale. Records of proceeds received from the sale of abandoned or other unclaimed property shall be maintained as part of the permanent file and record of sale until the 3-year period for filing claims has elapsed.

§ 101–48.305–2 Forfeited or voluntarily abandoned property.

Proceeds from sale of property which has been forfeited other than by court decree, by court decree, or which has been voluntarily abandoned, shall be deposited in the Treasury of the United States as miscellaneous receipts or in such other agency accounts as provided by law or regulations.

Subparts 101–48.4—101–48.48 [Reserved]

Subpart 101–48.49—Illustrations of Forms

§ 101–48.4900 Scope of subpart.

This subpart illustrates forms prescribed for use in connection with subject matter covered in this Part 101–48.

§ 101–48.4901 [Reserved]

§ 101–48.4902 GSA forms.

(a) GSA forms in this section show their text, format, and arrangement and provide a ready source of reference.

(b) Agency field offices should obtain the GSA forms illustrated in this Subpart 101–48.49 by submitting their consolidated requirements to their Washington headquarters office which will forward consolidated requirements to the General Services Administration (BRO), Washington, DC 20405.

§ 101–48.4902–18 GSA Form 18, Application of Eleemosynary Institution.

NOTE.—The form illustrated at § 101–48.4902–18 is filed with the original document.

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

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

Dated: February 23, 1977.

WALLACE H. ROBINSON, Jr.,
Commissioner,
Federal Supply Service.

[FR Doc.77–8002 Filed 3–17–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21037, RM–2755]

RADIO BROADCAST SERVICES

FM Broadcast Station in Summersville, West Virginia; Order Extending Time for Filing Reply Comments

Adopted: March 10, 1977.

Released: March 14, 1977.

In the matter of amendment of section 73.202(b), table of assignments, FM broadcast stations. (Summersville, West Virginia.)

By the Chief, Broadcast Bureau:

1. On December 30, 1976, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding, 42 FR 3186. The date for filing comments has expired and the date for filing reply comments is presently March 7, 1977.

2. On March 7, 1977, counsel for R & S Broadcasting, Inc., proponent in this proceeding, requested that the Commission waive Section 1.46 of its Rules and that the time for filing reply comments be extended to and including March 14, 1977. Counsel states that he was retained by proponent on March 3, and was advised that a counterproposal had been filed in the instant proceeding. On March 4, he examined the docket at the Commission in order to be able to respond to the counterproposal but found that the counterproposal was not contained in the docket. Counsel indicates that the party that filed the counterproposal has transmitted a copy of the document to him on March 7, but Counsel points out that additional time is necessary to analyze the counterproposal and respond to it. Counsel for the party filing the counterproposal indicates that no objection will be interposed to the requested extension.

3. Pursuant to the provisions of § 1.46 of the rules, motions for extensions of time are to be filed seven days prior to the filing date to afford the Commission sufficient time to act on the request and to give timely notice of the action to interested persons. Late-filed requests will be considered in case of last minute emergencies which could not have been anticipated by the party requesting the extension. We believe that good cause has been shown in this instance, and that justification for an extension has been shown, so we are granting the request.

4. Accordingly, *it is ordered,* That the petition for waiver of Section 1.46 of the Commission's Rules and request for extension of time filed by Counsel for R & S Broadcasting Company, Inc. are granted, and the date for filing reply comments in Docket 21037 is extended to and including March 14, 1977.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

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

[FR Doc.77–8200 Filed 3–17–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 258]

[Doc. No. 76–01]

RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976, AS AMENDED

Public Meeting to Discuss Proposed Evaluation Standards

Proposed standards for evaluation of applications for financial assistance under section 505 of the Railroad Revital-

ization and Regulatory Reform Act of 1976, as amended, were published for comment on January 25, 1977.

The Association of American Railroads and the Chicago and North Western Transportation Company have requested the opportunity to meet with representatives of the Federal Railroad Administration ("FRA") to discuss the proposed standards and recommendations they have made with respect to the proposed standards. In response to these requests, the FRA will sponsor a meeting to discuss those matters with interested members of the public. The meeting is scheduled for Tuesday, April 5, 1977, at 10:00 a.m., in room 3328 of the Nassif Building, 400 Seventh Street SW., Washington, D.C.

Dated: March 16, 1977.

BRUCE M. FLOHR,
Deputy Administrator,
Federal Railroad Administration.

[FR Doc.77-8363 Filed 3-17-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1201 and 1206]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES AND MOTOR CARRIERS OF PASSENGERS

Accounting for Subsidies; Request for Information

FEBRUARY 18, 1977.

The Bureau of Accounts is developing accounting and reporting rules for subsidies received from Federal, state and local authorities. To further our research on this subject we are asking comments and suggestions from interested parties. The discussion which follows represents our research to date and is intended solely for comment. It does not order changes to our accounting systems.

For accounting purposes, the terms "grant" and "subsidy" are generally synonymous. For simplicity, we will refer to all forms of government donations as subsidies.

BACKGROUND

In recent years, Federal, state and local authorities have provided several of the nation's railroad and bus companies with large amounts of financial aid in the form of subsidies. This aid represents an important source revenue for these carriers.

Subsidies are given for a variety of purposes, and may take the form of money or other assets. They may benefit the recipient only in the period received, over several periods, or in some cases, indefinitely.

Because large sums are involved, proper accounting and reporting of subsidies is necessary to prevent misinterpretation of the recipient's financial statements. Improper treatment may understate the level of losses a firm suffers, distort operating and other ratios, and preclude meaningful comparisons with previous years' financial statements.

RECOMMENDED ACCOUNTING

We believe that proper accounting is achieved by generally viewing the receipt of subsidies as operating revenue. Subsidies are essentially payment for current or future services of the recipient, which it earns in connection with profit-directed activities.

We further believe that recognition of a subsidy as operating revenue should correspond to the duration of benefits provided by that subsidy. Accordingly, subsidies which offer benefits only to the current period should be accounted for as operating revenue when received, and subsidies which provide future benefits should be deferred when received, and recognized over several periods.

Subsidies benefiting only the current period are those given to replenish working capital, and include subsidies specifically designated for continuation of a particular service, to cover operating expenses, or those provided for use at the discretion of management. Subsidies providing future benefits are those in the form of depreciable fixed assets, or funds designated by the donor for the purchase of such assets. We believe that subsidies of this type should be recognized as operating revenue over the depreciable lives of the assets to which they apply, because the benefit of these subsidies corresponds to the usefulness of the related assets.

In certain circumstances subsidies should be regarded as contributed capital. Such treatment is appropriate for (1) subsidies in the form of, or designated for the purchase of nondepreciable assets, and (2) capital expenditure subsidies given by the Federal government to Amtrak and ConRail.

Donations of land or other nondepreciable assets provide benefits to the recipient indefinitely. Furthermore, they cannot be related to specific accounting periods. For these reasons, they represent a contribution to the permanent capital structure of the recipient and are appropriately accounted for as contributed capital.

Capital expenditure subsidies from the Federal government to Amtrak and ConRail also represent capital contributions. We believe that the Federal government has a vested interest in the continued financial viability of both these firms, and that the donations are provided to protect this interest. Therefore, capital expenditure subsidies under these conditions more closely resemble stockholder donations than payment for services.

There are no standard criteria for determining what constitutes a vested interest. However, we believe that if a donor has an ownership interest in the donee, or if it maintains a position of authority in the firm, then a vested interest exists. We believe that the acts of Congress which created these corporations (and subsequent amendments) grant the Federal government sufficient authority over their operation to constitute a vested interest.

RECOMMENDED DISCLOSURE

Proper reporting of subsidies is also necessary to prevent misinterpretation of the recipient's financial statements. Therefore, subsidies should be reported in a manner which highlights their effect on the financial statements. On the income statement, subsidies should be shown as a separate classification of operating revenues. On the balance sheet, subsidies representing deferred revenue should be shown separately from other deferred credits, and donations regarded as contributed capital should also be separated from other paid-in capital. We believe that this manner of reporting subsidies will facilitate analysis of a recipient's financial statements both with and without the effect of subsidies. The following is a sample revenue section of the income statement:

Operating revenues (exclusive of subsidies)	
Operating subsidies	
Amortization of deferred subsidies	
Total operating revenues	
Operating expenses	

* * * * *

RESPONSE DATE

We would appreciate receiving comments and suggestions on our recommended accounting and reporting treatment of subsidies by April 1, 1977.

JOHN A. GRADY,
Director, Bureau of Accounts.

[FR Doc.77-8235 Filed 3-17-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 280]

YELLOWFIN TUNA

Public Hearing Rescheduled and Comment Period Extended

Notice is hereby given, pursuant to the Tuna Conventions Act of 1950, the amended, that the public hearing announced in the FEDERAL REGISTER, March 4, 1977 (42 FR 12443) and scheduled for March 10, 1977, concerning miscellaneous amendments to the regulations that implement recommendations adopted by the Inter-American Tropical Tuna Commission has been postponed because certain concerned segments of the tuna fishing industry have been attending Senate over-sight hearings on the Marine Mammal Protection Act of 1972 in Washington, D.C. at the same time. Therefore, to afford all interested persons an opportunity to make comments, the hearing has been rescheduled for March 22, at 9:30 a.m. at the United Portuguese Club, 2818 Addison Street, San Diego, California. The date for the submission of written comments has also been extended until March 28, 1977.

Issued at Washington, D.C., and dated March 14, 1977.

JACK GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-8220 Filed 3-17-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

LAND USE PLAN—PINKHAM-FORTINE-ALKALI PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan—Pinkham-Fortine-Alkali Planning Unit, Forest Service Report Number USDA-FS-R1(14)-DES-Adm-77-8.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Pinkham-Fortine-Alkali Planning Unit, Rexford and Fortine Ranger Districts, Kootenai National Forest, Lincoln County, Montana. About 152,901 acres of National Forest land are affected. The planning unit is divided into nine subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was transmitted to CEQ on March 11, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA Forest Service, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.
USDA, Forest Service, Eureka Ranger Station, Eureka, MT 59917.
USDA, Forest Service, Murphy Lake Ranger Station, Fortine, MT 59918.

A limited number of single copies are available upon request to:

USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.
USDA, Forest Service, Eureka Ranger Station, Eureka, MT 59917.
USDA, Forest Service, Murphy Lake Ranger Station, Fortine, MT 59918.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Floyd J. Marita, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.

Comments must be received by May 16, 1977, in order to be considered in the preparation of the final environmental statement.

FLOYD J. MARITA,
Forest Supervisor, Kootenai National Forest, Northern Region, Forest Service.

MARCH 11, 1977.

[FR Doc.77-8000 Filed 3-17-77;8:45 am]

Rural Electrification Administration

COOPERATIVE POWER ASSOCIATION AND UNITED POWER ASSOCIATION

Supplement to Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Supplement to the Final Environmental Impact Statement (FEIS) relating to the installation of two 450 MW steam generating units near Underwood, North Dakota, and associated ±400 kV dc transmission lines, and other related transmission facilities. These facilities are to be installed by Cooperative Power Association of Minneapolis, Minnesota, and United Power Association of Elk River, Minnesota. The Supplement to the Final Environmental Impact Statement discusses certain modifications to the dc transmission line routing as originally proposed in the FEIS. These modifications were prescribed by the North Dakota Public Service Commission.

This information supplements the material presented in the Final Environmental Impact Statement which was made available to the Council on Environmental Quality and the public on August 6, 1974.

Additional information may be secured by submitting a request to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Supplement to the Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrowers' addresses indicated above.

Final REA action with respect to construction of the North Dakota segments of the transmission line which were altered from the routing specified in the original FEIS may be taken after thirty (30) days, and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 11th day of March, 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-7846 Filed 3-17-77;8:45 am]

MINNKOTA POWER COOPERATIVE, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $12,000,000 to Minnkota Power Cooperative, Inc. of Grand Forks, North Dakota and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of $10,000,000 to this cooperative. The loan funds will be used to finance 117 miles of 69 kV transmission line and related substations; load management control equipment, microwave and supervisory control additions; a 00 kW diesel generator; improvements to generation, transmission and headquarters facilities; and cost overruns on previously approved projects.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Andrew Freeman, Manager, Minnkota Power Cooperative, Inc., P.O. Box 1318, Grand Forks, North Dakota 58201.

In order to be considered, proposals must be submitted on or before April 18, 1977 to Mr. Freeman. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Minnkota Power Cooperative and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Serv-

ices Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 9th day of March, 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-7678 Filed 3-17-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH OFFICE OF EXCEPTIONS AND APPEALS

Week of February 25 Through March 4, 1977

Notice is hereby given that during the week of February 25 through March 4, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service or notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

MARCH 13, 1977.

APPENDIX.—*List of cases received by the Office of Exception and Appeals, week of Feb. 25 through Mar. 4, 1977*

Date	Name and location of applicant	Case No.	Type of submission
Feb. 25, 1977	Linden's Propane Service, Inc., LaGrange, Ohio. (If granted: Linden's Propane Service, Inc. would be assigned a new, lower-priced supplier of propane to replace its base period supplier, the Union Oil Co. of California.)	FEE-3744	Exception to change base period supplier (sec. 211.9).
Do	Monsanto Co., St Louis, Mo. (If granted: The Monsanto Co. would not be identified as one of the 50 most energy-consumptive corporations and would be exempted from the sec. 375(a) requirement that it report the progress it has made in improving its energy efficiency to the FEA.)	FEA-1291	Appeal of FEA notice at 41 F.R. 54977 (Dec. 16, 1976).
Do	Sauder, Earl W., Emporia, Kans. (If granted: The FEA's Jan. 10, 1977, decision and order granting a stay of the requirements of a remedial order issued to Sauder on Nov. 4, 1976 would be modified.)	FEX-0133	Supplemental order.
Do	Standard Oil Co. (Indiana), Chicago, Ill. (If granted: The Standard Oil Co. (Indiana) would receive a temporary stay of a portion of its December 1976 entitlements purchase obligation and would not be required to purchase 125,035 of the entitlements specified in the entitlement notice published by the FEA in February 1977.)	FST-0003	Request for temporary stay.
Do	United Refining Co., Warren, Pa. (If granted: United Refining Co. would receive an increase in the number of entitlements that it is permitted to sell pursuant to 10 CFR 211.67.)	FEE-3743	Exception to old oil entitlements program (sec. 211.67).
Feb. 28, 1977	Alpine Butane Co., Inc., Houston, Tex. (If granted: The FEA's Jan. 21, 1977 remedial order would be rescinded and the Alpine Butane Co., Inc. would not be required to refund alleged overcharges on sales of natural gas liquids.)	FRA-1297	Appeal of FEA region VI's remedial order dated Jan. 21, 1977.
Do	Lunday-Thagard Oil Co., South Gate, Calif. (If granted: The Lunday-Thagard Oil Co. would be required to purchase entitlements to offset excessive benefits or sell entitlements to offset insufficient benefits received as a result of the entitlements exception relief granted in its 1976 fiscal year.)	FEX-0123	Supplemental order.
Do	National Helium Corp., Liberal, Kans. (If granted: The National Helium Corp. would receive an extension of the exception relief granted in the FEA's Sept. 20, 1976, decision and order and would thereby be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $.005 per gallon.)	FXE-0091	Extension of exception relief granted in National Helium Corp., 4 FEA par. 83,103 (Sept. 20, 1976).
Do	Pennzoil Producing Co., Washington, D.C. (If granted: Crude oil produced from the North Perry Unit located in Yazoo County, Miss., would be sold at upper tier ceiling prices for the benefits of both the working interest owners and the royalty owners.)	FEE-3333	Price exception (sec. 212.73).
Do	EDG, Inc. (Edgington), Long Beach, Calif. (If granted: EDG, Inc. would be required to purchase entitlements to offset excessive benefits or sell entitlements to offset insufficient benefits received as a result of the entitlements exception relief granted in the firm's 1976 year.)	FEX-0127	Supplemental order.
Do	Enterprise Products Co., Inc., Houston, Tex. (If granted: The FEA's Feb. 16, 1977, remedial order would be rescinded and Enterprise Products Co., Inc. would not be required to offer for sale to Home Products, Inc. its base period use of propane.)	FRA-1300	Appeal of FEA region IV's remedial order dated Feb. 16, 1977.
Do	Hauer, James A., Elm Grove, Wis. (If granted: The FEA's Feb. 11, 1977, information request denial would be rescinded and James A. Hauer would receive access to certain documents relating to an FEA study of lease cancellations at retail gasoline stations prepared by the FEA's office of regulatory programs.)	FFA-1296	Appeal of FEA information request denial dated Feb. 11, 1977.

Date	Name and location of applicant	Case No.	Type of submission
Do	Sun Oil Co., Dallas, Tex. (If granted: The Sun Oil Co. would receive an extension of the exception relief granted in the FEA's Dec. 28, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $.005 per gallon for natural gas liquid products produced at the Carney plant and the Tonkawa plant.)	FXE-3389 FXE-3390	Extension of relief granted in Sun Oil Co., 5 FEA par. .... (Dec. 29, 1976).
Mar. 1, 1977	Belcher Oil Co., Washington, D.C. (If granted: Belcher Oil Co. would be permitted to purchase from domestic refiners approximately 1 million barrels of residual fuel oil to alleviate the shortage caused by the severe winter and those refiners would not lose any entitlements benefits for the months of March and April 1977.)	FEE-3392	Exception to old oil entitlements program sec. 211.67).
Do	Coline Gasoline Corp. (Rincon), Washington, D.C. (If granted: The Coline Gasoline Corp. would receive an extension of the exception relief granted in the FEA's Sept. 22, 1976, decision and order which would permit the firm to increase its prices to reflect nonproduct cost increases in excess of $.005 per gallon for natural gas liquid products produced at the Rincon plant.)	FXE-3395	Extension of exception relief granted in Coline Gasoline Corp., 4 FEA par. 83,100 (Sept. 22, 1976).
Do	Northwest Propane, Inc., Farmington, Mich. (If granted: Northwest Propane, Inc. would receive an extension of the exception relief granted in the FEA's Dec. 22, 1976, decision and order which resulted in the assignment of a lower-priced supplier of propane to replace the firm's base period supplier, Petrolane.)	FXE-3391	Extension of exception relief granted in Northwest Propane, Inc., 5 FEA par. .... (Dec. 22, 1976).
Do	Time Oil Co., Bellevue, Wash. (If granted: The Time Oil Co. would be granted an exception which would permit it to recalculate the passthrough of increased nonproduct costs on a proportional basis for 1975.)	FEE-3393	Exception to sequential non product cost passthrough.
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: The FEA's Dec. 23, 1976, decision and order issued to the Pennzoil Producing Co. would be modified and crude oil produced from the North Perry unit located in Yazoo County, Miss., would be sold at upper tier ceiling prices for the benefit of the royalty owners as well as the working interest owners.)	FXA-1208	Appeal of decision and order in Pennzoil Producing Co., 5 FEA par. .... (Dec. 23, 1976).
Mar. 2, 1977	Atlantic Richfield Co., Philadelphia, Pa. (If granted: The FEA's Feb. 16, 1977, remedial order would be rescinded and the Atlantic Richfield Co. would not be required to supply petroleum products to Dennis J. Blandin.)	FRA-1209 FRS-1209	Appeal of FEA region I remedial order dated Feb. 16, 1977. Stay requested.
Do	Cities Service Co., Tulsa, Okla. (If granted: The FEA's Dec. 22, 1976, special report order would be rescinded and the Cities Service Co. would not be required to file certain information with respect to its May 1973 purchases of petroleum products.)	FSC-0038 FES-0971	Request for special redress. Stay requested.
Do	Guam Oil & Refining Co., Washington, D.C. (If granted: The Guam Oil & Refining Co. would receive a stay of the requirement that it file form P102-M-1 in accordance with a Feb. 11, 1977, interpretation pending the final determination of the appeal from that interpretation which the firm intends to file.)	FES-1212	Stay request.
Do	Kerr-McGee Corp. (Dubach), Oklahoma City, Okla. (If granted: The Kerr-McGee Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $.005 per gallon for natural gas liquid products produced at the Dubach plant.)	FEE-3396	Price exception (sec. 212.165).
Do	Limpp Oil Co., Marshall, Mo. (If granted: The Limpp Oil Co. would be assigned a new, lower-priced supplier of motor gasoline to replace two of its base period suppliers, Coastal States Refining and Gas Del-Oro.)	FEE-3397	Exception to change base period supplier (sec. 211.9).
Do	Pester Refining Co.; American Petrofina, Inc., Des Moines, Iowa. (If granted: The FEA's Jan. 31, 1977, decision and order would be modified and Pester Refining Co. would receive additional exception relief in connection with its acquisition of the El Dorado refinery from American Petrofina, Inc.)	FXA-1210	Appeal of decision and order in Pester Refining Co.; American Petrofina, Inc., 5 FEA par. .... (Jan. 31, 1977).
Mar. 3, 1977	Grier Oil Co. Aberdeen, Md. (If granted: The FEA's Feb. 18, 1977, remedial order would be stayed and the Grier Oil Co. would not be required to refund alleged overcharges on sales of No. 2 heating oil.)	FST-0034	Request for temporary stay.
Do	Kern County Refinery, Inc., Bakersfield, Calif. (If granted: The entitlement relief granted in the FEA's June 18, 1976 and Dec. 15, 1976, decision and orders would be modified on the base of a revised historical profit margin for the firm.)	FXA-1211	Appeal of decision and order in Kern County Refinery, Inc., 4 FEA par. 83,226 (June 18, 1976); and Kern County Refinery, Inc., 4 FEA par. 83,240 (Dec. 15, 1976).
Do	Quaker State Oil Refining Corp., Oil City, Pa. (If granted: The Quaker State Oil Refining Corp. would be granted an exception which would permit it to recalculate the passthrough of increased nonproduct costs on a proportional basis for 1975.)	FEE-3398	Exception to sequential nonproduct cost passthrough.
Do	R. V. Whittmer Thermogas Co., Akron, Ohio. (If granted: The R. V. Whitmer Thermogas Co. would receive a stay of the requirements of the FEA's Feb. 14, 1977, notice of probable violation pending a final determination of its application for exception.)	FES-3543	Stay request.
Do	Sun Co., Inc., Dallas, Tex. (If granted: The Sun Co. would receive an extenstion of the exception relief granted in the FEA's Sept. 29, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $.005 per gallon for natural gas liquid products produced at the following natural gas plants: Burnell, Canales, Concho, Maurice, Mermentau, and Peoria.)	FXE-3900 FXE-3905	Extension of exception relief granted in Sun Oil Co., 4 FEA par. 83,136 (Sept. 29, 1976).

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Union Oil Co. of California, Los Angeles, Calif. (If granted: The Union Oil Co. of California would be permitted to recover the increased costs incurred in supplying turbine fuel in Salt Lake City in the turbine fuel product category instead of recovering the costs in the marketing category as required in 10 CFR 212.83(c)(2)(i)(E)(X).)	FEE-3899	Price exception (sec. 212.83).
Mar. 4, 1977...	ICF Inc., Washington, D.C. (If granted: The FEA's Feb. 2, 1977, information request denial would be rescinded and ICF Inc. would receive access to a machine readable copy of the coal model code and data base which ICF had developed for the FEA.)	FFA-1213	Appeal of FEA's information request denial dated Feb. 2, 1977.

[FR Doc.77-7854 Filed 3-14-77;2:04 pm]

ISSUANCE OF DECISIONS AND ORDERS BY OFFICE OF EXCEPTIONS AND APPEALS

Week of December 20 Through December 24, 1976

Notice is hereby given that during the week of December 20 through December 24, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Consumers Power Co.; Jackson, Miss.; FEA-0884; Crude Oil

Consumers Power Company appealed from a Decision and Order in which the FEA denied a prior Application for Exception which the firm had submitted from the provisions of 10 CFR 214.31 (the Mandatory Canadian Crude Oil Allocation Program). *Consumers Power Co.*, 3 FEA Par. 83,210 (June 7, 1976). The Consumers Appeal, if granted, would result in the firm's base period use of Canadian crude oil being increased by 9,474 barrels per day. In its Appeal, Consumers claimed that the exception Decision was erroneous because the base period which was used to determine its Canadian crude oil allocation was unrepresentative of its customary activities and was not a normal period of business activity for the firm. In considering the Appeal, the FEA determined that Consumers' base period use of Canadian crude oil at its Marysville, Michigan SNG plant actually exceeded the average annual use of that feedstock during the three-year operating history of the plant. The FEA also found that the plant's production of SNG during the base period was only 10.7% less than the anticipated production of the facility at full capacity. Based on this data, the FEA concluded that Consumers had failed to demonstrate that its use of Canadian crude oil during the base period was so unrepresentative of its normal activities as to warrant exception relief. The FEA also found that Consumers had failed to present sufficient evidence to demonstrate that the Canadian Crude Oil Allocation Program would significantly impair the firm's overall financial posture or its operations in any manner, or that its customers would incur a serious hardship in the absence of exception relief. The Consumers Appeal was therefore denied.

Fortune Drilling Corp.; San Angelo, Tex.; FEA-0994; Crude Oil

The Fortune Drilling Corporation (Fortune) appealed from a Decision and Order in which the FEA denied the firm's request that retroactive exception relief be granted from the provisions of 10 CFR, Part 212, Subpart D. *Fortune Drilling Corp.*, 4 FEA Par. 83,079 (September 20, 1976). The present Appeal if granted, would permit Fortune to retain $66,250 in revenues which it realized from charging prices in excess of the maximum allowable levels for the crude oil which the firm produced and sold from the Ruth Gordon Lease (the Lease) in Tom Green County, Texas during the period November 1973 through May 1975. In considering the Appeal, the FEA affirmed the previous determination that Fortune had not demonstrated that the general application of the FEA regulatory requirements resulted in a serious hardship or gross inequity and further concluded that the firm should not be permitted to enjoy the benefits of its self-serving interpretation of the term "property" since it had failed to seek an administrative clarification in a timely manner. With respect to Fortune's claim that it would have been forced to abandon crude oil recovery operations if it had in fact calculated maximum permissible price levels in accordance with the FEA regulatory program, the FEA held that the claim presented did not present a proper foundation for retroactive exception relief since Fortune could have requested prospective exception relief at any time if its operating expenses did exceed its net revenues. *See Great Southern Oil and Gas Co.*, 3 FEA Par. 83,111 (February 27, 1976). The FEA also rejected the firm's claim that it would be unduly burdensome to require Fortune to collect the revenues which it had realized from past overcharges and paid to royalty interest owners in the event that a compliance action is initiated against the firm. On the basis of these conclusions, the Fortune Appeal was denied.

Gulf Oil Corp.; Tulsa, Okla.; FEA-0888; Natural Gas Liquid Products

The Gulf Oil Corporation filed an Appeal from a Decision and Order which the Federal Energy Administration issued to it. *Gulf Oil Corp.*, 3 FEA Par. 83,207 (June 1, 1976). In the prior Order the FEA denied Gulf's request for an exception which would have permitted the firm to increase its selling prices for the natural gas liquid products which it produces at 68 natural gas processing plants to reflect increased non-product costs which it had experienced at those plants. The Appeal, if granted, would have resulted in the approval of the interim exception relief which Gulf originally requested for the period June 1 through August 31, 1976. In considering the Appeal, the FEA noted that the calculation and evaluation of non-product cost increases submitted in support of Applications for Exception from the provisions of Section 212.165 has generally been conducted on a plant-by-plant basis. In the previous exception proceeding, Gulf had submitted data for its 68 plants on an aggregate basis and had declined to submit cost data on a plant-by-plant basis as requested by the FEA. Since Gulf had failed to make a convincing showing that the particular facts presented in this case would properly lead to the conclusion that the agency should depart from the practice of reviewing cost data for natural gas processors on a plant-by-plant basis, the Gulf exception application was denied. On Appeal, Gulf merely reiterated the contentions which were previously considered and rejected by the FEA in the June 1, 1976 Decision. After reconsidering those contentions, the FEA concluded that Gulf had failed to establish that the determination reached in the previous Decision was erroneous in any way. The Gulf Appeal was accordingly denied.

Mid-America Refining Co., Inc.; Chanute, Kans.; FEA-0961; Diesel Fuel

The Mid-America Refining Company, Inc. (Mid-America) appealed from a Decision and Order in the FEA denied a prior request for retroactive exception which the firm had submitted. *Mid-America Ref. Co., Inc.*, 4 FEA Par. 83,014 (July 22, 1976). The Mid-America exception application concerned the provision of Section 212.83 of the FEA Mandatory Petroleum Price Regulations and, if granted, would have permitted the firm to retain the revenues which it realized from charging prices in excess of the maximum allowable prices. In its present Appeal, Mid-America requested that the FEA permit it to retroactively adjust its May 15, 1973 selling price for the No. 2-D diesel fuel which it sold to a certain class of purchaser. In considering the Appeal, the FEA affirmed its previous conclusion that retroactive exception relief was unwarranted since Mid-America had failed to pursue its administrative remedies in a timely manner. On the basis of an analysis of the firm's recent operating results the FEA also found no evidence that the possibility that Mid-America might be ordered to refund previous overcharges would cause the firm to experience an irreparable injury. Mid-America also contended that it was subject to a gross inequity as a result of FEA Price Regulations which required the firm to maintain a price differential of six cents per gallon its sales to one class of purchaser. In this regard, the FEA determined that the firm had failed to demonstrate that it was adversely affected to any significant degree as a result of the price differential of six cents for the class of purchaser concerned. On the basis of these conclusions, the Mid-America Appeal was denied.

Southland Oil Co.; Jackson, Miss.; FEA-0902, FEA-0903; Crude Oil

Southland Oil Company (Southland) filed two Appeals from a Decision and Order which the Federal Energy Administration issued to the firm on June 18, 1976. *Southland Oil Co.*, 3 FEA Par. 83,235 (June 18, 1976). In the June 18 Order the FEA granted in part Southland's Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). Under the terms of that Decision, Southland was relieved of a portion of its entitlements purchase obligation in oder to ensure that the Entitlements Program would not prevent the firm from achieving the lesser of its historic profit margin or return on invested capital. The first Southland Appeal (FEA-0902), if granted, would have resulted in an adjustment to the historical level of profitability which was used in determining the level of exception relief granted to Southland. The second Appeal (FEA-0903), if granted, would have required the FEA to use a cash method of expense accounting rather than an accrual method to measure the impact of the Entitlements Program on Southland's current level of profitability. The effect of each Appeal, if granted, would have been to increase the level of exception relief granted to Southland in the June 18 Order.

In considering the Southland request, the FEA stated that as a general rule it does not permit adjustments to the level of profitability actually reported by a firm for purposes of determining whether exception relief from the Entitlements Program is warranted. However, the FEA indicated that in certain circumstances it might be appropriate to deviate from this policy where a firm makes its request in a timely manner and where the firm demonstrates that (i) certain items in its historical financial statements are anomalous and do not reasonably reflect its current operations; (ii) in the absence of an adjustment, the firm's profit margin in the year concerned would be substantially lower than the profit margins achieved in its other years; (iii) in the absence of exception relief the firm would effectively be precluded from achieving a reasonable level of operating profits in the current fiscal year; and (iv) the adjustment sought by the firm results in a profit margin in the year concerned which is representative of the profit margin which the firm achieved in its other historical years. The FEA determined that Southland had failed to satisfy these standards.

Southland also requested that the FEA adjust the firm's historical operating results by deleting the firm's financial results in the years 1969–1971 from the seven year arithmetic average normally which the FEA generally used in evaluating exception applications with respect to the Entitlements Program submitted by small refiners. In considering the request, the FEA found that Southland had failed in at least one major resepct to met the criteria applied in previous cases where a firm's historical profitability in certain of its previous seven fiscal years had been excluded from the exceptions analysis.

In addition, Southland contended its current level of profitability should have been calculated on a cash basis of expense accounting rather than an accrual basis of expense accounting which the FEA began using in its analysis of exception relief in 1976. The FEA determined that there was no basis for concluding that the cash method of expense accounting should be used rather than the accural method of expense accounting. In addition the FEA determined that Southland had failed to support its contention that the cash method of accounting is the generally accepted method used by accountants or the petroleum industry. The Southland Appeals were therefore denied in all respects.

Tenneco Oil Co.; Houston, Tex.; FEA–0904; Crude Oil

The Tenneco Oil Company appealed from a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to the firm on June 8, 1976. In the Remedial Order the FEA Regional Office found that during the period January through November 1974 Tenneco sold the crude oil which it produced from its "Fee C" property located in Kern County, California at market price levels rather than the maximum permissible levels specified in the FEA Price Regulations. The FEA also concluded that in July 1974 Tenneco had improperly revised the base production control level (BPCL) for the Fee C property to exclude the crude oil which had been consumed on the property during 1972. Tenneco had used the crude oil involved to produce steam which was necessary to maintain crude oil extraction activities on the property. According to the Remedial Order, after Tenneco had revised the BPCL for the Fee C property, it retroactively billed the West Coast Oil Company at uncontrolled prices for Fee C crude oil which was sold to it during the period October 1973 through June 1974. The FEA Regional Office also found that on November 22, 1974, Tenneco had terminated its supplier/purchaser relationship with West Coast in violation of the provisions of 10 CFR 211.63. On the basis of these findings the Remedial Order directed Tenneco to (i) make refunds for previous overcharges on sales of Fee C crude oil to West Coast; (ii) reinstate the supplier/purchaser relationship between Tenneco and West Coast which Section 211.63 of the FEA Regulation requires the firm to maintain; and (iii) recalculate the BPCLs for all crude oil producing properties which Tenneco controls and prospectively determine the prices of all the crude oil which it sells in accordance with the principles set forth in the Remedial Order.

In considering Tenneco's Appeal, the FEA reviewed the legislative history of the two tier price system and concluded that a principal purpose of the system was to provide financial incentives to stimulate increased production of domestic crude oil. In view of the background of the two tier price system and the history of Tenneco's activities on the Fee C property, the FEA found that the term "produced and sold" should be interpreted in this case as meaning the amount of crude oil production from the property in the 1972 base year for which value was received. The FEA held that a producer such as Tenneco receives value when the crude oil which it extracted is exchanged for the payment of money, other crude oil, refined petroleum products, or services. Consequently, the FEA determined that even though a transfer did not occur in title to the Fee C crude oil which was processed in 1972 and returned to Tenneco in the form of residual fuel oil to be burned on the property, Tenneco received sufficient "value" within the meaning of the phrase "produced and sold" for the crude oil involved to properly be included within the BPCL. However, the FEA sustained Tenneco's contention that the Remedial Order erroneously required it to recalculate the BPCL for all of its crude oil producing properties. The FEA held that there were no findings in the Remedial Order which related to Tenneco's pricing practices for any crude oil producing properties other than the Fee C property. Under those circumstances there was no proper foundation for the conclusion that remedial action should be instituted with respect to those properties. Finally, the FEA determined that a new crude oil supply arrangement which Tenneco and West Coast entered into as a result of the Remedial Order does not excuse Tenneco of the obligation to refund previous overcharges to West Coast, and that West Coast in turn must pass through the refunds which it receives from Tenneco in the form of lower prices for the covered products which it sells to its customers. In order to ensure that the refunds are reflected in the prices West Coast charges for the products it sells, an order was entered in connection with the Appeal proceeding directing the FEA Deputy Assistant Administrator for Compliance to issue an Ancillary Order pursuant to 10 CFR 205.195(b) which directs West Coast to reduce its crude oil costs by the amount of the refunds whether or not West Coast ultimately retains the funds which it will receive. Tenneco's Appeal was therefore denied in part and granted in part.

Terrible Herbst, Inc.; Las Vegas, Nev.; FEA–1032; Motor Gasoline

Terrible Herbst, Inc. (Herbst) filed an Appeal from a Decision and Order in which the FEA denied a previous Application for Exception which the firm had submitted. *Terrible Herbst Oil Co., Inc.*, 4 FEA Par. 83,154 (October 15, 1976). The present Herbst Appeal, if granted, would result in the issuance of an order assigning a new supplier to furnish Herbst with motor gasoline in place of one of its base period suppliers, the Fletcher Oil and Refining Company. In considering the Appeal, the FEA found that since Herbst presented no new legal arguments or factual material in support of the Appeal, Herbst had failed to meet its burden of establishing by substantial and convincing evidence that the October 15 Order was erroneous in fact or law, or was arbitrary and capricious. The Appeal was therefore denied.

Wallace and Wallace Fuel Oil Co.; Washington, D.C.; FEA–1006; No. 2 Fuel Oil

The Wallace and Wallace Fuel Oil Company (Wallace) filed an Appeal from a Decision and Order which had been issued to it by FEA Region II on March 11, 1976. In the March 11 Order the FEA Regional Office denied a request for exception which Wallace had submitted from the provisions of 10 CFR 211.12 which would have increased the firm's adjusted annual base period use of No. 2 heating oil from 3,785,000 gallons to 12,683,735 gallons. In its Appeal, Wallace contended that an increase in its base period use was necessary to enable it to meet the increased requirements of its customers. In considering the Appeal, the FEA observed that the FEA regulations provide several mechanisms by which the firms which Wallace supplies might obtain increases in their base period use of allocated products. Since none of Wallace's customers had pursued their available administrative remedies, the FEA concluded that no showing had been made that a hardship or inequity would result to the customers involved in the absence of the specific exception relief which Wallace sought. The FEA also found that Wallace had failed to satisfy the criteria set forth in previous FEA Decisions in which exception relief had been approved to increase a marketer's base period use of an allocated product on gross inequity grounds. Finally, the FEA rejected Wallace's contention that the firm had been denied due process of law in the proceeding which led to the issuance of the March 11 Decision since the firm was accorded several opportunities to present its views to the Regional Office in that proceeding. The Wallace Appeal was accordingly denied.

REQUESTS FOR EXCEPTION

Barnes Petroleum Corp.; Mountain View, Okla.; FEE–3112; Crude Oil.

Barnes Petroleum Corporation (Barnes) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit the firm to sell crude oil which it produces from the Lewis Swanda Lease located in Kiowa County, Oklahoma, without regard to the requirements specified in the FEA Mandatory Petroleum Price Regulations. Subsequent to the date upon which Barnes filed its exception application, the relevant FEA regulations were amended in a manner which provided Barnes with the relief which the firm requested in its submission. Since the exception relief which Barnes requested was no longer necessary, the Barnes Application for Exception was dismissed.

Beacon Gasoline Co.; Tulsa, Okla.; FEE–3367; Natural Gas Liquid Products.

Beacon Gasoline Company filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for natural gas liquid products produced at its Minden gas plant to levels which are in excess of those permitted under Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products under the provisions of Section 212.165. The FEA

found that Beacon had made such a showing with respect to its Minden gas plant and therefore granted appropriate exception relief for that plant for the period January 1, 1977 through March 31, 1977.

Belridge Oil Co.; Los Angeles, Calif.; FEE-3395; Natural Gas Liquid Products.

Belridge Oil Company filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for natural gas liquid products produced at its Kern County gas plant to levels which are in excess of those permitted under Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under the provisions of Section 212.165. FEA found that Belridge had made such a showing with respect to its Kern County plant and therefore granted appropriate exception relief for that plant for the period January 1, 1977 through March 31, 1977.

Continental Oil Co.; Houston, Tex.; FEE-3505 and 3506; Natural Gas Liquid Products.

Continental Oil Company filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred at two of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product cost which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under the provisions of Section 212.165. The FEA found that Continental had made such a showing with respect to each of the two plants and therefore granted appropriate exception relief for the plants for the period December 20, 1976 through June 30, 1977

Gary Operating Co.; Englewood, Colo.; FEE-3375; Natural Gas Liquid Products.

Gary Operating Company filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for natural gas liquid products produced at its Bluebell gas plant to levels which are in excess of those permitted under Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products under the provisions of Section 212.165. The FEA found that Gary had made such a showing with respect to its Bluebell plant and therefore granted appropriate exception relief for that plant for the period January 1, 1977 through May 31, 1977.

Hewit and Dougherty; Austin, Tex.; FEE-3374; Natural Gas Liquids.

Hewit and Dougherty filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for natural gas liquids processed at its Roche gas plant to levels which are in excess of those permitted under Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.00375 per gallon passthrough for natural gas liquids permitted under the provisions of Section 212.165. The FEA found that Hewit and Doughtery had made such a showing with respect to its Roche plant and therefore granted appropriate exception relief for that plant for the period January 1, 1977 through June 30, 1977.

Hudson Oil Co., Midland Coops., Inc.; Kansas City, Kans., Minneapolis, Minn.; FEE-3107 and 3103; Crude Oil and Refined Petroleum Products.

The Hudson Oil Company (Hudson) and Midland Cooperatives, Inc. (Midland) filed submissions with the Federal Energy Administration seeking various types of administrative relief in connection with the proposed acquisition by Hudson of a refinery which Midland owns in Cushing, Oklahoma. In the Decision which it issued, the FEA noted that the Mandatory Petroleum Allocation and Price Regulations are not specifically designed to resolve the complex issues which are presented by the purchase and sale of an operating refinery. Consequently, the FEA decided that these issues should be resolved on an individual case-by-case basis through the exceptions process in order to avoid the occurrence of a situation in which the national objective of encouraging market entry by small and independent firms is frustrated.

Based upon the material submitted in this proceeding, the FEA determined that Hudson should be permitted to calculate its maximum allowable retail prices for gasoline by using its May 15, 1973 base prices as well as its purchased product costs and its non-product costs attributable to its marketing operations during May 1973. In addition, for purposes of calculating its maximum allowable retail prices, the FEA permitted Hudson to use Midland's May 1973 crude oil costs and the non-product costs attributable to the operation of the Cushing refinery during that month. In order to ensure that Hudson's prices in its first month of operation as a refiner would not be unusually low as a result of the fact that Hudson will not have any "banked" costs to include within the prices it charges for covered products, the FEA determined that Hudson should be permitted to use Midland's banked costs in calculating prices during the first month of Hudson's operation of the Cushing refinery. Hudson is required to refund to the marketplace the banked costs which it "borrowed" from Midland by reducing its bank on a pro rata basis for each month during the remainder of the first year of its operation of the Cushing refinery. The FEA also determined that Hudson should be permitted to compute its maximum allowable wholesale price for gasoline and its maximum allowable price for propane in accordance with the provisions of the New Item and New Market Rule set forth in 10 CFR 212.111.

With respect to the issues presented in the Hudson and Midland submissions involving the allocation of crude oil and refined petroleum products, the FEA determined that the following relief was appropriate: (i) Midland's supplier/purchaser relationships with its crude oil suppliers should be terminated and those suppliers should be assigned to supply Hudson with the quantities volumes of crude oil which they would be obligated to supply Midland under the provisions of 10 CFR 211.63; (ii) Hudson should be assigned to supply Midland with the amount of propane from the Cushing refinery which will enable Midland to meet its current propane supply obligations; (iii) Hudson should be permitted to exclude from its allocable supply and sell to Hudson the inventories specified in their Agreement of Purchase and Sale for Inventories and Supplies which exist at the Cushing refinery on the date on which the refinery is sold to Hudson; (iv) Hudson should be permitted to distribute petroleum products from the Cushing refinery to its own retail outlets without regard to the surplus product report requirements set forth in 10 CFR 211.10(g). The FEA further determined that subsequent to the refinery acquisition Hudson will be classified as a small refiner for purposes of the Crude Oil Buy/Sell Program and the Old Oil Entitlements Program. It was also determined that Hudson should be permitted to receive the quantity of crude oil to which Midland would have been entitled to under Section 211.65(a) of the FEA Regulations for the December 1976–February 1977 allocation quarter. Hudson was also directed to file a formal application for a "future refining capacity" crude oil allocation which was responsive to the six enumerated factors set forth in 10 CFR 211.65(b). The FEA also determined that Hudson should be permitted to earn entitlements under the provisions of 10 CFR 211.67 with respect to crude oil runs to stills and receipts at the Cushing refinery reported for the entire month in which the purchase and sale of the refinery is consummated, or the entire month in which the Decision and Order in the proceeding is issued, whichever event occurs later. It was further determined that Midland should not be issued entitlements with respect to crude oil runs and receipts at the Cushing refinery for any month in which Hudson earns entitlements. The FEA conditioned all of the pricing and allocation relief outlined above on Hudson's and Midland's compliance with certain requirements concerning the purchase and/or sale of entitlements with respect to crude oil runs to stills at the Cushing refinery which occurred during each of the two months prior to the sale to Hudson of the Cushing refinery. In addition, the FEA determined that upon acquisition of the Cushing refinery Hudson should be issued a fee-exempt import allocation license from the FEA Director of Oil Imports. The license will entitle Hudson to assume Midland's historic position under the license system established in 10 CFR, Part 213, both for the remainder of the present allocation period and for all future allocation periods. Finally, the FEA determined that subsequent to the transfer of the refinery Midland should be classified as a reseller for purposes of FEA regulatory programs. The FEA also permitted Midland to compute its maximum allowable prices under Section 212.93 for the refined petroleum products which it will sell by: (i) establishing its May 15, 1973 weighted average selling price as the lawful price at which it resold purchased products on that date; (ii) determining its increased products costs as the difference between the weighted average unit cost of product in inventory and the weighted average unit cost of that purchased product in inventory on May 15, 1973; and (iii) including the cost of gasoline inventories which exist at the Cushing refinery on the transfer date as part of its weighted average unit cost of purchased gasoline in inventory under the provisions of 10 CFR 212.92.

Kansas-Nebraska Natural Gas Co. Inc.; Hastings, Neb.; FEE-3512 and 3513; Natural Gas Liquid Products

Kansas-Nebraska Natural Gas Company, Inc. filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for natural gas liquid products produced at its Flat Top and Yenter gas

plants to levels which are in excess of those permitted under Section 212.165. In a number of previous Decisions, the FEA determined that as a general rule, exception relief would be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that Kansas-Nebraska had made such a showing with respect to each of the two plants and therefore granted appropriate exception relief for the plants for the period December 23, 1976 through June 30, 1977.

Lebsack Oil Production, Inc.; Hays, Kans.; FEE-3370; Crude Oil

Lebsack Oil Production, Inc. (Lebsack) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would relieve Lebsack of any obligation to refund revenues which the firm may have realized during 1974 as a result of charging unlawful prices for the crude oil produced from the Lebsack-Hartle Lease in Rice County, Kansas. In its exception application, Lebsack stated that as a result of waterflood recovery techniques initiated by the firm in 1973, crude oil production from the Lebsack-Hartle Lease exceeded 10 barrels per well per day during 1974. Consequently, under the provisions of 10 CFR 212.73 Lebsack could not charge a price for the crude oil which it produced from the Lebsack-Hartle Lease during 1974 which was in excess of the ceiling price. However, Lebsack stated that it nevertheless regarded the Lebsack-Hartle Lease as a stripper well lease during 1974 and charged prices in excess of the ceiling price for the crude oil production from the property. In considering the Lebsack exception request, the FEA found that the working interest owners of the Lebsack-Hartle Lease would have realized a substantial operating profit during 1974 even if the crude oil produced had been sold at ceiling price levels. The FEA further determined that Lebsack failed to show that the working interest owners of the Lease would experience a severe financial hardship if they were required to refund the alleged overcharges. Consequently, the FEA concluded that Lebsack had failed to establish that retroactive exception relief was warranted and the Application for Exception was denied.

Paul R. Loop; Tulsa, Okla.; FEE-2898; Crude Oil.

Paul R. Loop (Loop) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted, would permit Loop to use a base production control level (BPCL) for the Dicey McIntosh Lease located in Okmulgee County, Oklahoma, which is lower than the BPCL specified in the FEA Regulations. The requested exception relief would thereby permit Loop to sell a greater proportion of the crude oil produced from the Lease at upper tier ceiling prices. In its submission, Loop alleged that the existence of a current cumulative deficiency during 1975 distorted the intended use of 1975 as a measurement period in computing a new BPCL for the Lease. According to Loop, the current cumulative deficiency resulted in production of considerably more old crude oil during the 1975 period, and consequently, in accordance with the provisions of § 212.72, the Lease's BPCL was higher than it would have otherwise been. In several previous decisions, the FEA held that exception relief will be granted with respect to the use of a general measurement period where a particular firm demonstrates that: (i) unusual or anomalous events occurred during the base period; (ii) those events resulted in conditions which distort the intended use of the base period for measurement purposes; and (iii) the consequent distortion that resulted adversely affected the firm in a significant manner. Tenneco Oil Co., 2 FEA Par. 83,108 (March 31, 1975). In considering Loop's contentions, the FEA determined that the mere existence of a current cumulative deficiency during 1975 was not the type of unusual or anomalous event which would distort the use of 1975 as a measurement period for purposes of computing the Lease's BPCL pursuant to § 212.72. Moreover, the FEA noted that Loop had failed to present any material to show that the situation which he encountered differed in any material way from the situation encountered by a number of the crude oil producers who also accrued current cumulative deficiencies during 1975. The FEA therefore denied this portion of Loop's exception request. Loop also requested exception relief from the provisions of Part 212, Subpart D, which if granted, would permit him to sell the crude oil produced from the Lease at upper tier ceiling prices. In considering this portion of the Loop submission, the FEA determined that the costs of producing crude oil from the Lease had increased significantly and the firm's current production costs exceeded the lower tier ceiling price which Loop is permitted to charge. Consequently, the FEA found that Loop did not have an economic incentive to continue to operate the Lease and further determined that if Loop abandoned the Lease a significant quantity of otherwise recoverable domestic crude oil would not be produced. On the basis of previous precedents involving similar factual situations, the FEA granted exception relief to Loop which permits the firm to sell for a period of six months 72.5659 percent of the crude oil produced from the Dicey McIntosh Lease for the benefit of the working interest owners at upper tier ceiling prices.

Marvin E. Boyer Oil Co., Inc.; Iola, Kans.; FEE-3377; Crude Oil

Marvin E. Boyer Oil Company, Inc. (Boyer) filed an Application for Exception which, if granted, would result in an extension of the relief previously approved with respect to the firm's crude oil resale operations. Marvin E. Boyer Co., Inc., 3 FEA Par. 83,083 (January 30, 1976) and Marvin E. Boyer Co., Inc., 3 FEA Par. 83,257 (June 29, 1976). In considering the Boyer Application, the FEA found that the firm's crude oil reselling division has incurred substantial nonproduct cost increases since May 15, 1973 which it cannot reflect in its selling prices under current FEA Regulations. As a result of this situation, the division was encountering very significant financial difficulties and its continued economic viability was placed in very serious jeopardy. The FEA concluded that under these circumstances the application of the FEA Price Regulations to Boyer's crude oil reselling operation resulted in a gross inequity, and that the exception relief which had previously been granted should be extended for an additional period of time.

Northwest Propane, Inc.; Farmington, Mich.; FXE-3470; Propane

On October 15, 1976, the Federal Energy Administration issued a Supplemental Order to Northwest Propane, Inc. (Northwest) in which it approved an extension of the exception relief which had been previously granted to the firm on April 2, 1976. Northwest Propane, Inc., 4 FEA Par. 83,152 (October 15, 1976). The October 15 Order directed the Regional Administrator of FEA Region V to assign to Northwest for the quarter beginning on October 1, 1976 and ending on December 31, 1976, a supplier or suppliers whose wholesale price for propane was within the range of prices paid for that product by major marketers in the area in which Northwest markets its petroleum products. The Order also specified that upon receiving a written request from Northwest, the Regional Administrator of FEA Region V, shall make a determination for any month subsequent to December 1976 as to whether Northwest would continue to experience a serious hardship unless further exception relief were approved. Northwest requested an extension of exception relief in accordance with the terms of that Order. Based on data which Northwest submitted to the Regional Administrator, and the recommendation of the Regional Administrator, the FEA determined that if Northwest were to purchase its propane supplies from its base period supplier, Northwest would continue to incur the type of serious financial hardship which led to the approval of exception relief in the past. The exception relief was therefore extended through March 31, 1977.

Pennzoil Producing Co.; Washington, D.C.; FEE-3323; Crude Oil.

The Pennzoil Producing Company (Pennzoil) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted would permit Pennzoil to sell the crude oil produced from the Perry Sand Waterflood Unit, North Segment located in Yazoo County, Mississippi at upper tier ceiling prices. In considering the Pennzoil Application, the FEA determined that the costs of producing crude oil from the Unit increased significantly since 1972 and the firm's current production costs exceed the lower tier ceiling price which Pennzoil is permitted to charge. Consequently, the FEA found that Pennzoil does not have an economic incentive to continue to operate the Unit and if Pennzoil abandoned the Unit, a significant quantity of otherwise recoverable domestic crude oil would not be produced. On the basis of precedents involving similar factual situations, the FEA granted exception relief to Pennzoil which permits the firm to sell for a three month period 30.87 percent of the crude oil produced from the Unit for the benefit of working interest owners at upper tier ceiling prices.

Readygas Propane Service, Inc.; Eldon, Mo.; FEE-3383; Propane

On April 2, 1976, the Federal Energy Administration granted an exception to Readygas Propane Service, Inc. (Readygas) on the grounds that the application to it of the provisions of 10 CFR, Part 211, which require adherence to the base period supplier/purchaser relationship results in a serious hardship to the firm. Readygas Propane Service, Inc., 3 FEA Par. 83,149 (April 2, 1976). The exception relief was extended in Decisions and Orders issued on June 30, 1976 and September 21, 1976. The September 21 Order directed the Regional Administrator for FEA Region VII to assign to Readygas for the months October, November and December 1976, a supplier or suppliers whose wholesale price for propane was within the range of prices paid for such product by other marketers in the area in which Readygas markets its propane. The Order also specified that upon receiving a written request from Readygas the Regional Administrator of FEA Region VII shall make a determination for any month subsequent to December 1976 as to whether Readygas would continue to experience a serious hardship unless further exception relief were approved. Readygas requested an extension of exception relief in accordance with the terms of that Order. Based upon data gathered by the Regional Administrator and the recommendation of the Regional Administrator, the FEA determined that the price which the

Union Oil Company of California, Readygas' base period supplier, would currently charge Readygas for propane was within the range of prices paid for propane by other marketers in the Readygas market area. Therefore, any financial difficulties which Readygas may continue to experience would not be directly attributable to the application of FEA regulatory requirements. Accordingly, Readygas' request for an extension of exception relief was denied.

Sabre Refining Co.; Bakersfield, Calif.; FXE-3471; Crude Oil

Sabre Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of January 1977. In support of its exception request, Sabre submitted projected financial statements for its current fiscal year ending October 31, 1977 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Sabre's exception request the FEA determined that as a result of the expiration of the exception relief which had previously been granted to the firm for the months of July through December 1976 and in view of the level of Sabre's crude oil runs and receipts during the current fiscal year, the firm would be required to purchase entitlements at a substantial cost commencing with the month of January 1977. As a result of the projected entitlements cost which Sabre would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below historical levels. Under the criteria set forth in Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Co., 3 FEA Par. 83,209 (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Sabre's Application for Exception and thereby relieving the firm of any obligation to purchase entitlements during the six month period January through June 1977 to account for its crude oil runs to stills and old oil receipts during the period November 1976 through April 1977. However, the FEA noted in the Decision which it issued that the relief approved to Sabre would be reevaluated if the firm requested an extension of exception relief beyond June 1977 and, as is the case with all Entitlements Program Exception decisions, as a matter of course at the conclusion of the firm's current fiscal year. The decision further noted that an adjustment will be made and Sabre will be required to purchase or sell additional entitlements if the FEA finds that it received excess or insufficient benefits in the past because of a difference between the financial projections it submitted and the actual results which the firm achieved.

Saveway Gas & Appliance, Inc.; Dexter, Mo.; FEE-3430; Propane.

On September 27, 1976, the FEA issued a Supplemental Order to Saveway Gas & Appliance, Inc. (Saveway) in which it approved an extension of the exception relief which had initially been granted to the firm on March 31, 1976 on the grounds that the application of the provisions of 10 CFR, Part 211, requiring adherence to the base period supplier/purchaser relationship results in a serious hardship to the firm. Saveway Gas & Appliance, Inc., 4 FEA Par. 83,132 (September 27, 1976). In that order the Regional Administrator for the FEA Region VII was directed to assign to Saveway for the months of October, November and December 1976, a supplier or suppliers whose wholesale price for propane was within the range of prices paid for that product by major marketers in Saveway's marketing area. The Order also specified that upon receiving a written request from Saveway the Regional Administrator of FEA Region VII shall make a determination for any month subsequent to December 1976 as to whether Saveway would continue to experience a serious hardship unless further exception relief were approved. Saveway requested an extension of exception relief in accordance with the terms of that Order. Based upon data gathered by the FEA and the recommendation of the Regional Administrator, the FEA determined that the price which N.G.L. Supply, Inc., Saveway's base period supplier, would presently charge Saveway for propane was within the range of prices paid for propane by other marketers in Saveway's market area. Therefore any financial difficulties which Saveway was continuing to experience would not result directly from the application of FEA regulatory requirements. Accordingly the Saveway request for an extension of exception relief was denied.

REQUESTS FOR STAY

Jack W. Grigsby d.b.a. Grigsby Oil and Gas; Shreveport, La.; FES-1082; Crude Oil

Jack W. Grigsby d.b.a. Grigsby Oil and Gas (Grigsby) filed an Application for Stay of a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to it on November 29, 1976. The Remedial Order determined that during the period September 1, 1973 through July 31, 1975 Grigsby sold crude oil to Cities Service Oil Company, Cities Service Pipeline Co., Shell Oil Co., Stone Energy Co., and Summit Gas Co., at prices which were in excess of the maximum price levels permitted under the applicable regulatory provisions. On the basis of this determination, the Remedial Order directed Grigsby to make refunds to these firms for the overcharges within 180 days. The Remedial Order further directed Grigsby to immediately recalculate the maximum allowable selling prices for the crude oil produced from the Heywood RA SUB drilling unit and the WLPE 41 7600 SU property and reduce the prices which it charges for this crude oil to the lawful price levels. Grigsby's stay request, if granted, would relieve the firm of its obligation to make the specified refunds and to lower its prices pending a final determination on its Appeal from the Remedial Order. In considering the request for stay, the FEA concluded that Grigsby had raised substantial issues concerning the propriety of the Remedial Order. Grigsby also made a strong showing that it could incur an irreparable injury in the event that it is required to make immediate refunds to the firms involved since in all likelihood these firms would pass on the refunds to their own customers and Grigsby could experience substantial difficulty in recovering the funds in the event that it prevails on the merits of its Appeal. The FEA therefore held that Grigsby satisfied the criteria set forth in General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976) a stay will be granted from the refund requirements specified in a Remedial Order. Similarly, the FEA held that Grigsby had made a showing that it could incur an irreparable injury if it were required to lower its prices for the crude oil which it produces. Consequently, this requirement of the Remedial Order was also stayed. However, the FEA determined that Grigsby should be required to establish an escrow account into which all disputed funds are placed. Therefore, Grigsby's stay request was granted under the condition that an appropriate escrow account is established.

Skelly Oil Co.; Tulsa, Okla.; FEA-1033; Unleaded Motor Gasoline

Skelly Oil Company (Skelly) requested that a Remedial Order which the FEA issued to the firm on December 7, 1976 be stayed pending a final determination of the firm's Appeal from that Order. In the Remedial Order, the FEA found that Skelly has been charging prices for unleaded motor gasoline which exceed maximum allowable price levels. The Remedial Order therefore directed Skelly to recompute its maximum allowable prices for unleaded motor gasoline in compliance with the provisions of 10 CFR 212.112 and establish its current selling prices accordingly. In considering Skelly's contention that the Remedial Order should be stayed, the FEA applied the principles previously established in General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976). On the basis of these principles, the FEA concluded that Skelly had failed to establish any strong countervailing considerations which would warrant permitting Skelly to continue to charge prices which the FEA determined to be unlawful in the proceeding leading to the issuance of the Remedial Order. The FEA futrher held that Skelly's contention that compliance with the terms of the Order would subject it to potential lawsuits under the terms of the Robinson-Patman Act was not supported by the material which it furnished. The Application for Stay was therefore denied.

Southland Oil Co. (VGS Corp.); Memphis, Tenn.; FES-1066; Crude Oil

Southland Oil Company requested a stay of a Decision and Order issued to the firm on November 5, 1976. In that Order, the FEA directed the firm to purchase additional entitlements at a total value of $3,464,670 during the period November 1976 through October 1977 in order to offset the excessive benefits which the FEA found the firm had obtained from exception relief provided to it during 1975. In its Application for Stay, Southland asserted that as a result of the implementation of the November 5 Decision, the firm would be in violation of that portion of its loan agreement which requires Southland to maintain a ratio of curent assets to current liabilities of two to one. In considering Southland's contention that it would experience an irreparable injury if its stay request were denied, the FEA determined that Southland had failed to present any evidence which made a convincing showing that Southland's technical violation of its loan agreement was likely to cause the lender to require that the loan be repaid. The FEA also found that Southland had failed to demonstrate that it would be adversely affected if it were to fulfill its entitlement purchase obligation. Consequently, the FEA concluded that the firm's claim that it would incur an irreparable injury was without merit. The FEA also determined that Southland's Application failed to support its contention that it is appropriate to preserve the status quo ante. In addition, the FEA concluded that to a significant extent the motor gasoline pricing distortions to which Southland alluded are purely speculative. Accordingly, Southland's Application for Stay was denied.

SUPPLEMENTAL ORDERS

Warrior Asphalt Co. of Alabama, Inc.; Tuscaloosa, Ala.; FEX-0105; Crude Oil

On December 23, 1976, the FEA issued a Supplemental Order to the Warrior Asphalt Company of Alabama, Inc., in which it reduced Warrior's monthly obligation to purchase entitlements pursuant to 10 CFR 211.67 (the Old Oil Entitlements Program) by $102,844 during the period December 1976

through May 1977. Warrior Asphalt Co. of Alabama, Inc., 4 FEA Par. ------ (December 23, 1976). However, the Entitlement Notice for the month of December had already been published by the FEA prior to the issuance of the Supplemental Order, and as a result, Warrior was required to purchase entitlements valued at $102,844 during December. In order to rectify this situation and to protect the firm's cash flow and operating posture from unnecessary disruption, the FEA determined that Warrior's obligation to purchase entitlements valued at $102,844 for the month of December should be stayed pending an appropriate corrective adjustment on the Entitlement Notice which would be issued during the month of January 1977.

Warrior Asphalt Co. of Alabama, Inc.; Tuscaloosa, Ala.; FEX–0106; Crude Oil

On December 15, 1976, the Federal Energy Administration issued a Decision and Order to the Warrior Asphalt Company of Alabama, Inc., in which it denied the firm's Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). Warrior Asphalt Co. of Alabama, Inc., 4 FEA Par. 83, 263 (December 15, 1976). The exception request, if granted, would have relieved Warrior of any obligation to purchase entitlements on the basis of its crude oil runs to stills in October 1976 and subsequent months. The determination reached in the December 15 Order was based on the finding that even without additional exception relief, Warrior would exceed its historical profit margin for its current fiscal year ending March 31, 1977. Subsequent to the issuance of the December 15 Decision and Order, it was determined that the Order was based in part upon an erroneous calculation of the number of entitlements which would be issued to Warrior for the remainder of its fiscal year. In view of the fact that the recalculated dollar value of Warrior's projected entitlement purchase obligation indicated that the firm would fail to attain its historical profit margin or return on invested capital, the FEA on its own motion reconsidered the December 15 determination in a Supplemental Order proceeding. The FEA found that as a result of Warrior's crude oil receipts and runs to stills during the firms current fiscal year, the firm would in fact be required to purchase entitlements at a substantial cost commencing with the December Entitlement Notice. As a result of the projected entitlements cost which Warrior would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below historical levels. Pursuant to the criteria set forth in Delta Refining Co., 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Co., 3 FEA Par. 83,209 (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA reduced by $102,844 per month the value of entitlements which Warrior would otherwise be required to purchase during the period December 1976 though May 1977 to account for receipts of deemed old oil and crude oil runs to stills during the months of October 1976 through March 1977. However, the FEA noted in the Decision which it issued that the relief approved would be reevaluated if the firm requested an extension of exception relief beyond May 1977 and that a further evaluation would be conducted at the conclusion of the firm's current fiscal year.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Champlin Petroleum Co.; Fort Worth, Tex.; FEE–3463

North American Petroleum Corp.; Washington, D.C.; FEE–3237

Union Oil Co., of California; Los Angeles, Calif.; FEA–1017

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

John R. Groom, Jr., Mills, Wyo.; FEA–1040

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Arthur's; Marshfield, Mo.; FEE–3089
BMG, Inc.; Denver, Colo.; FEE–3238

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published looseleaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

MARCH 13, 1977.

[FR Doc.77–7859 Filed 3–14–77;2:04 pm]

ISSUANCE OF DECISIONS AND ORDERS BY OFFICE OF EXCEPTIONS AND APPEALS

Week of December 27 Through December 31, 1976

Notice is hereby given that during the week of December 27 through December 31, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEAL

Petrochemical Energy Group; Washington, D.C.; FEA–1056; Freedom of Information

The Petrochemical Energy Group (PEG) appealed from a partial denial of a Request for Information which it submitted under the Freedom of Information Act. In its initial request PEG had requested copies of FEA Form G101–Q–O filed by twenty natural gas utilities. The FEA Information Access Officer released a single representative copy of the firm after deleting data on the schedules accompanying the form including monthly volumes of natural gas deliveries and curtailments to specific customers as well as the quantities of alternate fuel used by those customers. The Information Access Officer determined that the deleted data was commercial and confidential in nature and therefore was exempt from public disclosure pursuant to 5 U.S.C. 552(b)(4). In the Decision which it issued with regard to PEG's Appeal, the FEA determined that the Information Access Officer correctly found that the data at issue was confidential information under the standards established in *National Parks & Conservation Ass'n* v. *Morton*, 498 F. 2d 765 (D.C. Cir. 1974). However, the FEA further determined that it might be possible for certain portions of the data which is contained on these schedules to be released in a manner which would preserve its confidential nature. Therefore, the matter was remanded to the Information Access Officer with instructions to determine whether the volumetric data submitted by the respective utilities for each of their large customers in the industrial and commercial categories could be released without causing substantial harm to the competitive position of the large end-users if the customer's name, location, delivery point and its Standard Industrial Classification code (SIC code) were deleted. Finally, the FEA held that the Information Access Officer was correct in withholding from disclosure aggregate volumetric data for small customers in the industrial and commercial categories in those cases where two or fewer customers were reported on a single schedule. In this instance, the FEA concluded that the anonymity of the small end-users could not be protected by the deletion of its name and other identifying details. PEG's Appeal was therefore granted in part and the matter was demanded to the Information Access Officer for further determination in accordance with the Decision.

REQUESTS FOR EXCEPTION

Atlantic Richfield Co.; Dallas, Tex.; Fee–3389 (East Village Mills), FEE–3390 (Hull), FEE–3391 (Ojai Timber), FEE–3392 (Riverton Dome), FEE–3393 (South Hampton), FEE–3394 (Taft); Natural Gas Liquid Products

Atlantic Richfield Company filed Applications for Exceptions from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred at six of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $0.005 per gallon passthrough for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that ARCO had made such a showing with respect to each of the six plants and therefore granted appropriate exception relief for those plants.

Breckenridge Gasoline Co.; Breckenridge, Tex.; FEE–3337 (Eliasville), FEE–3338 (Lodi), Natural Gas Liquids and Products

Breckenridge Gasoline Company filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for natural gas liquid products produced at its Eliasville gas plant and natural gas liquids processed at its Lodi gas plant to levels which are in excess of those permitted under § 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $0.005 per gallon passthrough for natural gas liquid products and the $0.00375 per gallon passthrough for natural gas liquids permitted under the provisions of § 212.165.

The FEA found that Breckenridge had made such a showing with respect to each of the two plants and therefore granted ap-

propriate exception relief for those plants for the period January 1, 1977 through March 31, 1977.

Cities Service Co.; Tulsa, Okla.; FEE–3449 (Citronelle), FEE–3450 (Garrett), FEE–3451 (Kimball), FEE–3452 (May), FEE–3453 (Myrtle Springs), FEE–3454 (Rio Grande), FEE–3455 (St. Amelia), Natural Gas Liquid Products

Cities Service Company filed Applications for Exceptions from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred at seven of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $0.005 per gallon passthrough for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that Cities had made such a showing with respect to each of the seven plants and therefore granted appropriate exception relief for those plants.

Continental Oil Co.; Houston, Tex.; FXE–3472 (Elk City), FXE–3473 (Medford), FXE–3474 (South Hampton); Natural Gas Liquid Products

Continental Oil Company filed Applications for Exceptions from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred at three of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $0.005 per gallon pass-through for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that Continental had made such a showing with respect to each of the three plants and therefore granted appropriate exception relief for those plants.

Sanford P. Fagadau; Dallas, Tex.; FEE–3446; (Bluegrove); Natural Gas Liquids

Sanford P. Fagadau filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit Fagadau to increase its selling prices for natural gas liquids processed at its Bluegrove gas plant to levels which are in excess of those permitted under Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which can demonstrate that the nonproduct costs which it has experienced since May 1973 have increased substantially in excess of the $.00375 per gallon passthrough for natural gas liquids permitted under the provisions of § 212.165. The FEA found that Fagadau had made such a showing with respect to its Bluegrove plant and therefore granted appropriate exception relief for that plant for the period January 1, 1977 through March 31, 1977.

G. E. Kadane and Sons; Wichita Falls, Tex.; FEE–2685; Crude Oil

G. E. Kadane and Sons (Kadane) filed an Application for Exception which, if granted, would permit the firm to certify as new and/or released crude oil 5,409.34 barrels of crude oil which Kadane sold to the Standard Oil Company of California (Socal) at the ceiling prices in effect during the period July through November 1975. Kadane also requested that it be permitted to bill Socal for the amount of revenues which Kadane failed to realize as a result. Kadane and the General Crude Oil Company (General Crude) each own one-half of the working interest in the Banning Lease, a crude oil producing property located in Orange County, California. In August 1975 FEA Region VI began an audit of the pricing practices with respect to the crude oil produced and sold from the Baning Lease. As a result of the audit Region VI concluded that during the period June 1974 and January through May 1975 Kadane had erroneously sold 32,159.48 barrels of crude oil at prices which exceed the maximum permissible levels specified in 10 CFR, Part 212, Subpart D. Kadane therefore entered into a Consent Order in which it agreed to refund the sum of $196,347.42, plus interest, to Socal, its sole purchaser. According to Kadane's submission, during the course of the audit it was uncertain as to the precise quantities of crude oil which it was entitled to sell at market prices and therefore concluded that the most prudent course of action would be for it to sell its entire share of the Lease production at the ceiling price pending completion of the audit. Kadane maintained in the present proceeding that a proper evaluation of the results of the audit would indicate that it had been entitled to receive more revenues from its sale of crude oil to Socal than it actually obtained. In considering the Kadane request, the FEA concluded that on analysis of the entire history of the matter indicates that Kadane did not fail to obtain the maximum revenues applicable to its sales of crude oil. The firm's exception request was therefore denied.

G.N. Still; Arlington, Tex.; FEE–3155; motor Gasoline

G.N. Still (Still) filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would result in the issuance of FEA orders assigning Still a base period use of 3,892,887 gallons of motor gasoline, and assigning the Sun Company, Inc. (Sun) as Still's sole base period supplier. In addition, Sun would be directed to supply Still directly rather than by means of a substitute supplier. In its exception application, Still contended that the requested assignment was necessary to enable the firm to negotiate contracts for the lease and operation of certain new retail outlets which it planned to open. Still noted in his request that he had terminated his motor gasoline retail operation more than nine months prior to the date on which he filed his exception application. Still maintained however that if the firm had requested exception relief to receive motor gasoline directly from Sun rather than from Sun's substitute supplier, Amtel, Inc., prior to the time that Still had gone out of business he would have been entitled to receive the relief requested under the precedent established in *Whitco, Inc.*, 2 FEA Par. 83,175 (June 9, 1975). In considering the exception request, the FEA determined that Still was in effect requesting that the FEA ensure his successful reentry into the petroleum industry by guaranteeing him an assured source of supply of motor gasoline from a known supplier. The FEA concluded that Still had presented no evidence which indicated that exception relief was warranted at the present time, or that exception relief would have been granted under the standards set forth in the *Whitco* Decision. Since appropriate administrative remedies are available under which Still might apply for assignment of a base period use and supplier of motor gasoline should he decide to again become a retailer of motor gasoline and the firm had failed to make the requisite showing for exception relief, the Still exception request was denied.

Gulf Oil Corp.; Tulsa, Okla.; FEE–3405 (Azalea), FEE–3406 (Knox), FEE–3407 (Milfoy), FEE–3408 (Sand Hills); Natural Gas Liquid Products

Gulf Oil Corporation filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred at four of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquids products permitted under the provisions of Section 212.165. The FEA found that Gulf had made such a showing with respect to each of the four plants and therefore granted appropriate exception relief for those plants for the period January 1, 1977 through March 31, 1977.

Halliburton Co./Vessels Gas Processing Co.; Denver, Colo.; FEE–3445 (Irondale); Natural Gas Liquid Products

Halliburton Company/Vessels Gas Processing Company (HVGPC) filed an Appplication for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for natural gas liquid products produced at its Irondale gas plant to levels which are in excess of those permitted under § 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that HVGPC had made such a showing with respect to its Irondale plant and therefore granted appropriate exception relief for that plant for the period January 1, 1977 through March 31, 1977.

McCulloch Gas Processing Corp.; Washington, D.C.; FEE–3379 (Jamison Prong), FEE–3380 (Tule Creek), FEE–3381 (Well Draw), FEE–3382 (Hilight); Natural Gas Liquid Products

McCulloch Gas Processing Corporation (MGPC) filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for natural gas liquid products produced at its Jamison Prong, Tule Creek, Well Draw and Hilight gas plants to levels which are in excess of those permitted under § 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that MGPC had made such a showing with respect to each of the four plants and therefore granted appropriate exception relief for those plants.

Mobil Oil Corp.; New York, N.Y.; FEE–3403 (Greeley), FEE–3404 (Vanderbilt); Natual Gas Liquid Products

Mobil Oil Corporation filed Applications for Exception from the provisions of 10 CFR

212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred at two of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that Mobil had made such a showing with respect to each of the two plants and therefore granted appropriate exception relief for those plants.

Shell Oil Co.; Houston, Tex.; FEE–3431 (Molino); Natural Gas Liquid Products

Shell Oil Company filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred at its Molino natural gas processing plant. In considering the application, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that Shell had made such a showing with respect to its Molino gas plant and therefore granted appropriate exception relief for that plant for the period January 1, 1977 through March 31, 1977.

Standard Oil Co. (Ind.); Chicago, Ill.; FXE–3477 (Prentice), FXE–3478 (South Jennings); Natural Gas Liquids and Products

Standard Oil Company (Indiana) (Amoco) filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted; would permit the firm to increase the prices it charges for natural gas liquid products and natural gas liquids to reflect the non-product cost increases which the firm has incurred at two of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products and the $.00375 per gallon passthrough for natural gas liquids permitted under the provisions of § 212.165. The FEA found that Amoco had made such a showing with respect to each of the two plants and therefore granted appropriate exception relief for those plants.

Sun Oil Co.; Dalas, Tex.; FEE–3411 (Carney), FEE–3412 (Mayfield), FEE–3413 (Tonkawa); Natural Gas Liquids

Sun Oil Company filed Application for Exceptions from 2.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquids to reflect the non-product cost increases which the firm has incurred at three of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.00375 per gallon passthrough for natural gas liquids permitted under the provisions of § 212.165. The FEA found that Sun had made such a showing with respect to each of the three plants and therefore granted appropriate exception relief for those plants.

Texaco, Inc.; Houston, Tex.; FEE–3409 (Lignite), FEE–3410 (Wilson Creek); Natural Gas Liquid Products

Texaco, Inc. filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred at two of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that Texaco had made such a showing with respect to each of the two plants and therefore granted appropriate exception relief for those plants for the period January 1, 1977 through March 31, 1977.

Union Oil Co. of Calif.; Los Angeles, Calif.; FEE–3414 (Dominguez), FEE–3415 (Rio Bravo); Natural Gas Liquid Products

Union Oil Company of California filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred at two of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under the provisions of § 212.165. The FEA found that Union had made such a showing with respect to each of the two plants and therefore granted appropriate exception relief for those plants for the period January 1, 1977 through March 31, 1977.

REQUESTS FOR STAY

B & D Oil Co., Inc.; Iron Range Propane Co., Inc.; Hibbing, Minn.; FES–1091; Propane

B & D Oil Company, Inc. (B & D) and Iron Range Propane Company, Inc. (Iron Range) filed an Application for Stay of a Remedial Order which the Regional Administrator of FEA Region V isued to them on December 1, 1976. The Regional Administrator determined that B & D and Iron Range have constituted as single firm since December 27, 1974 and therefore issued the Remedial Order on a joint basis. The Regional Administrator also found that during the period November 1, 1973 through December 27, 1974 B & D sold propane to Honeywell, Inc. (Honeywell) and Iron Range at prices which exceeded the maximum permissible levels specified in 6 CFR 150.359 and 10 CFR 212.93. The Remedial Order therefore directed B & D to refund previous overcharges plus interest, to Iron Range and to Honeywell. In considering the Application for Stay, the FEA concluded that Iron Range and B & D could incur an irreparable injury if they were required to refund the overcharges specified in the Remedial Order prior to a determination of their Appeal of the Order. The FEA noted that the Remedial Order directs the parties to make refunds to the marketplace and that it is probable that they would experience a great deal of difficulty in recovering these refunds in the event they ultimately prevail on the merits of their Appeal. The FEA further determined that B & D and Iron Range had raised significant issues concerning the propriety of the Remedial Order. The FEA therefore held that B & D and Iron Range satisfied the criteria set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), *modified*, 3 FEA Par. 85,040 (July 8, 1976), pursuant to when a stay would be granted of the refund requirements specified in a Remedial Order. The FEA further determined however that in accordance with the considerations discussed in *General Crude* the stay should be conditioned upon B & D's establishment of an escrow account in which it places all refunds required by the Remedial Order.

Earl F. Wakefield, Inc.; Wichita, Kans.; FES–1093; Crude Oil

Earl F. Wakefield (Wakefield) requested that the provisions of a Remedial Order which the FEA issued to the firm on December 8, 1976 be stayed pending a final determination of its Appeal from that Order. In the Remedial Order, the FEA found that Wakefield had received excessive payments for crude oil which it produced and sold. On the basis of this finding, the Remedial Order directed Wakefield to refund immediately the full amount of the overcharges plus interest. In considering the request for stay, the FEA concluded that Wakefield had demonstrated that it would experience an irreparable injury in the event that it is required to make immediate refunds to the purchasers of the crude oil since those firms would pass on the refunds to their own customers and Wakefield could experience substantial difficulty in recovering the funds in the event that it prevails on the merits of its Appeal. Furthermore, the FEA found that Wakefield had raised substantial issues which must be considered in making a determination on the merits of the firm's Appeal. Consequently, the FEA determined that a stay of the Remedial Order was warranted, on the condition that Wakefield place the full amount of the disputed funds in escrow pending a final determination of its Appeal.

EDG, Inc., Long Beach, Calif.; FES–1083; Crude Oil

EDG, Inc. (EDG) requested a stay of a Decision and Order issued to the firm by the FEA on November 5, 1976. The Order which was issued directed the firm to purchase additional entitlements at a total value of $1,029,340 during the period November 1976 through October 1977 in order to offset the excessive benefits which the FEA found the firm had obtained from entitlement exception relief provided to it during 1975. In its Application for Stay, EDG asserted that as a result of the implementation of the November 5 Decision, the firm will experience an irreparable injury unless a stay is granted. In considering EDG's contention the FEA determined that EDG had failed to present any evidence to demonstrate that it would be adversely affected to a serious extent if it were to fulfill its entitlement purchase obligations during the period of time necessary for a final determination on the firm's present Appeal. Furthermore, the FEA determined that should EDG prevail on the merits of its Appeal, the firm would be permitted to sell additional entitlements equal in value to those it was required to purchase. Finally, the FEA rejected EDG's claim that it was likely to succeed on the merits of its Appeal, concluding that the firm had failed to make a substantial *prima facie* showing that it should be relieved of the obligation to purchase entitlements specified in the November 5 Order merely because EDG had sold its petroleum refining and marketing

operations in 1976 and therefore no longer meets the criteria for classification as a "refiner" under the Mandatory Petroleum Allocation and Price Regulations. Accordingly EDG's Application for Stay was denied.

Southwestern Refining Co., Inc.; Salt Lake City, Utah; FES-0051; Crude Oil

Southwestern Refining Company, Inc. (Southwestern) requested that its obligations under 10 CFR 211.67 (the Old Oil Entitlements Program) be stayed for the month of December 1976 pending a determination on the merits of an Application for Exception which Southwestern had filed. In considering the Southwestern request, the FEA found that the financial material which the firm submitted made a substantial *prima facie* showing that the firm did not possess the financial resources which would enable it to purchase entitlements during December 1976. Accordingly, the FEA concluded that if the firm were required to purchase entitlements during the month of December 1976 it would incur an irreparable injury. The FEA therefore granted the request for stay.

Union Oil Co., of California; Los Angeles, Calif., FES-1079; Motor Gasoline

The Union Oil Company of California requested that a Decision and Order which the FEA Office of Regulatory Programs issued to the Gulf Oil Corporation on November 5, 1976 be stayed. The November 5 Order terminated Gulf's obligation under the provisions of 10 CFR 211.9 to maintain supplier/purchaser relationships with its base period purchasers of motor gasoline in Northern California, Northern Nevada, Oregon, and Washington and directed the Regional Administrators of FEA Regions IX and X to assign new suppliers by January 1, 1977 to any of Gulf's base period purchasers who were unable to locate willing suppliers by December 1, 1976. Union's request for stay, if granted, would result in an Order specifying that no assignment orders shall be issued to Union with respect to the motor gasoline requirements of Gulf's base period purchasers until the Union Appeal is decide. In considering Union's request, the FEA determined that since none of the proposed Assignment Orders which it had received from the Regional Offices pursuant to the November 5 Order had actually been issued to the firm, Union's claim of irreparable injury was speculative at the present time and therefore did not constitute a proper basis for stay relief. Moreover, the firm had neither shown nor claimed that its ability to furnish its base period purchasers with their allocated volumes of motor gasoline would in any way be impaired if the proopsed assignment orders were actually issued to the firm. Union had also failed to show that it would experience a greater hardship in the absence of a stay than Gulf would incur if a stay were granted. Finally, Union had not provided any factual or legal support for its claim that the November 5 Order erred in failing to assign a substantial proportion of Gulf's base period obligations to the Coastal States Gas Corporation, the firm which assumed control of Gulf's refinery in Hercules, California on April 1, 1976. In view of those considerations, the FEA determined that Union had failed to satisfy the criteria set forth in 10 CFR 205.125(b) for evaluation of requests for stay and therefore concluded that Union's Application for Stay should be denied.

SUPPLEMENTAL ORDER

Sun Co., Inc.; Washington, D.C.; FEX-0107; Freedom of Information

On November 19, 1976, the Federal Energy Administration issued a Decision and Order to Sun Company, Inc. (Sun) in which the FEA directed that seven documents or portions of documents previously withheld from Sun by the FEA Information Access Officer be released to Sun. In order to avoid delay in the proceeding, the FEA also reserved decision concerning the releasability of one of the documents which was sought by Sun. In the present Supplemental Order the FEA noted that it had received a letter from the Central Intelligence Agency (CIA), which stated that the document in question contains a summary of another document which has been properly designated as a classified document. On the basis of the CIA determination the FEA concluded that the document which Sun requested is exempt from mandatory public disclosure under Section 552(b)(1) of the Freedom of Information Act and was properly withheld.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Land O'Lakes; Fort Dodge, Iowa; FEE-3396

Ozment's Gas and Oil; Tulsa, Okla.; FEE-3285

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Petrolane, Inc.; Long Beach, Calif.; FXA-1078

TEMPORARY STAYS

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Mobile Oil Corp.; New York, N.Y.; FST-0024

The following Application for Temporary Stay was granted on the grounds that the applicant had made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Tenneco Oil Co.; Houston, Tex.; FST-0023

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

MARCH 13, 1977.

[FR Doc.77-7855 Filed 3-14-77;2:03 pm]

ISSUANCE OF DECISIONS AND ORDERS BY OFFICE OF EXCEPTIONS AND APPEALS

Week of January 3 Through January 7, 1977

Notice is hereby given that during the week of January 3 through January 7, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Boston Gas Co.; Boston, Mass.; FEA-1044; Propane

The Boston Gas Company (Boston Gas) appealed from an Interpretation which was issued to it by the General Counsel of the FEA on October 19, 1976. In the Interpretation, the FEA General Counsel held that Boston Gas was not entitled to use the propane which it had been allocated for peak shaving as feed stock for a synthetic natural gas (SNG) plant which the firm also operates. The Appeal, if granted, would result in the rescission of the Interpretation and the issuance of a determination that Boston Gas may use its allocation of propane in its SNG plant. In its Appeal, Boston Gas contended that, since its SNG plant was used exclusively for peak shaving purposes, the FEA Regulations permit the firm to use its allocation of propane for peak shaving purposes as a feedstock for the SNG plant. Under the FEA Allocation Regulations, however, the use of propane for peak shaving is allocated in a manner separate from the allocation of propane to SNG plants. *Compare* 10 CFR 211.83(c)(2)(v) and 10 CFR 211.83(c)(2)(ii). *See also* 10 CFR 211.23. In considering Boston Gas' Appeal, the FEA noted that if Boston Gas' interpretation were accepted, the underlying objectives of the FEA Allocation Regulations would be frustrated since any firm would then be able to receive an allocation of a refined petroleum product under more than one use category. The FEA found that an important element of the Mandatory Petroleum Allocation Program was based on the premise that the various end uses established in the FEA Regulations are mutually exclusive. The FEA therefore held that, since the General Counsel had correctly characterized the Boston Gas facility as an SNG plant, the firm's use of propane in the plant was properly classified under the provisions of Section 211.83(c)(2) which related to SNG plant feedstock and propane allocations under other regulatory provisions would not be transferred into the SNG feedstock category. On the basis of these conclusions, the FEA denied the Boston Gas Appeal.

Kerr-McGee Corp. (Southwestern); Corpus Christie, Tex.; FEA-1043; Crude Oil

Kerr-McGee Corporation (Kerr-McGee) appealed from a Decision and Order denying an Application for Exception from the provisions of 10 CFR 211.67(d)(4) which the firm had previously submitted to the FEA. *Kerr-McGee Corp.; Southwestern Refining Co., Inc.*, 4 FEA Par. 83,160 (October 22, 1976). The Appeal, if granted, would have resulted in the rescission of the October 22 Decision and the issuance of an Order permitting Kerr-McGee to calculate its entitlements obligations pursuant to Section 211.67 (the Old Oil Entitlements Program) by including in the crude oil runs to stills of its wholly-owned subsidiary, Southwestern Refining Co., Inc. (Southwestern), the entire volume of crude oil which was used to produce the residual fuel oil that Southwestern sold in the "East Coast Market." In its Appeal, Kerr-McGee asserted that the October 22 Decision and Order was arbitrary and capricious because the FEA did not properly consider the arguments presented by the firm in its exception application. Kerr-McGee further contended that as a result of Section 211.67(d)(4) its Southwestern subsidiary has been placed at a competitive disad-

vantage with respect to other firms which sell residual fuel oil in the East Coast Market. Kerr-McGee also contended in its Appeal that the provisions of Section 211.67(d)(4) create an incentive for the firm to reduce the production of residual fuel oil for sale into the East Coast market and that such a result is contrary to the intent of the FEA Mandatory Petroleum Allocation Regulations. Finally, Kerr-McGee claimed that the net profit of its Southwestern subsidiary will be substantially reduced as a result of the application of the provisions of Section 211.67(d)(4). In considering the firm's contentions, the FEA concluded that the prior determination was correct, and that Kerr-McGee had again failed to demonstrate that the application of the provisions of 10 CFR 211.67(d)(4) to Kerr-McGee's Southwestern subsidiary results in a gross inequity. The FEA determined that the material presented by Kerr-McGee in this proceeding did not accurately represent the true costs incurred by the firm in the production of residual fuel oil and therefore failed to demonstrate that its Southwestern subsidiary is placed at a competitive disadvantage as a result of the provisions of Section 211.67(d)(4). The FEA further determined that Kerr-McGee's Southwestern subsidiary is not disproportionately affected by the provisions of Section 211.67(d)(4) as compared to other similarly situated refiners. Finally, the FEA found that the reduction in revenues which Kerr-McGee forecasted as a result of the provisions of 10 CFR 211.67(d)(4) is not significant when compared to the overall profitability of the firm's petroleum refining and marketing operations. Since Kerr-McGee had failed to demonstrate that the conclusions reached by the FEA in the October 22, 1976 Decision and Order were erroneous in fact or law or were arbitrary or capricious, the firm's Appeal was denied.

Lee Brooks Oil, Inc.; Wichita, Kans.; FRA-1104, FES-1104; Crude Oil

Lee Brooks Oil, Inc. (Lee Brooks) appealed from a Remedial Order which had been issued to it by the Director of Compliance of FEA Region VII. In the Remedial Order, Lee Brooks was ordered to make refunds to the Koch Oil Company (Koch) of $55,894.41 plus interest, based upon a determination that the firm sold crude oil to Koch at prices which exceeded the ceiling prices specified in 6 CFR 150.354 and 10 CFR 212.73 over an extended period of time. In considering the Appeal, the FEA determined that Lee Brooks had made no claim in its submission that the Remedial Order was erroneous in fact or in law, or that it was arbitrary or capricious, nor had the firm presented factual or legal arguments of any kind in support of its Appeal. The FEA further determined that the Lee Brooks Appeal had not been filed in a timely manner. The Appeal was therefore summarily denied in accordance with the provisions of 10 CFR 205.106(b)(1)(i) and 10 CFR 205.106(b)(1)(ii), and the firm's Application for Stay of the Remedial Order was dismissed.

Marathon Oil Co.; Findley, Ohio; FEA-0955; motor gasoline

The Marathon Oil Company (Marathon) appealed from a Decision and Order issued to Beukema's Petroleum Company (Beukema) on August 6, 1976. *Beukema's Petroleum Company*, 4 FEA Par. 83,032 (August 6, 1976). In the August 6 determination, the FEA granted Beukema an exception from the provisions of 10 CFR 211.9 and directed the Regional Administrator of FEA Region V to assign the firm a new supplier of motor gasoline to replace its base period supplier, the Admiral Petroleum Company (Admiral). Pursuant to the provisions of the August 6 Order, FEA Region V assigned Marathon as Buekema's new supplier. Marathon's Appeal, if granted, would result in the rescission of the August 6 Order and would relieve Marathon of its assigned obligation to supply Beukema. In its Appeal, Marathon contends that the August 6 Decision and Order is erroneous in fact and law because it is based upon an erroneous finding that Admiral had defrauded Beukema. In considering the Marathon Appeal, the FEA noted that the *Beukema* Decision differed from a previous decision, *George P. Rios*, 4 FEA Par. 83,008 (July 15, 1976), in which exception relief was approved upon a substantial, uncontradicted showing of fraud. In contrast, the FEA found in the *Beukema* case that the general issue of fraud and certain factual assertions material to that issue were contested. Nevertheless, the FEA found that compelling and uncontested evidence had been presented in that proceeding which demonstrated that the relationship between Beukema and Admiral had seriously deteriorated since the base period; moreover, Beukema had shown that it had not purchased any petroleum products from Admiral since 1974 and that the firm could not even obtain a price quotation for motor gasoline from Admiral. The FEA also determined that the controversy which exists between Beukema and Admiral encompasses causes of action against Admiral, Marathon, and Reister based on allegations of conspiracy in restraint of trade and price discrimination, allegations that payments made by Admiral to Reister were commissions in violation of the Clayton Act, and allegations of fraud and conspiracy under state law. Based upon these circumstances, the FEA properly concluded that the continuation of the base period relationship between Beukema and Admiral constituted a substantial and disproportionate burden upon Beukema which warranted exception relief. Marathon's Appeal was therefore denied.

National Marine Engineers' Beneficial Association; Washington, D.C.; FFA-1069; Freedom of Information

The National Marine Engineers' Beneficial Association (MEBA) appealed from a partial denial by the FEA Information Access Officer of a Request for Information which it had submitted under the Freedom of Information Act (the Act). In its initial request, MEBA had sought cost and environmental information concerning the Early Storage Reserve Program which had been authorized by Congress in the Energy Policy and Conservation Act of 1975. The FEA Information Access Officer released copies of eleven documents pertaining to MEBA's request after deleting portions of four of the released documents. The portions of the four documents which were withheld from disclosure contained estimates of the acquisition and construction costs associated with particular proposed storage projects. These estimates had been prepared by outside consultants of the Government. In the Decision which he issued, the Information Access Officer found that these cost estimates were exempt from public disclosure under the provisions of the exemption contained in the Act for inter-agency and intra-agency memoranda. 5 U.S.C. 552(b)(5). In considering the MEBA Appeal, the FEA initially determined that the fifth exemption of the Act may properly be applied to documentary material which has been prepared for the FEA by persons who are not full-time employees of the agency. The FEA also found that if these cost estimates were released, the FEA's flexibility in negotiating construction and operating contracts for particular storage projects which are anticipated as part of the Early Storage Reserve Program would be seriously undermined. In addition, the FEA determined that these cost estimates prepared by outside consultants are an important factor in the deliberative process by which the FEA's decisions and policies regarding the Early Storage Reserve Program are being formulated. The FEA therefore concluded that the release to the public of these cost estimates at this time would seriously and adversely affect the quality of the FEA's decision-making process concerning the Early Storage Reserve Program and that the Information Access Officer was correct in withholding the information at issue under the provisions of the fifth exemption of the Act. The MEBA Appeal was therefore denied.

Pike Car Wash, Inc.; Philadelphia, Pa.; FEA-1015, FSG-0030; Motor Gasoline

Pike Car Wash, Inc. (Pike) appealed from a Decision and Order which had been issued to it by the FEA on October 1, 1976. *Pike Car Wash, Inc.*, 4 FEA Par. 83,131 (October 1, 1976). In that determination, the FEA denied an Application for Exception which the firm had submitted from the provisions of 10 CFR 211.9. Pike also submitted a Petition for Special Redress requesting the same type of relief which it had previously sought in its exception request. Pike's Appeal and Petition for Special Redress, if granted, would result in the issuance of orders by the FEA assigning the Sun Oil Company (Sunoco) as Pike's assigned supplier of motor gasoline to replace its base period supplier, the Getty Oil Company (Getty). Since the Petition for Special Redress was based upon the same factual background as the firm's Appeal, the two submissions were consolidated for decision in this single proceding. In considering Pike's Appeal, the FEA found that Pike was permitted by the FEA Regulations to purchase surplus product from other suppliers of motor gasoline and that Pike was presently purchasing its motor gasoline supplies from Sunoco. The FEA concluded that since Pike was currently able to purchase its motor gasoline needs from the supplier to which it wished to be assigned, the firm was not incurring a serious hardship or a gross inequity as a result of the FEA supplier/purchaser regulations. The FEA further noted that in the event Pike experiences a serious hardship or a gross inequity at some future time as a result of the requirement that it maintain its base period relationship with Getty, Pike could certainly reapply for exception relief on the basis of its new factual situation. Pike's Appeal was therefore denied. In considering Pike's Petition for Special Redress, the FEA found that Pike's Petition did not present any new issues which had not been considered in the prior exception proceeding. Since Pike had already received the benefit of a full and comprehensive consideration of its request for a change of its based period supplier through the exceptions process and in the present Appeal, its Petition for Special Redress was found to be unsupported and it was also denied.

Placid Refining Co.; Port Allen, La.; FEA-0893, FEE-2756; Crude Oil

The Placid Refining Company (Placid) filed an Appeal from an Order which was issued to the firm by the Office of Regulatory Programs of the Federal Energy Administration on June 8, 1976. In the June 8 Order the FEA reclassified Placid's Port Allen refinery as "future refining capacity" for purposes of 10 CFR 211.65 (the Crude Oil Buy/Sell Program). The Appeal, if granted, would reinstate a prior determination that Placid's refinery should instead be classified as "new refining capacity" for purposes of 10 CFR 211.65. Placid also filed an Application for

Exception from the provisions of 10 CFR 211.65 in which it sought the same relief requested in the Appeal. Since these submissions involved similar factual matters and requested an identical result, they were consolidated for resolution in a single proceeding. In its Appeal, Placid contended that the June 8 Order was based on an erroneous interpretation of Ruling 1976–1. Placid also alleged that the Ruling was procedurally defective, arbitrary and capricious, and resulted in the confiscation of private property. The FEA found that Placid's contentions on Appeal were without merit. The FEA determined that Placid's acquisition of the Port Allen refinery, the event which led to the initial change in the facility's classification from "new refining capacity" to "future refining capacity", was precisely the type of transaction addressed in the Ruling, and therefore the June 8 Order was properly issued pursuant to the Ruling. The FEA also found that the Ruling had been issued in accordance with the requirements of the Administrative Procedure Act and was therefore valid from a procedural standpoint. With respect to Placid's contention that the Ruling is arbitrary and capricious, the FEA noted that the Ruling was issued to clarify an ambiguity which existed in the FEA Regulations with respect to the status of a refinery under the Buy/Sell Program when that refinery is transferred to another firm. As the Ruling indicates, the FEA Regulations implementing the Crude Oil Allocation Program were expressly designed to promote the construction of new and expanded domestic refining capacity. Since this goal would not be advanced through the mere transfer of an existing operating refinery from one firm to another, the Ruling properly concluded that the benefits associated with the "new refining capacity" classification should not be transferred when a firm acquires an existing refinery. Accordingly, the Placid Appeal was denied. However, the contentions which Placid raised in its exception application were sustained. In considering that request, the FEA determined that it was reasonable for Placid to assume in 1974, at the time it purchased the Port Allen refinery, that it would receive the full crude oil allocation rights of its predecessor-in-interest. The FEA also found that the reduction in Placid's crude oil supplies which resulted from the FEA's reclassification on June 8, 1976 of Placid's refinery pursuant to Ruling 1976–1 would cause severe disruptions in the firm's operations. In particular, Placid's ability to obtain additional quantities of foreign crude oil to supplement its supply of domestic crude oil was severely limited. In view of these considerations, the FEA concluded that the Placid operations at the Port Allen refinery would be significantly impaired as a result of the reclassification of the facility as "future refining capacity." The FEA therefore found that a gross inequity existed and granted exception relief which established Placid's refinery as "new refining capacity" for purposes of calculating crude oil allocations under the provisions of 10 CFR 211.65.

Sun Oil Co.; Dallas, Tex.; FEA–1020, FEA–1021, FEA–1022, FEA–1023, FEA–1024; Natural Gas Liquids

The Sun Oil Company (Sun) appealed from two Decisions and Orders which were issued to it by the FEA on September 29, and 30, 1976, *Sun Oil Co.*, 4 FEA Par. 83,136 (September 29, 1976); *Sun Oil Co.*, 4 FEA Par. 83,135 (September 30, 1976). Those Orders extended the exception relief which the FEA had previously approved for Sun's Carney, Heyser, Maurice and Belle Isle natural gas processing plants, but denied a similar request for an extension of the exception relief which had been previously approved for Sun's Wakita plant. The Appeals, if granted, would result in the retroactive approval of the full amount of exception relief which Sun initially requested for each of the five gas plants referred to above. In considering the Appeals, the FEA found that each of the Sun Plants produces only natural gas liquids rather than separate constituent natural gas liquid products. However, in the September 29 and 30, 1976 Orders, the FEA reduced the per unit non-product cost increases which it calculated for these plants by the $.005 per gallon passthrough stipulated in Section 212.165 for natural gas liquid products, rather than the $.00375 per gallon adjustment specified for natural gas liquids. Since Sun's previous submissions had specifically requested the FEA to compute the amount of exception relief for the five plants by taking into account the $.00375 passthrough permitted by Section 212.165 for natural gas liquids, the FEA concluded that its failure to do so in the September 29 and 30 Orders was erroneous. Sun's Appeals were accordingly granted and additional exception relief was approved for each of the five natural gas processing plants.

Tesoro Petroleum Corp.; San Antonio, Tex.; FEA–0916; Crude Oil

Tesoro Petroleum Corporation (Tesoro) appealed from the Entitlements Notice which the FEA published on June 29, 1976. 41 Fed. Reg. 26838 (June 23, 1976). The Appeal, if granted, would have permitted Tesoro to sell entitlements valued at $1,242,043 in order to recover the revenues which it expended in June 1976 to purchase 159,222 entitlements. The Tesoro entitlement obligation as stated in the June 29, 1976 Entitlement list reflected adjustments which the FEA Office of Regulatory Programs made in order to take into account an amended entitlement report which the firm filed on June 4, 1976. That amended report related to crude oil runs of the Tesoro operation during the period October 1975 through March 1976. In considering the Appeal, the FEA observed that, as a result of the adjustments which Tesoro reported on June 4, 1976, the firm was required by the Office of Regulatory Programs to purchase additional entitlements in June with respect to its receipts of crude oil during the months of October 1975 through March 1976. However, during that period of time, Tesoro had been partially exempt from entitlement purchase obligations under Section 403(a) of the Energy Policy and Conservation Act (EPCA) and Section 3 of Special Rule No. 6. In accordance with prior Decisions involving similar situations, the FEA concluded that the partial exemption of Tesoro's crude oil receipts during the period October 1975 through March 1976 continued to apply to Tesoro even though it filed reports after that period to correct the record as to its actual receipts during the period in which the small refiner exempton was effective. The firm's Appeal was therefore granted and Tesoro was permitted to sell additional entitlements in January 1977 which were equal in value to the entitlements which the firm had improperly been required to purchase in June 1976.

Varibus Corp.; Beaumont, Tex.; FEA–1058; No. 2 *Fuel Oil*

Varibus Corporation (Varibus) appealed from a Decision and Order in which the FEA had denied an Application for Exception from the provisions of 10 CFR 212.93 which the firm had previously submitted. Varibus Corporation, 4 FEA Par. 83,163 (October 29, 1976). The Appeal, if granted, would have retroactively relieved Varibus of the requirement that the prices of the No. 2 fuel oil which it sold to unaffiliated companies in October 1973 be established in accordance with the maximum permissible price levels specified in 10 CFR 212.93. In considering the Appeal, the FEA concluded that the amount of the interest charges which Varibus has been directed to pay to the customers which it had overcharged had properly been excluded in determining whether the firm was entitled to retroactive exception relief during the month of October 1973. The FEA found that the interest payment did not constitute a refund of monies which were paid to Varibus for the No. 2 fuel oil purchased, but was instead intended to compensate the purchasers for their loss of the use of those funds over an extended period of time. The FEA further determined that the interest payment was effectively offset by the value to Varibus of having the use of those funds since the date on which the overcharges were imposed. Accordingly, the FEA concluded that the analysis of whether Varibus would incur an irreparable injury by the application of the FEA Price Regulations to its October 1973 sales of No. 2 fuel oil to unaffiliated purchasers should be based only on the effects upon Varibus of the refund requirement itself. The FEA also found that Varibus was a reseller of No. 2 fuel oil in October 1973 and that the firm was therefore subject to the FEA regulatory program at that time with respect to its sales of No. 2 fuel oil to unaffiliated customers. The Varibus Appeal was therefore denied.

REQUESTS FOR EXEMPTION

Arizona Fuels Corp.; Salt Lake City Utah; FEE–3388; Crude Oil.

Arizona Fuels Corporation (Arizona) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would result in an extension of the exception relief which the FEA granted to the firm on July 16, 1976. Arizona Fuels Corporation, 4 FEA Par. 83,032 (July 16, 1976). In support of its exception request, Arizona submitted projected financial statements for its current fiscal year ending October 31, 1977, and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for its current fiscal year. In considering Arizona's exception request, the FEA determined that in the absence of exception relief the firm would be required to purchase entitlements at a substantial cost commencing with the month of January 1977. As a result of the projected entitlements cost which Arizona would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below historic levels. Under the criteria set forth in Beacon Oil Company 3 FEA Par. 83,209 (June 8, 1976) and Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975), the FEA concluded that exception relief was therefore warranted. Accordingly, the FEA granted Arizona exception relief reducing by $141,400 per month the firm's obligation to purchase entitlements during the six month period January through June 1977 to account for its crude oil runs to stills and deemed old oil receipts during the period November 1976 through April 1977. However, the FEA noted in the Decision that the relief approved to Arizona would be reevaluated if the firm requested an extension of exception relief beyond January 1977 and that a further evaluation would be conducted at the conclusion of the firm's current fiscal year. The Decision further noted that an adjustment will be made and Arizona will be required to either purchase or sell additional entitlements if the FEA determines that the firm received excessive or insufficient benefits in the past

because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves.

Dasher-Harris Gas Co.; Valdosta, Ga.; FXE-3475; Propane.

On June 29, 1976, the Federal Energy Administration granted the Dasher-Harris Gas Company (Dasher-Harris) an exception from the provisions of 10 CFR, Part 211, of the FEA Regulations on the basis of a finding that the firm would incur a serious financial hardship if it were required to maintain its base period supplier/purchaser relationship. Dasher-Harris Gas Company, 4 FEA Par 83,253 (June 29, 1976). On October 15, 1976, the FEA extended the exception relief which had been previously granted to the firm. Dasher-Harris Gas Company, 4 FEA Par. 87,020 (October 15, 1976). The October 15 Order directed the Regional Administrator of FEA Region IV to assign to Dasher-Harris for the months of October, Novermber and December 1976, a new supplier or suppliers for 57.09 percent of the firm's adjusted base period volume of propane. The Order specified that, to the maximum extent possible, the new supplier(s) should be firms whose wholesale price for propane was within the range of prices paid for that product by major marketers in the Dasher-Harris marketing area. The present submission involved Dasher-Harris' request for a further extension of exception relief. Based upon data which Dasher-Harris submitted to the Regional Administrator and the recommendation of the Regional Administrator, the FEA determined that the price which the Wanda Petroleum Company, Dasher-Harris' base period supplier, is presently charging Dasher-Harris for propane is not significantly higher than prices paid for that product by other marketers in the firm's market area. The Regional Administrator further concluded that Dasher-Harris' present financial difficulties were largely attributable to management decisions and not to the FEA Regulations. On the basis of these findings, the FEA concluded that any present financial difficulties which Dasher-Harris may continue to experience do not directly result from the application of the FEA regulatory requirements. Accordingly, the Dasher-Harris request for extension of exception relief was denied.

Mid-Michigan Truck Service, Inc.; Grand Rapids, Mich.; FXE-3371; Motor Gasoline

On October 6, 1976, the Federal Energy Administration issued a Supplemental Order to Mid-Michigan Truck Service, Inc. (Mid-Michigan) in which it approved an extension of the exception relief which had been previously granted the firm on May 20, 1976. Mid-Michigan Truck Service, Inc., 4 FEA Par. 87,016 (October 6, 1976), and 3 FEA Par. 83,197 (May 20, 1976). As a result of the October 6 determination, during the period October through December 1976, the Gulf Oil Corporation was ordered to supply Mid-Michigan with its base period use of petroleum products directly rather than through a substitute supplier. The Regional Administrator of FEA Region V was also directed to make a further determination for any month subsequent to December as to whether Mid-Michigan was continuing or would continue to experience a serious hardship unless it received additional relief and to make a recommendation to the FEA Office of Exceptions and Appeals as to whether exception relief should be extended. Based on the data submitted by Mid-Michigan in its present application for extension of exception relief and the recommendation of the Regional Administrator, the FEA determined that Mid-Michigan would continue to experience a serious hardship in the absence of exception relief, and exception relief was therefore approved for the period January 1, 1977 through June 30, 1977.

Phillips Petroleum Co.; Bartlesville, Okla.; FEE-3078; Natural Gas Liquids

The Phillips Petroleum Company (Phillips) filed an Application for Exception from the provisions of 10 CFR 212.83 which, if granted, would permit Phillips to exclude from its calculation of increased product costs, as specified in Section 212.83(c), the cost of the butanes and natural gasoline which it purchased from the Getty Oil Company (Getty). The Phillips application would also permit the firm to exclude from its calculation of cost recovery the revenues which it received from the sale of those same butanes and natural gasoline to the Lion Oil Company (Lion). In its submission, Phillips stated that it had entered into a contractual arrangement with Lion under which Phillips agreed to sell to Lion the butanes and natural gasoline which it purchased from Getty at price levels which were substantially below Phillips' nationwide price levels for those products. Phillips maintained that as a result of the large discrepancy between its selling prices to Lion and its overall nationwide selling prices, the application of the provisions of 212.83(h), the Equal Application rule, results in an inordinate reduction in the bank of product cost increases which Phillips is eligible to recover at a later date. See 10 CFR 211.83(c). In considering the application, the FEA determined that Phillips had presented no evidence that it was affected in an unusual or disproportionate manner by the provisions of Section 212.83. Furthermore, the FEA found that Phillips had entered into the contractual arrangement with Lion voluntarily and with full knowledge of the applicable regulations. The FEA therefore determined that any difficulties which Phillips might be experiencing were a direct result of the firm's discretionary business decision. Finally, the FEA noted that Phillips had not even contended that the application of the provisions of Section 212.83 to its transactions with Lion so adversely affected the firm as to impede its operations. In view of these findings, the FEA determined that Phillips had failed to establish that the application of the provisions of 10 CFR 212.83 to its sales of butane and natural gasoline to Lion affected it in a grossly inequitable manner. The firm's request for exception relief was therefore denied.

Piedmont Associates, Inc.; Warrenton, Va.; FEE-3523; Motor Gasoline

Piedmont Associates, Inc. (Piedmont) filed an Application for Exception which, if granted, would result in the assignment of Exxon Company, U.S.A. (Exxon) as a new base period supplier of motor gasoline for one of Piedmont's retail service outlets (the Winchester Outlet). In considering the exception request, the FEA found that since 1973 Piedmont has incurred substantial losses in its motor gasoline resale operation and that in order to avert bankruptcy Piedmont entered into an agreement for the sale of the Winchester Outlet. The FEA found, however, that because the business relationship between Piedmont and BP/Sohio, the firm supplying motor gasoline to Piedmont's base period supplier, had deteriorated significantly since the base period, the sale of the outlet was contingent upon the issuance of an order by the FEA assigning Exxon as the Winchester outlet's new base period supplier. The record in the proceeding further indicated that Exxon was willing to undertake the supply obligation. The FEA concluded that, although Piedmont had not made a showing that its current severe financial difficulties resulted from the requirements of the FEA Regulations, continued application of the regulations constituted a significant impediment to the firm's efforts to preserve its financial and competitive viability. Moreover, in view of the fact that Piedmont is an independent marketer entitled to special protection under the provisions of Section 4(b)(1)(D) of the Emergency Petroleum Allocation Act of 1973, as amended, the FEA determined that exception relief should be granted. Since Exxon stated that it was willing to assume a supplier/purchaser relationship with Piedmont, the FEA assigned Exxon as the new supplier of the outlet.

Randall's Service Station; Excelsior, Minn.; FEE-3288; Motor Gasoline

Randall's Service Station (Randall's) filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would result in the issuance of orders by the FEA assigning Randall's a new supplier of motor gasoline to replace its base period supplier, Inter City Oil Company. Randall's further requested that the new supplier be a firm that would extend to Randall's the use of its brand name and credit card privileges. In its exception application, Randall's claimed that its current base period supplier was no longer able to supply it with branded motor gasoline or offer it credit card services and as a result, the firm had experienced a decline in its volume of sales and in its profit margin. In analyzing Randall's request, the FEA noted that the mere fact that a firm is receiving less revenues or profits than it would obtain if the FEA regulatory program did not exist does not form a proper basis for the approval of exception relief. Furthermore, despite repeated requests by the FEA, Randall's failed to submit any data to substantiate its alleged declines in sales volume or profit margin, or to enable the FEA to ascertain the effect of those alleged reductions on the firm's overall financial position. Since Randall's made no showing that it was incurring a financial hardship or gross inequity as a result of the FEA regulatory program, the firm's exception request was denied.

REQUESTS FOR STAY

Algonquin SNG, Inc.; Washington, D.C., FES-0048; Naphtha

On June 28, 1976, the Federal Energy Administration granted in part an Appeal which the Petrochemical Energy Group (PEG) had filed. Petrochemical Energy Group, 3 FEA Par. 80,661 (June 28, 1976). The PEG Appeal related to an Assignment Order which the FEA had previously issued to the Algonquin Gas Transmission Company (Algonquin). In the Assignment Order, the FEA had asigned Algonquin a base period volume of naphtha for use as a feedstock in its synthetic natural gas (SNG) plant. In its analysis of an Appeal of the Assignment Order, the FEA found that the Order had failed to properly consider certain criteria which the FEA Regulations prescribe for the allocation of naphtha feedstocks to SNG plants. The determination was therefore remanded to the FEA Office of Regulatory Programs for further findings of fact and conclusions of law. In the present proceeding, Algonquin SNG, Inc. (Algonquin SNG), a wholly-owned subsidiary of Algonquin, requested a stay of the June 8, 1976 Decision and Order pending judicial review. In considering Algonquin SNG's stay application, the FEA determined that each of the substantive arguments which the firm presented in its Application for Stay had been raised either in the Appeal proceeding or in an Application for Rescission of the June 28 Decision and Order which Algonquin SNG had submitted, and that the FEA had found in those proceedings that the firm's contentions were without merit. Petrochemical Energy Group, supra; and Algonquin SNG, Inc.,

4 FEA Par. 87,029 (November 19, 1976). The FEA also determined that Algonquin SNG's claim that the June 28 Order directed the FEA Assistant Administrator for Regulatory Programs to take action which interferes with the jurisdiction of the Federal Power Commission and state regulatory agencies was speculative and unsubstantiated by any evidence in the record. Finally, the FEA concluded that there was no basis for granting a stay to preserve the status quo ante pending the completion of an environmental impact by the FEA. Accordingly, Algonquin SNG's Application for Stay was denied.

Mobil Oil Corp.; New York, N.Y.; FES–1094; Caldo Oil Co.; San Jose, Calif.; FES–1084; Ramco Oil Co.; West Sacramento, Calif.; FES–1086; Rinehart Oil Co.; Ukiah, Calif.; FES–1087; Major Oil Co.; Stockton, Calif.; FES–1088; Miles Oil Co.; Colfax, Calif.; FES–1089; Olympian Oil Co.; South San Francisco, Calif.; FES–1090; Motor Gasoline

The Mobile Oil Corporation (Mobil) and the Caldo, Ramco, Rinehart, Major, Miles, and Olympian Oil Companies requested a stay of a Decision and Order which the FEA Office of Regulatory Programs issued to the Gulf Oil Corporation (Gulf) on November 5, 1976. The Stay was requested pending a final determination by the FEA on the applicants' Appeals from that Order. In the November 5 Order, the Office of Regulatory Programs terminated Gulf's obligation under the provisions of 10 CFR 211.9 to maintain supplier/purchaser relationships with its base period purchasers of motor gasoline in Northern California, Northern Nevada, Oregon, and Washington, and directed the Regional Administrators of FEA Regions IX and X to assign new suppliers by January 1, 1977 to any of Gulf's base period purchasers who were unable to locate willing suppliers by December 1, 1976. In analyzing these applications for stay, the FEA found that the applicants made a substantial prima facie showing that the November 5 Order contained the following three significant errors: (i) the Order failed to demonstrate the necessity for modifying valid supply contracts which Gulf had executed with three of the applicants; (ii) it failed to determine whether those suppliers which would be assigned to replace Gulf in the affected area are likely to be adequate replacements for Gulf; and (iii) it failed to evaluate the effect of the proposed assignment order on those suppliers and their customers, or on Gulf's former customers. The FEA therefore determined that the applicants demonstrated a substantial likelihood of success on the merits of their Appeals and concluded that a stay should be granted in this case. However, the FEA determined that the stay should not affect those former base period purchasers of motor gasoline from Gulf who have located a suitable and willing alternate supplier as of the date of issuance of the determination.

SUPPLEMENTAL ORDERS

Melton Auto Service; Petersburg, Va.; FEX–0110; Motor Gasoline

On September 20, 1976, the FEA issued a Decision and Order to Melton Auto Service which granted the firm's Petition for Special Redress Relief. Melton Auto Service, 4 FEA Par. 87,015 (September 20, 1976). In that Decision, the FEA determined that in assigning the firm a base period use of motor gasoline FEA Region III improperly applied the standards set forth in the "Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Retail Sales Outlet" (the Guidelines). 40 Fed. Reg. 20342 (May 9, 1975). The Melton Petition was therefore granted, and the matter was remanded to the Regional Office for issuance of a new Assignment Order establishing a base period use for Melton that was equivalent to the average adjusted base period use of the high volume, "full service" outlets currently situated within a two-mile radius of the site of the Melton station. In accordance with the September 20 Decision, the Regional Administrator of FEA Region III conducted a survey of all retail outlets located within Melton's trade area in connection with the preparation and issuance of a revised Assignment Order. In a November 9, 1976 Memorandum, the Regional Administrator Advised the Office of Private Grievances and Redress that it was not possible to issue an Assignment Order to Melton which fully satisfies either the September 20 Decision or the Guidelines, because there are no "full service" unbranded outlets which are comparable to Melton's station within the Melton trade area. However, the Memorandum did suggest six proposed alternative assignments which could be made to Melton. After reviewing the six proposed alternatives, the FEA concluded that an assignment based on the adjusted base period volume of the highest volume "full service" branded outlet within a two-mile radius, or 783,964 gallons per year, would be appropriate because Melton shares a number of the characteristics of that outlet. On its own motion, the FEA therefore issued a Supplemental Order remanding the matter to the Regional Office for issuance of an Assignment Order establishing Melton's base period use of motor gasoline at 783,964 gallons per year.

Zenith Oil Company.; Minneapolis, Minn.; FEX–0111; No. 2 Heating Oil

On December 8, 1976, the Federal Energy Administration issued a Decision and Order to the Zenith Oil Company, Inc. staying the refund provisions and other related provisions of a Remedial Order which was issued to the firm by the FEA Region V Office on October 28, 1976. Zenith Oil Company, Inc., 4 FEA Par. 85,048 (December 8, 1976). As a condition of the stay relief which was granted to Zenith in the December 8 Order, Zenith was required to place the funds which it was directed to refund in the Remedial Order into an escrow account. The December 8 Order also stated that the FEA may without further notice enter a supplemental order vacating the stay if it finds that Zenith has failed to comply with any conditions of the Order. Based on the fact that Zenith failed to file a signed copy of the escrow agreement with FEA within a fifteen-day period as specified in the December 8 Order, the FEA vacated the stay relief which had previously been granted.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Curtesy Oil Co.; San Francisco, Calif.; FEA–1085, FES–1085
Ford Oil Co.; Houston, Tex.; FEE–3223
Glacier Park Co.; Washington, D.C.; FEA–1050
Union Oil Co. of Calif.; Los Angeles, Calif.; FEE–3416

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Harbor Enterprises, Inc.; Seward, Alaska; FEE–3517
Kaffie Companies; Corpus Christi, Tex.; FEE–3329

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Cities Service Co.; Tulsa, Okla.; FEE–3226

The following submission was dismissed on the grounds that the request is now moot:

Varibus Corp.; Beaumont, Tex.; FES–0050

TEMPORARY STAY

The following Application for Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Flying Tiger Line Inc.; Los Angeles, Calif.; FST–0025

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m., and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

MARCH 13, 1977.

[FR Doc.77–7856 Filed 3–14–77;2:02 pm]

ISSUANCE OF DECISIONS AND ORDERS BY OFFICE OF EXCEPTIONS AND APPEALS

Week of January 10 Through January 14, 1977

Notice is hereby given that during the week of January 10 through January 14, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Air Transport Association of America; Washington, D.C.; FEA–1075; Aviation Jet Fuel

The Air Transport Association of America (ATA) filed an Appeal from two Orders which the FEA Information Access Officer issued to it on September 17 and November 8, 1976. In those Orders, the Information Access Officer denied Requests for Information which ATA had filed under the Freedom of Information Act (the Act). The ATA had sought data which the FEA had compiled relating to the "bank" of unrecouped increased costs allocable to aviation jet fuel for 14 major refiners. In considering the Appeal, the FEA noted that the FEA Regulations implementing the Act provide that a denial of a Request for Information may be appealed to the FEA within 30 days of service of the denial. Since ATA's Appeal of the September 17 Order was not filed until almost three months after the date of issuance of the Order, the FEA concluded that it was not filed in a timely manner. With respect to the November 8, 1976 Order, the FEA determined that the ATA Request for Information had been properly denied since no documents exist which are directly responsive to the firm's request, and the Act does not require an agency to perform calculations and statis-

tical studies to compile data in response to a Freedom of Information Act request. Accordingly, the ATA Appeal was denied.

Atlantic Richfield Co.; Los Angeles, Calif.; FEA–0971; Refined Petroleum Products

Atlantic Richfield Company (Arco) appealed from a Remedial Order which had been issued to it by FEA Region IX. In the Remedial Order, the FEA found that George E. Bulzan (Bulzan) of Ohio and Arthur J. Rosenthal (Rosenthal) of Wisconsin, in their capacities as Arco commission distributors, qualify as wholesale purchase-resellers as that term is defined in 10 CFR 211.51. Based on that determination, the Remedial Order concluded that on February 4, 1974, when Arco began to supply petroleum products directly to certain retail sales outlets which had been supplied by Bulzan and Rosenthal during the 1972 base year, Arco had violated the provisions of 10 CFR 211.9. Based on this conclusion, the Remedial Order directed Arco to: (i) immediately commence treating Bulzan and Rosenthal as wholesale purchaser-resellers; (ii) cease preventing Bulzan and Rosenthal from delivering petroleum products to certain of their base period customers; and (iii) furnish Bulzan and Rosenthal with the petroleum products which should have been delivered to them, or, in the alternative, pay Bulzan and Rosenthal the total amount of commissions which they would have received from the sales of these additional volumes of product. In its Appeal, Arco claimed that the FEA is without jurisdiction to issue the Remedial Order because the Economic Stabilization Act of 1970 (ESA) vests exclusive original jurisdiction of cases arising under the FEA Regulations or orders in the United States District Courts. In considering Arco's contention, the FEA concluded that, although the ESA establishes original jurisdiction for all judicial proceedings arising under the FEA Regulations in the District Courts, the Act does not preclude an administrative agency such as the FEA from enforcing compliance with its regulations through its own procedures. The FEA also found that the status of Bulzan and Rosenthal as wholesale purchaser-resellers had been established in previous proceedings. See, e.g., Atlantic Richfield Co., 3 FEA Par. 80,572 (February 13, 1976). Since Arco did not present any new arguments which refute those previous findings, the FEA concluded that those determinations were dispositive in the current Appeal. The FEA further determined that the findings contained in the Remedial Order adequately supported the conclusion that the retail sales outlets in question received Arco products from either Bulzan or Rosenthal during the base period. Consequently, there were sufficient findings in the Remedial Order to sustain the further conclusion that Bulzan and Rosenthal are the respective base period suppliers of those outlets under the applicable FEA Regulations. Finally, the FEA noted that since the Remedial Order provided Arco with the option of paying commissions to Bulzan and Rosenthal, Arco's claim that the Remedial Order arbitrarily and capriciously required it to supply petroleum products to firms with which it no longer has base period relationships has no merit. On the basis of these findings, the Arco Appeal was denied.

Braden-Zenith, Inc.; Wichita, Kans., FEA–0980; Crude Oil

Braden-Zenith, Inc. (B–Z) filed an Appeal of a Remedial Order which the Regional Administrator of FEA Region VII issued to the firm on September 21, 1976. In the Remedial Order, the Regional Administrator found that B–Z had charged prices for crude oil which were in excess of the maximum price levels permitted under the applicable FEA Regulations. B–Z was therefore ordered to refund overcharges of $401,731 plus interest to its customers. In considering the Appeal, the FEA determined that the property in question was not, as B–Z alleged, a stripper well property. The FEA also found that contrary to the firm's allegations, the FEA had the authority to require interest to be paid on overcharges which occurred prior to September 2, 1975. Under the FEA Regulations in existence prior to September 2, 1975, the FEA had broad authority to take any action in a Remedial Order which it found to be necessary to compensate for the effects of a violation. The FEA also determined that the Remedial Order gave B–Z adequate notice of the action it should take with respect to the amount of interest which th firm was ordered to pay. With respect to B–Z's claim that it could not be held liable for the entire amount of overcharges since its working interest in the property is only 0.00607 percent, the FEA determined that it has the discretion to serve either the operator or the working interest owners with a Remedial Order where a violation of the crude oil price regulations had occurred. Accordingly, the FEA determined that B–Z, as operator of the property in question, could be held liable for the entire amount of the overcharges on crude oil sold from the Unit even though its working interest in the property was only 0.00607 percent. The FEA observed, however, that the FEA's discretion should be exercised in a manner which best serves to eliminate the effect of the overcharges and makes restitution to the purchaser. In this particular case, it appeared that assessing liability for the total amount of the overcharges solely against B–Z might jeopardize the firm's existence. Moreover, if B–Z were forced into bankruptcy by the implementation of the Remedial Order, the purchaser of the crude oil would not be reimbursed for the overcharges, nor would the violation of the FEA price regulations be remedied. Consequently, the Remedial Order was remanded to the Regional Administrator of FEA Region VII for further consideration as to the desirability in this case of issuing a revised Remedial Order which would assess liability for overcharges against all of the working interest owners.

Exxon Corp.; Houston, Tex.; FEA–0924; Crude Oil

Exxon Corporation (Exxon) appealed from a Remedial Order which had been issued to it by the FEA Deputy Assistant Administrator for Compliance. In the Remedial Order, the FEA found that Exxon had failed to comply with Orders directing it to sell 115,000 barrels of acceptable "sweet" crude oil to the Husky Oil Company (Husky) and with Orders directing it to sell 180,000 barrels of "suitable" crude oil to Coastal States Gas Company (Coastal). In the Remedial Order, the FEA directed Exxon to complete the crude oil sales to Husky and Coastal and to comply with all further orders to the firm issued pursuant to Section 211.65. The remedial Order further determined that, under the provisions of Section 211.65(h), Exxon had the primary burden of arranging for the delivery of the crude oil to Husky and Coastal and, by failing to arrange for these deliveries, had violated the Directed Sales Orders which the FEA had issued to the firm. In its Appeal, Exxon contended that the FEA improperly applied the provisions of Section 211.65(h) to the firm. It claimed that the FEA did not have the regulatory authority under the FEA Crude Oil Buy/Sell Program to issue Directed Sales Orders which specified the type of crude oil which must be supplied to a particular refiner-buyer. After considering this contention, the FEA determined that the firm misinterpreted the basic purpose and intent of Section 211.65(h), and that the regulation did provide the FEA with broad authority to order a refiner-seller to supply a refiner-buyer with a specific and suitable type of crude oil to be delivered to a particular refinery location. Exxon also contended that the Remedial Order was defective because the underlying Directed Sales Orders were insufficient as a matter of law. On the basis of a review of the general structure of the Buy/Sell Program and the Directed Sales Orders, the FEA determined that Exxon's contention was correct. The FEA noted that the Directed Sales Orders which the FEA has issued have generally not specified in complete detail the precise type of crude oil to be delivered under the Order or the particular geographical location for the delivery. The FEA concluded that Directed Sales Orders which are issued in the future must specify the particular type, quality and grade of crude oil which the refiner-seller is directed to supply and the specific geographical location to which the crude oil must be delivered before a Remedial Order may properly be issued. Accordingly, Exxon's Appeal was granted, and the Remedial Order issued to the firm on July 21, 1976 was rescinded.

Linden's Propane, Inc.; Lagrange, Ohio; FEA–0909; Propane

Linden's Propane, Inc. (Linden) appealed from a Remedial Order which the Regional Administrator of FEA Region V issued to the firm. In the Remedial Order, FEA Region V found that Linden had sold propane at prices which exceeded the maximum permissible levels specified in 6 CFR 150.359 and 10 CFR 212.93, and that Linden had charged certain of its customers storage tank rental fees in violation of 10 CFR 210.62(c) and 212.93. The Remedial Order directed Linden to reduce its selling prices for propane by two cents per gallon until it had refunded the overcharges and to refund all storage tank rental fees which it had charged in excess of the amounts permitted under the FEA Regulations. In considering the Linden Appeal, the FEA noted that Linden's assertion that its May 15, 1973 selling price for propane was anomalous had already been considered in a prior proceeding and that the Regional Administrator of FEA Region V had granted Linden exception relief which established its May 15, 1973 selling prices for propane at a level sufficiently above its actual selling prices on that date to permit Linden to attain its historic profit margin. The FEA further noted that the Regional Administrator had made the relief retroactive to January 31, 1974, the date on which Linden initially filed its Application for Exception. The FEA determined that Linden had failed to provide evidence in the present proceeding to demonstrate that the amount of exception relief granted by the Regional Administrator was insufficient to prevent Linden from experiencing a serious hardship or that the firm should be relieved of the obligation to refund the overcharges specified in the Remedial Order which occurred subsequent to January 31, 1974. The FEA also concluded that Linden had failed to present sufficient factual evidence to support its contention that the retroactive exception relief granted to it should be extended for the period October 1, 1973 through January 1, 1974. The FEA also determined that Linden was not entitled to additional exception relief on the basis of the determination which the FEA reached in Tri-Gas Service, Inc., 1 FEA Par. 20,624 (July 3, 1974), modified, 1 FEA Par. 20,169 (October 25, 1974). The FEA concluded that Linden had failed to provide sufficient documentation to support its assertion that it would incur a serious hardship if it were required to reduce its selling prices for propane by two cents per gallon as specified in the Remedial Order. With respect to the storage

tank rental fees which the Remedial Order required Linden to refund, the FEA noted that certain FEA Rulings set forth the circumstances under which a seller which provided storage tanks to its purchasers free of charge on May 15, 1973 may subsequently institute rental fees. Since the Remedial Order failed to discuss these Rulings or their applicability to Linden, the portions of the Remedial Order which referred to storage tank rental fees were remanded for further findings of fact and law.

Midcoast Aviation Services, Inc.; St. Louis, Mo.; FEA–0958; Aviation Fuel

Midcoast Aviation Services, Inc. filed an Appeal from a Decision and Order which the Federal Energy Administration issued to it on August 27, 1976. Midcoast Aviation Services, Inc., 4 FEA Par. 83,006 (August 27, 1976). In the August 27 Decision, the FEA denied a request for an extension of exception relief which would have permitted Midcoast to increase its maximum allowable selling prices for aviation fuel by 1.7 cents per gallon. See Midcoast Aviation Services, Inc., 3 FEA Par. 80,556 (January 19, 1976). In considering the Midcoast Appeal, the FEA found that no support appeared in the record for the firm's contention that the FEA had failed to take into account the greater level of profitability which it alleged it needed to sustain its expanded operations. Although Midcoast alleged that, in the absence of further exception relief, it could experience serious "cash shortfalls" which would jeopardize its ability to meet its current liabilities on a continuing basis, the financial data submitted by Midcoast showed that the firm's overall working capital position, trade accounts position and cash flow position had improved subsequent to the date on which the prior exception relief expired. Since the financial data submitted by the firm on Appeal supported the FEA's previous finding that the firm was no longer experiencing a serious hardship, the FEA determined that Midcoast had failed to demonstrate that the August 27, 1976 Decision and Order was erroneous in fact or law or that it was arbitrary or capricious. The Midcoast Appeal was therefore denied.

Rock Island Refining Corp.; Indianapolis, Ind.; FEA–0948; Crude Oil

The Rock Island Refining Corporation (Rock Island) filed an Appeal from a Decision and Order which the Federal Energy Administration issued to the firm on June 17, 1976. Rock Island Refining Corp., 3 FEA Par. 83,233 (June 17, 1976). In the June 17 Order, the FEA granted in part an Application for Exception which Rock Island had filed from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) and partially relieved Rock Island of its obligations to purchase entitlements specified in the Entitlement Notices which were published during the period June through November 1976. The Rock Island Appeal, if granted, would have increased the amount of exception relief granted to the firm. In its Appeal, Rock Island contended that, in determining the extent of relief to be granted, the FEA should have excluded from its calculations of the firm's average profit margin and average return on invested capital the firm's financial results in certain years. According to Rock Island, during the period of time at issue, the firm experienced unusually low levels of profitability as a result of the expansion of its refinery facilities. In considering Rock Island's request, the FEA determined that the magnitude of the firm's refinery expansion was significantly less than had been found to exist in previous cases in which adjustments of the type which Rock Island requested were made, and that there was no basis in the record of this proceeding for deviating from the general standard established in previous cases. In its Appeal, Rock Island also asserted that the investment tax credit which it receives under Section 38 of the Internal Revenue Code distorts the current income which it reports to the FEA and, as a result, reduces the exception relief which the firm receives from the Entitlements Program. Rock Island claimed that, in order to correct this distortion, the FEA should spread the tax credit over the life of the assets involved rather than reflect the entire value of the credit in the particular year in which the investment is made. In considering this request, the FEA found that if the requested adjustment in the firm's historical return on investment were made, it would not significantly affect the firm's financial performance under the Entitlements Program. The FEA also found that this portion of Rock Island's request was not timely, and that Rock Island had made no showing that the investment tax credit applied in an unusual way to the firm. The FEA also determined that, contrary to the firm's claim, the inclusion of Rock Island's profitability during the months of April and May 1976 in calculating the appropriate amount of exception relief was proper. Finally, the FEA found that the cost of the entitlements which Rock Island would purchase in June and July 1976 was properly included on its financial statements for April and May 1976, since the FEA had adopted the accrual method of expense accounting in considering exception requests from the Entitlements Program. The Rock Island Appeal was therefore denied in all respects.

Texas Asphalt and Refining Co.; Houston, Tex.; FEA–0931

The Texas Asphalt and Refining Company (Tarco) filed an Appeal from a Decision and Order which the FEA had issued to the firm on July 15, 1976. Texas Asphalt and Refining Co., 4 FEA Par. 83,011 (July 15, 1976). The July 15 Order denied Tarco's Application for Exception from the provisions of Section 212.94(b)(1). Tarco's Appeal, if granted, would have permitted the firm to increase from five cents to 30 cents per barrel the handling fee which it may charge in its sales of crude oil to refiner-buyers under the provisions of the FEA Crude Oil Buy/Sell Program. In considering the Tarco Appeal, the FEA noted that in a January 19, 1976 Remedial Order, the FEA designated Tarco as a refiner-seller of 734,048 barrels of crude oil because the firm had failed to process the crude oil which it purchased in 1975 in accordance with the provisions of the Buy/Sell Program. The FEA found that a substantial portion of Tarco's alleged financial problems resulted not from its compliance with the Remedial Order nor from its inability to charge a 30 cent per barrel handling fee, but from an unfavorable contract which it had voluntarily entered into with a supplier of crude oil. After evaluating the Tarco claim that it would incur a severe financial hardship in the absence of exception relief, the FEA determined that refiner-buyers which had purchased crude oil from Tarco in justifiable reliance upon the provisions of Section 212.94(b)(1) would be adversely affected by the approval of the relief which Tarco requested, and that under the particular circumstances involved in this case, that factor outweighed any financial difficulties which Tarco might experience. The Tarco Appeal was therefore denied.

Whaleco Fuel Corp.; Brooklyn, N.Y.; FEA–1008; Residual Fuel Oil

The Whaleco Fuel Corporation (Whaleco) filed an Appeal from a Decision and Order which the FEA issued to the firm on September 20, 1976. Whaleco Fuel Corp., 4 FEA Par. 83,115 (September 20, 1976). In the determination from which the Appeal was taken, the FEA denied Whaleco's request for exception relief from those provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) that permit certain firms to earn entitlements for the residual fuel oil which they have imported since February 1976. The present Appeal, if granted, would reverse the September 20 Decision and permit Whaleco to receive entitlement benefits for the residual fuel oil which it purchased from another importer during February and March 1976. In its Appeal, Whaleco contended that the FEA erred in denying the firm's claim of serious financial hardship. In considering the Appeal, the FEA affirmed the previous determination that exception relief was not warranted in this case since the loss of potential revenues which Whaleco alleged it would experience was due to the economic forces of the marketplace rather than the impact on the firm of the FEA regulatory program. The FEA also found no evidence to support the firm's claim of gross inequity since the competitive situation which Whaleco was experiencing was similar to that which other firms had experienced prior to the adoption of the regulatory provisions from which it had requested exception relief. On the basis of these conclusions, the Whaleco Appeal was denied.

Bell Finer Fuels: Chicago, Ill.; FEE–3339; No. 2 Heating Oil

Bell Finer Fuels (Bell) filed an Application for Exception from the requirement that it file with the FEA Form P112–M–1, entitled "No. 2 Heating Oil Supply/Price Monitoring Report." In its exception application, Bell stated that at the present time it does not have the capability to provide the data required by Form P112–M–1. The firm claimed that it recently acquired the heating oil business of several companies in the Chicago, Illinois area, and that, as a result of its increased business activities, it does not have the manpower necessary to gather the required information. The firm contended that additional personnel would be necessary in order to provide the required data, and that the expense of hiring additional personnel would constitute a serious hardship. In considering the Bell exception application, the FEA found that, although the firm had been given ample opportunity to do so, Bell failed to submit any substantiation whatsoever in support of its contentions. The FEA further determined that Bell had failed to demonstrate that the burden of providing the requested data is grossly disproportionate to the benefit which would be derived from obtaining information as to the supply and price of an important petroleum product. Accordingly, the Bell exception application was denied.

REQUESTS FOR EXCEPTION

Ashland Oil Co. of California; Oakland, Calif.; FEE–3282; Motor Gasoline

On April 30, 1976, the Federal Energy Administration issued a Decision and Order to the Ashland Oil Company of California (Ashland) in which it granted the firm an exception from the provisions of 10 CFR 211.9. Ashland Oil Company of California, 3 FEA Par. 83,173 (April 30, 1976). In that Decision, the FEA found that Ashland was experiencing a serious hardship as a result of the requirement that it continue to regard Coastal States Gas Producing Company (Coastal States) as its principal base period supplier of motor gasoline. In order to alleviate that hardship, the April 30 Order directed the Regional Administrator of FEA Region IX to assign to Ashland during the period April through June 1976 new

suppliers for 16,903,346 gallons of the firm's total base period use of motor gasoline. In its present submission, Ashland requested an extension of the exception relief previously granted. In considering the Ashland application, the FEA determined that the firm would continue to experience substantial financial difficulties which would seriously jeopardize its viability as an independent marketer and that an extension of exception relief was therefore appropriate. However, the FEA also determined that it would be inappropriate to reassign Ashland's entire base period use of motor gasoline from Coastal States, or to restore Ashland to its historic level of profitability, since that form of relief would tend to destabilize the motor gasoline market in California and since Ashland's financial difficulties were partially a result of its own business decisions. After balancing the various factors involved in the case, the FEA concluded that exception relief should be granted only to alleviate the serious hardship which Ashland is experiencing as a result of the FEA Regulations and to mitigate the firm's projected operating losses during 1977. On the basis of certain assumptions relating to the operating losses which Ashland would otherwise experience and the volume of motor gasoline necessary to alleviate those losses, the Regional Administrator was directed to assign to Ashland a new supplier for 22,544,569 gallons of its base period use of motor gasoline which Coastal States would have otherwise furnished. The exception relief was made applicable for the period January through June 1977.

Farmers Union Central Exchange, Inc.; St. Paul, Minn., FPI–0105; Crude Oil

Farmers Union Central Exchange, Inc. (CENEX) filed an Application for Exception which, if granted, would result in a refund of $216,000 in supplemental fees which the firm had paid to the United States Government for the crude oil which it imported during December 1975. In its application, CENEX claimed that it paid the $216,000 in supplemental fees during the month of December 1975 for crude oil which actually entered the United States after the supplemental fee on crude oil was eliminated. On the basis of those allegations, CENEX contended that the requirement that it pay fees on this crude oil constituted an exceptional hardship to the firm. In considering CENEX's exception application, the FEA determined that under the provisions of Section 5(b) of Proclamation 4210 and determinations made in several prior FEA Decisions and Orders, the FEA does not have the authority to refund the payment of the supplemental fee if the fee was properly assessed. The FEA also found that the Customs Form 7501 filed by the Continental Pipeline Company on CENEX's behalf during December 1975 was prepared in the usual and customary manner, and the fee was properly assessed on the amount of crude oil shown by that Form to have been received by CENEX during that month. Accordingly, since the FEA lacked jurisdiction to grant CENEX's request, its Application for Exception was dismissed.

Gasoline Heaven at Commack, Inc.; Commack, N.Y., FEE–3283; Motor Gasoline

Gasoline Heaven at Commack, Inc. (Gasoline Heaven), a retailer of motor gasoline, filed an Application for Exception which, if granted, would have resulted in the assignment of a new supplier to replace Gasoline Heaven's base period supplier, the Standard Oil Company of Indiana (Amoco). In its submission, Gasoline Heaven alleged that Amoco had charged prices for motor gasoline which exceeded the maximum permissible selling prices under the FEA Regulations, that Amoco had stated that it would continue the allegedly unlawful pricing policies in the future, and that the prices charged by Amoco exceed the prices charged by another supplier, the Gulf Oil Corporation, from which Gasoline Heaven was purchasing surplus product. Gasoline Heaven also noted that the FEA had issued a Notice of Probable Violation (NOPV) to Amoco with respect to the alleged overcharges. As a result, the firm claimed that it would experience a gross inequity if it were required to maintain its base period supplier/purchaser relationship with Amoco. In considering the Gasoline Heaven request, the FEA noted that the fact that another supplier is willing to supply a petroleum product at a price below the price offered by a base period supplier does not, standing alone, constitute a basis for termination of a supplier/purchaser relationship through the exceptions process. The FEA found that Gasoline Heaven had not claimed that it was experiencing serious financial or operating difficulties as a result of the prices charged by its base period supplier. Furthermore, the FEA found that since Gasoline Heaven was currently obtaining surplus product under a contract with Gulf, it could not claim that it is currently being adversely affected by the continued existence of its base period supplier/purchaser relationship. Accordingly, exception relief based upon precedents established in such cases as Southland Oil Co., 3 FEA Par. 83,151 (March 31, 1976) was not appropriate. In the Decision which it issued, the FEA noted that Amoco was actively contesting the findings made in an NOPV which had alleged that it overcharged Gasoline Heaven, and that no definitive determination had been made by a court of law or by the FEA with respect to Gasoline Heaven's claims of misconduct by Amoco, nor had Gasoline Heaven presented substantial, uncontradicted evidence of fraud or other misconduct on the part of Amoco. The FEA therefore determined that exception relief was not appropriate under the precedent established in Eagle Point School District No. 9, 2 FEA Par. 80,622 (July 1, 1975) or Beukema's Petroleum Co., 4 FEA Par. 83,032 (August 6, 1976). The firm's Application for Exception was therefore denied.

Robert W. O'Meara; New Orleans, La.; FXE–3555; Crude Oil

Robert W. O'Meara (O'Meara) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of the exception relief previously granted to O'Meara and would permit O'Meara to continue to sell a portion of the crude oil produced from the Louisiana Fruit No. 2 well (the No. 2 well) at upper tier ceiling prices. See Robert W. O'Meara, 4 FEA Par. 83,029 (July 30, 1976). In considering the exception application, the FEA found that the No. 2 well continued to incur increased operating costs and that, in the absence of continued exception relief, the working interests would lack an incentive to produce crude oil from the property. In view of this situation and on the basis of the operating data presented for the well for the previous six months, the FEA concluded that the working interest owners should be permitted to sell 100 percent of the crude oil produced from the well at upper tier ceiling prices in order to recover the increased operating costs of the well.

Joe E. Sharber; Wewoka, Okla.; FEE–3218; Crude Oil

Joe E. Sharber (Sharber) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Sharber to sell the crude oil produced from the Rodden No. 1 Well (the Well) at price levels which exceed the ceiling prices set forth in 10 CFR 212.73. Sharber also requested that exception relief be made retroactive to September 1973. In considering Sharber's exception request, the FEA determined that Sharber is not entitled to exception relief which would permit the Well to be treated as a multiple completion well and thereby qualify as a stripper well property. However, the FEA also found that the costs of producing crude oil from the Well have increased significantly since May 15, 1973, and, as a result, the firm's production costs substantially exceed the lower tier ceiling price for crude oil which Sharber is permitted to charge pursuant to the FEA Regulations. The FEA therefore concluded that Sharber lacks an economic incentive to continue to operate the Well. Since the Well is the only facility currently capable of extracting the crude oil from the reservior on which it is located, the FEA found that the nation would be deprived of the recoverable crude oil at the site if exception relief were not approved and the Well were abandoned. On the basis of precedents involving similar factual findings, the FEA concluded that the application of the lower tier ceiling price rule in this case resulted in a gross inequity. The FEA determined, however, that Sharber had failed to show that exception relief should be made retroactive to September 1973. Accordingly, exception relief was approved which permits Sharber to sell at upper tier ceiling prices 46.5 percent of the crude oil produced and sold for the benefit of the working interest owners.

REQUESTS FOR STAY

David Crow; Shreveport, La.; FES–1092; Crude Oil.

David Crow filed an Application for Stay of a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to him on December 6, 1976. The Remedial Order determined that during the period September 1974 through February 1975 Crow violated the provisions of 10 CFR 212.73 by selling crude oil which he produced from two crude oil producing properties at prices which were in excess of the ceiling price levels permitted by the FEA Regulations. On the basis of this determination, the Remedial Order directed Crow to make refunds for the overcharges within 90 days to the Standard Oil Company of Ohio (Sohio), the purchaser of the crude oil. Crow's stay request, if approved, would relieve the firm of its obligation to make those refunds pending a final determination on its Appeal from the Remedial Order. In considering the request for stay, the FEA concluded that Crow had raised substantial issues concerning the propriety of the Remedial Order. Crow also made a strong showing that it could incur an irreparable injury if it were required to make immediate refunds to Sohio since in all likelihood Sohio would pass on the refunds to its customers and Crow could experience substantial difficulty in recovering the funds if it prevails on the merits of its Appeal. The FEA therefore held that Crow satisfied the criteria set forth in General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976), for the approval of a stay of the refund requirements specified in a Remedial Order. The FEA further concluded, however, that, in accordance with the considerations discussed in General Crude, supra, the stay should be conditioned upon Crow's establishing an escrow account into which it is required to place the disputed funds.

Flying Tiger Line, Inc.; Anchorage, Alaska; FES–1109; Aviation Fuel

Flying Tiger Line, Inc. (Flying Tiger) requested that the provisions of an Order which was issued to the firm by the FEA

Deputy Assistant Administrator for Operations on December 16, 1976, be stayed pending a determination on an Appeal which the firm also filed. In that Order, the Deputy Assistant Administrator amended an Assignment Order previously issued to Flying Tiger on December 19, 1974. The amendment permitted Flying Tiger's base period supplier, the Tesoro Petroleum Corporation (Tesoro), to fulfill its supply obligation to Flying Tiger for aviation turbine fuel under the 1974 Assignment Order by supplying either Type A (kerosene-base) or Type B (naphtha-base) aviation turbine fuel. After considering the contentions made by Flying Tiger, the FEA determined that there was merit in the firm's assertion that it could incur an irreparable injury if the requested stay were not granted and the firm was eventually successful in its Appeal of the December 16, 1976 Order. The FEA noted that amendments to the FEA Regulations which became effective on October 1, 1976 exempted naphtha jet fuel from the provisions of the FEA Mandatory Price and Allocation Regulations and that in its Application Flying Tiger indicated that the price quotations it received from Tesoro for naphtha jet fuel were substantially higher than either Tesoro's maximum permissible selling price for kerosene jet fuel under the FEA Regulations or the price previously charged by Tesoro for naphtha jet fuel. Consequently, if it were successful on Appeal, there was a significant possibility that Flying Tiger would be injured to the extent of the difference between the controlled price for kerosene jet fuel and the decontrolled price requested by Tesoro for naphtha jet fuel. Furthermore, the FEA concluded that Flying Tiger had raised substantial questions concerning the authority of the FEA to order that refunds be made by Tesoro if Flying Tiger were successful in its Appeal. The FEA further determined that Flying Tiger had raised substantial issues in its Appeal with respect to the validity of the December 16, 1976 Order. Consequently, a stay was granted which permits Tesoro to supply at its option either naphtha or kerosene jet fuel to Flying Tiger subject to the establishment by Flying Tiger of an escrow account into which it would deposit the difference between the price which Tesoro was permitted to charge for kerosene jet fuel and the prevailing price charged by Tesoro in sales to other customers for naphtha jet fuel.

Kershaw Properties; Muskogee, Okla.; FES–1150; Crude Oil.

Kershaw Properties (Kershaw) requested that the FEA stay the provisions of a Decision and Order issued to the Tenneco Oil Company on December 8, 1976, pending a determination of an Appeal of that Decision which Kershaw had filed. Tenneco Oil Co., 4 FEA Par. 83,229 (December 8, 1976). In considering the Kershaw request, the FEA found that although the firm had asserted that it would incur an irreparable injury in the absence of stay relief, Kershaw had not provided any evidence to support this assertion and had not even attempted to describe the nature or extent of the alleged irreparable injury. Accordingly, the FEA concluded that Kershaw had failed to satisfy any of the criteria under which a stay might properly be granted, and the FEA denied the firm's request.

Earl W. Sauder; Emporia, Kan.; FES–1108; Crude Oil.

Earl W. Sauder (Sauder) filed an Application for Stay of a Remedial Order which was issued to him by FEA Region VII on November 4, 1976. In the Remedial Order, the FEA directed Sauder to refund the revenues which he had realized from charging prices in excess of the applicable ceiling prices in sales of crude oil which he produced from two properties located in Lyon County, Kansas. Sauder requested a stay of the refund requirements of the Remedial Order pending a final determination of an Appeal of the Remedial Order which he had filed. In considering the application, the FEA determined that a stay was warranted since Sauder had raised significant substantive issues in his Appeal concerning the findings contained in the Remedial Order, and had also shown that he could experience an irreparable injury if he were forced to comply with the provisions of the Remedial Order by immediately refunding the total amount of the overcharges. See General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976). However, the FEA also found that the generally applicable requirement of an escrow account should apply in this case since Sauder had failed to demonstrate that he would be irreparably injured if he were required to place the funds which represented the overcharges into an escrow account pending a final determination on his Appeal. Therefore, the FEA stayed the provisions of the Remedial Order subject to the condition that Sauder place the disputed funds into an escrow account.

SUPPLEMENTAL ORDERS

Hudson Oil Co., Midland Cooperatives, Inc.; Washington, D.C., Minneapolis, Minn.; FEX–0112; Crude Oil and Covered Products.

On December 20, 1976, the FEA issued a Decision and Order to the Hudson Oil Company (Hudson) and Midland Cooperatives, Inc. (Midland) in which it granted various types of relief in order to facilitate a proposed acquisition by Hudson of Midland's Cushing, Oklahoma refinery. Hudson Oil Co.; Midland Cooperatives, Inc. 4 FEA Par. ____ (December 20, 1976). In a subsequent submission, Hudson claimed that the December 20, 1976 Decision created an unintended impediment to the proposed refinery acquisition by requiring Hudson to "borrow" Midland's banked costs for the purpose of calculating its maximum permissible prices during the first month in which Hudson operates the refinery, and then requiring Hudson to "pay back" the total dollar amount of Midland's banked costs which it uses during the first month over the remaining 11 months of the first year in which Hudson operates the refinery. In order to eliminate any undue adverse effects of the "pay back" provision, the FEA modified the December 20 Decision to eliminate the requirement that Hudson refund the amount of Midland's banked costs which it uses to calculate its maximum allowable prices during the first month in which it operates the refinery.

Hudson Oil Co., Midland Cooperatives, Inc.; Washington, D.C., Minneapolis Minn.; FEX–0114; Crude Oil and Covered Products.

On January 12 1977, the FEA issued a Supplemental Order to the Hudson Oil Company (Hudson) and Midland Cooperatives, Inc. (Midland) which modified a previous Decision which was issued to the firms on December 20, 1976 for the purpose of facilitating a proposed acquisition by Hudson of Midland's Cushing, Oklahoma refinery. Hudson Oil Co.; Midland Cooperatives, Inc., 4 FEA Par. ____ (January 12, 1977); and Hudson Oil Co.; Midland Cooperatives, Inc., 4 FEA Par. ____ (December 20, 1976). Subsequent to the issuance of the Supplemental Order, Hudson submitted a further Petition and new factual material in which it contended that even though its long range marketing strategy was to supply the products from the Cushing refinery to its own retail outlets, its short range plan during its first month of operations was to sell motor gasoline from the refinery at wholesale "rack" prices to the open market. In considering the Hudson submission, the FEA determined that the December 20 Decision, as modified by the January 12, 1977 Supplemental Order, should be further modified in order to specify the manner in which Hudson should calculate its maximum allowable prices for covered products sold to its wholesale rack class of purchaser in its first month in which it operated the refinery.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

City of Long Beach; Long Beach, Calif.; FEE–3227.
Scarsdale Fuel Oil Co., Inc.; Scarsdale, N.Y.; FEE–3570.

The following submissions were dismissed on the grounds that the relief requested was no longer appropriate:

EDG, Inc.; Los Angeles, Calif.; FEE–3195.
Linden's Propane, Inc.; Elyria, Ohio; FES–0046.

TEMPORARY STAYS

The following Applications for Temporary Stay were granted on the grounds that the applicants had made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Columbia LNG Corp.; Wilmington, Del.; FST–0026.
Columbia LNG Corp.; Wilmington, Del.; FST–0027.
Commonwealth Natural Gas Corp.; Lynchburg, Va.; FST–0028.
Piedmont Natural Gas Co.; Greensboro, N.C.; FST–0029.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

MARCH 13, 1977.

[FR Doc.77-7857 Filed 3-14-77;2:01 p.m.]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of February 4 Through February 11, 1977

Notice is hereby given that during the week of February 4 through February 11, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall

be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

MARCH 13, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Feb. 4 through Feb. 11, 1977*

Date	Name and location of applicant	Case No.	Type of submission
Feb. 4,1977	Pester Refining Co.; American Petrofina, Inc. (If granted: Pester Refining Co. would receive additional exception relief in connection with its proposed acquisition of the El Dorado refinery from American Petrofina, Inc.)	FEX-0118	Request for supplemental relief in Pester Refining Co.; American Petrofina, Inc., 4 FEA par. ------ (Jan. 31, 1977).
Do------	Shell Oil Co., Houston, Tex. (If granted: FEA's Nov. 5, 1976, order issued to the Gulf Oil Corp. would be rescinded and the Shell Oil Co. would not be assigned to supply former Gulf customers with petroleum products.)	FEA-1182	Appeal of FEA order dated Nov. 5, 1976, issued to the Gulf Oil Corp.
Do------	Sklar & Phillips Oil Co., Shreveport, La. (If granted: FEA's Dec. 17, 1976, remedial order would be rescinded and Sklar & Phillips Oil Co. would not be required to make refunds to the Scurlock Oil Co. for apparent overcharges made in crude oil sales.)	FRA-1181	Appeal of FEA region VI's remedial order dated Dec. 17, 1976.
Feb. 7,1977	Boutin & Sons, Lewiston, Maine (If granted: Boutin & Sons would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, C. N. Brown.)	FEE-3635	Exception to change base period supplier (sec. 211.9).
Do------	Breckenridge Gasoline Co., Breckenridge, Tex. (If granted: Breckenridge Gasoline Co. would receive an extension of the exception relief granted in the FEA's Aug. 19, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Eliasville and Lodi plants.)	FXE-3636 FXE-3639	Extension of exception relief granted in Breckenridge Gasoline Co., 4 FEA par. 83,044 (Aug. 19, 1976).
Do------	Green's Fuel Gas Co., Burlington, N.C. (If granted: Green's Fuel Gas Co., would be permitted to supply propane to industrial end-users to relieve the current energy emergency and would not be required to include those volumes of propane in the calculation of its weighted average cost of product in inventory to determine its selling prices to residential customers.)	FEE-3637	Exception to mandatory petroleum price regulations (pt. 212).
Do------	H. & K. Oil Co., Yankton, S. Dak. (If granted: FEA's Jan. 21, 1977, remedial order would be rescinded and the H. & K. Oil Co. would not be required to refund previous overcharges made on sales of No. 2 heating oil to the University of South Dakota.	FRA-1134 FRS-1134	Appeal of FEA region VIII's remedial order dated Jan. 21, 1977; stay requested.
Do------	Irving Oil Corp., Boston, Mass. (If granted: Irving Oil Co. would be permitted to import 600,000 bbl of finished petroleum products during the allocation period May 1, 1976, through Apr. 30, 1977, on a license-fee-free basis.)	FPI-0108	Exception from base fee requirements (pt. 213)
Do------	Mobil Oil Corp., Los Angeles, Calif. (If granted: FEA's Jan. 14, 1977, decision and order would be rescinded and the Mobil Oil Corp. would not be assigned as a supplier of motor gasoline to the Ashland Oil Co. of California.)	FXA-1183	Appeal of decision and order in Ashland Oil Co. of California, 4 FEA par. ------ (Jan. 14. 1977).
Do------	Nothstein Ford, Inc., Kutztown, Pa. (If granted: Nothstein Ford, Inc., would be assigned a new lower priced supplier of motor gasoline to replace its base period supplier, Texaco, Inc.)	FEE-3634	Exception to change base period supplier (sec. 211.9).
Do------	Shell Oil Co., Houston, Tex. (If granted: FEA's Jan. 28, 1977, assignment order would be rescinded and the Shell Oil Co. would not be required to supply the Time Oil Co. with 10,006,296 gal of motor gasoline annually.)	FES-0061	Request for stay of assignment order issued Jan. 28,
Do------	Texas American Oil Corp., Midland, Tex. (If granted: The stay of Texas American Oil Corp.'s obligation under sec. 211.67 to refund revenues from the sale of entitlements would remain in effect until a final determination on its appeal from a decision and order issued to the firm on Dec. 16, 1976.)	FEX-0119	Modification of decision and order in Texas American Oil Corp., 4 FEA par. ------ (Jan. 18, 1977).
Feb. 8,1977---	Buck Drilling & Exploration, Oklahoma City, Okla. (If granted: FEA's Jan. 25, 1977, remedial order would be rescinded and Buck Drilling & Exploration would not be required to refund previous overcharges made on sales of crude oil produced from the Crosswhite No. 1 and the Luckinbill No. 1 properties.)	FRA-1185 FRS-1185	Appeal of FEA region VI's remedial order dated Jan. 25, 1977; stay requested.
Do------	Heirs of H. W. Regester, Corsicana, Tex. (If granted: The heirs of H. W. Regester would be permitted to increase their prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Prentice plant.)	FEE-3638	Price exception (sec. 212.165).
Feb. 9,1977	Commonwealth of Virginia, Richmond, Va. (If granted: Commonwealth of Virginia would during the current allocation period be permitted to import 180,000 bbl of No. 2 heating oil on a license-fee-free basis to provide an alternative source of supply during the current heating season if normal commercial supplies become unavailable.	FPI-0109	Exception from base fee requirements (pt. 213).
Do------	Fagadau, Sanford P., Dallas, Tex. (If granted: Sanford P. Fagadau would receive an extension of the relief granted in the FEA's Dec. 28, 1976, decision and order and would be permitted to increase his prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Bluegrove plant.)	FXE-3641	Extension of relief granted in Sanford P. Fagadau, 4 FEA par. ------ (Dec. 28, 1976).
Do------	Pyramid Corp., Inc., Wichita, Kans. (If granted: Pyramid Corp., Inc.'s Pascoe A and Pascoe B leases would be retroactively classified as stripper well properties.)	FEE-3640	Price exception (sec. 212.73).

Date	Name and location of applicant	Case No.	Type of submission
Feb. 10, 1977	Boston Gas Co., Washington, D.C. (If granted: Boston Gas Co. would continue to receive propane for use as a feedstock in its SNG plant pending a decision on an application which the firm filed pursuant to the provisions of 10 CFR 211.29.)	FXE-0040	Extension of relief granted in Boston Gas Co., 4 FEA par. ——— (Jan. 18, 1977).
Do	Dow Chemical U.S.A., Houston, Tex. (If granted: Crude oil produced from wells which Dow Chemical U.S.A. proposed to drill on the Dow Chemical 6 and Schwing B-3 properties located in Iberville Parish, La., would be sold at upper tier ceiling prices.)	FEE-0043	Price exception (sec. 212.73).
Do	Estate of George H. Coates, Dallas, Tex. (If granted: Estate of George H. Coates would receive an extension of the exception relief granted in the FEA's Nov. 19, 1976, decision and order and would be permitted to increase prices to reflect nonproduct cost increases in excess of $0.005 gal for natural gas liquid products produced at the Jay Simmons plant.)	FXE-0047	Extension of exception relief granted in estate of George H. Coates, 4 FEA par. 83,124 (Nov. 19, 1976).
Do	Fagadau, Sanford P., Dallas, Tex. (If granted: Sanford P. Fagadau would receive an extension of the exception relief granted in the FEA's Nov. 12, 1976, decision and order and would be permitted to increase his prices to reflect nonproduct cost increases in excess of $0.00 /gal for natural gas liquid products produced at the Maryetta gasoline plant.)	FXE-0044	Extension of relief granted in Sanford P. Fagadau, 4 FEA par. 83,139 (Nov. 12, 1976).
Do	McGraw-Hill Publications Co., Washington, D.C. (If granted: FEA's Jan. 4, 1977, information request denial would be rescinded and the McGraw-Hill Publications Co. would receive access to the document previously denied.)	FFA-1159	Appeal of FEA information request denial dated Jan. 4, 1977.
Do	Plaquemines Oil Sales Corp., Belle Chasse, La. (If granted: Plaquemines Oil Sales Corp. would receive a stay of the requirements of the FEA's June 7, 1976, remedial order and would not be required to refund alleged overcharges made on sales of No. 2 diesel fuel pending a final determination of its petition for judicial review filed in the U.S. District Court for the Eastern District of Louisiana.)	FRS-0009	Request for stay of FEA region VI's remedial order dated June 7, 1976.
Do	Propane Reserves, Inc., Tulsa, Okla. (If granted: FEA's Jan. 13, 1977, remedial order would be rescinded and Propane Reserves, Inc., would not be required to refund alleged overcharges made on sales of propane.)	FRA-1156	Appeal of FEA region VI's remedial order dated Jan. 13, 1977.
Do	Red Triangle Oil Co., San Francisco, Calif. (If granted: FEA's Nov. 5, 1976, order relieving the Gulf Oil Corp. of supply requirements in the western region would be rescinded and the Red Triangle Oil Co. would continue to receive its base period use of petroleum products from the Gulf Oil Corp.)	FEA-1158 FES-1158	Appeal of FEA order dated Nov. 5, 1976, issued to the Gulf Oil Corp.; stay requested.
Do	Smith, Eddie L. (formerly doing business as Ringwood Propane), Ringwood, Okla. (If granted: FEA's Jan. 31, 1977, remedial order would be rescinded and Eddie L. Smith (formerly doing business as Ringwood Propane) would not be required to refund alleged overcharges made on sales of propane and diesel fuel.)	FRA-1157 FRS-1157	Appeal of FEA region VI's remedial order dated Jan. 31, 1977; stay requested.
Do	Texas Pacific Oil Co., Inc., Dallas, Tex. (If granted: Texas Pacific Oil Co., Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Adena gas plant.)	FEE-0045	Price exception (sec. 212.163).

[FR Doc.77-8241 Filed 3-15-77;5:03 pm]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of February 11 Through February 18, 1977

Notice is hereby given that during the week of February 11 through February 18, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

MARCH 13, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Feb. 11 through Feb. 18, 1977*

Date	Name and location of applicant	Case No.	Type of submission
Feb. 11, 1977	Beacon Gasoline Co., Washington, D.C. (If granted: Beacon Gasoline Co. would receive an extension of the exception relief granted in the FEA's Dec. 23, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Minden plant.)	FXE-3648	Extension of exception relief granted in Beacon Gasoline Co., 4 FEA, par. ----- (Dec. 23, 1976).
Do	Linden's Propane, Inc., La Grange, Ohio. (If granted: FEA's Jan. 13, 1977, decision and order would be modified with respect to the distribution of the funds in the escrow account established by Linden's Propane, Inc.)	FEX-0039	Modification of decision and order in Linden's Propane, Inc., 4 FEA, par. ----- (Jan. 13, 1977).
Do	McCulloch Gas Processing Corp., Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the exception relief granted in the FEA's Oct. 1, 1976, and Dec. 29, 1976, decision and orders and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Belle Fourche, Fairview, Gillette, Jamison Prong, Oedekoven, and Well Draw.)	FXE-3650— FXE-3655	Extension of exception relief granted in McCulloch Gas Processing Corp., 4 FEA par. 83,127 (Oct. 1, 1976); McCulloch Gas Processing Corp., 4 FEA par. ----- (Dec. 29, 1976).
Do	Texas Pacific Oil Co., Inc., Dallas, Tex. (If granted: Texas Pacific Oil Co., Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products at the Enville and Laverne natural gas processing plants.)	FEE-3656 FEE-3667	Price exception (sec. 121.165).
Do	Universe Oil Co., Carteret, N.J. (If granted: Universe Oil Co. would not be required to file form P112-M-1 (No. 2 heating oil/price monitoring report) with the Federal Energy Administration.)	FEE-3649	Exception to reporting requirement (sec. 211.127).
Feb. 14, 1977	Gulf Oil Corp., Tulsa, Okla. (If granted: FEA's Jan. 6, 1977, decision and order would be rescinded and the Gulf Oil Corp. would be authorized to furnish Mid-Michigan Truck Service, Inc., with its base-period use of petroleum products through a substitute supplier arrangement.	FXA-1190	Appeal of a decision and order in Mid-Michigan Truck Service, Inc., 4 FEA par. ----- (Jan. 6, 1977).
Do	Les K. Hanson, Inc., St. Paul, Minn. (If granted: FEA's Feb. 2, 1977, remedial order would be rescinded and Les K Hanson, Inc., would not be required to refund alleged overcharges made on sales of motor gasoline and diesel fuel.)	FRA-1191 FRS-1191	Appeal of FEA's region V's remedial order dated Feb. 2, 1977.
Do	Sabre Refining, Inc., Bakersfield, Calif. (If granted: Sabre Refining, Inc., would not be required to purchase entitlements to offset excessive benefits received as a result of exception relief granted in 1976.)	FEX-0120	Supplemental order to decision and order in Sabre Refining, Inc., 4 FEA par. 83,010 (July 16, 1976).
Do	Standard Oil Co. (Indiana), Chicago, Ill. (If granted: Standard Oil Co. (Indiana) would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Kinsler, Levelland, Slaughter, South Gillock, and South Pecan Lake.)	FEE-3650 FEE-3663	Price exception (sec. 212.165).
Do	Texaco, Inc., Houston, Tex. (If granted: Texaco, Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Blessing gas plant and the Paradis gas plant.)	FEE-3666 FEE-3667	Do.
Feb. 15, 1977	Ashland Oil Co. of California, Washington, D.C. (If granted: FEA's Jan. 14, 1977, decision and order would be rescinded and the Ashland Oil Co. of California would be assigned a new, lower priced supplier of motor gasoline for its entire base-period use.)	FXA-1193	Appeal of decision and order in Ashland Oil Co. of California, 4 FEA par. ----- (Jan. 14, 1977).
Do	Champlin Petroleum Co., Fort Worth, Tex. (If granted: Champlin Petroleum Co. would receive an extension of the exception relief granted in the FEA's Dec. 19, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Gulf Plains plant and the Witcher plant.)	FXE-3703 FXE-3704	Extension of exception relief granted in Champlin Petroleum Co., 4 FEA par. 83,235 (Dec. 16, 1976).
Do	Diamond Shamrock Corp., Amarillo, Tex. (If granted: Diamond Shamrock Corp. would receive an extension of the exception relief granted in the FEA's Sept. 21, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products.)	FXE-3705	Extension of exception relief granted in Diamond Shamrock Corp., 4 FEA par. 83,101 (Sept. 21, 1976).
Do	Dixie Gas, Inc., Marks, Miss. (If granted: Dixie Gas, Inc., would be permitted to reflect certain additional nonproduct cost increases in its prices for propane during the period Sept. 1, 1973, through Mar. 31, 1974.)	FEE-3669	Price exception (sec. 212.93).
Do	Getty Oil Co., Los Angeles, Calif. (If granted: Getty Oil Co. would receive an extension of the exception relief granted in the FEA's Dec. 3, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Vermilion plant, the West Bernard plant, and the Yates plant.)	FXE-3700— FXE-3702	Extension of exception relief granted in Getty Oil Co., 4 FEA par. 83,216 (Dec. 3, 1976).
Do	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would receive an extension of the exception relief granted in FEA's Dec. 30, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Azalea, Milfay, and Sand Hills processing plants.)	FXE-3670— FXE-3672	Extension of FEA's exception relief granted in Gulf Oil Corp., 4 FEA par. ----- (Dec. 30, 1976).

Date	Name and location of applicant	Case No.	Type of submission
Do	Halliburton Co./Vessels Gas Processing Co., Denver, Colo. (If granted: Halliburton Co.; Vessels Gas Processing Co. would receive an extension of the relief granted in the FEA's Dec. 28, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas products produced at the Irondale plant.)	FXE-3699	Extension of exception relief granted in Halliburton Co.; Vessels Gas Processing Co., 4 FEA par. ------ (Dec. 28, 1976).
Do	Mar-Low Corp., Lafayette, La. (If granted: Crude oil produced from Mar-Low Corp.'s Grand Lake Field located in Cameron Parish, La., would be sold at upper tier ceiling prices.)	FEE-3665	Price exception (Sec. 212.73).
Do	Mobil Oil Corp., New York, N.Y. (If granted: Mobil Oil Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Camargo, Slaughter, and Toca plants.)	FEE-3673—FEE-3675	Price exception (sec. 212.165).
Do	Mobil Oil Corp., New York, N.Y. (If granted: Mobil Oil Corp. would receive an extension of the exception relief granted in the FEA's Sept. 29, 1976, and Oct. 22, 1976, decision and orders and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following plants: Bradley, Burnell-North Pettus, Chitwood, Desdemonia, Dollarhide, Electra, Hickok, Kermit, Kettleman North Dome, La Gloria, Levelland, Nueces River, Old Ocean, Pegasus, Rio Bravo, Sholem Alechem, Spivey, Vanderbilt, and West Seminole.)	FXE-3680—FXE-3698	Extension of exception relief granted in Mobil Oil Corp., 4 FEA par. 83,162 (Oct. 22, 1976); Mobil Oil Corp., 4 FEA par. 83,128 (Sept. 29, 1976).
Do	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Crude oil produced from the Phillips Petroleum Co.'s Hopkins "A" lease located in Panola County, Tex., would be sold at upper tier ceiling prices.)	FEE-3668	Price exception (sec. 212.73 (a)).
Do	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Moline plant.)	FEE-3676	Price exception (sec. 212.165).
Do	Southland Oil Co., Savannah, Ga. (If granted: Southland Oil Co. would be assigned a new, lower priced supplier of motor gasoline for the 3-month period beginning Jan. 1, 1977, to replace its base period supplier, the Charter International Oil Co.)	FEE-3664	Exception to change base period supplier (sec. 211.9).
Do	State of Hawaii, Honolulu, Hawaii. (If granted: Distributors of motor gasoline and diesel fuel in Hawaii would be permitted to increase their selling prices beginning Apr. 19, 1975, to reflect a 3½ c/gal increase in the State license tax on those fuels.)	FEE-3706	Exception from the mandatory petroleum price regulations.
Do	Teche Production Co., Inc., Lafayette, La. (If granted: Crude oil produced from Teche Production Co.'s Johnson heirs No. 2 Well located in Vermilion Parish, La., would be sold at upper tier ceiling prices.)	FEE-3658	Price exception (sec. 212.74).
Do	Triad Oil & Gas Co., Inc., Jackson, Miss. (If granted: Crude oil produced from Triad Oil & Gas Co.'s W. J. Ainsworth No. 1 Well located in Smith County, Miss., would be sold at upper tier ceiling prices.)	FEE-3679	Price exception (sec. 212.73).
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. of California would receive an extension of the exception relief granted in the FEA's Nov. 12, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Dominguez and Rio Bravo plants.)	FXE-3677 FXE-3678	Extension of exception relief granted in Union Oil Company, 4 FEA par. ------ (Nov. 12, 1976).
Do	Waterbury Petroleum Products, Inc., Waterbury, Conn. (If granted: FEA's Feb. 1, 1977, information request denial would be rescinded and Waterbury Petroleum Products, Inc., would receive access to additional data relating to a complaint filed by Waterbury with region IX of the FEA.)	FFA-1192	Appeal of FEA's information request denial dated Feb. 1, 1977.
Feb. 16, 1977	Empiregas, Inc. of Waynesville, Lebanon, Mo. (If granted: FEA's Apr. 30, 1976, decision and order would be rescinded and Empiregas, Inc., of Waynesville would be assigned a new, lower priced supplier of propane to replace its base-period supplier, the Phillips Petroleum Co.)	FXA-1194	Appeal of decision and order in Empire Gas Corp., 3 FEA par. 83,174 (Apr. 30, 1976).
Do	Mapco, Inc., Tulsa, Okla. (If granted: Mapco, Inc., would receive an extension of the exception relief granted in the FEA's Oct. 29, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Altonah plant and the Tyrone plant.)	FXE-3710 FXE-3711	Extension of exception relief granted in Mapco, Inc., 4 FEA par. 83,170 (Oct. 29, 1976).
Do	Standard Oil Co. (Indiana), Chicago, Ill. (If granted: Standard Oil Co. (Indiana) would not be required to use the sequential method for recovery of product costs and nonproduct costs during the period Jan. 1, 1975, to Jan. 31, 1976.)	FEE-3708	Price exception (secs. 212.82, 212.83 and 212.87).
Do	Tenneco Oil Co., Houston, Tex. (If granted: Tenneco Oil Co. would receive a stay of the requirements of the FEA's Feb. 2, 1977, remedial order and would not be required to refund alleged overcharges which it made on sales of motor gasoline.)	FRS-0068	Request for stay of FEA region VI's remedial order dated Feb. 2, 1977.
Do	Trobaugh, Allen K., Midland, Tex. (If granted: Crude oil produced from the Bailey lease Well No. 1 located in Hockley County, Tex., would be sold at upper tier ceiling prices.)	FEE-3707	Price exception (sec. 212.73).
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. of California would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products at the following natural gas plants: Bakke, Bell, Bryans Mill, Caddo, Camrick, Como, Cow Island, North Okarche, Stearns, and TSMA.)	FEE-3712—FEE-3721	Price exception (sec. 212.165).

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. of California would receive an extension of the exception relief granted in the FEA's Nov. 12, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Adena, Cotton Valley, Dollarhide, Gillette, Houma, Kettleman Hills, Lisbon, Mermentau, Putnam Oswego, Santa Maria Valley, Van, and Worland.)	FXE-3722—FXE-3733	Extension of exception relief granted in Union Oil Co. of California, 4 FEA par. 83,185 (Nov. 12, 1976).
Feb. 17, 1977	Boyd Oil Corp., Contoocook, N.H. (If granted: FEA's Feb. 4, 1977, remedial order would be rescinded and the Boyd Oil Corp. would not be required to refund alleged overcharges which it made on sales of No. 2 fuel oil and diesel fuel.)	FRA-1195 FRS-1195	Appeal of FEA region I's remedial order dated Feb. 4, 1977. Stay requested.
Do.....	New England Power Co., Westborough, Mass. (If granted: FEA's Feb. 15, 1977, information request denial would be rescinded and the New England Power Co. would receive access to FEA data relating to an analysis of the additional costs associated with burning coal at each unit at NEPCO's Brayton Point and Salem Harbor powerplants.)	FIA-1197	Appeal of FEA information request denial dated Feb. 15, 1977.
Do.....	Northern Natural Gas Co., Omaha, Nebr. (If granted: Northern Natural Gas Co. would receive an extension of the exception relief granted in the FEA's Sept. 30, 1976, decision and order and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the firm's two natural gas processing plants located in Martin's County, Tex.)	FXE-3734	Extension of exception relief granted in Northern Natural Gas Co., 4 FEA par. 83,129 (Sept. 30, 1976).
Do.....	Standard Oil Co. of California, San Francisco, Calif. (If granted: FEA would rescind that portion of its Jan. 20, 1977, remedial order which requires the Standard Oil Co. of California to make adjustments to its forms FEO 96 which would reduce SOCAL's banks of unrecovered increased product costs for the months May through August 1974.)	FRA-1196 FRS-1196	Appeal of FEA region IX's remedial order dated Jan. 20, 1977. Stay requested.

[FR Doc.77-8242 Filed 3-15-77;5:02 pm]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of February 18 Through February 25, 1977

Notice is hereby given that during the week of February 18 through February 25, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

MARCH 13, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Feb. 18 through Feb. 25, 1977*

Date	Name and location of applicant	Case No.	Type of submission
Feb. 18, 1977	Asamera Oil (U.S.), Inc., Commerce City, Colo. (If granted: Asamera Oil (U.S.), Inc., would not be required to make available petroleum products to American Petrofina, Inc., at the Asamera Commerce City refinery on the grounds that American Petrofina can fulfill its needs from its own expanded capacity.)	FEE-3735	Exception to change suppliers.
Do.....	B. & D. Oil Co., Inc.; Iron Range Propane Co., Inc., Hibbing, Minn. (If granted: The stay relief granted in the FEA's Dec. 28, 1976, decision and order would be rescinded.)	FEX-0122	Supplemental order to FEA's decision and order in B. & D. Oil Co., Inc.; Iron Range Propane Co., Inc., 5 FEA par. ..... Dec. 28, 1976).
Do.....	Consumers Power Co., Jackson, Mich. (If granted: The FEA's Dec. 31, 1976, assignment order would be modified to permit Consumers Power Co. to purchase naphtha as an SNG feedstock at its Marysville, Mich., SNG plant.)	FMR-0085	Modification of FEA's Dec. 31, 1976, assignment order.
Do.....	David Crow, Shreveport, La. (If granted: The stay approved in the FEA's Jan. 12, 1977, decision and order would be vacated.)	FEX-0121	Supplemental order to FEA's decision and order in David Crow, 5 FEA par. ..... (Jan. 12, 1977).
Do.....	Kathol Petroleum, Inc., Kearney, Mo. (If granted: FEA's Dec. 16, 1976, decision and order would be modified to permit Kathol Petroleum, Inc., to retroactively increase prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products.)	FXA-1201	Appeal of FEA's decision and order in Kathol Petroleum, Inc., 4 FEA par. ..... (Dec. 16, 1976).

Date	Name and location of applicant	Case No.	Type of submission
Feb. 22, 1977	Atlantic Richfield Co., Dallas, Tex. (If granted: Atlantic Richfield Co. would receive an extension of the relief granted in FEA's decisions and orders which would permit the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Convington, Crane, Dayton, Drumright, East Village Mills, Eldorado, Longview, McKamie, Midland, North Cowden, Nueces River, Ojai Timber, Price, Riverton Dome, Robstown, Seminole, Silsbee, Spivey and Stevens-Calidon plants.)	FXE-3747-FXE-3765	Extension of exception relief granted in Atlantic Richfield Co., 4 FEA par. 83,097 (Sept. 24, 1976); Atlantic Richfield Co., 4 FEA par. 83,191 (Nov. 19, 1976); Atlantic Richfield Co., 5 FEA par. ------ (Dec. 30, 1976).
Do	Belridge Oil Co., Los Angeles, Calif. (If granted: Belridge Oil Co. would receive an extension of the relief granted in FEA's Dec. 23, 1975, decision and order which would permit the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products.)	FXE-3746	Extension of exception relief in Belridge Oil Co., 5 FEA par. ------ (Dec. 13, 1976).
Do	Braden-Zenith, Inc., Wichita, Kans. (If granted: FEA region VII's Regional Administrator would receive an extension of time in which to take action pursuant to the requirements set forth in the Jan. 14, 1977, decision and order.)	FEX-0124	Supplemental order to the decision and order in Braden-Zenith, Inc., 5 FEA par. ------ (Jan. 14, 1977).
Do	Cities Service Co., Tulsa, Okla. (If granted: Cities Service Co. would receive an extension of the relief granted in FEA's Dec. 30, 1976, decision and order which would permit the firm to increase prices to flect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Myrtle Springs and St. Amelia gas plants.)	FXE-3739 FXE-3740	Extension of exception relief granted in Cities Service Co., 5 FEA par. ------ (Dec. 30, 1976).
Do	Enterprise Products Co., Houston, Tex. (If granted: FEA region IV remedial order regarding Enterprise Product Co.'s sales of propane to Horne Products would be stayed pending a determination of the firm's proposed appeal.)	FRS-1200	Appeal of remedial order issued by FEA region IV.
Do	Lebsack Oil Production, Inc., Hays, Kans. (If granted: The FEA's Dec. 23, 1976, decision and order would be rescinded and Lebsack Oil Production, Inc., would not be required to refund revenues which the firm may have realized in 1974 as a result of charging improper prices for the crude oil which it produced from the Lebsack-Hartle lease located in Rice County, Kans.)	FXA-1198	Appeal of FEA's decision and order in Lebsack Oil Production, Inc., 5 FEA par. ------ (Dec. 23, 1976).
Do	Louisiana Land & Exploration Co., New Orleans, La. (If granted: Louisiana Land & Exploration Co. would receive a stay of the requirements of 10 CFR 211.63(b) pending a final determination on the firm's exception request.)	FES-3595	Stay request (sec. 211.63).
Do	MacKellar, Inc., Oklahoma City, Okla. (If granted: The FEA's Jan. 28, 1977, decision and order would be modified to require the purchaser of crude oil which is produced by MacKellar to fund the escrow account.)	FEX-0123	Supplemental order to the decision and order in MacKellar, Inc., 5 FEA par. ------ (Jan. 28, 1977).
Do	M. J. Mitchell, Dallas, Tex. (If granted: M. J. Mitchell would receive an extension of the relief granted in FEA's Oct. 1, 1976, decision and order which would permit it to sell 100 pct of the crude oil produced from the Minnelusa Sand Unit in the Pickrel Ranch Field, Campbell County, Wyo., at upper tier ceiling prices.)	FEE-3736	Extension of relief granted in M. J. Mitchell, 4 FEA par. 83,126 (Oct. 1, 1976).
Do	Pennsylvania Petroleum Corp. (If granted: Pennsylvania Petroleum Corp. would be permitted to establish its base prices as of Jan. 10, 1973.)	FEE-3709	Price exception (sec. 212.93).
Do	Sabine Production Company, Dallas, Tex. (If granted: The FEA's Dec. 23, 1976, decision and order issued to Pennzoil Producing Co. would be rescinded and crude oil prlduced from the Perry Sand Waterflood Unit, north segment, located in Yazoo County, Miss., would be sold at upper tier ceiling prices for the benefit of both the working interest owners and the royalty interest owners.)	FXA-1199	Appeal of FEA's decision and order in Pennzoil Producing Co., 5 FEA par. ------ (Dec. 23, 1976).
Do	Small's LP Gas Co., Sikeston, Mo. (If granted: Small's LP Gas Co. would receive an extension of the relief granted in the FEA's Dec. 3, 1976, decision and order which would permit Small's LP Gas Co. to be assigned a new lower priced supplier of propane to replace its base period supplier, Amtane, Inc.)	FXE-3737	Extension of exception relief granted in Small's LP Gas Co., 4 FEA par. 83,219 (Dec. 3, 1976).
Do	Southland Oil Co., Washington, D.C. (If granted: The FEA's Dec. 21, 1976, decision and order would be modified.)	FMR-0086	Modification of FEA's Dec. 21, 1976, Decision and order in Southland Oil Co., 5 FEA par. ------ (Dec. 21, 1976).
Do	T. C. Morrow Drilling Co., Houston, Tex. (If granted: T. C. Morrow Drilling Co. would receive a stay of the refund requirements established in a remedial order which was issued to the firm by FEA region VI on May 10, 1976, pending judicial review.)	FRS-0069	Stay of FEA's remedial order issued by FEA region VI on May 10, 1976.
Feb. 23, 1977	Boise Aviation Fuel Co., Boise, Idaho. (If granted: Boise Aviation Fuel Co. would receive an exception from 10 CFR 212.93 which would allow it to pass through nonproduct cost increases in excess of $0.04/gal.)	FEE-3738	Price exception (sec. 212.93).
Do	Cities Service Co., Tulsa, Okla. (If granted: Cities Service Co. would receive an extension of the relief granted in FEA's Nov. 5, 1976, decision and order which would permit the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid product produced at its Bluitt, Bryans Mill, Cico, Crowley, Dollarhide, East Texas, Lapeyrouse, Lefors, Maysville, Mermentau, Midway, North Cowden, Pampa, Price, Robstown, Rodman, San Antonio, Stonewall, Waco, and Wichita gas plants.)	FXE-3837—FXE-3856	Extension of exception relief granted in Cities Service Co., 4 FEA par. 83,175 (Nov. 5, 1976).

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Continental Oil Co., Houston, Tex. (If granted: Continental Oil Co. would receive an extension of the relief granted in FEA's Decisions and Orders which would permit the firm to increase its prices to reflect non-product cost increase in excess of $0.005/gal for natural gas liquid products produced at its Acadia, Burnell North Pettus, Hamlin, Maljamar, Medfor, North Cowden, Nort Okarche, O. W. Ward, Okeene, Ramsey, Rincon, Sussex, West Seminole, and West World plants.)	FXE-3766—FXE-3779	Extension of exception relief granted in Continental Oil Co., 4 FEA par. 83,023 (July 30, 1976); Continental Oil Co., 5 FEA par. ..... (Dec. 30, 1976).
Do.....	Dasher-Harris Gas Co., Jesup, Ga. (If granted: The FEA's Jan. 3, 1977, decision and order would be rescinded and Dasher-Harris Gas Co. would be assigned a new, lower priced supplier of propane to replace its base period supplier, Wanda Petroleum Co.)	FXA-1202	Appeal of FEA's decision and order in Dasher-Harris Gas Co., 5 FEA par. ..... (Jan. 3, 1977).
Do.....	Florida Hydrocarbons Co., Winter Park, Fla. (If granted: Florida Hydrocarbons Co. would be permitted to increase prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products.)	FEE-3745	Price exception (sec. 212.165).
Do.....	Read & Stevens, Inc., Roswell, N. Mex. (If granted: The remedial order which was issued by FEA region VI would be rescinded and Read & Stevens, Inc., would not be required to refund overcharges made in its sales of crude oil.)	FRA-1203	Appeal of FEA region VI's Jan. 21, 1977, remedial order.
Do.....	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Bryans Mill, Chalkley, Enville, Houston Central, Seeligson, Tippett, Wasson, Weeks Island, West Seminole, and Yates plants.)	FEE-3801—FEE-3810	Price exception (sec. 212.165).
Do.....	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the relief granted in FEA's Sept. 29, 1976, decision and order which would permit the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced in its Bayou Goula, Black Bayou, Camargo, Conley, Elk City, Grand Chenier, Halley, KNDU, Lake Washington, Lirett, Mermentau, Norco, O'Keene, Prentice, Red Fish Bay, Sea Robin, Seiling, Tallahalla, TXL, Van, and Ventura plants.)	FXE-3780—FXE-3800	Extension of exception relief granted in Shell Oil Co., 4 FEA par. 83,133 (Sept. 29, 1976).
Do.....	Standard Oil Co. of Indiana, Chicago, Ill. (If granted: Standard Oil Co. of Indiana would receive an extension of the relief granted in FEA's decisions and orders which would permit the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Beaver Creek, Burnell-North Pettus, Edgewood, Indian Basin, Luby, Midland Farms, North Cowden, Old Ocean, Peoria, South Fullerton, South Manchester, Thibodaux, and West Bastian Bay plants.)	FXE-3811—FXE-3823	Extension of exception relief granted in Standard Oil Co. of Indiana, 4 FEA par. 83,100 (Nov. 12, 1976); Standard Oil Co. of Indiana, 4 FEA par. 83,134 (Oct. 1, 1976).
Do.....	Texaco, Inc., Houston, Tex. (If granted: Texaco, Inc., would receive an extension of the relief granted in FEA's decisions and orders which would permit the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Garvin County, Handy, Kettleman Hills, Lignite, Luby, McKamie, New Hope, Roos South Campana, Seeligson Cycling, Shields Canyon, South Kermit, Tijerina, and Van gas plants.)	FXE-3324—FXE-3336	Extension of exception relief granted in Texaco, Inc., 4 FEA par. 83,201 (Nov. 19, 1976); Texaco, Inc., 4 FEA pr. 83,150 (Oct. 29, 1976).
Do.....	Whitco, Inc., Dallas, Tex. (If granted: Whitco, Inc., would receive an extension of the relief granted in FEA's Nov. 22, 1976, decision and order which would require Sun Oil Co. to continue supplying Whitco, Inc., directly without the use of an intermediate supplier.)	FXE-3742	Extension of exception relief granted in Whitco, Inc., 4 FEA par. 87,030 (Nov. 22, 1976).
Feb. 24, 1977	Al Jones Oil Corp., Jamaica, N.Y. (If granted: Al Jones Oil Corp. would receive an increase in its base period use of motor gasoline and General Oil Distributors, Inc., would be assigned as its base period supplier.)	FEE-3886	Exception to increase base period use (sec. 211.13).
Do.....	Bonray Oil Co., Oklahoma City, Okla. (If granted: The remedial order which was issued by FEA region VI on Feb. 11, 1977, would be rescinded and Bonray Oil Co. would not be required to refund overcharges made in its sales of crude oil.)	FRA-1205 FRS-1205	Appeal of FEA region VI's Feb. 11, 1977, remedial order. Stay request.
Do.....	Buck Drilling & Exploration, Oklahoma City, Okla. (If granted: FEA's Feb. 15, 1977, decision and order would be modified to require both the working interest owners and the royalty interest owners to fund the escrow account.)	FEX-0125	Supplemental order to the decision and order in Buck Drilling & Exploration, 5 FEA par. ..... (Feb. 15, 1977).
Do.....	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would receive an extension of the relief granted in FEA's decisions and orders which would permit the firm to increase prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Adena, Bluebell, Breckenridge, Camrick, Chesterville, Como, Encinal, Eunice, Fannett, Gladewater, Kalkaska, Drotz Springs, Lake Washington, Maysville, Mermentau, Monahans, Monument, North Port Neches, Pledger, Saunders, Shackelford, South Fullerton, Spear, Vada, and Waddell gas plants.)	FXE-3857—FXE-3881	Extension of relief granted in Gulf Oil Corp., 4 FEA par. 83,141 (Oct. 7, 1976); Gulf Oil Corp., 4 FEA par. 83,125 (Sept. 29, 1976).
Do.....	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Enville, Headlee, Moores Orchard, and Yates gas plants.)	FEE-3882—FEE-3885	Price exception (sec. 212.165).

Date	Name and location of applicant	Case No.	Type of submission
Do	Upham Oil & Gas Co., Mineral Wells, Tex. (If granted: Upham Oil & Gas Co. would receive an extension of the relief granted in FEA's Sept. 29, 1976, decision and order which would permit the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products.)	FXE-3741	Extension of exception relief granted in Upham Oil & Gas Co., 4 FEA par. 83,114 (Sept. 29, 1976).

[FR Doc.77-8240 Filed 3-15-77;5:02 pm]

FOOD INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Advisory Committee will meet Monday, April 4, 1977 at 9 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, about food industry interests and problems as these relate to national energy conservation programs.

The agenda for the meeting is as follows:

1. Chairman's Report.
2. Energy Supply Issues for the Food and Foodservice Industries.
3. Energy Conservation Issues for the Industry.
4. Transportation.
5. Subcommittee Reports.
6. Public Comment.

Subcommittees may meet informally in Washington the preceding evening, at the discretion of the subcommittee chairmen; the meetings will be open to the public. For further information on subcommittee activities, call Lois Weeks, Director, Advisory Committee Management at (202) 566-7022.

The Committee meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Less than the normal 15-day notice is being given for this meeting in order for the Committee to make recommendations regarding the President's national energy policy statement to be presented to the Congress on April 20, 1977.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on March 15, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-8239 Filed 3-15-77;5:01 pm]

CIVIL AERONAUTICS BOARD

[Order 77-3-80, Docket 30016]

AMERICAN AIRLINES, INC.

"Super Saver" Discount Fares, New York-Los Angeles/San Francisco

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of March, 1977.

By tariff revisions[1] marked to become effective March 17, 1977, American Airlines, Inc. (American) proposes a new promotional fare (designated "Super-Saver") in the New York-Los Angeles/San Francisco markets, which provides a discount of 45 percent for travel on Tuesday, Wednesday and Thursday, 40 percent on Monday and Friday, and 35 percent on Saturday and Sunday. Reservations must be booked and tickets purchased at least 30 days prior to departure, and there is a 7-day minimum and 45-day maximum stay requirement. On the other hand, no cancellation charge would be imposed, nor would availability of the fare be blacked out during traditional holiday or peak-travel periods. Capacity available for travel at the "Super-Saver" fare would be contained within the 35-percent limitation now imposed with respect to travel at the "Freedom" excursion fare. The tariff is marked to expire one year after travel at the fares would be available (April 25, 1978).

A comparison of the proposed round-trip fares (including tax) with normal coach is as follows:

American's proposed fares

Tuesday, Wednesday, Thursday	$227.00
Monday and Friday	247.00
Saturday and Sunday	268.00
Children (all times)	206.00
Coach fare	412.00

American contends that its proposal is intended to demonstrate that the scheduled air-carrier system can provide pricing flexibility and low-cost transportation under the present regulatory regime. The carrier contends that a test of its "Super-Saver" fare is particularly appropriate in the New York-Los Angeles/San Francisco markets because normal coach fares, in terms of actual dollars, are high due to the distance involved, and also that its proposal will significantly expand the number of persons who can afford to fly.

American estimates, allegedly based upon numerous in-flight surveys conducted over the past several years, that newly generated traffic will amount to 45 percent of total "Super-Saver" traffic.[2] On the basis of this estimate, and assuming an added cost of $40.06 per generated passenger, the carrier projects an annual net profit of $3.5 million.

Ten complaints have been filed against the proposal, five by charter tour operators, three by scheduled air carriers, as well as by World Airways, Inc., and by the Port of Oakland, California. These complaints, together with answers for and against the proposal are summarized in Appendix A.[3]

Upon consideration of the proposal, the complaints and answers thereto, and all other relevant matters, the Board concludes that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly prejudicial, unduly preferential, or otherwise unlawful, and should be investigated. However, the Board further concludes that the proposal should not be suspended pending investigation.

At the outset, it seems clear that this fare is not only designed, as American openly alleges, to demonstrate that pricing flexibility can be achieved within the present regulatory framework, but that it is equally designed as a major competitive response to the development of Advance Booking Charter programs (ABC's). The charter tour operators contend that the Board should not permit the scheduled carriers to compete against them with a fare which is uneconomic for scheduled services, and that the "Super-Saver" fare will spell doom for ABC charter programs just now being actively developed and promoted.[4] It goes without saying that this question is of serious concern to the Board and, of itself, poses a very difficult issue in our disposition of the complaints against American's tariff filing. On the other hand, we do not consider the issue of charter competition a conclusive one at this point in time since the charter parties have not demonstrated a need for protection from competition from carriers which provide a different type of service to the public. Moreover, the Board is not persuaded that we should employ our suspension power, merely

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 259 and 142. Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United) have filed defensive tariffs which match American's proposal.

[2] American also caculates that the proposed fare will break-even at a 34-percent generation factor.

[3] Appendix A filed as part of the original document.

[4] Typical prices for New York-Los Angeles/San Francisco ABC's range from $179.00 to $249.00, compared with a "Super-Saver" fare range of $227.00 to $268.00.

because of the possibility that some traffic may be diverted from ABC's. The fact remains that those travelers seeking the lowest air-transportation cost will still find an ABC charter the best bargain. In the absence of the actual experience this experiment will provide we are not prepared to substitute our judgment as to the relative balance between ABC charter service and the "Super-Saver" fare for that which will eventually be struck by consumers.[5]

Our conclusion to institute an investigation of the "Super-Saver" fare, although not to suspend, reflects our significant reservations as to the economic soundness of this fare for scheduled service. Admittedly, availability of the fare will be limited by a control on allocable capacity. However, American proposes few meaningful constraints upon its use, other than the 30-day advance purchase and the requirement that the passenger remain at his destination for a minimum of seven days. American, and any matching carriers, are thus exposing themselves to substantial potential self-diversion from higher-fare traffic. The carrier basis its diversion estimate on its experience that 14.4 percent of total coach passengers in the markets involved book more than 15 days in advance of departure. However, this alleged experience is at odds with that of other carriers. Moreover, the diversion estimate seems particularly understated since it is quite likely that many present travelers, including those now utilizing night-coach fares, would willingly change their booking habits to gain the advantage of a significantly greater discounted fare.

The opportunity for substantial diversion from higher fare services is also enhanced, in our opinion, by the lack of a cancellation penalty or, in the alternative, a requirement that payment be made shortly after booking as is presently the case with the capacity-controlled "Freedom" or "Discover America" excursion fares.[6] Such restrictions discourage multiple bookings; enable more discretionary travelers to secure a seat which would otherwise not be available, and undoubtedly reduce the diversion potential. Finally, and of particular concern to the Board, is the fact that American does not propose to limit or otherwise modify availability of these steeply discounted fares during the peak summer travel season. Traffic historically peaks during the summer in the transcontinental markets here involved, with average load factors typically in the upper 50- and 60-percent range. At the least, a question is raised as to the wisdom of applying a discount-fare program designed to fill empty seats during a peak traffic period of the year. Finally, while American's proposal limits the fares to two transcontinental markets, their impact will be felt by diversion of traffic from other transcontinental markets. There is also the question of equitable treatment between markets with the "Super-Saver" fare available in only the two leading transcontinental markets. We expect the investigation to focus on these aspects of the proposal.

In summary, the Board questions the overall efficacy of American's fare proposal. On the other hand, we are reluctant to deny the carrier an opportunity to implement what it considers to be a fully warranted pricing experiment. Moreover, worthwhile first-hand knowledge of the relationship between charter service and discount-fare programs offered on scheduled service can be gained from the experiment. For these reasons, we will dismiss the complaints and permit American to implement the "Super-Saver" fare for its one-year experimental period. The investigation we are instituting will permit an informed decision on the economic validity of the fare and also determine its impact upon competing charter services.

In order to ascertain the relative impact on traffic of the "Super-Saver" fare in the New York-Los Angeles/San Francisco markets, we will require that the carriers submit monthly reports for each month the fare is in effect beginning with May 1977, in the format set forth in Appendix B.[7] The report also requires comparable data for the same month of the previous year. These reports should be filed in Docket 30616 no later than 40 days after the close of the month covered by the report.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix C filed as part of the original document, and rules, regulations, and practices affecting such fares and provisions, including subsequent reissues or revisions thereof, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Except to the extent granted herein, the complaints in Dockets 30450, 30469, 30479, 30480, 30482, 30488, 30489, 30491, 30504, and 30507 be and hereby are dismissed;

3. The proceeding ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed in the aforesaid tariffs and be served upon Group Travel Associates, Inc., Charter Ventures, Inc., Allied Holidays, Inc., Continental Express, Inc., David Travels, Inc., Pathfinder Corporation, Unitours, Airline Charter Tour Operators Association, Hawaiian Holidays, Inc., Deluxe Travel, Inc., Elkins Tours, Inc., Travel Impressions, Inc., B.E.T.A., Inc., Travel America Corporation, Breakaway Tours, Maredon Travel, Ltd., Westcoast Charter Travel International, The American Institute for Foreign Study, Inc., the Port of Oakland, California, the San Diego United Port District and the City of San Diego, California, Overseas National Airways, Inc., Trans International Airlines, Inc., American Airlines, Inc., United Air Lines, Inc., World Airways, Inc., the United States Department of Justice, Northwest Airlines, Inc., Trans World Airlines, Inc., and the Civil Aeronautics Board's Office of the Consumer Advocate, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-8219 Filed 3-17-77;8:45 am]

[Order 77-3-77; Dockets 27785, 29123; Agreement C.A.B. 26257, R-14]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to North/Central Pacific Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of March, 1977.

In the matter of agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North/Central Pacific passenger fares.

At the request of Japan Air Lines Company, Ltd., Northwest Airlines, Inc., and Pan American World Airways, Inc., and in consideration of the interest expressed by the Japanese Civil Aviation authorities, the Board renewed authorization for discussions among all interested carrier parties on the level of special group inclusive tour (GIT) fares for Japan-originating passengers, and the conditions related thereto in Order 76-3-95, March 15, 1976. The fares are specified in Japanese yen and apply to travel to the continental U.S. and Alaska in groups of 30, and to Hawaii in groups of 40.[1] The carriers met in Tokyo on March 18-20, 1976.

The resulting agreement established the level of the fares in two stages: the first for the period October 1, 1976, through March 31, 1977, and the second beginning April 1, 1977. The agreed fares for the first stage were incorporated into an overall transpacific fare agreement

[5] We should also note that the existence of a short-term, non-cost-based transcontinental promotional fare does not necessarily disprove the need for a permanent cost-based, high-density, "no-frills" low-fare service.

[6] The Board has previously found that payment shortly after booking is a desirable deterrent to unnecessary diversion. See Orders 76-7-80 and 76-9-45.

[7] Appendix B filed as part of the original document.

[1] Order 75-6-58, June 12, 1975, authorized discussions among the interested carriers which resulted in an agreement to establish these special fares. That agreement was approved by Order 75-9-106, September 29, 1975.

reached by the International Air Transport Association (IATA) covering the period October 1, 1976, through March 31, 1977, and were approved by the Board by Order 76–9–160, September 30, 1976. Fares for the second phase have again been incorporated into a subsequent IATA agreement proposed for effect from April 1 to November 30, 1977.[2] This order will deal with this subsequent filing which has been designated Agreement C.A.B. 26257, R–14.

For the basic and shoulder seasons, the agreement proposes increases of approximately five and four percent, respectively, in group 30/40–GIT fares to Alaska/Hawaii and an approximate increase of six percent in the fares to the west coast. Peak season fares, however, would remain at existing levels to Alaska/Hawaii and would be increased approximately two percent to the westcoast.[3]

Trans International Airlines, and World Airways, Inc. have filed joint comments on the North/Central Pacific agreement. To the extent that they address the Japan-originating 30/40 GIT fares, both carriers contend that the limited increases are insufficient, and that the proposed level still provides an excessive discount from the normal economy fare. On this basis, they request that the carriers be directed to seek substantial improvement in the fare or its elimination from the fare structure.

The Board has decided to approve the revised 30/40 GIT fares for the life of the overall IATA agreement now pending before the Board. The situation which initially led the Board to authorize separate intercarrier discussions and the agreement which resulted therefrom stemmed from difficulties of tariff enforcement in the Pacific, and from a mutual desire to achieve some degree of stability in air fares from Japan to the United States. These requirements appear to be satisfied by the instant agreement. Since the fares are, by their terms, available only for travel originating in Japan, the U.S.-traveling public will not be directly affected. On the other hand, the generally higher levels than those now in effect should provide some additional revenue for the U.S.-flag carriers, and are consistent with the Board's objective that revenue increases should be achieved by increases in lower-rated promotional fares rather than by increases in normal economy fares. Moreover, the action requested by TIA/World could result either in continuation of the fares at their present lower levels or a resurgence of the illegal activity which prompted the initial discussions.

[2] The overall Pacific fare package is now pending before the Board.

[3] Seasonality is as follows:

	To Honolulu	To West Coast/Alaska
Basic	Dec. 1 to 25, Jan. 3 to 31, Apr. 1 to 27, May 5 to July 19, September.	November to Dec. 19, Jan. 5 to Feb. 28, Apr. 1 to 27, May 5 to June 30.
Shoulder	October to November, February to March	Sept. 1 to Oct. 31, March.
Peak	Dec. 26 to Jan. 2, Apr. 28 to May 4, July 29 to Aug. 31.	Dec. 20 to Jan. 4, Apr. 28 to May 4, July 1 to Aug. 31.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, does not find the following resolution, incorporated in Agreement C.A.B. 26257, to be adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
R–14	0841	North and Central Pacific Group Inclusive Tour Fares from Japan to TC1 (revalidating and amending).	3/1.

Accordingly, *it is ordered*, That 1. That portion of Agreement C.A.B. 26257 set forth in the finding paragraph above be and hereby is approved;

2. Tariffs implementing Agreement C.A.B. 26257, R–14, may be filed on not less than one day's notice for effectiveness not earlier than April 1, 1977. The short-notice authority in this paragraph expires May 1, 1977; and

3. Tariffs implementing Agreement C.A.B. 26257, R–14, shall be marked to expire not later than November 30, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–8218 Filed 3–17–77;8:45 am]

[M–3]

MEETING

MARCH 15, 1977.

The CAB will meet:

Time and date: 10:00 a.m—March 22, 1977.
Place: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.
Subject: 1. Docket 29307, Sun-Time Trips, Inc., petition for reconsideration of order conditionally granting relief from Title IV to operate as an indirect air carrier. 2. Docket 29626, Part 300, Rules of Conduct in Board Proceedings. 3. Docket 30470, Delta Air Lines, Inc., Application to Suspend Service at Montego Bay, Jamaica.
Status: Open.
Person to contact: Phyllis T. Kaylor, The Secretary (202) 673–5068.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–8216 Filed 3–17–77;8:45 am]

[Docket 28004]

PACIFIC OVERSEAS FARES INVESTIGATION

Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding, now assigned to be held on March 30, 1977 (42 FR 12451), is hereby postponed to April 6, 1977, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 15, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77–8217 Filed 3–17–77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), The Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Resources and Trade Assistance, Domestic and International Business Administration.

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

[FR Doc.77–7628 Filed 3–17–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), The Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Education Policy, Office of the Secretary.

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

[FR Doc.77–7629 Filed 3–17–77;8:45 am]

SMALL BUSINESS ADMINISTRATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Special As-

sistant to the Administrator for Transition Planning, Office of the Administrator.

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

[FR Doc.77-7630 Filed 3-17-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

INTERNATIONAL FISHERIES

Permits for Experimental Fishing in Mexico

The Fisheries Agreement between the United States of America and Mexico, signed November 24, 1976, permits experimental fishing in the Mexican Economic Zone for the purpose of determining whether fisheries resources might be available for commercial exploitation. Requests for Experimental Fishing should include the following:

a. The number of vessels which would participate in the fishery.
b. The name, registration, number and home port of each vessel.
c. The name and address of the owner of each vessel.
d. The net tonnage and horsepower of the vessel.
e. The size of the crew.
f. The dates each vessel would be in the Mexican Zone.
g. The general area of fishing operations in the Zone.
h. The species or species groups to be fished.
i. The type of fishing gear to be used.

Those vessel owners wishing to apply should complete the National Fishery Registration Form MEX-RNP-07. These forms are available from the Regional Director, National Marine Fisheries Service, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, Telephone (813) 893-3141. The application should include a cashier's check made out to "Tesoreria de la Federacion" for $80.00 for permit fees and another check for performance guarantee.

This performance guarantee must be:
a. $1,600.00 if posted by an individual or,
b. A cash deposit performance guarantee of $160.00 in association with other vessel owners if a group of ten or more vessel owners or a trade association wishes to assume joint liability for loss of cash guarantee. The group's spokesman must forward $160.00 for each fisherman as a performance guarantee, or,
c. A performance bond issued by a Mexican bonding company may also be purchased by individuals who wish to make their own arrangements in Mexico. Funds for these bonds must be sent directly to a Mexican Bonding Company. Cash deposits for a performance guarantee are refundable by Mexico at the end of each year when a vessel leaves the fishery if the deposit has not been forfeited.

Dated this 15th day of March 1977.

JACK GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77-8221 Filed 3-17-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Addition

Notice of proposed addition to Procurement List 1977, November 18, 1976 (41 FR 50975) of the commodity listed below was published in the FEDERAL REGISTER on January 25, 1977 (42 FR 4512).

After consideration of all the relevant data presented, the Committee has determined that the commodity listed below is suitable for procurement by the Government under Pub. L. 92-28, 85 Stat. 77. Accordingly, it is hereby added to the Procurement List.

Class 7340

Spoon, Picnic, Plastic (IB) 7340-00-J19-1300.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-8182 Filed 3-17-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Additions

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-28; 85 Stat. 77, of the proposed addition of the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975).

Class 8340

Pin, Tent, Aluminum 8340-00-261-9749.

Class 7930

Glass Cleaner, 7930-00-664-6910, 7930-00-184-9423.
Cleaning Compound, Porcelain, 7930-00-664-7483.

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 severly handicapped.

Comments and views regarding the proposed additions may be filed with the Committee on or before April 13, 1977. Communications should be adressed to the Executive Director, Committee for Purchase from the Blind and Other Severly Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled on or before September 19, 1977.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-8183 Filed 3-17-77;8:45 am]

PROCUREMENT LIST 1977

Deletion

Notice of proposed deletions from Procurement List 1977, November 18, 1976 (41 FR 50975) was published in the FEDERAL REGISTER on January 25, 1977 (42 FR 4512).

After consideration of all the relevant data presented, the Committee has determined that the commodity listed below is no longer suitable for procurement by the Government under Pub. L. 92-28, 85 Stat. 77. Accordingly, it is hereby deleted from the Procurement List.

Class 3990

Pallet, Material Handling, 3990-00-935-7060.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-8184 Filed 3-17-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

MARCH 11, 1977.

Environmental impact statements received by the Council on Environmental Quality from March 7 through March 11, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (May 2, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Umpqua National Forest, Timber Plan, Douglas, Lane, and Jackson Counties, Oreg., Mar. 7: Proposed is the implementation of a revised ten year Timber Management Plan for the Umpqua National Forest. The proposed sell level of 348.5 million board feet per year is based on a level of intensive management that can be realistically programmed during the plan period. Adverse effects include the temporary baring of soil to erosive forces through timber harvest and road construction activities. (ELR Order No. 70295.)

Final

Cherokee National Forest, Timber Management Plan, Tennessee and North Carolina, Mar. 7: Proposed is a 10-year timber management program for the Cherokee National Forest. The plan proposes even-aged forest management for that part of the Forest

which is suitable for sustained yield timber production and not reserved for some other use. The proposed annual potential yield for sawtimber and pulpwood is 42.4 MMBF and 132.5 M Cords from approximately 6,200 acres of regeneration and 11,950 acres of intermediate cuttings. Adverse effects include temporary increases in turbidity and stream runoff, and temporary shifts in wildlife population. Comments made by: EPA, HUD, TVA, COE, DOI, USDA, State and local agencies and concerned groups and persons. (ELR Order No. 70297.)

Savage Run Unit, Medicine Bow National Forest, Carbon and Albany Counties, Wyo., Mar. 7: The statement concerns the revised land use plan for the 18,900 acre Savage Run Unit of the Medicine Bow National Forest. The proposal includes the cutting of trees on 8,680 acres, construction of 2 miles of permanent roads and 9 miles of temporary roads, enhancement of wildlife habitat on 5,395 acres, retention of the undeveloped character of the land on 4,825 acres, and the closure of 10,200 acres to motorized vehicles. Adverse impacts of the plan include temporary disruption of mineral prospecting and/or mining on 8,680 acres, increased fire hazard on 8,680 acres, and increased insect and disease potential on 4,825 acres. Comments made by: EPA, State and local agencies and concerned citizens. (ELR Order No. 70296.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–377–2186.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Supplement

Marine Mammals/Yellowfish Tuna Seine (S–2), Mar. 8: This statement supplements a final EIS filed in November, 1975. The proposed action is the promulgation of regulations that would authorize the issuance of a general permit to allow the take of marine mammals incidental to yellowfish tuna purse seine fishing. The regulations establish a involved in the fishery;a prohibition on enquota or prohibition on the take of 17 stocks involved in the fishery; a prohibition on encircling pure schools of certain stocks and a prohibition on encircling eastern and Costa Rican spinner dolphins and coastal spotted dolphins. In addition, certain revisions to the regulations governing required gear and the operation of purse seine vessels are being promulgated. (ELR Order No. 70303.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Lt. Col. John R. Hill, Jr., Assistant Director of Civil Works, Environmental Programs DAEN-CWZ-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202–693–7093.

Draft

Grand Haven Harbor Modifications, Michigan, Mar. 9: Proposed is the deepening of the entrance channel and harbor of Grand Haven Harbor, Grand Haven, Michigan. The selected plan involves dredging the entrance channel to a depth of 29 feet, the harbor to 27 feet, and the development of a new turning basin for empty Class 7 vessels. The proposed plan also entails the deposition of all poluted materials into a confined disposal site which will occupy a nearby parcel of upland property owned by the Construction Aggregates Corporation. Thirty acres of land will be removed from biological productivity. (Detroit District) (ELR Order No. 70308.)

Final

Theodore Channel Extension, Mobile Bay, Mobile County, Ala., Mar 10: The statement refers to the modification of the existing Federal project to provide for a diagonal channel alignment in Mobile Bay. The action now proposed would modify the shoreline anchorage area to include an anchorage and turning basin 40 feet deep, 1,200 feet wide, and 2,200 feet long. The project would result in noise, air, and water pollution, as well as the loss of benthic organisms and loss of terrestrial and marine habitats. Comments made by: DOI, DOC, HUD, USCG, EPA, (ELR Order No. 70318.)

Clark Maritime Centre, Clark County, Ind., Mar. 10: Proposed is the construction and operation of a public port on the Ohio River near Jeffersonville, Indiana, and an associated Industrial Park by the Indiana Port Commission. The port facilities will require about 200 acres of land and will be built on the flood plain of the Ohio River behind Sixmile Island along 3500 feet of riverbank between Ohio R. miles 597 and 598. The Industrial Park will extend approximately 3 miles NW from the port to SR 62. Advorce effects include the alteration of 1020 acres of primarily agricultural and wooded land, displacement of 16 families, and loss of wildlife habitat. Comments made by: EPA, DOI, FPC, DOC, USCG, AHP, State and local agencies, and concerned citizens. (ELR Order No. 70310.)

Ludington Harbor, Mitigation of Shore Damage Mason County, Mich., Mar. 10: The statement concerns the mitigation of shore erosion caused in part by Federal navigation structures in Ludington Harbor, Michigan. Two beach nourishment supply cites will be established and maintained from the unpolluted sediment near the mouth of the harbor. The dredging and placement of dredged materials will disturb benthos in the area and result in increased turbidity. (Detroit District.) Comments made by: AHP, FPC, DOC, DOI, HEW, DOT, EPA. (ELR Order No. 70315.)

Winona Flood Control and Waterfront Development, Winona County, Minn., Mar. 10: The statement refers to a project for flood control and waterfront development along the Mississippi River at Winona. Construction of a flood barrier along the riverfront and downstream portion of Winona would continue as would floodplain regulations. The project would provide protection for Winona against a flood having an expected frequency of occurrence of about once every 300 years. Adverse effects include loss of marshland, displacement of 8 acres of water and floodplain forest, and impacts to the aesthetic environment due to the height of the flood barrier. (St. Paul District.) Comments made by: EPA, USDA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 70314.)

Gordons Creek Flood Control, Forrest, County, Miss., Mar. 10: The proposed flood control project for Gordons Creek involves channel enlargement, clearing, and snagging along 2.35 miles of the Creek. Adverse impacts include temporary adverse effect to water quality and construction-related noise and disruption. (Mobile District.) Comments made by: DOI, DOT, EPA, USDA, and State agencies. (ELR Order No. 70320.)

Broken Bow Lake, Pine Creek Lake, Millwood Lake, Oklahoma and Arkansas, Mar. 10: The project entails the operation and maintenance of Broken Bow and Pine Creek Lakes, Oklahoma, and Millwood Lake, Arkansas. Major project activities include the operation of reservoirs for flood control; municipal and industrial water supply; hydroelectric power generation; management of land and water resources; and operation and maintenance of project structures and facilities. Adverse impacts are soil erosion (due to heavy recreational use, and traffic and wave action on the shoreline); damage or loss of vegetation (due to pool fluctuation and construction activity), and alterations of the natural environment through recreational development. (Tulsa District.) Comments made by: EPA, HUD, DOI, AHP, DOC, HEW, FPC, and State and local agencies, and concerned citizens. (ELR Order No. 70317.)

Supplement

New Melones Lake, Camp Nine Road Relocation (S–2), Calaveras County, Calif., Mar. 11: This statement supplements a final EIS concerning the Camp Nine Road Relocation, New Melones Lake, Stanislaus River, California. The proposed action involves the relocation of about 1 mile of the Camp Nine Road and construction of a replacement bridge about 500 feet long. Adverse effects include loss of aesthetics, and alteration destruction, or disturbance of cultural resources and wildlife and natural habitat values on 8.75 acres of land, a portion of which supports riparian vegetation. (Sacramento District) (ELR Order No. 70325.)

NOTICE

The CEQ FEDERAL REGISTER listing of February 25, 1977 listed the final environmental impact statement filed by the Army Corps of Engineers concerning the Sterling C. Robertson Dam and Limestone Lake (Texas) as having been received by the Council on February 17, 1977. In fact, the Council had also received 5 copies of the statement on February 11, 1977 (one week earlier) and a notice of receipt appeared in the FEDERAL REGISTER of February 18, 1977. We apologize for any confusion that this double notice may have caused, and request that in the future the Army Corps send only 5 copies to CEQ. The date of receipt of the first 5 copies (February 11) will stand as the official filing date.

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202–566–1100.

Final

Haines Border Station, U.S./Canada Border, Alaska, March 8: The proposed action provides for construction of a border station at the U.S./Canadian border 40 miles north of Haines, Alaska. The project includes an inspection station with attached covered primary and secondary inspection areas, two residences, a mobile home, and a small garage. The complex will provide approximately 14,900 square feet of occupiable area. Project implementation will cause the character of the land, now virtual wilderness, to be changed by construction and by the increased concentration of people at the site. The historic Pleasant Camp District will be impacted. Comments made by: AHP, USDA, EPA, FPC, HUD, DOI, DJUS, TREA, State and local agencies, and concerned citizens. (ELR Order No. 70302.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 45 7th Street SW., Washington, D.C. 20410, 202–755–6303.

Draft

Forestbrook Subdivision, Myrtle Beach, Horry County, S.C., March 7: Proposed is the

residential development of a 470 acre tract of land in the area of Myrtle Beach, South Carolina, to include approximately 1,164 dwelling units. The development plans include a clubhouse, tennis courts, swimming pool, bridle paths, and a small commercial center. Approximately 130 lots will be developed with frontage on a proposed interior canal, providing access to the Atlantic Intracoastal Waterway. Forestbrook is proposed to be totally developed over a 10–12 year period. Open, wooded land will be converted to urban use. (ELR Order No. 70298.)

Sansaree Planned Community, Berkeley County, S.C., March 9: Proposed is the development of the Sangaree Planned Community on a 1,200 acre tract in Berkeley County, S.C., 70% of which will be single family residential. Other long range land uses include multifamily, offices, light commercial, light industrial, and public and quasi-public buildings. Sangaree is proposed to be totally developed over a 6–15 year period. Adverse effects include the conversion of open and wooded land to urban use. (ELR Order No. 70305.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Final

Winston-Salem State Univ., Community Proj. No. 3, Winston-Salem and Forsyth Counties, N.C., March 9: Proposed is the Greater Winston-Salem State University Community Development Project No. 3. The project area is bounded by I-40 on the north, Salem Creek on the south, U.S. 52 on the west and an irregular line crossing the Winston-Salem State University campus and following Stadium Drive on the east. Special activities proposed include acquisition, relocation, clearance, and site improvements on 12.8 acres of residential land. The land will provide right-of-way for the relocation of Stadium Drive south of Claremont Avenue and 8.25 acres for expansion of the Winston-Salem State University campus. Comments made by: HEW, DOC, EPA, state and local agencies, and concerned citizens. (ELR Order No. 70307.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 531, Department of the Interior, Washington, D.C. 20240, 202-343-389.

BUREAU OF LAND MANAGEMENT

Final

Emery Power Plant, Emery County, Utah, March 10: Proposed is the construction and operation of two 430 megawatt coal-fired, steam-electric generating units by the Utah Power and Light Co., in Emery County, Utah. Two 345 kilovolt transmission lines would deliver power to substations near Camp Williams and Sugurd, with a third line tying the two substations together. The project may not meet Class II air quality limitations under the Prevention of Significant Deterioration Regulations, and the plant would be within a 100 mile radius of a number of National Parks, Recreational areas, Monuments and Forests, all of which have the potential of redesignation to a Class I area. Comments made by: AHP, USDA, HEW, HUD, DOI, DOT, EPA, and FEA. (ELR Order No. 70313.)

Supplement

Fort Mohave Land Sale (S-1), Clarke County, Nev., March 8: This supplement was prepared in response to the National Resource Defense Council, Inc. and Environmental Defense Fund comments on the final EIS (filed in January 1975). Proposed is the transfer of the remaining 9,000 acres of National Resource Lands in Clarke County, Nevada, to the State of Nevada under the Fort Mohave Act of April 22, 1960, P.L. 86-443. Transfer to the Nevada Division of Colorado River Resources would take place over a period of six years after approval by the Secretary of Interior. (ELR Order No. 70300.)

BONNEVILLE POWER ADMINISTRATION

Final

FY 1978 Proposed Program, BPA, March 8: This statement outlines the Bonneville Power Administration's FY 1978 Program. Included are: new transmission lines, and reconducted lines, three possible new substations, equipment additions to six existing substations, maintenance of 12,500 miles of existing transmission lines, control of vegetation on approximately 16,500 acres of transmission line rights-of-way and 950 acres of substation property. Adverse impacts include construction disruption and increased risk of man-caused accidents. Comments made by: DOI, EPA, AHP, HUD, COE, and concerned groups and organizations. (ELR Order No. 70301.)

BUREAU OF RECLAMATION

Supplement

Scoggins Valley Rd., Tuslatin Proj. (S-2), Washington County, Oreg., March 8: This statement supplements a final EIS filed with CEQ in April 1972. Proposed is the improvement of approximately 3 miles of the county roads providing access to Henry Hagg Lake. The actions covered involve the completion of necessary road improvements and extensions to provide safe and adequate access to the Henry Hagg Lake and related recreation areas. Highway construction will remove 25 acres of Wildlife habitat. (ELR Order No. 70299.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

Final

1979 Average Fuel Economy Standard, Nonpassenger, March 8: Proposed is an average fuel economy standard (AFES) for nonpassenger automobiles (NPAs) not more than 6,000 pounds gross vehicle weight rating, which are manufactured in model year 1979. The proposal would require that the production weighted average fuel economy of all NPAs of each manufacture equal or exceed 18.7 mpg. Fuel economy would be determined in accordance with procedures established by the Environmental Protection Agency. Compliance with the requirement would result in a decrease in the consumption of fuel by NPAs. Comments made by EPA, FEA, DOT, DLAB, DOI, USDA, and interested organizations and persons. (ELR Order No. 70304.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 27, Lansing to Ithaca, Michigan, March 10: Proposed is the construction of a four-lane freeway beginning at I-69 north of Lansing and extending northward to the south side of Ithaca where U.S. 27 begins as a rural limited access highway. Project length is approximately 31 miles. Adverse effects include the acquisition of from 220 to 1,520 acres of land, and the displacement of as many as 200 families. Each of the proposed alignments will affect, sever and/or eliminate woodlots. (Region 5.) (ELR Order No. 70319.)

F.A.S. Route 1270, Dundy County, Nebraska, March 10: The proposed project consists of the upgrading and placement of a bridge on an 0.8 mile segment of county road (F.A.S. Route 1270) 0.3 mile east of Benkelman. Also included is grading, a gravel surface course, a major 1700 foot long channel change, and culverts. The proposed improvement is included in Dundy County's One and Six Year Plan with the intent that the completed project will be coordinated in a total intercounty network of roads throughout the state. Between 2.4 and 10 acres of land will be acquired for right-of-way. (Region 7.) (ELR Order No. 70311.)

Route 9, Cedar Place to Beach Rd., Westchester County, N.Y., March 10: Proposed is the improvement of a mile-long portion of Route 9 from Cedar Place on the south to Beach Road on the north in the Village of Ossining, New York. The limits of the project include most of the length of State Highway 5482 and all of State Highways 9266 and 1990. Within these limits Route 9 presently has one traffic lane in each direction. Adverse effects include acquisition of land, displacement of as many as 60 families and 10 businesses, and partial loss of community cohesion. A 4(f) statement concerning the First Baptist Church is included. (Region I.) (ELR Order No. 70316.)

Final

Project I-20-I(40), Jefferson County, Ala., March 9: Proposed is the construction of a 2.8-mile, 6 lane facility in Jefferson County, Alabama. The project extends from east of the I-459 and I-26 Route Interchange to the U.S. 78 Interchange at Red Diamond Mines near Leeds. Adverse impacts include the displacement of approximately 30 individuals. (Region 4.) Comments made by: USDA, DOI, DOT, COE, HUD, and DOD. (ELR Order No. 70309.)

Conn. 156, Bridge and Approaches, Waterford, New London County, Conn., March 7: The proposed project is the replacement of the Niantic River swing bridge on Route 156 and construction of the approaching roadways in the towns of East Lyme and Waterford, Connecticut. The recommended alignment begins at the western end of the "Bar" and crosses the Niantic River north of the existing bridge. It then continues north of existing 156, bridges Niantic River Road and rejoins existing 156 at the base of Route 156 located to the north. The action would displace 8 families and 4 businesses. (Region 1.) Comments made by: USDA, DOC, HEW, DOT, AHP, FPC, USCG, AEC, state and local agencies, and concerned citizens. (ELR Order No. 70294.)

URBAN MASS TRANSIT ADMINISTRATION

Draft

Newark-Plainfield Corridor, PATH, New Jersey, March 11: Proposed is the granting of capital assistance to the Port Authority of New York and New Jersey for a seventeen mile extension of its Port Authority Trans-Hudson (PATH) system from its present terminus in Newark, New Jersey to Plainfield, New Jersey. Included in the project would be the construction of new PATH trackage alongside the Penn Central right-of-way with a new station at McClellan Street to serve Newark International Airport, and station construction at Elizabeth, Roselle/Roselle Park, Cranford, Westfield/Garwood, Fanwood, Scotch Plains and Plainfield. Twelve buildings would be demolished. (ELR Order No. 70330.)

DAVID W. TUNDERMANN,
Acting General Counsel.

[FR Doc.77-8280 Filed 3-17-77;8:45 am]

INTERAGENCY COMMITTEE ON PRIORITY CHEMICALS TESTING

Meeting

This notice is intended to advise all interested persons of the schedule for the meeting of the Interagency Committee on Priority Chemicals Testing established under section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing of chemical substances and mixtures.

In accordance with the schedule established at the Committee's March 10 meeting, a meeting will be held Thursday, March 24, 1977, at 9 a.m. in room 5104, New Executive Office Building, 726 Jackson Place, Washington, D.C.

All interested persons are invited to attend.

Dated: March 11, 1977.

WARREN R. MUIR,
Interim Chairman.

[FR Doc.77-8181 Filed 3-17-77;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON INTELLIGENCE

Advisory Committee Meeting

The Defense Science Board Task Force on Intelligence will meet in closed session on April 13, 1977 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The Task Force will provide a review of intelligence requirements and issues reporting on alternative solutions.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b.(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 15, 1977.

[FR Doc.77-8197 Filed 3-17-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 700-4; PP3G1377/T94]

2-[[4-CHLORO-6-(ETHYLAMINO)-s-TRIAZIN-2-YL]AMINO]-2-METHYLPROPIONITRILE

Extension of a Temporary Tolerance

On April 6, 1976, the Environmental Protection Agency (EPA) announced (40 FR 14587) an extension of a temporary tolerance for residues of the herbicide 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile in or on the raw agricultural commodity soybeans at 0.05 part per million (ppm). This tolerance was established (38 FR 31203) in response to a pesticide petition (PP 3G1377) submitted by Shell Chemical Co., Div. of Shell Oil Co., Suite 200, 1025 Connecticut Ave. NW, Washington DC 20036. This extension is scheduled to expire March 17, 1977.

Shell Chemical Co. has requested a one-year extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of an experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Shell Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 17, 1978. Residues not in excess of 0.05 ppm remaining in or on soybeans after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), Federal Food, Drug and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: March 11, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-8265 Filed 3-17-77;8:45 am]

[OPP-33000/495; FRL 701-3]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94-140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington, D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washing-

ton, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315.
PM 21 and 22—202/426-2454.
PM 24—202/755-2196.
PM 31—202/426-2635.
PM 33—202/755-9041.
PM 15, 16, and 17—202/426-9425.
PM 23—202/755-1397.
PM 25—202/755-2632.
PM 32—202/426-9486.
PM 34—202/426-9490.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice (May 17, 1977). With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before April 18, 1977.

Dated: March 11, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP 33000/495)

EPA Reg. No. 20954-1. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. ALTOSID SR-10 MOSQUITO GROWTH REGULATOR. Active Ingredients: methoprene [Isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4dodecadienoate] 10.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 20954-I. Zoecon Corp. ZOECON INSECT AND MITE HOUSEPLANT MIST CONCENTRATE. Active Ingredients: methoprene [Isopropyl (*E,E*)-11-methoxy-3,7,11 - trimethyl - 2,4 - dodecadienoate] 5.00%; hexadecyl cyclopropanecarboxylate 3.75%; resmethrin [(5-benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate] Min. 70% (±) trans, Max. 30% (±) cis isomers 2.50%; related compounds 0.35%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added data. PM17

EPA File Symbol 209540. Zoecon Corp. ZOECON INSECT AND MITE HOUSEPLANT MIST. Active Ingredients: methoprene [Isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] 0.100%; hexadecyl cyclopropanecarboxylate 0.075%; resmethrin [(5-bezyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate] Min. 70% (±) trans, Max. 30% (±) cis isomers 0.050%; related compounds 0.007%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added data. PM17

EPA File Symbol 20954-RN. Zoecon Corp. ZOECON 0.02% GRANULAR IGR CATTLE SUPPLEMENT. Active Ingredients: methoprene [Isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienate] 0.02%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 20954-RR. Zoecon Corp. ZOECON 0.02% BLOCK IGR CATTLE SUPPLEMENT. Active Ingredients: methoprene [Isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl - 2,4 - dodecadienoate] 0.02%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 20954-RE. Zoecon Corp. ZOECON 0.005% BLOCK IGR CATTLE SUPPLEMENT. Active Ingredients: methoprene [Isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl - 2,4 - dodecadienoate] 0.005%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 33356-U. Quality Chemical Co., 1835 N.E. 144 St., N. Miami FL 33181. QUALITY DISINFECTANT CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 33625-1. Lawn Medic, Inc., 1024 Sibley Tower, Rochester NY 14604. LAWN MEDIC CRABGRASS PREVENTER No. 2. Active Ingredients: Dimethyl Tetrachloroterephthalate 6.86%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 34429-G. American Chemical Corp., PO Box 296, Bayamon PR 00619. SUPER KILLER 500 PRESSURIZED SPRAY. Active Ingredients: Petroleum Distillates 73.60%; 2-Butoxyethanol 5.40%; O - Isopropoxyphenyl Methylcarbamate 0.60%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 35135-G. Markay Laboratories, 209 S. Van Norman Rd., Montebello CA 90640. BIOCIDE 627-L. Active Ingredients: Disodium cyanodithiomidocarbonate 4.90%; Potassum N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 35135-L. Markay Laboratories. BIOCIDE 610. Active Ingredients: Poly[oxyethylene(dimethyliminio) - ethylene (dimethyliminio) ethylenedichloride] 6.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35667-E. DyChem International, Inc., 503 N. 400 West, Salt Lake City UT 84103. DYCHEM ALGOFF. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5%C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 35920-E. Water Purification Systems, Inc., 6502 N.W. 16th St., Plantation FL 33313. SYSTEM 1 WATER PROCESSOR—MODEL DEMONSTRATOR. Active Ingredients: Silver 1%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 35920-G. Water Purification Systems, Inc. SYSTEM 1 WATER PROCESSOR-MODEL SY5-23. Active Ingredients: Silver 1%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 35920-L. Water Purification Systems, Inc. SYSTEM 1 WATER PROCESSOR—MODEL SY5-24. Active ingredients: Silver 1%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 35929-L. Water Purification Systems, Inc. SYSTEM 1 WATER PROCESSOR MODEL SY5-24 REPLACEMENT CANISTER. Active Ingredients: Silver 1%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 35920-A. Water Purification Systems, Inc. SYSTEM 1 WATER PROCESSOR MODEL SY1-34 REPLACEMENT CANISTER. Active Ingredients: Silver 1%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37723-R. Nasco International, Inc., 901 Janesville Ave., Fort Atkinson WI 53538. POTASSIUM DICHROMATE TABLETS. Active Ingredients: Potassium Dichromate 39.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 37733-R. Reddick Fumigants, Hwy 64 W., PO Drawer 71, Williamston NC 27892. BRO-MEAN C-2 FUMIGANT. Active Ingredients: Methyl Bromide 98%; Chloropicrin 2%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 37733-E. Reddick Fumigants. BRO-MEAN C-O FUMIGANT. Active Ingredients: Methyl Bromide 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 38706-E. Harford-West Associates, Inc., PO Box 81603, 4250 Pacific Hwy., San Diego CA 92138. PORTA-PURE PORTABLE WATER PURIFIER. Active Ingredients: Silver Sulfide 0.2%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 38706-E. Harford-West Associates, Inc. PORTA-PURE MARK III. Active Ingredients: Silver sulfide 0.2%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM33

EPA File Symbol 39118-E. Besst Chemical Corp., Box 20312, Rio Piedras PR 00928. BESST 301. Active Ingredients: Methylenebis (thiocyanate) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 39233-R. F. M. Brown's Sons, Inc., PO Box 184, Birdsboro PA 19508. BROWN'S 7.76 ORAL LARVICIDE PRÉMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) Vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 39310-R. Dominion Laboratories, Inc., 1922 Skyler Dr., Kalamazoo MI 49008. ALGICIDE NO. 55. Active Ingredients: Disodium cyanodithiomidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 39475-R. Oxy Metal Industries Corp., 32100 Stephenson Hwy., Madison Heights MI 48071. PARCO SANITIZER FP-110. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39580-R. Delaware Valley Water Treatment Corp., PO Box 185, Medford NJ 08055. NJ-C 214. Active Ingredients: Disodium cyanodithiomidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39638-G. Colt Chemical Co., 90 Elinor Ave., Akron OH 44305. COLT LIQUID HOMICIDE. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5%

C18) dimethyl benzyl ammonium chlorides 0.08%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.08%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39764-E. Industrial Consultants, 27801 Euclid Ave., Euclid OH 44132. ALGAECIDE IC-N. Active Ingredients: Disodium cyanodithiomidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39788-E. B-DRO Chemical Co., PO Box 242, New Bruns NJ 08903. BOWL-SANITI. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 17.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 39915-R. Alpha Pool Co., 991 S.W. 40 Ave., E4, Ft. Lauderdale FL 33317. ALPHA ONE. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39916-R. Sun & Fun Patio Showcase, PO Box 1529, Stuart FL 33494. SUN & FUN POOL KARE. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39971-G. Culligan of Central Arkansas, 1025 Valley, Hot Springs AK 71901. TOWER-CIDE N. Active Ingredients: Disodium cyanodithiomidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

TPA File Symbol 39991-R. Washington Dept. of Game, 600 N. Capitol Way, Olympia WA 98504. M-44 CYANIDE CAPSULES. Active Ingredients: Sodium Cyanide 88.78%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

[FR Doc.77-8268 Filed 3-17-77;8:45 am]

[OPP-33000/492 & 493 & 494; FRL 701-4]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c) (1) (D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315.
PM 15, 16, and 17—202/426-9425.
PM 21 and 22—202/426-2454.
PM 23—202/755-1397.
PM 24—202/755-2196.
PM 25—202/755-2632.
PM 31—202/426-2635.
PM 32—202/426-9486.
PM 33—202/755-9041.
PM 34—202/426-9490.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice (May 17, 1977). With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before April 18, 1977.

Dated: March 11, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/492)

EPA File Symbol 52-EUO. West Chemical Products, Inc., 42-16 West St., Long Island City NY 11101. KLENOBOWL. Active Ingredients: Hydrochloric acid 15.20%; n-Alkyl (C11 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA Reg. No.. 100-583. Agricultural Div., Ciba-Geigy Corp., PO Box 11422, Greensboro NC 27409. DUAL 6E. Active Ingredients: 2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl) acetamide 66.7%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment: added uses. PM24.

EPA File Symbol 115-GO. Continental Chemical Co., Div. CWC Industries, Inc., 2750 Grand Ave., Cleveland OH 44104. PYNEXO NO. 178. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 148-RRTN. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. TECHNICAL DIMILIN. Active Ingredients: *N*-[[(4-chlorophenyl) amino]carbonyl] - 2,6-difluorobenzamide 95.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 148-REAU. Thompson-Hayward Chemical Co. DIMILIN W-25 FOR MOSQUITOES. Active Ingredients: N-[[(4-Chlorophenyl) amino] carbonyl]-2,6-difluorobenzamide 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM17

EPA File Symbol 148-REAI. Thompson-Hayward Chemical Co. DIMILIN W-25 for Cotton. Active Ingredients: N-[[(-4-Chlorophenyl) amino] carbonyl]-2,6-difluorobenzamide 25.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 239-2369. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. DIFOLATAN 4 FLOWABLE SEED PROTECTANT. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM21

EPA File Symbol 416-AT. Quinn Drug & Chemical Co., Box 847—Hwy. 49, S Greenwood MS 38930. QUINN'S TEN PER CENT SEVIN (CARBARY) DUST. Active Ingredi-

ents: Carbaryl 10%. Method of Support: Application proceeds under 2(b) of interim policy. New registration. PM12

EPA File Symbol 421–UEU. James Varley & Sons, Inc., 1200 Switzer Ave., St. Louis MO 63147. VARCO PINE-ALL PINE ODOR DISINFECTANT. Active Ingredients: Isopropyl alcohol 9.50%; Vegetable oil soap 5.55%; Pine oil 4.00%; Ortho-benzyl-para-chlorophenol 1.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 432–432. S. B. Penick & Co., Div. of CPC International, Inc., 100 Church St., New York NY 10007. SBP–1382 AEROSOL INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.440%; Related Compounds 0.060%; Aromatic petroleum hydrocarbons 1.000%; Petroleum distillate 18.480%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 476–ERAO. Staffer Chemical Co., 120 S. 47th St., Richmond CA 94804. CLENESCO X-SEPT. Active Ingredients: Bis (trichloromethyl) sulfone 0.0100%; n-alkyl (40% C12, 50% C14, 10% C10) dimethyl benzyl ammonium chlorides 0.0076%; tetrasodium ethylenediamine tetraacetate 3.8950%; soap 17.5200%. Method of Support; Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA Reg. No. 524–308. Monsanto Co., 800 N. Lindberg Blvd., St. Louis MO 63166. ROUNDUP HERBICIDE. Active Ingredients: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use. PM25

EPA Reg. No. 524–308. Monsanto Co., 800 N. Lindberg Blvd., St. Louis MO 63166. ROUNDUP HERBICIDE. Active Ingredients: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New Uses. PM25

EPA Reg. No. 538–111. O. M. Scott & Sons, Marysville OH 43040. PROTURF BRAND NEW INSECTICIDE III TURF INSECTICIDE. Active ingredients: Chlorpyrifos 0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 1.34%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA File Symbol 557–ROEA. Swift Agricultural Chemicals Corp., 111 W. Jackson Blvd., Chicago IL 60304. VIGORO APHID AND BUG KILLER. Active Ingredients: Dimethyl (1,2,2-trichloro-1-hydroxyethyl) phosphonate 18.0%; *S*-(2-(ethylsulfinyl) ethyl) *0,0*-Dimethyl phosphorothioate 6.0%; Aromatic Petroleum Distillate 36.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 655–495. Prentiss Drug & Chemical Co., Inc., 363 Seventh Ave., New York NY 10001. PRENTOX PYRONYL 1.2-2.4–4.0 EMULSIFIABLE CONCENTRATE. Active Ingredients: Petroleum Distillates 80.4%; N-octyl bicycloheptene dicarboximide 4.0%; Piperonyl Butoxide, Technical 2.4%; Pyrethrins 1.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 655–496. Prentiss Drug & Chemical Co., Inc. PRENTO- PYRONYL OIL CONCENTRATE No. 1530. Active Ingredients: Pyrethrins 1.50%; Piperonyl Butoxide, Technical 3.00%; N-octyl bicycloheptene dicarboximide 5.00%; Petroleum Distillates 90.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 12047–2. Lone Star Brush & Chemical Co., 2406 Irving Blvd., PO Box 10653, Dallas TX 75207. PINE OIL DISINFECTANT. Active Ingredients: Pine Oil 80%; Soap 10%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 2393–GUN. Hopkins Agricultural Chemical Co., PO Box 7532, Madison WI 53707. HOPKINS CORREX FUNGICIDE. Active Ingredients: Methyl 2-benzimidazolecarbamate phosphate 0.7%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 1130–8. Burnishine Products, Inc., A Div. of The Herbert Stanley Co., 3140N. Ridgeway, Skokie IL 60076. BURNISHINE 2 IN 1 BAR GLASS WASH AND SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C8,) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14,) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

APPLICATIONS RECEIVED (OPP–33000/493)

EPA File Symbol 239 EULA. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO GARDEN WEED PREVENTER. Active Ingredients: Dimethyl tetrachloroterephthalate 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM23.

EPA File Symbol 478–IL. Realex Corp., Box 78, Kansas City MO 64141. EXTRA STRENGTH FLORIDA FORMULA ROACH & ANT KILLER. Active Ingredients: Pyrethrins 0.045%; n-octyl bicycloheptene dicarboximide 0.250%; clorpyrifos [0,0-diethyl 0-(3,5,6,-trichloro-2-pyridyl) phosphorothioate] 0.500%; aromatic petroleum distillate 0.280%; petroleum distillate 98.892%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised label. PM12

EPA File Symbol 1021–RGIR. McLaughlin Gormley King Co., 8810 Tenth Ave. N, Minneapolis MN 55427. KADETHRINE TECNICAL GRADE AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: 5-benzyl 3-furylmethyl (+) *cis* (1R, 35,E) 2,2-dimethyl 3-(2-oxo 2,3,4,5-tetrahydrothiophenylidenemethyl) cyclopropane carboxylate, I 90.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 1043–60. Vestal Laboratories, Div. of Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. T.B.Q. GERMICIDAL DETERGENT. Active Ingredients: N,N-bis [2-(omega-hydroxypoly(oxyethylene))ethyl] alkylamine 12%; Alkly (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 8%. Method of Support: Application proceeds under 2(a) of interim policy. Amendment (with data). PM33

EPA Reg. No. 1730–42. Consumer Products Div., American Cyanamid Co., Wayne NJ 07470. GREASE CUTTING LEMON SOL. Active Ingredients: Ethyl alcohol 2.8%; n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 1.75%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) diemthyl ethylbenzyl ammonium chlorides 1.75%; d limonene 3%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 2439–RN. Apperson Chemicals, Inc., PO Box 2555, Jacksonville FL 32203. APPERSON CHEMICALS SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 2623–U. Everpure, Inc., 660 N. Blackhawk Dr., Westmont IL 60559. EVERPURE SC REPLACEABLE CARTRIDGE FILTER. Active Ingredients: Silver 0.05%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 5366–T. Conway Soap Products Co., 225 W. 79th St., Chicago IL 60620. CONWAY PINE TYPE DISINFECTANT. Active Ingredients: Steam Distilled Pine Oil 30%; Soap 10%; Isopropyl Alcohol 10%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 5590–RAR. ATI, Inc., Old Gate Ln., Milford CT 06460. HOUSEHOLD DISINFECTANT SPRAY. Active Ingredients: Ethyl Alcohol 44.25%; n Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 0.33%, O-phenylphenol 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted and added uses. PM32

EPA File Symbol 5667–RNU. Barrett Chemical Co., "H" & Luzern Sts., Philadelphia PA 19124. BARRETT'S DISINFECTANT-SANITIZER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 5.0%; Didecyl dimethyl ammonium chloride 2.5%; Dioctyl dimethyl ammonium chloride 2.5%, Isopropyl alcohol 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 5736–46. Bubois Chemicals, Div. of Chemed Corp., 3630 E. Kemper Rd., Sharonville OH 45241. BGC-3 GERMICIDAL SYNTHETIC CLEANER. Active Ingredients: Sodium Lauryl Ether Sulfate 9.00%; Sodium ortho-Phenylphenate 8.90%; Sodium ortho-Benzyl-para-Chlorophenate 8.29%; Isopropyl alcohol 7.50%; Sodium para-Tertiary-Amylphenate 4.10%; Trisodium Ethylenediamine Tetraacetic Acid 1.00%. Method of Support: Application proceeds under 2(a) of interim policy PM32

EPA File Symbol 5967–RUO. Moyer Chemical Co., 1310 Bayshore Hwy., PO Box 945, San Jose CA. ARBORAL FUNGICIDE. Active Ingredients: Methyl 2-benzimidazolecarbamate phosphate 0.7%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 7001–85. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. MULTI-PURPOSE INSECT SPRAY. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.0%; Aromatic Petroleum Derivative Solvent 57.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 8075–I. Allen Chemical Co., 3235 NW 37th St., Miami FL 33142. ALCO TOWER BIOCIDE No. 1–5. Active Ingredients: Disodium cyanodithiomidocarbonate 2.44%; Potassium N-methyldithiocarbamate 3.36%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New application received. PM33

EPA File Symbol 8590–UTA. Agway, Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. ELMOSAN. Active Ingredients: Methyl 2-benzimidazolecarbamate phosphate 0.7%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 8728–I. Precision Chemicals, Inc., PO Box 19793, Station N, Atlanta GA 30325. PRECISION CL–410. Active Ingredients: Disodium cyanodithiomidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76% Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 8848–GR. Safeguard Chemical Corp., 789 E. 144th St., Bronx NY 10454. BLACK JACK SUPER 80 CONCENTRATED PINE DISINFECTANT. Active Ingredients: Pine Oil 80%; Soap 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

APPLICATIONS RECEIVED (OPP–33000/494)

EPA File Symbol 1007–IE. Pfizer Chemicals Div., Pfizer, Inc., 235 E. 42nd St., New York NY 10017. MYCO–SHIELD BRAND OF AGRICULTURAL TERRAMYCIN. Active Ingredients: Oxytetracycline base equivalent 17% (from oxytetracycline calcium complex). Method of Support: Application proceeds under 2(a) of interim policy. PM21

EPA Reg. No. 2204–12. Diamond Shamrock, Diamond Shamrock Corp., Process Chemicals Div., PO Box 2386–R, Morristown NJ 07960. NOPCOCIDE N–96 FUNGICIDE. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 96.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Substantial new use pattern. PM21

EPA File Symbol 2548–AE. Dr. Werner Freyberg, Chemische Fabrik, 694 Weinheim/Bergstrasse, F.R. of Germany, Research Products Co., Box 1057, Salina KS. 67401. DETIA GAS EX–T. Active Ingredients: Aluminum Phosphide 57%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA File Symbol 2548–AG. Dr. Werner Freyberg, Chemische Fabrik, Research Products Co. DETIA PHOSPHINE PELLETS. Active Ingredients: Aluminum Phosphide 57%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA File Symbol 3125–GRG. Chemagro Agricultural Div., Mobay Chemical Corp., Box 4913, Kansas City MO 64120. BAYGON 70% CONCENTRATE. Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 70%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 3862–31. A.B.C. Compounding Co., Inc., PO Box 932, Atlanta GA 30301. MAGIC FLY KILL BRAND [FLAKED]. Active Ingredients: Malathion 1.2%. Method of Support: Application proceeds under 2 (b) of interim policy. Application for reregistration. PM16

EPA File Symbol 4550–GL. Chemex Chemicals & Coatings Co., Inc., PO Box 5072, Tampa FL 33675. CHEMEX YARD & PATIO INSECTICIDE FOGGER. Active Ingredients: 5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Petroleum hydrocarbons 0.332%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 4581–GGE. Agchem Div.—Pennwalt Corp., PO Box C, King of Prussia PA 19406. TOPSIN M SOYBEAN FUNGICIDE 70% WEETABLE POWDER. Active Ingredients: Thiophanate-methyl (dimethyl [(1,2-phenylene)bis (iminocarbonothioyl)] bis[carbamate]) 70%. Method of Support: Application proceeds under 2(a) of interim policy. PM21

EPA Reg. No. 4887–138. Stephenson Chemical Co., PO Box 188, College Park GA 30022. DURSBAN 2E INSECTICIDE. Active Ingredients: Chlorpyrifos [0, 0-Diethyl 0-(3,5, 6-trichloro-2-pyridyl) phosphorothioate] 23.80%; Tetrachloroethylene 16.00%; Petroleum hydrocarbons 37.80%; Xylene 18.85%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 6198–RR. National Chemicals, Inc., Winona MN 55987. Q–IV DISINFECTANT–SANITIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 6921–L. Tesch Chemical Co., Inc., 1281 E. Midway Rd., Appleton WI 54911. SPEEDEE DBC. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 7405–51. Chemical-Packaging Corp., PO Box 9347, Ft. Lauderdale FL 33309. CHEMI–CAP HOSP–I–SEPTIC–G SURFACE DISINFECTANT AND DEODORANT. Active Ingredients: ortho-Phenylphenol 0.10%; para-tertiary-Amylphenol 0.03%; Ethyl Alcohol 53.72%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 7885–11. Zoe Chemical Co., 1801 Falmouth Ave., New Hyde Park NY 11040. ZOE PERSONAL INSECT REPELLENT SPRAY. Active Ingredients: N,N-diethyl-m-toluamide 6.65%; Other isomers 0.35%; N-octyl bicycloheptent dicarboximide 2.00%; 2,3:4,5-Bi (2-butylene) tetrahydro-2-furaldehyde 0.50%; Di-n-propyl isocinchomeronate 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 8428–RU. Shrader Chemical Company, Inc., 1205 S. Santa Fe Ave., Compton CA 90221. S–8–KLOR (NON FOAMING). Active Ingredients: Dichloro-s-triazinetrione 5.0%; Sodium Metasilicate 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 9627–E. Cardinal Aquatech Pools, 6500 NW 10th St., Oklahoma City OK 73127. CARDINAL ALGAE–OUT CONCENTRATE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 60%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 10074–E. Chemical Service Co., 1601 Indiana Ave., La Porte IN 46350. CHEMSERVCIDE N. Active Ingredients: Disodium cyanodithiomidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 10074–G. Chemical Service Co. CHEMSERVCIDE W. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 10147–GT. Birko Chemical Corp., 5600 Brighton Blvd., PO Box 1315, Denver CO 80201. BI TEC 55H. Active Ingredients: Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 10330–2. Union Carbide Corp., PO Box 372, 51 Cragwood Rd., South Plainfield NJ 07080. ETHYLENE. Active Ingredients: Ethylene 98%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Change in crop use directions. PM25

EPA Reg. No. 10806–21. Contact Industries, Inc., 641 Dowd Ave., Elizabeth NJ 07201. CONTACT HOSPI–SPRAY. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.1%; Isopropanol 53.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 10307–23. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30062. MISTY INSECT REPELLENT SPRAY. Active Ingredients: N,N-diethyl-m-toluamide 6.65%; Other isomers 0.35%; N-octyl bicycloheptene dicarboximide 2.00%; 2,3:4,5-Bis (2-butylene) tetrahydro-2-furaldehyde 0.50%; Di-n-propyl isocinchomeranate 0.50%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 11265–10. Seymour Chemical Associates 1609 Arbor Ave., Highland Park IL 60035. FORMULA 645 PENETRANT SEALER. Active Ingredients: Copper-8-Quinolinolate 1%. Method of Support: Application proceeds under 2(a) of interim policy. PM22

EPA Reg. No. 11849–2. Silak Co., PO Box 173, Hospers IO 51238. SILAK DRY DIP INSECTICIDE. Active Ingredients: Malathion 5%. Method of Support: Application proceeds under 2(d) of interim policy. Application for reregistration. PM16

EPA Reg. No. 11849–5. Silak Co. SILAK DRY INSECTICIDE. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for registration. PM16

EPA File Symbol 13368–G. Betterbilt Chemicals, Inc., 9343 S. Alburtis Ave., Santa Fe Springs CA 90670. BO–LO. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium choride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 17.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA Reg. No. 15837–5. Agricultural Chemicals of Dallas, 3707 E. Kiest Blvd., Dallas TX. PYRETHRINS OIL BASE 2.5%. Active Ingredients: Pyrethrins 2.5%; Petroleum distillate 97.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

[FR Doc.77–8267 Filed 3–17–77;8:45 am]

[FRL 699–5]

SCIENCE ADVISORY BOARD; ENVIRONMENTAL HEALTH ADVISORY COMMITTEE STUDY GROUP ON MUTAGENICITY TESTING

Meeting

Notice is hereby given that a meeting of the Study Group on Mutagenicity Testing of the Science Advisory Board's Environmental Health Advisory Committee will be held at 9:00 a.m. on April 7, 1977, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be (1) to conclude the Study Group's review of the scientific aspects of further revisions of portions of draft EPA Guidelines for the registration of pesticides relating to mutagenicity testing and (2) to continue the discussion of Agency approaches to the evaluation of test data relating to mutagenicity.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by c.o.b. April 4, 1977. Please call Mrs. Ilene F. Stein on (703) 557-7720.

LLOYD T. TAYLOR,
Acting Staff Director,
Science Advisory Board.

MARCH 14, 1977.

[FR Doc.77-7981 Filed 3-17-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Doc. No. 20988; RM-2721]

CABLE TELEVISION

Syndicated Program Exclusivity Rules

Adopted: March 8, 1977.

Released: March 11, 1977.

1. By Order dated February 10, 1977, the filing date for comments in the captioned proceeding was extended to March 1, 1977, and reply comments were made due April 1, 1977.

2. Over 60 different pleadings were filed in response to the Notice of Inquiry (41 FR 50055, Nov. 12, 1976; extension of time at 42 FR 10710, Feb. 23, 1977). Many are quite lengthy and contain data which is time consuming to analyze. While the Commission has expressed its desire to hold as closely as possible to the time frame originally set forth in the Notice, a limited extension would be in the public interest by allowing time for more informed and carefully considered reply comments. Therefore, we feel on our own motion that good cause is present for an extension of the deadline for reply comments to April 13, 1977.

Accordingly, *it is ordered,* That the date for filing reply comments is extended to April 13, 1977.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
JAMES R. HOBSON,
Chief, Cable Television Bureau.

[FR Doc.77-8202 Filed 3-17-77;8:45 am]

FM BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Adopted: March 10, 1977.
Released: March 15, 1977.
By the Chief, Broadcast Bureau:

Notice is hereby given, pursuant to § 1.573(d) of the Commission's Rules, that on April 26, 1977, the FM broadcast application, which is being processed expeditiously since it involves ongoing litigation, listed below will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's Rules, an application, in order to be considered with that application or with any other application on file by the close of business on April 25, 1977, which involves a conflict necessitating a hearing with that application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on April 25, 1977.

BPH-10,439 KRNA, Iowa City, Iowa. Communicators, Inc. HAS: 93.5 MHz; No. 228; 3 kW; 270 FT. REQ: 93.9 MHz; No. 230; 100 kW; 480 FT.

The attention of any party in interest desiring to file pleadings concerning any pending FM broadcast application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-8203 Filed 3-17-77;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND AND MARINE TERMINALS CORP.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 7, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

John E. Nolan, Assistant Port Attorney, Port of Oakland, P.O. Box 2064, 66 Jack London Square, Oakland, California 94604.

Agreement No. T-3432, between City of Oakland (City and Marine Terminals Corporation (MTC), is an arrangement whereby City assigns to MTC the responsibility of management, terminal operation and cargo solicitation services at Berth 4 of the Outer Harbor Terminal Area. The agreement provides that services at Berth 4 will be available to marine terminal users on a nonexclusive basis, in addition to secondary users at Berths 2 and 3, which is preferentially assigned to four Japanese Lines under Agreement No. T-3040. MTC will assess and retain a reasonable charge from users of the premises and facilities, as well as a charge for the use of equipment, facilities and utilities furnished for which charges are not included in the City's marine terminal tariff. MTC will not participate in tariff revenues. All tariff revenues will be collected and retained by City. MTC will guarantee a minimum annual general cargo quota as set forth in the agreement.

Agreement No. T-3433, between City and MTC, is an arrangement whereby City is assigning the responsibility for managing the assignment, operation and maintenance of PACECO Crane No. 711 to MTC. The crane will be preferentially assignable on a nonexclusive basis to various users of Berth 4 and secondarily to users of Berths 2 and 3. All charges for the use of the crane will be pursuant to City's tariff. City, independent of MTC, may assign the crane to third parties. MTC, acting as City's agent in operating the crane, will not share in tariff revenues resulting from the rental of the crane; however, City's tariff will include a separate charge for MTC's maintenance, utilities and insurance premiums. MTC will assess a reasonable charge for a crane operator whenever MTC furnishes such operator. MTC guarantees a minimum annual quota of 600 hours, to which MTC will receive credit for City's secondary assignments.

By Order of the Federal Maritime Commission.

Dated: March 15, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-8205 Filed 3-17-77;8:45 am]

[Docket No. 73-55]

FREE TIME ON IMPORT CONTAINERIZED CARGO AT THE PORT OF NEW YORK

Adoption of Environmental Negative Declaration

By publication in the FEDERAL REGISTER on October 28, 1976, notice was given that the Federal Maritime Commission's Office of Environmental Analysis ("OEA") had determined that environmental issues relative to the above ref-

erenced proceeding did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. § 4321, et seq. and that the preparation of a detailed environmental impact statement was not required under Section 4332(2)(c) of NEPA.

Ten days were premitted for filing exceptions to the OEA's Threshold Assessment Survey (TAS) and Enviornmental Negative Declaration ("Declaration"). Exceptions to this Declaration were filed by Sea-Land Service, Inc.

The Commission has examined these exceptions, the OEA's response thereto (Addendum to TAS), as well as the underlying TAS and concludes that there is no evidence which should change the Survey's finding of environmental nonsignificance. The Addendum to TAS is available for inspection on request to the Public Information Office, Room 11413, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, telephone (202) 523-5764.

Notice is hereby given that the Federal Maritime Commission has this date adopted the Environmental Negative Declaration

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-8206 Filed 3-17-77;8:45 am]

GOVERNMENT IN THE SUNSHINE

Meeting

Notice is hereby given that the Federal Maritime Commission will meet in open session in Room 12126 of the Commission's office located at 1100 L Street, N.W., Washington, D.C. Request for information about this meeting should be directed to Joseph C. Polking, Acting Secretary of the Commission (202-523-5727).

The Commission will meet: Wednesday, March 23, 1977, at 10 a.m.

PLANNED AGENDA

1. Agreement Nos. 3103-DR-5 and 150-DR-5 of the Japan/Korea-Atlantic and Gulf Freight Conference and of the Trans-Pacific Freight Conference of Japan/Korea.
2. Agreement No. 9745-2—Dart Containerline.
3. Amendments to rules of practice and procedure—subpenas and discovery of Commission employees—proposed rulemaking.
4. Proposed statement regarding streamlining of hearing procedures.
5. Docket No. 76-61—Miscellaneous amendments to rules of practice and procedure.
6. Special Docket No. 507—*United Forwarders Service, Inc. v. Sea-Land Service, Inc.*
7. Special Docket No. 508—*International Paper Company v. Gulf United Kingdom Conference.*

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-7996 Filed 3-17-77;8:45 am]

GOVERNMENT IN THE SUNSHINE

Meeting

Notice is hereby given that the Federal Maritime Commission will meet in closed session in Room 11420 of the Commission's office located at 1100 L Street, N.W., Washington, D.C. Request for information about this meeting should be directed to Joseph C. Polking, Acting Secretary of the Commission (202-523-5727).

The Commission will meet: Wednesday, March 23, 1977, at 2 p.m.

PLANNED AGENDA

1. Docket No. 76-51—West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-7997 Filed 3-17-77;8:45 am]

FEDERAL POWER COMMISSION

[Doc. No. ER77-220]

ARIZONA PUBLIC SERVICE CO.

Amendment to Supplement to Agreement

MARCH 14, 1977.

Take notice that on March 2, 1977, Arizona Public Service Company (APS) tendered for filing a Letter Agreement and modification thereof to Supplement No. 15 of an Agreement with Navajo Tribal Utility Authority (NTUA), FPC Rate Schedule No. 6, for waiver of the ratcheting provision for approximately three weeks at the Navajo Generating Station delivery point near Page, Arizona. APS states that this Letter Agreement provides for no change of rate and is not a rate increase.

APS requests that the Commission's regulations be waived to permit an effective date of February 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7964 Filed 3-17-77;8:45 am]

[Doc. Nos. RP75-86, RP75-85 and RP75-83]

COLORADO INTERSTATE GAS CO.

Order Approving Settlement Agreement

MARCH 14, 1977.

On July 6, 1976, Colorado Interstate Gas Company (CIG) filed a proposed stipulation and agreement in the captioned docket. In the accompanying motion for approval of settlement, CIG stated that the agreement "has been approved by all parties who participated in the settlement discussions." The agreement provides for a partial settlement of the issues in the referenced dockets and for interim refunds. For the reasons stated, the Commission shall approve the proposed stipulation and agreement.

CIG filed in Docket No. RP75-86 a proposed rate increase of $13.5 million based on sales for the twelve months ending December 31, 1974, as adjusted. Docket No. RP75-85 involves a request for last in, first out method of accounting by CIG for its storage gas withdrawals. CIG petitioned in Docket No. RP75-83 to use normalized accounting of liberalized tax depreciation for book and rate purposes. The period in Docket No. RP75-86 became locked-in as of October 1, 1976, the date on which CIG's proposed rate increase in Docket No. RP76-76 became effective.

The proposed agreement provides for the reservation of certain issues for determination by hearing and opinion of the Commission: rate of return; cost classification and allocation; overhead allocation; liquid revenue credits; and, normalization. To the extent that a final and nonappealable order on the reserved issues requires additional refunds, CIG agrees to file within 45 days of the issuance of the order revised tariff sheets reflecting the adjustments.

The interim rates and refunds under the settlement are predicated upon the interim settlement cost of service set forth as Appendix B of the settlement agreement. The agreement provides for a rate reduction of approximately $5.1 million annually. The contested items reserved for hearing have been included in the interim cost of service; the jurisdictional amount which is subject to refund pending the outcome of hearing amounts to approximately $8,100,000. Interest on the interim refund resulting from the settlement agreement will be computed at the rate of 9 percent per annum. The interest on any additional refunds shall be calculated also at the rate of 9 percent per annum.

The proposed agreement provides for the exclusion from rate base of amounts from certain specified advance payment agreements in the event any portion of the advance payments is not recovered within the five year recovery period. The proposed agreement allows CIG to recover in its commodity rates the actual charges paid to Panhandle Eastern Pipe Line Company for transportation services. Quarterly tracking of net changes in the gas supply advance payment balance is allowed by the agreement. The agreement continues in effect the terms of the agreement reached in Docket No. RP 74-77 related to CIG's claims against Mapco, Inc. for damages and additional revenues from sales of recovered natural gas liquids.

Notice of the proposed agreement was issued on July 14, 1976 with comments due on or before July 23, 1976. Staff

filed comments on July 23, 1976 expressing support for the proposed agreement.

Based on a review of the record in the above proceedings, the Commission finds that the proposed settlement agreement represents a reasonable resolution of the stipulated issues and a reasonable method for hearing and decision on the remaining contested issues. The settlement agreement shall accordingly be approved and adopted as hereinafter ordered.

The Commission orders: (A) The settlement agreement filed by CIG on July 6, 1976, is incorporated herein by reference and is approved and adopted.

(B) In accordance with Article II of the settlement agreement, CIG shall within 45 days after the date of this order, file revised tariff sheets incorporating the interim settlement rates.

(C) In accordance with Article III of the settlement agreement, CIG shall make refunds to its customers within 30 days after submitting the revised tariff sheets specified in paragraph (B) above, and shall file a report thereof with the Commission.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against CIG or any person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7960 Filed 3-17-77;8:45 am]

[Doc. No. CP77-282]

COLUMBIA GAS TRANSMISSION CORP.

Application

MARCH 14, 1977.

Take notice that on March 7, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-282 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following projects:

1. The drilling and operation of 33 additional storage wells and the installation of associated measurement and well-head equipment;

2. The construction and operation of approximately 8.8 miles of additional 4-inch, 6-inch, and 8-inch well and field pipelines;

3. The installation and operation of an additional 4,250 horsepower compressor unit with associated compressor station piping; and

4. An increase in existing master measurement capability.

Applicant states that these facilities are to be constructed within its existing storage fields X-52A, X-52B, and X-52C, hereinafter referred to as Coco-A, Coco-B, and Coco-C, respectively, located in West Virginia.

It is stated that the 33 proposed wells would be located in all three fields—18 in Coco-A, 5 in Coco-B, and 10 in Coco-C; the proposed additional well and field lines would consist of 4.2 miles of 4-inch in Coco-A, 0.8 mile of 4-inch and 6-inch in Coco-B; and 3.8 miles of 4-inch, 6-inch, and 8-inch in Coco-C; and the additional horsepower would be installed as an addition to the existing Coco Compressor Station.

Applicant estimates the total cost of the above facilities to be $9,960,300, and states this expenditure would be financed through funds generated internally.

It is stated that the proposed project would provide Applicant with an estimated additional annual storage turnover of 8,400,000 Mcf while maintaining the existing estimated peak-day deliverability from the Coco Storage Complex, which turnover is necessary for Applicant to assist its wholesale customers in serving their essential Priority 1 requirements, especially during periods of abnormally cold winter weather. It is further stated that additional annual storage turnover would also improve Applicant's ability to utilize all of the gas supplies available to it toward the end of the normal summer storage injection season.

Applicant states that the proposed construction is scheduled to commence in the summer of 1977 and continue into 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7974 Filed 3-17-77;8:45 am]

[Doc. Nos. RP76-94 and RP76-95]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Rescheduling Settlement Conference

MARCH 14, 1977.

Take notice that a settlement conference in the above-captioned proceeding scheduled for March 15, and March 16, 1977, has been cancelled. The conference is rescheduled for May 3 and 4, 1977, at 10:00 A.M. in Room 5200, Federal Power Commission, 825 North Capitol St., NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7963 Filed 3-17-77;8:45 am]

[Doc. No. RP76-73]

DISTRIGAS OF MASSACHUSETTS CORP.

Revised Tariff Sheets

MARCH 14, 1977.

Take notice that on March 2, 1977, Distrigas of Massachusetts Corporation (DOMAC) tendered for filing First Revised Sheet No. PGA-1 to its FPC Gas Tariff, Original Volume No. 1. This sheet shows the rates for services under DOMAC's Rate Schedule Nos. GS-1 and BO-1 for the period commencing April 1, 1977. The Base Tariff Rate under these rate schedules is 78.758 cents per MMBtu, according to DOMAC. The proposed Current Adjustment is 0.639 cents per MMBtu which reflects the 1977-1978 contract year increase to 74.0 cents per MMBtu.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before March 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7965 Filed 3-17-77;8:45 am]

[Doc. No. CP76-383]

EASTERN SHORE NATURAL GAS CO.

Petition To Amend

MARCH 14, 1977.

Take notice that on March 7, 1977, Eastern Shore Natural Gas Company (Petitioner), 144 East Main Street, Salisbury, Maryland 21801, filed in Docket No. CP76-383 a petition to amend the Commission's order of January 14, 1977 (57 FPC ——), issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize storage service to the Delaware Division of Chesapeake Utilities Corporation (Chesapeake) in lieu of Delmarva Power and Light Company (Delmarva), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that on January 14, 1977, the Commission authorized Petitioner to render storage service it proposed to purchase from Transcontinental Gas Pipe Line Corporation's (Transco) Washington Storage Field to Delmarva under its newly authorized Rate Schedule WSS-1.

Petitioner states that Delmarva has decided not to purchase such storage service, but by contract dated February 1, 1977, it has agreed to sell such service to Chesapeake. Petitioner proposes to store for Chesapeake 5,660 Mcf of natural gas for a period April 1, 1976 through March 31, 1977, and 47,400 Mcf for the period April 1, 1977, through March 31, 1978, and thereafter. Petitioner further states that the point of delivery for all natural gas delivered by it to Chesapeake would be at Petitioner's M&R Station, Dover, Delaware.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 4, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7968 Filed 3-17-77;8:45 am]

[Doc. Nos. CP75-96 et al. and RM77-6]

EL PASO ALASKA CO., ET AL.

Alaskan Natural Gas Transportation System

MARCH 11, 1977.

Take notice that on March 10, 1977, the Federal Power Commission released a report prepared by the Federal Power Commission staff with assistance from the U.S. Department of the Interior on proposed general environmental and technical terms and conditions for an Alaskan natural gas transportation system. These proposed terms and conditions would be applicable to any system which may be selected through the procedure established by Pub. L. 94-586, the Alaska Natural Gas Transportation Act of 1976. These general terms and conditions are not the official position of the Commission or any other Federal agency; they are presented to all interested parties for comment prior to the Commission's recommendation to the President. More specific terms and conditions will be prepared following final selection of the project. Because of the provisions and intent of P. L. 94-586 and the implied Federal responsibility created by actions on the three pending applications, the proposed terms and conditions incorporate a mechanism for their administration and enforcement.

These proposed terms and conditions have been developed by the Federal Power Commission with assistance from the U.S. Department of the Interior and reflect experience gained from construction of the Alyeska oil pipeline in Alaska. Comments on the initial draft terms and conditions were solicited from 22 Federal agencies. Responses have been received from the following: U.S. Department of Commerce, U.S. Department of Justice, U.S. Department of Transportation, U.S. Department of Labor, U.S. Department of the Interior, U. S. Forest Service, Federal Maritime Commission, and the Environmental Protection Agency.

Many of these comments are reflected in modifications of the original terms and conditions. Several agencies—specifically, the DOI, the FCC, the EPA, and the U.S. Forest Service—requested that their particular regulations be incorporated into the body of the terms and conditions. However, the Commission staff believes that such regulations are included by reference in General Items 2, 3, and 9 and that such a lengthy listing is therefore not required at this time.

These terms and conditions have been sent to the agencies and persons who received copies of the Alaska Natural Gas Transportation System: Final Environmental Impact Statement and to all parties to the proceeding. The terms and conditions as well as the comments from Federal agencies are on file with the Commission and are available for public inspection at its Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. Limited quantities are also available from the Commission's Office of Public Information.

Any person wishing to file comments on the terms and conditions should file an original and seven copies of such comments on or before March 31, 1977. Please address comments to:

FPC Alaskan Delegates, Office of the Delegates, Room 9100, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Comments received will be available for public inspection in the Commission's Office of Public Information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7970 Filed 3-17-77;8:45 am]

[Doc. No. ER77-222]

FLORIDA POWER & LIGHT CO.

New Delivery Point

MARCH 14, 1977.

Take notice that on March 2, 1977, Florida Power & Light Company (FP&L) tendered for filing a Substitute Original Sheet No. 22 of Original Volume No. 1 of its FPC Electric Service Tariff, which provides for a new point of delivery between Clay Electric Cooperative, Inc.,—"Ft. McCoy" and FP&L.

To the extent necessary, FP&L requests that the Commission waive its notice requirements to permit the addition of the new delivery point to become effective as of March 25, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7968 Filed 3-17-77;8:45 am]

[Doc. Nos. CI75-173, CI77-131, CI77-149, CI77-199, CI77-255, CI77-266]

GULF OIL CORP.

Abandonment; Order Consolidating Proceedings, Granting Interventions, and Setting for Hearing

MARCH 14, 1977.

Pursuant to section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)), Gulf Oil Corporation (Gulf) has filed in the above-mentioned dockets applications for Commission authorization to abandon sales of natural gas. Gulf proposes to terminate the present sales as certificated and instead deliver gas from the supplies involved to Texas Eastern Transmission Corporation (Texas Eastern) under Gulf's FPC Gas Rate Schedule No. 278.[1]

On February 7, 1977, Gulf filed in Docket No. CI77-255 an application for authorization to abandon a sale of natural gas to Texas Eastern from the North Arneckeville and Southwest Helen Gohlke Fields in DeWitt and Victoria Counties, Texas. Gulf has been making the sale to Texas Eastern under a gas sales contract dated December 20, 1955, which is included in Gulf's FPC Gas Rate Schedule No. 42. Gulf states that it may terminate this contract pursuant to its terms effective March 25, 1978, and Gulf has notified Texas Eastern that it will terminate the contract on that date. Notice of Gulf's application was issued on February 14, 1977, and appeared in the FEDERAL REGISTER on February 17, 1977, at 42 FR 9709. Petitions to intervene have been received from Texas Eastern, Michigan Wisconsin Pipe Line Company, Bay State Gas Company, et al. (New England Customer Group), Consolidated Edison Company of New York, Philadelphia Gas Works, and General Motors Corporation.

On February 8, 1977, Gulf filed in Docket No. CI77-266 an application for authorization to abandon a sale of natural gas to Texas Gas Pipe Line Corporation (TGP) from the Fannett Field, Jefferson County, Texas. Gulf has been making sales of casinghead gas to TGP under a gas sales contract dated May 24, 1956, which is included in Gulf's FPC Gas Rate Schedule No. 405 and which expired by its own terms on September 1, 1976. Notice of Gulf's application was issued on February 14, 1977, and appeared in the FEDERAL REGISTER on February 17, 1977, at 42 FR 9709. Petitions to intervene have been received from Texas Eastern, Michigan Wisconsin Pipe Line Company, Consolidated Edison Company of New York, Philadelphia Gas Works, and General Motors Corporation.

In its application Gulf alleges that it should be permitted to abandon the subject sales on the grounds that it has been ordered by the Commission to serve Texas Eastern under its warranty contract and certificate issued in Docket No. CI64-26; that Texas Eastern's curtailment situation is considerably more severe than that of TGP; that the current interstate purchasers have no claim to the gas inasmuch as their contracts with Gulf have expired or soon will expire, and since the gas would remain in the interstate market; and that the price for the sale to Texas Eastern under its waranty contract is substantially lower than the likely price for continued sales to the current interstate purchasers.

Gulf has filed similar applications for abandonment authorization in several other dockets in which Gulf proposes to terminate the presently certificated sales and instead make deliveries from the gas supplies involved to Texas Eastern under the warranty contract. The applications in Docket Nos. CI-77-95, CI77-96, and CI77-97 were consolidated and the Presiding Administrative Law Judge issued an initial decision on February 23, 1977. The time for filing exceptions to that decisions had not yet expired. On February 28, 1977, we issued an order consolidating and setting for hearing similar applications in Docket Nos. CI75-173, CI77-131, CI77-149, and CI77-199.

We find that a hearing is desirable to determine, on the record, whether the present or future public convenience or necessity will be served by permitting the abandonment of service proposed by Gulf in Docket Nos. CI77-255 and CI77-266. In view of the fact that these applications and those involved in Docket Nos. CI75-173, et al., involve similar questions of law and policy, we conclude that their ultimate disposition would best be accomplished in a consolidated proceeding. In view of the consolidation of the additional proceedings, we shall revise the schedule for submitting evidence and the date for prehearing conference.

One of the issues to be considered at the hearing should be a "* * * comparison of the needs of the two natural gas systems and the public markets they serve. * * *" *Transcontinental Gas Pipe Line Corp.* v *F.P.C.*, 488 F. 2d 1325, 1330 (D.C. Cir. 1973). The Commission declares that the underlying validity of the Commission's orders concerning the Gulf warranty contract, as expressed in Opinions 692, 692A, 780, and 780A, is not an issue in this proceeding, nor is the impact of a decision on these applications with regard to the corporate financial situation of Gulf, National Fuel, Michigan, Wisconsin, Texas Eastern, or TGP.

The Commission finds: The public convenience warrants the consolidation of Gulf's abandonment applications filed in Docket Nos. CI75-173, CI77-31, CI77-149, CI77-199, CI77-255, and CI77-266.

The Commission orders: (A) Docket Nos. CI75-173, CI77-131, CI77-149, CI77-199, CI77-255, and CI77-266 are consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a public hearing under section 7(b) of the Act shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine whether the present or future public convenience or necessity permit the proposed abandonments.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) All parties shall file their direct testimony and evidence, if any, on or before April 5, 1977. All parties shall file their rebuttal testimony, if any, on or before April 26, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(E) The Presiding Administrative Law Judge shall preside at a prehearing and settlement conference to be held on May 11, 1977, at 9:30 a.m. EDT, in a hearing room at the address noted in Ordering Paragraph (B).

(F) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7961 Filed 3-17-77;8:45 am]

[1] Gulf's FPC Gas Rate Schedule No. 278 includes a base contract that has been interpreted by the Commission to be a warranty contract. The warranty contract has been the subject of proceedings in Docket No. CI64-26. See Opinion No. 692, 51 F.P.C. 1340 (1974); Opinion No. 692-A, 52 F.P.C. 593 (1974); Opinion No. 780, issued October 15, 1976; and Opinion No. 780-A, issued December 9, 1976.

[Doc. Nos. CP75-16, CP75-81 and CP75-104]

HIGH ISLAND OFFSHORE SYSTEM

Tariff Filing

MARCH 11, 1977.

Take notice that High Island Offshore System (HIOS) on November 29, 1976, tendered for filing two tariff sheets to its FPC Gas Tariff, Original Volume Nos. 1 and 2. HIOS states that Original Volume No. 1 of its pro forma FPC Gas Tariff consists of four sheets; a table of contents for Original map and a schedule of rates applicable to its rate schedules.

Original Volume No. 2 contains a pro forma copy of the gas transportation agreement which will be executed with each of the affiliated Shippers. The executed agreements will be designated as follows:

Rate schedule	Shipper
T–1	Michigan Wisconsin Pipe Line Co.
T–2	Natural Gas Pipeline Co. of America
T–3	Texas Gas Transmission Corp.
T–4	Transcontinental Gas Pipe Line Corp.
T–5	United Gas Pipe Line Co.

Article VIII of Rate Schedules, T–1, T–2, T–3, T–4 and T–5 contains the rate provisions applicable to transportation service to be rendered by HIOS. Section 8.1 provides for a monthly transportation charge consisting of a demand charge and a commodity charge. As shown on Original Sheet No. 4 of Original Volume No. 1, the demand and commodity charges initially are presently estimated to be $4.85 per Mcf of contract demand and 7.33 cents per Mcf, respectively, based upon the data contained in HIOS' amended application and the conditions contained in the Commission's June 4, 1976 and July 30, 1976 orders. The derivation of these rates is reflected in the study referred to in (2) above.

As recognized at page 4 of the Commission's July 30, 1976 order, HIOS proposes to charge an interim transportation rate during the initial buildup period. Section 8.8 of Rate Schedules T–1 through T–5 provides for such a rate, which will be a volumetric charge computed on a 100 percent load factor basis. As shown on Original Sheet No. 4 of Original Volume No. 1, HIOS now estimates that this rate will be 23.28 cents per Mcf of gas received.[1]

The revenues generated by the interim transportation rate will be credited against construction work in progress. HIOS will continue taking an allowance for funds used during construction on the cost of its facilities until the monthly transportation charge specified in Section 8.1 of its respective rate schedules becomes effective.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 31, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by its in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–7954 Filed 3–17–77;8:45 am]

[1] $83,928,000 (Total Cost of Service)÷360,620,000 Mcf (988,000 Mcf/d×365 days)= 23.28¢/Mcf.

[Doc. No. RI77–26]

J & J ENTERPRISES, INC., ET AL.

Petition for Inclusion of Additional Parties

MARCH 14, 1977.

Take notice that on February 18, 1977, J & J Enterprises, Inc., P.O. Box 754, Indiana, Pennsylvania 15701, Fairman Drilling Company, Box 228, DuBois, Pennsylvania 15801, and Castle Gas Company, Inc., P.O. Box 10396, Pittsburgh, Pennsylvania 15234, which shall be referred to as J & J, et al., joined in a petition filed by certain parties enumerated below pursuant to § 1.11 of the Commission's Rules of Practice and Procedure (18 CFR 1.11) to amend J & J, et al.'s original petition for special relief filed in the captioned docket on January 17, 1977. Notice of J & J, et al.'s petition for Special Relief was issued on January 31, 1977.

The following parties (Additional Producers) have jointly petitioned to amend J & J, et al.'s original petition for special relief in order to be included as additional parties:

(a) Boyd & Shriver, Bend Building, South 7th Street, Indiana, Pennsylvania 15701.
(b) Mid-East Oil Company, 2115 Oliver Building, Pittsburgh, Pennsylvania 15222.
(c) Harry Brunt, P.O. Box 232, Bradford, Pennsylvania 16701.
(d) Lee E. Minter, 475 Minard Run Road, Bradford, Pennsylvania 16701.
(e) Ohio Lease Operating Co., 893 High Street, Worthington, Ohio 43085.
(f) Zenith Exploration Co., 10 East Beau Street, Washington, Pennsylvania 15301.
(g) A. A. Lollar, 907 Crostway, Derby, Kansas 67037.
(h) I. L. Greer & Sons, P.O. Box 204, Claredon, Pennsylvania 16313.
(i) Union Drilling Co., Box 347, Buckhannon, West Virginia 26201.
(j) Joseph L. Dunn, 605 Sara Drive, Washington, Pennsylvania 15301.
(k) Pennsylvania Oil & Gas Association, Drawer D, 26 West Warren Road, Custer City, Pennsylvania 16725.
(l) Reeves Lowenthal, 2100 South Ocean Lane, Fort Lauderdale, Florida 33316.
(m) D. A. Dorwood, 41 North Chesterfield Road, Columbus, Ohio 43209.
(n) Dorvo Corp., 41 North Chesterfield Road, Columbus, Ohio 43209.

The Additional Producers state that Pennsylvania Oil & Gas Association (listed as letter k) seeks to be made a party on behalf of all its members who are small producers of natural gas having jurisdictional sales in Pennsylvania. If special relief is granted, it is requested that such relief be made applicable to all such members of Pennsylvania Oil & Gas Association, even though they are not specifically designated as petitioners. A list of such members is to be furnished supplementally.

The petition indicates that the three original petitioners (J & J, et al.), and certain of the Additional Producers, are members of the Pennsylvania Oil & Gas Association. The petition goes on to state that it is intended that these producers will retain their status as individual petitioners notwithstanding Pennsylvania Oil & Gas Association's becoming a party to this proceeding.

The Additional Producers state that they wish to be added as parties to this proceeding in order to receive the same prices as are determined to be just and reasonable for J & J, et al. J & J, et al.'s original petition for Special Relief was filed pursuant to §§ 2.56a(g) and 2.76 of the Commission's General Policy and Interpretations, and § 154.107(e) of the Commission's Regulations on behalf of themselves and other similarly situated small producers having jurisdictional sales of natural gas in Pennsylvania. The original petition seeks special relief from the area rates for the Appalachian Basin Area prescribed in Order No. 411, as amended, to collect a rate of 55.02 cents per Mcf at 14.73 psia for pre-January 1, 1973, sales and from the national rates prescribed by Opinion No. 699–H, as amended, and Opinion Nos. 770 and 770–A to collect a rate of $177.99 per Mcf at 14.73 psia for post-January 1, 1973, sales.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 31, 1977, file with the Federal Power Commission, Washington, D.C. 20246, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–7962 Filed 3–17–77;8:45 am]

[Doc. No. E–9557]

LAC VIEUX DESERT RIPARIAN OWNERS ASSOCIATION, INC. v. WISCONSIN VALLEY IMPROVEMENT CO.

Postponement of Public Session

MARCH 11, 1977.

On January 13, 1977, the Federal Power Commission issued notice that a public session would be held at the Court House in Eagle River, Wisconsin beginning at 10 a.m. on March 24, 1977, for the purpose of receiving statements of position from interested members of the public regarding matters raised in the April 23, 1976, complaint filed by the Lac Vieux Desert Riparian Owners Association, Inc. (Complainant) against the Wisconsin Valley Improvement Company, Licensee for the Lac Vieux Desert Reservoir, FPC Project No. 2113, said reservoir being located in Vilas County, Wisconsin and Gogebic County, Michigan and constituting the headwaters of the Wisconsin River.

Complainant, by motion filed February 14, 1977, has requested that the public session be postponed for a period of no less than 60 days. It contends that many of its members do not reside at the lake during the winter and early spring, and thus would be unable to attend the public session as now scheduled.

For the reasons advanced by Complainant, we hereby give public notice that the aforementioned public session has been rescheduled to convene at the Court House in Eagle River, Wisconsin beginning at 10 a.m. on May 25, 1977, and to continue thereafter until concluded. The issues to be adressed at the public session and the procedures to be followed are identical with those delineated in our aforementioned January 13, 1977 notice. If for any reason any party desiring to be heard is unable to attend this public session in person, he may submit a written statement to be received no later than June 6, 1977, by the Secretary Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and such statement will be made a part of the record of the public session.

In addition, Commission Staff will conduct an inspection of the project and those riparian lands allegedly damaged by its operation on the day following the conclusion of the public session. A report detailing the findings of the staff inspection team shall be filed by July 1, 1977.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7955 Filed 3-17-77;8:45 am]

[Doc. No. RP72-149, (PGA77-5a) (PGA77-6a)]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

MARCH 14, 1977.

Take notice that Mississippi River Transmission Corporation (Mississippi) on March 7, 1977 tendered for filing six (6) copies of Substitute Fifty-fourth Revised Sheet No. 3A and Substitute Fifty-fifth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective March 1, 1977 and April 1, 1977, respectively.

Mississippi states that the instant tariff sheets are being submitted in substitution for identically numbered sheets previously filed, also carrying the same effective dates, to reflect a downward adjustment in the March 1, 1977 rates of Natural Gas Pipeline Company of America (Natural) recently ordered by the Commission. The Commission directed that Mississippi file to reflect such downward adjustment as to Natural in its letter Order dated February 25, 1977. Such letter Order also noted that Mississippi did not file rate reductions to be effective December 1, 1976, and January 2, 1977, to track reductions by Natural and United Gas Pipe Line Company (United) and had not shown good cause for failure to do so. Such letter Order further provided that Mississippi promptly file reduced rates and make refunds to reflect such supplier reductions. Mississippi responds that the current effect of such supplier rate reductions were reflected in its original Purchased Gas Cost Adjustment Clause (PGA) filing to become effective March 1, 1977. Mississippi further states that the effect of the reductions prior to that date had been handled by appropriate credits to its Deferred Purchased Gas Cost Account, all in accordance with the terms of its tariff, and that the deferred account balance, which includes such credits, has been utilized in calculating the rates in a PGA filing submitted to the Commission on February 27, 1977, with a proposed effective date of April 1, 1977.

Mississippi has requested that the Commission remove from its February 25, 1977 letter Order the directive concerning the filing of reduced rates and the making of refunds, and has asked the Commission to confirm that its actions with respect to the Natural and United rate reductions have satisfied the purposes of the purchased gas cost adjustment provisions of its tariff as well as the purposes of the Commission's Order of February 25, 1977.

Mississippi submitted schedules containing computations supporting the rate changes proposed to become effective March 1, 1977 and April 1, 1977. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7973 Filed 3-17-77;8:45 am]

[Project No. 287]

NORTH COUNTIES HYDRO-ELECTRIC CO.

Application for Change in Land Rights

MARCH 11, 1977.

Public notice is hereby given that an application was filed on December 21, 1976, under the Federal Power Act, 16 U.S.C. 791a-825r, by North Counties Hydro-Electric Company (Applicant) (Correspondence to: Mrs. Bette Breit O'Keefe, President, North Counties Hydro-Electric Company, 1047 North Kenilworth Avenue, Oak Park, Illinois 60302; John C. Mason, Esq., Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036; and J. Stanley Stroud, Esq., Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006) for a change in land rights for the constructed Dayton Project No. 287 located on the Fox River in La Salle County, Illinois.

The Applicant seeks Commission authorization to grant a 50-foot wide easement across project lands and waters to Dome Pipeline Corporation (Dome) of Bismarck, North Dakota for the purpose of constructing, operating and maintaining two pritec-coated pipelines conveying liquid-hydrocarbons on 0.17 acre of project lands and 0.66 acre of project waters. The pipeline would extend from Fort Saskatchewan, Alberta, Canada to Dome's existing pipeline system in Monroe County, Michigan. The pipelines which would be 10.75 and 12.75 inches in diameter would be laid 30 inches apart in a single trench and would cross project lands approximately 2,000 feet upstream of the Dayton dam. The lines would be weighted with concrete at the river crossing to produce negative buoyancy. The lines would be utilized to transport light liquid hydrocarbons such as ethane, propane, butane, ethylene and light condensates to alleviate energy shortages, for use as feedstock, for the production of synthetic natural gas, and for petrochemical uses.

The Applicant has requested the shortened procedures pursuant to § 1.32(b) of the Commissions Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should 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 such petitions or protests should be filed on or before April 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically § 1.32(b) (18 CFR 1.32(b) (1976)), a hearing may be held without further notice before the Commission on its application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7956 Filed 3-17-77;8:45 am]

[Doc. No. CP77-277]

NORTHERN NATURAL GAS CO.

Application

MARCH 14, 1977.

Take notice that on March 4, 1977, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP77-277 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon various field compression and related metering and appurtenant facilities, for the 12-month period commencing with the date of this authorization, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of proposed construction and abandonment under § 157.7(g) would not exceed $3,000,000 and no single project would exceed $500,000. Applicant also states that said costs would be financed from cash on hand and from funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursunat to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7959 Filed 3-17-77;8:45 am]

[Doc. No. CP77-261]

PANHANDLE EASTERN PIPE LINE CO. AND TRUNKLINE GAS CO.

Application

MARCH 14, 1977.

Take notice that on February 25, 1977, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-261 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience authorizing the transportation of natural gas on behalf of Mid Louisiana Gas Company (MLGC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that MLGC has available volumes of gas which MLGC has purchased from HNG Oil Company (HNG) in Hemphill County, Texas. It is further stated that MLGC has made arrangements with Kansas-Nebraska Natural Gas Company, Inc. (K-N) to gather and deliver these volumes to Panhandle for transportation.

Panhandle and Trunkline propose to transport and deliver to MLGC on a firm basis 2,400 Mcf of natural gas per day and on a best-effort basis up to 1,600 Mcf of natural gas per day. It is stated that the gas would be received by Panhandle at the existing point of interconnection of Panhandle and K-N in Dewey County, Oklahoma, and that Panhandle would transport and deliver the gas to Trunkline at an existing point of interconnection in Tuscola, Illinois. It is further stated that Trunkline would in turn deliver such volumes to MLGC at a proposed point of interconnection between Trunkline and MLGC in Richland Parish, Louisiana.

It is stated that the proposed transportation would be pursuant to an agreement among Panhandle, Trunkline and MLGC dated January 7, 1977. It is stated that MLGC would pay Panhandle a monthly transportation charge of $15,624 for the firm transportation service and 21.42 cents per Mcf for volumes transported in excess of the firm volumes of 2,400 Mcf per day. It is stated that Panhandle would pay Trunkline for its prorata share of the transportation charges to MLGC.

It is indicated that the transportation agreement is for an initial term of ten years and will continue year to year thereafter unless cancelled by either party upon 1 year's written notice.

Any person desiring to be heard or to make protest with reference to said application should on or before April 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7967 Filed 3-17-77;8:45 am]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Extension of Time

MARCH 11, 1977.

On March 7, 1977, the South Carolina Electric and Gas Company filed a motion to extend the date for filing responses to comments upon their application for a new license in the above-designated proceeding.

Upon consideration, notice is hereby given that the date for filing responses is extended to and including May 2, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7957 Filed 3-17-77;8:45 am]

[Doc. No. CP77-260]

TEXAS EASTERN TRANSMISSION CORP.

Application

MARCH 14, 1977.

Take notice that on February 25, 1977, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-260 an application pursuant to Section 7(c) of the Natural Gas Act authorizing the exchange of up to 4,000 Mcf of natural gas per day with Natural Gas Pipeline Company of America (Natural) and the construction and operation of facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas exchange agreement with Natural, dated December 22, 1976, to exchange up to 4,000 Mcf of gas per day. Pursuant to the agreement Natural would deliver up to 2,000 Mcf of natural gas per day to Applicant at an exchange point to be constructed in Colorado County, Texas and up to 2,000 Mcf of gas per day at an exchange point to be constructed in Goliad County, Texas. It is stated that Applicant would redeliver equivalent volumes to Natural at an existing point of interconnection in Brazoria County, Texas.

In order to effectuate the exchange Applicant proposes construct a 2-inch tap and valve assembly on Applicant's 24-inch line in Colorado County, Texas, and a 2-inch tap and valve assembly on on Applicant's 16-inch line in Goliad County, Texas, for the receipt of gas from Natural. The cost of the proposed facilities is estimated by Applicant to be $10,610. It is asserted that the proposed exchange would enable Natural to receive the subject volumes of gas without the construction of 38 miles of pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7958 Filed 3-17-77;8:45 am]

MEETING

MARCH 15, 1977.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552(b):

AGENCY: Federal Power Commission.

TIME AND DATE: March 22, 1977, 2:00 p.m.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 2046.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda)

NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON:
Kenneth F. Plumb, Secretary, telephone (202) 275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 7566TH MEETING—MARCH 22, 1977, REGULAR MEETING—PART I (2:00 P.M.)

P-1—Docket No. ER77-127, Oklahoma Gas and Electric Company
P-2—Docket. No. E-9306, Nevada Power Company
P-3—Project No. 2725, Georgia Power Company
P-4—Project No. 2644, Bowersock Mills & Power Company
P-5—Project No. 199, South Carolina Public Service Authority.

MISCELLANEOUS AGENDA, 7566TH MEETING—MARCH 22, 1977, REGULAR MEETING—PART I

M-1—Docket No. RM- , Changes in Description of Organization and in Statement of General Course and Method of Operation

POWER AGENDA, 7566TH MEETING—MARCH 22, 1977, REGULAR MEETING—PART II

CP-1—Docket No. ER77-138, Southern California Edison Company
CP-2—Docket Nos. ER77-149 and ER77-150, Southern California Edison Company
CP-3—Project No. 2323, New England Power Company
CP-4—Project No. 2333, Rumford Falls Power Company
CP-5—Project No. 2195, Portland General Electric Company
CP-6—Project No. 1888, Pennsylvania York Haven Power Company
CP-7—Project No. 1121, Pacific Gas and Electric Company

MISCELLANEOUS AGENDA, 7566TH MEETING—MARCH 22, 1977, REGULAR MEETING—PART II

CM-1—Commission minutes

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-8300 Filed 3-16-77;11:31 am]

[Docket No. E77-37]

TENNESSEE GAS PIPELINE CO., ET AL.

Supplemental Emergency Order Pursuant to Emergency Natural Gas Act of 1977

By order issued March 8, 1977 pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), the March 1, 1977 authorization issued to Tennessee Gas Pipeline Company, a division of Tenneco, Inc. (Tennessee), to purchase up to 32,000 Mcfd of natural gas from Channel Industries Gas Company (Channel), and intrastate pipeline and an affiliate of Tennessee, was stayed pending an inquiry to determine "whether Channel is receiving natural gas that is certificated under the Natural Gas Act and whether the Channel-Tennessee transaction is proper under Section 6 of the Act." The March 1, 1977 order also required Tenneco, Inc. (Tenneco), the parent company of Tennessee and Channel, "to file with the Administrator on or before March 14, 1977, a complete statement under oath" concerning the matters described in the order.

By telegram filed March 14, 1977, Tenneco stated that it will respond by March 14, 1977, and requested permission to file a supplemental response on or befor March 18, 1977. This supplemental response would include materials submitted in Federal Power Commission (FPC) Docket No. CI77-298.

Tenneco has demonstrated good cause for permitting Tenneco to submit a supplemental filing with the Administrator on March 18, 1977, and the March 8, 1977 order is hereby amended to permit Tenneco to make such a filing. Tenneco shall, however, submit on March 14, 1977, all information and documents then available to it regarding the matters under investigation in this proceeding and FPC Docket No. CI77-298. Thereafter, Tenneco shall submit, as soon as reasonably possible, any supplemental materials regarding these matters filed with the FPC or any other federal or state agency. In addition, Tenneco shall submit to the Administrator all revelant documents in any litigation against Tenneco, Tennessee, and/or Channel regarding the above matters.

To the extent not inconsistent with this order, the terms of the March 8, 1977 order remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Tennessee, Channel and Tenneco.

This order shall also be published in the FEDERAL REGISTER.

This order is subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 14, 1977.

[FR Doc.77–8236 Filed 3–17–77;8:45 am]

[Docket No. CP77–286]

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

Application

MARCH 15, 1977.

Take notice that on March 8, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77–286 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 1,300 Mcf of natural gas per day on an interruptible basis for a term of two years for Dan River, Inc. (Dan River), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1,300 Mcf of natural gas per day (at 15.025 psia) for Dan River, an existing industrial customer of the City of Danville, Virginia (Danville), and Piedmont Natural Gas Company, Inc. (Piedmont), two of Applicant's resale customers served under its Rate Schedule CD–2, pursuant to an agreement dated February 15, 1977, among Applicant, Dan River, Danville and Piedmont.

It is stated that Dan River has purchased from Delhi Properties, Inc., Vermilion Bay Land Company, John Stuart Hunt, Jean Gannon Hunt, Sherman M. Hunt and Mary Andrews Hunt (Delhi) up to 1,300 Mcf of gas per day (at 15.025 psia) to be produced from the Headwater Oil Company No. 1 Lutcher Moore Cypress Well in the South Lake Maurepas Field, St. John the Baptist Parish, Louisiana, at a price of $1.75 per Mcf.

It is asserted that such gas would be delivered to United Gas Pipe Line Company (United), which would in turn deliver equivalent quantities to Applicant at a mutually agreeable existing authorized exchange point. Applicant, it is further stated, would redeliver such quantities to the existing points of delivery to Danville and Piedmont for the account of Dan River, and Danville and Piedmont would deliver such natural gas to Dan River's Danville, Virginia, Greenville, South Carolina, Greer, South Carolina, and Burlington, North Carolina, plants.

Applicant proposes to charge 21.55 cents per Dekatherm for all quantities transported and delivered to Danville and Piedmont for the account of Dan River and would retain 3.8 percent of the volumes received as makeup for compressor fuel and line loss. It states that no additional facilities would be required to effectuate the transportation service.

Applicant states that it did not consider the subject gas available for purchase because Delhi has elected not to sell its natural gas on the interstate market due to the administrative, legal and refund problems associated with the Commission's Order 770.

It is stated that Dan River's plants are involved in a finishing process and are experiencing severe curtailment from its suppliers, Danville and Piedmont because they are being curtailed by Applicant. It is further stated that such curtailment is resulting in extensive lay-off and subsequent economic hardship to the respective communities. Dan River asserts that such gas would be used for Priority 2 process purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–8299 Filed 3–17–77;8:45 am]

[Docket No. E77–1]

TRANSCONTINENTAL GAS PIPE LINE CORP., ET AL.

Supplemental Emergency Order Pursuant to Emergency Natural Gas Act of 1977

By orders issued February 3 and 24, 1977, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), Transcontinental Gas Pipe Line Corporation (Transco), as agent for certain of its customers, was authorized to purchase up to approximately 230,000 Mcfd of natural gas from six distribution companies served by Northwest Pipeline Corporation (Northwest). Approximately 150,000 Mcfd of those volumes are transported by LoVaca Gathering Company (LoVaca) for delivery to South Texas Gathering Company, (South Texas) for delivery to Transco.

By letter filed March 14, 1977, Transco advised that, from time-to-time capacity limitations may prevent South Texas from delivering all regular purchase volumes[1] and all emergency purchase volumes. To assure receipt of all volumes normally purchased from South Texas and all emergency purchase volumes, Transco has arranged for Texas Eastern Transmission Corporation (Texas Eastern) to receive for Transco's account up to 10,000 MMBtu per day of Transco's contract volumes from South Texas at the Hidalgo Gas Plant, Hidalgo County, Texas. Texas Eastern will transport such volumes for redelivery to Transco at an existing interconnection near Ragley, Louisiana. The agreed-upon transportation charge is 19.22 cents per MMBtu plus 3 percent of the volumes transported for fuel. Transco requests that these charges be recouped from the customers receiving emergency gas supplies pursuant to the authorization issued in this proceeding.

Pursuant to Section 6(c)(1) of the Act, I authorize and order Texas Eastern to transport up to 10,000 MMBtu per day for Transco at the agreed-upon terms and conditions. Because this transportation is required to permit Transco to receive emergency purchase volumes from distribution company customers of Northwest as agent for certain of its customers, all charges paid to Texas Eastern for the transportation described above shall be charged to Transco's customers receiving emergency gas supplies under the authorizations issued in this proceeding.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Transco, Northwest, LoVaca, South Texas, Texas Eastern, El Paso Natural Gas Company, Natural Gas Pipeline Company of America, Delhi Gas Pipeline Corporation, United Gas Pipe Line Company, and Colorado Interstate Gas Company. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 15, 1977.

[FR Doc.77–8237 Filed 3–17–77;8:45 am]

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[1] Transco purchases gas from South Texas under South Texas' FPC Gas Rate Schedule No. 2.

MEETING SUBJECT MATTER

Change

MARCH 15, 1977.

The following items are added to the Commission meeting of March 16, 1977, upon the affirmative vote of Chairman Dunham, and Commissioners Smith, Holloman, and Watt:

G-27—Docket No. CP76-285, Mountain Fuel Resources, Inc.; Docket No. CP77-289, El Paso Natural Gas Company.
G-28—Docket No. CP77-258, Columbia Gas Transmission Corporation.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-8394 Filed 3-17-77;9:42 am]

[Doc. No. ER77-225]

KANSAS POWER & LIGHT CO.

Filing of Initial Rate Schedule

MARCH 10, 1977.

Take notice that Kansas Power & Light Company (Company) has filed with the Commission six copies of an executed contract (dated October 26, 1976) which is to be effective on the date the facilities are completed, but in any event not later than July 1, 1977. The Company states that the contract provides for wholesale electric service (30, AC, 60 cycle 4,160 volts, to be billed under the Company's Schedule WSM-75) to the City of Ellinwood, Kansas.

In addition, the Company states the following:

1. An estimate of sales and revenue for the succeeding twelve months is attached to this filing.

2. The rate for service is the WSM-75 Wholesale Service—Municipalities as authorized by the Federal Power Commission by order dated August 29, 1975 in Docket No. ER76-39.

3. No other rates are available for this class of service.

4. A sketch of facilities to be installed for this service is attached.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-8396 Filed 3-17-77;9:42 am]

FEDERAL RESERVE SYSTEM

LINCOLN NATIONAL CO.

Order Approving Acquisition of Shares of Bank

Lincoln National Company, Bala-Cynwyd, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire, indirectly, 9.9 per cent of the voting shares of The Bryn Mawr Trust Company, Bryn Mawr, Pennsylvania ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Applicant, a one-bank holding company, owns all of the voting shares (less directors' qualifying shares) of Lincoln Bank, Bala-Cynwyd, Pennsylvania,[1] with deposits of $94.6 million, representing 0.2 per cent of the total deposits in commercial banks in Pennsylvania.[2] Applicant also has one nonbanking subsidiary, Lincoln National Leasing Co., Bala-Cynwyd, Pennsylvania, which is engaged in the leasing of personal property and equipment on a full payout basis. Applicant's indirect acquisition of shares of Bank would have no appreciable effect on the concentration of banking resources in Pennsylvania.

Applicant's subsidiary bank, Lincoln Bank, a State-chartered insured bank that is not a member of the Federal Reserve System, proposes to acquire for cash 9.9 per cent of the voting shares of Bank pursuant to Title 7 Pennsylvania Statutes, section 311(d)(ii)(B), which authorizes Pennsylvania banks to acquire and hold up to 10 per cent of the shares of another Pennsylvania bank or trust company.[3] The instant shares of Bank were previously held by Centennial Bank, Philadelphia, Pennsylvania, a bank that was ordered closed by the Commonwealth of Pennsylvania Department of Banking on October 19, 1976. In subsequent liquidation proceedings by the Federal Deposit Insurance Corporation, Lincoln Bank purchased certain assets and assumed certain deposit liabilities of Centennial Bank and, in addition, Lincoln Bank obtained an option to purchase the subject shares of Bank from the FDIC, as receiver.

Bank (deposits of $56.7 million) is the 25th largest banking organization in the Philadelphia-Camden banking market[4] and holds 0.4 per cent of total market deposits.[5] Lincoln Bank, through its twelve offices, also competes in the Philadelphia-Camden banking market and ranks as the 18th largest banking organization therein, with 0.7 per cent of total deposits in the market. Although Lincoln Bank and Bank compete in the same banking market, it does not appear that consummation of this proposal would have significant adverse effects on competition. The combined market share of Lincoln Bank and Bank would represent only 1.1 per cent of total deposits in the Philadelphia-Camden market. Accordingly, the Board concludes that consummation of the proposal would not have significant adverse effects on existing or potential competition; thus, competitive considerations are consistent with approval of the subject application.

The Board notes that neither Applicant nor Lincoln Bank will incur any debt in connection with the acquisition of shares of Bank. The financial and managerial resources and future prospects of Applicant, Lincoln Bank, and Bank are considered to be generally satisfactory. Accordingly, banking factors are consistent with approval of the application. There is no indication that the convenience and needs of the community to be served are not currently being met. Although there will be no immediate increase in the services offered by Bank, convenience and needs considerations are consistent with approval of the application.

This application presents the Board with a situation in which rather than acquiring control, Applicant, through its subsidiary bank, is making a relatively small investment in Bank. This investment would not appear to have any adverse effects on Applicant or Lincoln Bank. An acquisition of less than a 25 per cent interest is not a normal acquisition for a bank holding company. However, the Bank Holding Company Act authorizes investments of up to 5 per cent without Board approval, and, by requiring prior Board approval for the acquisition of more than 5 per cent of the voting shares of a bank, clearly contemplates investments between 5 and 22 per cent.[6]

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[1] Applicant became a bank holding company with respect to Lincoln Bank on December 31, 1970 as a result of enactment of the 1970 Amendments to the Bank Holding Company Act.

[2] Unless otherwise noted, all banking data are as of June 30, 1976.

[3] The Secretary of Banking of the Commonwealth of Pennsylvania, by letter dated February 15, 1977, has recommended approval of the subject application.

[4] The Philadelphia-Camden banking market is approximated by all of Philadelphia and Delaware Counties, portions of Chester, Montgomery and Bucks Counties in Pennsylvania, plus Camden, and portions of Burlington and Gloucester Counties in New Jersey.

[5] All market data are as of June 30, 1975.

[6] See the Board's Order of May 10, 1973 approving the application of First Piedmont Corporation, Greenville, South Carolina, to acquire shares of First Palmetto State Bank and Trust Company, Columbia, South Carolina, 38 FED. REG. 14204 (1973), 59 Fed. Res. Bull. 456 (1973).

It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved. On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors,[7] effective March 11, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-8228 Filed 3-17-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. H-17]

SECRETARY OF THE INTERIOR

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to outlease oil and gas deposits underlying the properties listed in Attachment A below.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Background.* The Department of the Interior, by letters dated July 28, 1975, and September 8, 1976, advised that the properties listed in Attachment A below contain oil and gas deposits in significant quantities. The Secretary of the Interior recommends that because of the short supply of such minerals, the deposits be outleased by the Bureau of Land Management, Department of the Interior, to control development as quickly as possible. It is considered that the best interest of the Government would be served by GSA's delegating authority to the Department of the Interior to outlease the oil and gas deposits in these properties since the Department of the Interior has expertise and experience in controlling development of and leasing such deposits.

4. *Delegation.* a. Pursuant to the authority vested in me by sections 203 and 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484, 486(d)), authority is delegated to the Secretary of the Interior to outlease the oil and gas deposits in the properties shown in Attachment A below. When the Department of the Interior has completed the disposal of all the oil and gas that is commercially salable, it shall notify GSA that the project has been completed.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

c. This authority shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. In this regard, the Department of the Interior, as the disposal agency, shall be responsible for (1) securing in accordance with FPMR 101-47.303-4 any appraisals deemed necessary by the Secretary; (2) complying with the provisions of the National Environmental Policy Act of 1969; (3) complying with section 106 of the National Historic Preservation Act of 1966, if appropriate; and (4) ensuring that lands that are disturbed or damaged are restored after removal of the oil and gas is completed.

d. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (PK), Washington, D.C. 20405.

ROBERT T. GRIFFIN,
Acting Administrator of General Services,

MARCH 10, 1977.

ATTACHMENT A

GSA Control No.	*Name and location*
GN-Tex-608-J	Naval Air Station, Kingsville, Tex.
GR-La-466	Belle Chasse Navy Depot, New Orleans, La.
GR-La-466-B	Do.
G-Tex-414	Pelican Island, Galveston, Tex.
D-Tex-867-A	Galveston harbor and channel project (portion), Galveston, Tex.
D-Tex-481-V	Red River Army Depot, (portion), Texarkana, Tex.
514	Former Head of Passes Light Station, Plaquemines Parish, La.
GD-Tex-629-D	Lone Star Ammunition plant (portion), Texarkana, Tex.
GN-Tex-787-B	Former Eagle Mountain Airfield (portion), Fort Worth, Tex.
GZ-Tex-492-B	Ambrose Monitoring Station (portion), Ambrose, Tex.
Z-Tex-902	FCC Monitoring Station (portion), Kingsville, Tex.
GR-Colo-460-I	Former Lowry bombing range, Arapahoe County, Colo.

[FR Doc.77-8001 Filed 3-17-77;8:45 am]

[GSA Bulletin FPR 26]

PROCUREMENT OF RESEARCH AND DEVELOPMENT

Basic Agreements Between Defense Department and Educational Institutions, et al.

To: Heads of Federal Agencies.

Subject: Listing of basic agreements for procurement of research and development with educational institutions and nonprofit organizations.

1. *Purpose.* This bulletin lists current basic agreements for the procurement of research and development entered into by civilian agencies and the Department of Defense.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* Subpart 1-3.4 of the Federal Procurement Regulations (FPR) describes the use of basic agreements. However, prior to FPR Amendment 149, it did not specifically refer to research and development or to interagency use of such agreements. Recommendation B-11 of the Commission on Government Procurement provided as follows: "Encourage the use of master agreements of the grant and contract types, which when executed should be used on a work order basis by all agencies and for all types of performers." The Commission based this recommendation on the observation that time and effort could be saved by both the Government and the performers of research and development through the use of prenegotiated terms and conditions allowing for new or additional work to be contracted for on a work order basis. After extensive study of this recommendation by the General Services Administration and the Department of Defense, it was determined that the purposes of the recommendation would be served to the maximum extent practicable by encouraging the use of basic agreements with educational institutions and nonprofit organizations. Recommendation B-11 was implemented in FPR Amendment 149 (40 FR 27655, July 1, 1975) which provides for the publication of FPR bulletins listing basic agreements on a fiscal year basis.

4. *Guidance.* Procedures for reporting these agreements by civilian agencies are set forth in § 1-3.410-2(d). A current list of institutions which have entered into basic agreements with Federal agencies is set forth in attachment A. Each institution is listed alphabetically together with a code number which identifies the agency concerned. Attachment B lists agency contact points. The contact points may be used to obtain copies of and information concerning the current

[7] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Bartee and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

applicability of the various basic agreements.

Dated: February 25, 1977.

WALLACE H. ROBINSON, Jr.,
Commissioner,
Federal Supply Service.

ATTACHMENT A.—*Basic agreements with education institutions and nonprofit organizations, 1976*

Contractor	Basic agreement No. and date	Code
Air Force, U.S. (SAMSO/TM) Space and Missile Systems Organization/TM, (subcontractor) The Aerospace Corp., El Segundo, Calif.	J0166182	12
Akron, University of	N00014-76-A-0142. Oct. 1, 1975.	1
Alabama, University of (Huntsville).	N00014-76-A-0167. Dec. 15, 1975.	1
Alabama, University of	N00014-76-A-0130. Dec. 15, 1975.	1
Alaska, University of	N00014-76-A-0002. Apr. 1, 1976.	1
Do	Master memorandum of understanding. Feb. 12, 1976.	8
Do		4
American Institute of Biological Sciences.	N00014-76-A-0003. July 1, 1976.	1
American University	N00014-76-A-0073. Oct. 1, 1975.	1
Arizona Board of Regents, University of Arizona.	N00014-76-A-0030. Dec. 1, 1975.	1
Arizona Board of Regents, Arizona State University.	N00014-76-A-0093. Dec. 1, 1975.	1
Arkansas, University of, Board of Trustees.	N00014-76-A-0151. Jan. 1, 1976.	1
Auburn University	N00014-76-A-0141. Dec. 15, 1975.	1
Battelle Columbus Laboratories.	AT(49-21)-0293 June 1, 1976 through Sept. 30, 1977.	10
Beth Israel Medical Center	N00014-76-A-0085. Nov. 25, 1975.	1
Boston College, trustees of	N00014-76-A-0117. Dec. 1, 1975.	1
Boston University	N00014-76-A-0137. Feb. 15, 1976.	1
Brandeis University	N00014-76-A-0182. May 1, 1976.	1
Brown University	N00014-76-A-0042. Oct. 15, 1975.	1
Brigham Young University	N00014-76-A-0174. Jan. 1, 1976.	1
California Institute of Technology.	N00014-76-A-0005. Oct. 1, 1975.	1
California State University, Long Beach Foundation.	N00014-76-A-0081. Jan. 1, 1976.	1
California State University, Northridge.	N00014-76-A-0095. Dec. 19, 1975.	1
California, The Regents of the University.	N00014-76-A-0004. Oct. 1, 1975.	1
California, University of		3
Carnegie-Mellon University, Pittsburgh, Pa.	N00014-76-A-0063. Oct. 15, 1975.	1
Case Western Reserve University, Cleveland, Ohio.	N00014-76-A-0034. Oct. 1, 1975.	1
Catholic University of America, Washington, D.C.	N00014-76-A-0074. Oct. 1, 1975.	1
Central Washington College		4
Chicago, University of	N00014-76-A-0035. Oct. 1, 1975.	1
Children's Hospital Medical Center, Boston, Mass.	N00014-76-A-0132. Oct. 1, 1975.	1
Cincinnati, University of	N00014-76-A-0147. Oct. 1, 1975.	1
Clarkson College of Technology, Potsdam, N.Y.	N00014-76-A-0043. Oct. 15, 1975.	1
Clemson University	N00014-76-A-0116. Dec. 6, 1975.	1
Colorado School of Mines, Golden, Colo.	N00014-76-A-0180. Apr. 19, 1976.	1
Colorado State University	N00014-76-A-0036. Oct. 1 1975.	1
Do	Memorandum of understanding—June 3, 1974.	8
Colorado, The Regents of the University of.	N00014-76-A-0118. Oct. 1, 1975.	1
Colorado, University of		6
Columbia University in the city of New York, the trustees of.	N0014-76-A-0006 Oct. 15, 1975.	1
Connecticut, University of	N00014-76-A-0066. Jan. 1. 1976.	1
Connecticut Health Center, University of.	N00014-76-A-0150. Jan. 1, 1976.	1
Cornell University, Ithaca, N.Y.	N00014-76-A-0044. Oct. 15, 1975.	1
Dartmouth College, Hanover, N.H.	N00014-76-A-0121. Dec. 1, 1975.	1
Dayton, University of	N00014-76-A-0157. Apr. 1, 1976.	1
Delaware, University of	N00014-76-A-0103. Oct. 29, 1975.	1
Denver, University of (Colorado Seminary).	N00014-76-A-0125. Oct. 1, 1965.	1
Drexel University, Philadelphia, Pa.	N00014-75-A-0045. Oct. 15, 1975.	1
Duke University, Durham, N.C.	N00014-76-A-0071. Oct. 11, 1975.	1
Emmanuel College, the trustees of, Boston, Mass.	N00014-76-A-0153. Dec. 12, 1975.	1
Emory University, Atlanta, Ga.	N00014-76-A-0081. Nov. 8, 1975.	1
Florida A. & M. University, Tallahassee, Fla.	N00014-76-A-0170. Dec. 19, 1975.	1
Florida Institute of Technology, Melbourne, Fla.	N00014-76-A-0171. Jan. 1, 1976.	1
Florida State University, Tallahassee, Fla.	N00014-76-A-0082. Oct. 15, 1975.	1
Florida, University of	N00014-76-A-0080. Oct. 8, 1975.	1
George Washington University, Washington, D.C.	N00014-76-A-0075. Oct. 1, 1975.	1
Georgetown University, Washington, D.C.	N01-CG-5-2032	7
Do	N00014-76-A-0076. Oct. 1, 1975.	1
Georgia Institute of Technology, Atlanta, Ga.	N00014-76-A-0092. Nov. 6, 1975.	1
Georgia State University, Atlanta, Ga.	N00014-76-A-0079. Dec. 1, 1975.	1
Georgia Tech Research Institute, Atlanta, Ga.	N00014-76-A-0108. Nov. 6, 1975.	1
Georgia, University of	N00014-76-A-0152. Dec. 1, 1975.	1
Hahnemann Medical Center, Philadelphia, Pa.	N00014-76-A-0046. Oct. 15, 1975.	1
Harvard College, president and fellows of, Cambridge, Mass.	N00014-76-A-0028. Oct. 15, 1975.	1
Hawaii, University of	N00014-76-A-0008. Oct. 1, 1975.	1
Houston, University of, Houston, Tex.	N00014-76-A-0068.	1
Howard University, Washington, D.C.	N00014-76-A-0077. Oct. 1, 1975.	1
Idaho Bureau of Mines (University of Idaho).		5
Idaho, University of, Moscow, Idaho.	N00014-76-A-0164. Dec. 1, 1975.	1
I.I.T. Research Institute "fireball study".		13
Illinois, board of trustees of the University of.	N00014-76-A-0069. Oct. 1, 1975.	1
Illinois Medical Center, University of, Chicago, Ill.	N00014-76-A-0096. Oct. 1, 1975.	1
Indiana University Foundation, Bloomington, Ind.	N00014-76-A-0089. Oct. 1, 1975.	1
Iowa, University of	N00014-76-A-0037. Oct. 1, 1975.	1
Iowa State University of Science and Technology, Ames, Iowa.	N00014-76-A-0173. Dec. 29, 1975.	1
John Carroll University, Cleveland, Ohio.	N00014-76-A-0094. Oct. 1, 1975.	1
Johns Hopkins University, Baltimore, Md.	N00014-76-A-0061. Oct. 15, 1975.	1
Kansas State University, Manhattan, Kans.	N00014-76-A-0120. Oct. 1, 1976.	1
Kansas, University of	N00014-76-A-0065 Oct. 1, 1975.	1
Kentucky Research Foundation, University of, Lexington, Ky.	N00014-76-A-0146. Oct. 1, 1975.	1
Lehigh University, Bethlehem, Pa.	N00014-76-A-0047. Oct. 15, 1975.	1
Louisiana State, Board of Supervisors of (university and agricultural and mechanical college), Baton Rouge, La.	N00014-76-A-0072. Oct. 1, 1975.	1
Louisville Foundation, University of, Louisville, Ky.	N00014-76-A-0148. Oct. 1, 1975.	1
Loyola University, Chicago, Ill.	N00014-76-A-0175. Jan. 1, 1976.	1
Maryland, University of	N00014-76-A-0096. Oct. 15, 1975.	1
Massachusetts General Hospital.	N00014-76-A-0133. Dec. 1, 1975.	1
Massachusetts Institute of Technology, Cambridge, Mass.	N00014-76-A-0049 Oct. 15, 1975.	1
Massachusetts, University of	N00014-76-A-0048. Oct. 15, 1975.	1
Miami, University of, Coral Gables, Fla.	N00014-76-A-0010. Oct. 15, 1975.	1
Michigan State University, East Lansing, Mich.	N00014-76-A-0087. Oct. 1, 1975.	1
Michigan Technological University, Houghton, Mich.	N00014-76-A-0110. Oct. 1, 1975.	1
Michigan, the regents of the University of.	N00014-76-A-0011. Oct. 1, 1975.	1
Michigan, University of		3
Michigan, University of (solar collector).		13
Minnesota, the regents of the University of.	N00014-76-A-0012. Oct. 1, 1975.	1
Minnesota, University of		2
Do		3
Missouri University Hall, the curators of, Columbia, Mo.	N00014-76-A-0070. Oct. 1, 1975.	1
Montana State University, Bozeman, Mont.	N00014-76-A-0150. Dec. 1, 1975.	1
Montana State University		5
Montana, University of	N00014-76-A-0102. Dec. 1, 1975.	1
National Academy of Sciences, Washington, D.C.		9
Do	N00014-76-A-0013. Feb. 1, 1976.	1
National Academy of Sciences (fire loads and live loads).		13
Nevada System, University of, Reno, Nev.	N00014-76-A-0119. Oct. 1, 1975.	1
New Hampshire, University of.	N00014-76-A-0050. Oct. 15, 1975.	1
New Mexico Bureau of Mines		6
New Mexico Institute of Mining and Technology, Socorro, N. Mex.	N00014-76-A-0031. Oct. 1, 1975.	1
New Mexico State University Physical Science Laboratory, Las Cruces, N. Mex.	N00014-76-A-0032. Oct. 1, 1975.	1
New Mexico, regents of the University of.	N00014-76-A-0130. Dec. 1, 1975.	1
New York University, New York, N.Y.	N00014-76-A-0011. Oct. 15, 1975.	1
New York University Medical Center.	N00014-76-A-0102. Nov. 15, 1975.	1
New York City University, Research Foundation on behalf of City College.	N00014-76-A-0056 Oct. 15, 1975.	1
New York State University, Research Foundation.	N00014-76-A-0057 Oct. 15, 1975.	1
Do		3
North Carolina State University at Raleigh.	N00014-76-A-0097. Oct. 11, 1975.	1
North Carolina at Chapel Hill, University of.	N00014-76-A-0101. Oct. 11, 1975.	1
North Carolina at Charlotte, University of.	N00014-76-A-0111. Jan. 1, 1976.	1
North Carolina at Wilmington, University of.	N00014-76-A-0131. Dec. 1, 1975.	1
North Dakota, University of.	N00014-76-A-0111. Oct. 1, 1975.	1
Northeastern University, Boston, Mass.	N00014-76-A-0051. Oct. 15, 1975.	1
Northwestern University, Evanston, Ill.	N00014-76-A-0038. Oct. 1, 1975.	1
Notre Dame du Lac, University of.	N00014-76-A-0113. Oct. 1, 1975.	1
Nova University, Fort Lauderdale, Fla.	N00014-76-A-0097. Dec. 16, 1975.	1
Oakland University, Rochester, Mich.	N00014-76-A-0139. Oct. 1, 1975.	1
Ohio Agriculture Research & Development Center, Division of Environmental Education.		2
Ohio State University Research Foundation, Columbus, Ohio.	N00014-76-A-0091. Oct. 1, 1975.	1
Oklahoma State University of Agriculture & Applied Science, Stillwater, Okla.	N00014-76-A-0106. Oct. 1, 1975.	1
Oklahoma, University of	N00014-76-A-0138. Oct. 1, 1975.	1
Old Dominion University Research Foundation, Norfolk, Va.	N00014-76-A-0127. Dec. 15, 1975.	1
Oregon Graduate Center		4
Oregon Graduate Center for Study & Research, Beaverton, Oreg.	N00014-76-A-0105. Dec. 1, 1975.	1
Oregon, University of		4
Oregon State University		4
Do	Memorandum of understanding. June 25, 1974.	8
Oregon State University, the State of Oregon acting by and through the State Department of Higher Education on behalf of, Corvallis, Oreg.	N00014-76-A-0015. Sept. 30, 1975.	1

Contractor	Basic agreement No. and date	Code
University of Oregon, the State of Oregon acting by and through the State Board of Higher Education on behalf of, Eugene, Oreg.	N00014-76-A-0163. Dec. 1, 1975.	1
Pennsylvania State University, University Park, Pa.	N00014-76-A-0052. Oct. 15, 1975.	1
Pennsylvania, the trustees of the University of.	N00014-76-A-0016. Oct. 15, 1975.	1
Pittsburgh, University of....	N00014-76-A-0053. Oct. 15, 1975.	1
Polytechnic Institute of, New York.	N00014-76-A-0054. Oct. 15, 1975.	1
Portland State University		4
Princeton University, the trustees of.	N00014-76-A-0018. Oct. 15, 1975.	1
Purdue Research Foundation, West Lafayette, Ind.	N00014-76-A-0019. Oct. 1, 1975.	1
Regis College, Weston, Mass.	N00014-76-A-0181. July 1, 1976.	1
Rensselaer Polytechnic Institute, Troy, N.Y.	N00014-76-A-0055. Oct. 15, 1975.	1
Rhode Island, University of.	N00014-76-A-0056. Oct. 15, 1975.	1
William Marsh Rice University, Houston, Tex.	N00014-76-A-0062. Oct. 1, 1975.	1
Rochester, University of....	N00014-76-A-0145. Oct. 15, 1975.	1
Rutgers, the State university, New Brunswick, N.J.	N00014-76-A-0064. Oct. 15, 1975.	1
Saint Louis University.....	N00014-76-A-0158. Oct. 1, 1975.	1
San Diego State University Foundation.	N00014-76-A-0021. Feb. 1, 1976.	1
San Jose State University Foundation.	N00014-76-A-0060. Jan. 15, 1976.	1
Seattle University.....	N00014-76-A-0078. Dec. 10, 1975.	1
Smithsonian Institution, Washington, D.C.	N00014-76-A-0123. Feb. 1, 1976.	1
Smithsonian Science Information Exchange, Inc., Washington, D. C.	FC-6-60221.....	11
South Dakota School of Mines & Technology, Rapid City, S. Dak.	N00014-76-A-0088. Oct. 1, 1975.	1
South Florida, University of, Tampa, Fla.	N00014-76-A-0069. Jan. 1, 1976.	1
Southern California, University of, Los Angeles, Calif.	N00014-76-A-0022. Oct. 1, 1975.	1
Southern Methodist University Research Administration, Dallas, Tex.	N00014-76-A-0115. Oct. 1, 1975.	1
Leland Standford Junior University, the Board of Trustees of, Stanford, Calif.	N00014-76-A-0029. Nov. 18, 1975.	1
Stevens Institute of Technology, the trustees of, Hoboken, N.J.	N00014-76-A-0059. Oct. 15, 1975.	1
Syracuse University, Syracuse, N.Y.	N00014-76-A-0151. Jan. 1, 1976.	1
Tennessee, University of, Knoxville, Tenn.	N00014-76-A-0098. Oct. 15, 1975.	1
Texas A. & M. Research Foundation.	N00014-76-A-0024. Oct. 1, 1975.	1
Texas Christian University, Fort Worth, Tex.	N00014-76-A-0160. Oct. 1, 1975.	1
Texas Tech University, Lubbock, Tex.	N00014-76-A-0135. Oct. 1, 1975.	1
Texas System, University of, Austin, Tex.	N00014-76-A-0023. Oct. 1, 1975.	1
Thorn Ecological Institute, Denver, Colo.		5
Tufts University, Medford, Mass.	N00014-76-A-0155. Dec. 1, 1975.	1
Tulane University, New Orleans, La.	N00014-76-A-0107. Oct. 1, 1975.	1
Tuskegee Institute, Tuskegee, Ala.	N00014-76-A-0149. Dec. 15, 1975.	1
Union College, Schenectady, N.Y.	N00014-76-A-0126. Jan. 1, 1976.	1
Utah State University, Logan, Utah.	N00014-76-A-0160. Jan. 1, 1976.	1
Do.....	Memorandum of understanding. Mar. 14, 1976.	8
Utah, University of, Salt Lake City, Utah.	N00014-76-A-0033. Oct. 1, 1975.	1
Vermont, University of, Burlington, Vt.	N00014-76-A-0134. Jan. 1, 1976.	1
Virginia Commonwealth University, Richmond, Va.	N00014-76-A-0104. Nov. 7, 1975.	1
Virginia Polytechnic Institute and State University, Blacksburg, Va.	N00014-76-A-0099. Oct. 15, 1975.	1
Virginia State College, Petersburg, Va.	N00014-76-A-0129. Jan. 30, 1976.	1
Virginia, the rector and visitors of the University of, Charlottesville, Va.	N00014-76-A-0025. Oct. 15, 1975.	1
Wake Forest University (Bowman Gray School of Medicine), Winston-Salem, N.C.	N00014-76-A-0093. Aug. 1, 1975.	1
Washington State University, Pullman, Wash.	N00014-76-A-0091. Oct. 1, 1975.	1
Do.....		4
Washington University, St. Louis, Mo.	N00014-76-A-0121. Oct. 1, 1975.	1
Washington, University of, Seattle, Wash.	.....	4
Washington, The Board of Regents of the University, Seattle, Wash.	N00014-76-A-0026. Sept. 30, 1975.	1
Wayne State University, Detroit, Mich.	N00014-76-A-0105. Oct. 1, 1975.	1
Wentworth Institute, Boston, Mass.	N00014-76-A-0125. Jan. 1, 1976.	1
West Virginia Board of Regents on behalf of West Virginia University, Morgantown, W. Va.	N00014-76-A-0100. Oct. 8, 1975.	1
William and Mary, College of, Williamsburg, Va.	N00014-76-A-0110. Nov. 7, 1975.	1
Wisconsin, University of, Madison, Wisc.	.....	3
Wisconsin System, Board of Regents of the University.	N00014-76-A-0011. Oct. 1, 1975.	1
Worcester Polytechnic Institute, Worcester, Mass.	N00014-76-A-0123. Jan. 1, 1976.	1
Wyoming, University of, Laramie, Wyo.	N00014-76-A-0122. Oct. 1, 1975.	1
Yale University, New Haven, Conn.	N00014-76-A-0027. Oct. 15, 1975.	1
Yeshiva University, New York, N.Y.	N00014-76-A-0030. Oct. 15, 1975.	1

NOTE.—Where a specific basic agreement number and or date is cited, the buying office should verify its current applicability. For a copy of or information concerning a particular basic agreement, identify the contractor and its code number and locate the contact point on attachment B.

ATTACHMENT B.—CONTACT POINTS FOR INFORMATION ON THE BASIC AGREEMENTS WITH EDUCATIONAL INSTITUTIONS AND NONPROFIT ORGANIZATIONS—1976

Contact Points:	Code
Office of Naval Research (Code 0111), 800 North Quincy St., Arlington, Va. 22217, (202) 692-4605	1
Mr. L. C. English, Department of Agriculture, U.S. Forest Service—Region 9, 633 West Wisconsin Ave., Milwaukee, Wisc. 53203, (414) 224-3641	2
Mr. Chuck Cameron, Department of Agriculture (Forest Service), Forest Products Laboratory, P.O. Box 5130, Madison, Wisc. 53705, (608) 257-2329	3
Mr. George Booras, Department of Agriculture (Forest Service), Pacific Northwest Station, P.O. Box 3141, Portland, Oreg. 97208, (503) 234-4816	4
Mr. Robert Erny, Department of Agriculture (Forest Service), Intermountain Station, 507 25th St., Ogden, Utah 84401, (801) 399-6491	5
Mr. Wayne White, Department of Agriculture (Forest Service), 240 West Prospect St., Fort Collins, Colo. 80524, (303) 484-6309	6
Mr. Frederick J. Brennan, Department of Health, Education, and Welfare, Office of the Secretary, Washington, D.C. 20201, (202) 245-8791	7
Mr. James E. Johnson, U.S. Department of the Interior, Office of the Secretary, Washington, D.C. 20240, (202) 343-5914	8
Mr. Robert A. Michelitch, Chief, Special Projects and Award Section, Division of Grants and Contracts, National Science Foundation, Washington, D.C. 20550, (202) 632-4288	9
Mr. Edward L. Halman, Director, Division of Contracts, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202) 427-4460	10
Mr. R. P. Perkins, Deputy Director, Office of Supply Services, Smithsonian Institution, Washington, D.C. 20560, (202) 381-5924	11
Mr. Thomas P. O'Malley, Assistant Director, Office of Administrative Programs, Office of the Secretary of the Treasury, Washington, D.C. 20220, (202) 376-0650	12
Mr. Robert J. DiLuchio, Executive Director, Public Buildings Services, General Services Administration, Washington, D.C. 20405, (202) 566-0597	13

[FR Doc 77-7381 Filed 3-17-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Doc. No. 75N-0007]

CLINICAL AND USE ASPECTS OF PERFORMANCE STANDARD FOR MICROWAVE DIATHERMY

Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration, under the authority of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.), will hold a meeting March 24, 1977, to discuss the clinical and use aspects of the draft performance standard for microwave diathermy with users, researchers, and manufacturers. This meeting will address the impact of the draft performance standard on clinical use of present microwave diathermy and on future uses that are presently under investigation. Specific topics include the desirability and practicality of the power density leakage limit of 5 milliwatts/square centimeter and the solicitation of other aspects of microwave diathermy that should be incorporated into the standard. Selected government and public representatives have been invited to participate in the meeting.

The meeting will be open to the public to the extent that space is available; individuals who have specific comments should contact the Bureau of Radiological Health (address below) to be placed on the agenda. A draft agenda and a copy of the draft performance standards for microwave diathermy are also available from the Bureau of Radiological Health. A summary of the meeting will be available upon request.

DATE OF MEETING: March 24, 1977, 9 a.m. to 4:30 p.m.

LOCATION OF MEETING: Bureau of Radiological Health, Rm. 416, 12720 Twinbrook Parkway, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

G. D. Schmidt, Division of Compliance, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-3426.

Dated: March 11, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-7803 Filed 3-17-77;8:45 am]

[Doc. No. 76N-0020]

DRUG PRODUCT CONTAINING URETHAN

Withdrawal of Approval of Pertinent Part of a New Drug Application

The Food and Drug Administration is withdrawing approval of Profenil Injection, effective March 28, 1977.

In a notice (Docket No. 76N-0020) published in the FEDERAL REGISTER of February 27, 1976 (41 FR 8523), the Director of the Bureau of Drugs offered an opportunity for hearing on his proposal to issue an order withdrawing approval of the following drug product:

NDA 5-695; that part of the NDA pertaining to Profenil Injection, containing alverine hydrochloride as the active ingredient and urethan as an inactive ingredient. The product is no longer marketed. The NDA holder is Chemical Management Services, Division of Chemetron Corp., 111 E. Wacker Dr., Chicago, IL 60601.

The basis of the proposed action was that the drug product has not been shown to be safe for use because of the carcinogenic nature of urethan, which is one of the product's inactive components.

All drug products that contain urethan as either an active or an inactive ingredient or that contain an ingredient related or similar to urethan are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20857.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)) and under authority delegated to him (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), finds that tests by methods not deemed reasonably applicable when the application was approved, evaluated together with the evidence available when the application was approved, reveal that neither the drug product nor its inactive component urethan is shown to be safe for use under the conditions of use on the basis of which the application was approved.

Therefore, pursuant to the foregoing finding, approval of that part of new drug application no. 5-695 pertaining to Profenil Injection, and all amendments and supplements applying thereto, is withdrawn effective March 23, 1977.

Shipment in interstate commerce of the above product or of any drug product that contains urethan as either an active or an inactive ingredient or that contains an ingredient related or similar to urethan (21 CFR 310.6), not the subject of an approved new drug application, will then be unlawful.

Dated: March 4, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-7634 Filed 3-17-77;8:45 am]

NATIONAL ADVISORY FOOD AND DRUG COMMITTEE

Request for Nomination of Members

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice requests nominations for members for the National Advisory Food and Drug Committee.

DATES: Nominations must be received by April 30, 1977.

ADDRESSES: Nominations should be submitted to William V. Whitehorn, M.D., Assistant Commissioner for Professional and Consumer Programs (HFG-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Richard Schmidt, FDA Committee Management Office, (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-2765.

SUPPLEMENTARY INFORMATION: As of September 30, 1977, the National Advisory Food and Drug Committee will have four vacancies.

The National Advisory Food and Drug Committee reviews and evaluates agency programs and provides advice and guidance to the Secretary, Department of Health, Education, and Welfare (HEW); the Assistant Secretary for Health, and the Commissioner of Food and Drugs on policy matters of national significance as they relate to the statutory mission of FDA in the areas of food, drugs, cosmetics, medical devices, biological products, and electronic products. The committee reviews and makes recommendations on applications for grants-in-aid for research projects relevant to the mission of FDA as required by law.

The term of office is 4 years. Members shall be knowledgeable in one or more of the following fields: Biomedical sciences, industrial technology, education, economics, and public affairs. Members of the committee are selected by the Secretary, HEW.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by the Food and Drug Administration to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

Dated: March 11, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-7804 Filed 3-17-77; 8:45 am]

[Doc. No. 77G-0063]

STEPAN CHEMICAL CO.

Withdrawal of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1785-1786 (21 U.S.C. 348 (b))), the following notice is issued: Stepan Chemical Co., Edens and Winnetka, Northfield, Ill. 60093, has withdrawn without prejudice its petition (GRASP 3G0031), of which notice of filing was published in the FEDERAL REGISTER of September 13, 1973 (38 FR 25462), proposing that sodium sulfate for use as an ingredient of surfactant compounds for washing fruits and vegetables is generally recognized as safe (GRAS).

Dated: March 8, 1977.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77-7635 Filed 3-17-77;8:45 am]

[Docket No. 77D-0011]

NEW ANIMAL DRUGS ADMINISTERED TO LACTATING DAIRY COWS

Availability of Amended Preclearance Guideline

The Food and Drug Administration (FDA) announces the availability of an amended preclearance guideline developed by the Bureau of Veterinary Medicine for use in designing studies regarding the use of animal drugs intended to increase milk production or to increase the production of a milk component.

This revised guideline amends section II(G)(1)(b)(4) of the "Preclearance Guidelines for Production Drugs," 3d Edition, October 1975, currently on display with the Hearing Clerk. The amended guideline, dated September 1976, sets forth suggested protocols and procedures to be used in obtaining data adequate for approval of such drugs.

Copies of the revised guideline are available for public examination at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857. Written requests for single copies may be sent to the Food and Drug Administration, Bureau of Veterinary Medicine, Industry Information Branch (HFV–226), 5600 Fishers Lane, Rockville, MD 20857.

Dated: March 11, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–7951 Filed 3–17–77;8:45 am]

TOXICOLOGY ADVISORY COMMITTEE

Request for Nomination of Members

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice requests nominations for members for the Toxicology Advisory Committee.

DATES: Nominations must be received by April 15, 1977.

ADDRESSES: Nominations should be submitted to Jeffrey A. Staffa, Ph.D., Office of Science (HFS–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Richard Schmidt, FDA Committee Management Office (HFS–20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301) 443–2765.

SUPPLEMENTARY INFORMATION: As of September 30, 1977, the Toxicology Advisory Committee will have three vacancies.

The Toxicology Advisory committee reviews and evaluates all available data relating to evaluation of the safety of chemicals present in food, drugs, cosmetics, and medical devices; advises the Commissioner of Food and Drugs concerning the safety of specific human drugs, animal drugs, color and food additives, cosmetic components, and components of devices; and recommends the development of standardized methodologies for the toxicity testing of such materials.

The term of office is 4 years. Members shall be knowledgeable in one or more of the following fields: Toxicology, pharmacology, and metabolism of chemicals; and carcinogenesis, mutagenesis, and teratogenesis testing.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by the Food and Drug Administration to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

Dated: March 11, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–7950 Filed 3–17–77;8:45 am]

Health Services Administration

MATERNAL AND CHILD HEALTH RESEARCH GRANTS REVIEW COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body schedule to meet during the month of May 1977:

Name: Maternal And Child Health Research Grants Review Committee.
Date and time: May 18–20, 1977, 9:00 a.m.
Place: Conference Room B, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.
Open: May 18, 9:00 a.m.–10:00 a.m.
Closed for remainder of meeting.
Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.
Agenda: The Committee will be performing review of grant applications for Federal assistance. This meeting will be open to the public from 9:00 to 10:00 a.m. May 18 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Acting Administrator, Health Services Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should contact Gerald D. LaVeck, M.D., Bureau of Community Health Services, Room 7–36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Agenda items are subject to change as priorities dictate.

Dated: March 11, 1977.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for Management.

[FR Doc.77–7715 Filed 3–17–77;8:45 am]

National Institutes of Health.

COMMISSION FOR THE CONTROL OF HUNTINGTON'S DISEASE AND ITS CONSEQUENCES

Amended Meeting

Notice is hereby given of an amendment to the notice of the meeting of the Commission for the Control of Huntington's Disease and It's Consequences, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, Bethesda, Md. 20014, published in the FEDERAL REGISTER on February 23, 1977 (42 FR 10901). This meeting was scheduled to be held on April 12, 1977, from 9 a.m. to 5 p.m. in the Auditorium, Phallen's Community Mental Health Center, 8730 Alden Drive, Los Angeles, Calif. 90048. The date and location of this meeting has been changed to April 15, 1977, California Federal Savings and Loan, 5670 Wilshire Blvd., Los Angeles, Calif. 90036. The entire meeting will be open to the public from 3 p.m.–10 p.m. Attendance by the public will be limited to space available.

Dated: March 8, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–8007 Filed 3–17–77;8:45 am]

COMMISSION FOR THE CONTROL OF HUNTINGTON'S DISEASE AND ITS CONSEQUENCES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Commission for the Control of Huntington's Disease and Its Consequences, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, on May 3, 1977, in the Gooch Auditorium, University of Texas Health Sciences Center, 5323 Harry Hines Blvd., Dallas, Tex. 75235.

The entire meeting will be open to the public from 9 a.m. to 5 p.m., subject to space available. The purpose of the meeting is to hear testimony from interested members of the public. Persons who wish to appear shall file a written statement or detailed summary of remarks with the Commission before 5 p.m. on April 27, 1977. The time allotted to each participant will be determined by the Commission based upon the number of individuals who request an opportunity to make presentations.

Requests to appear should be sent to:

Commission for the Control of Huntington's Disease and Its Consequences, National Institutes of Health, Building 31, Room 8A11, Bethesda, Md. 20014.

Dr. Nancy S. Wexler, Executive Director, Commission for the Control of Huntington's Disease and Its Consequences, NIH, Building 31, Room 8A11, Bethesda, Md. 20014 (301) 496–9275, will provide substantive program information.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, NINCDS, Building 31, Room 8A02, Bethesda, Md. 20014 (301) 496–5751, will provide summaries of the meeting and rosters of Commission members.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: March 8, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–8008 Filed 3–17–77;8:45 am]

COMMISSION FOR THE CONTROL OF HUNTINGTON'S DISEASE AND ITS CONSEQUENCES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Commission for the Control of Huntington's Disease and Its Consequences, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, on May 10, 1977, in the Wichita Public Library, 223 South Main Street, Wichita, KS 67202.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., subject to space available. The purpose of the meeting is to hear testimony from interested members of the public. Persons who wish to appear shall file a written statement or detailed summary of remarks with the Commission before 5:00 p.m. on May 2, 1977. The time allotted to each participant will be determined by the Commission based upon the number of individuals who request an opportunity to make presentations.

Requests to appear should be sent to:

Commission for the Control of Huntington's Disease and Its Consequences, National Institutes of Health, Building 31, Room 8A11, Bethesda, MD 20014.

Dr. Nancy S. Wexler, Executive Director, Commission for the Control of Huntington's Disease and Its Consequences, NIH, Building 31, Room 8A11, Bethesda, MD 20014 (301) 496-9275, will provide substantive program information.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, NINCDS, Building 31, Room 8A02, Bethesda, MD 20014 (301) 496-5751, will provide summaries of the meeting and rosters of Commission members.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: March 8, 1977.

SUZANNE L. FREMAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-8009 Filed 3-17-77;8:45 am]

DEVELOPMENTAL THERAPEUTICS COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Developmental Therapeutics Committee, Experimental Therapeutics Program, Division of Cancer Treatment, National Cancer Institute, March 24, 1977, Blair Building, Room 110, Silver Spring, Maryland which was published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10898).

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

MARCH 14, 1977.

[FR Doc.77-8005 Filed 3-17-77;8:45 am]

REPORT ON CARCINOGENESIS BIOASSAY OF DIMETHOATE

Availability

Dimethoate has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of the carcinogenicity of technical-grade dimethoate was conducted using Osborne-Mendel rats and B6C3F1 mice. The test material was administered in feed to groups of 50 rats of each sex at either of two concentrations for 80 weeks, followed by 35 weeks of observation. Initial doses were not well tolerated; therefore, they were reduced during the study. The "time-weighted average doses" for rats were 155 and 310 ppm for males and 192 and 384 ppm for females. All surviving rats were killed between 113 and 115 weeks.

Dimethoate was administered in feed to groups of 50 male and 50 female mice at two cencentrations. Female mice received diets containing 250 and 500 ppm of dimethoate for 80 weeks; male mice received the same dosage. However, high-dose males were returned to the control diet at 60 weeks, and low-dose males at 69 weeks. All surviving mice were killed between 93 and 94 weeks.

Tremors and hyperexcitability, both indications of dimethoate toxicity, were observed in the treated animals. However, it is considered that the low-dose group of rats and both dose groups of mice survived long enough to permit an evaluation of carcinogenicity. Pathologic evaluation revealed no statistically significant increase in tumors associated with dimethoate treatment in either species of animal, and it is concluded that there was no carcinogenic effect under the conditions of the experiment.

Single copies of the 76-page report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: March 7, 1977.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.77-8006 Filed 3-17-77;8:45 am]

Office of the Assistant Secretary for Health

PHARMACEUTICAL REIMBURSEMENT ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Advisory Committee meeting:

Name: Pharmaceutical Reimbursement Advisory Committee.

Date and time: April 27, 1977 (9 a.m. to 5 p.m.), April 28, 1977 (9 a.m. to 5 p.m.).

Place: Conference Room 5051, DHEW North Building, 330 Independence Avenue, SW., Washington, D.C.

Purpose of meeting. The Pharmaceutical Reimbursement Advisory Committee was established pursuant to § 19.4 of the regulations "Limitations on Payment or Reimbursement for Drugs" (45 CFR Part 19), published in the FEDERAL REGISTER, July 31, 1975 (40 FR 32284). The Committee advises the Pharmaceutical Reimbursement Board (composed of Department employees) on the appropriateness of proposed Maximum Allowable Cost (MAC) determinations submitted to it by the Board, and upon request advises the Secretary and the Board on general policies and procedures of the Department in reimbursing or paying the cost of drugs used in Departmentally funded programs.

Proposed MAC limitations on several dosage forms and strengths of penicillin V postassium (penicillin VK) and ampicillin will be discussed at this meeting. The Committee will review and advise the Board on the appropriateness of the following MAC limits:

1. Penicillin VK tablets, 250 mg, $0.0535 per tablet.
2. Penicillin VK tablets, 500 mg, $0.1025 per tablet.
3. Penicillin VK oral suspension, 125 mg/5cc, $0.0120 per cc.
4. Penicillin VK oral suspension, 250 mg/5cc, $0.0160 per cc.
5. Ampicillin oral suspension, 125 mg/5cc, $0.0101 per cc.
6. Ampicillin oral suspension, 250 mg/5cc, $0.0160 per cc.

Public Comments. Requests for scheduled oral presentations to the Committee on the MAC limits should be submitted to the Executive Secretary. These requests will be accepted no later than the closing date of April 6. The total available time alloted for scheduled presentations will be divided equally among persons requesting in advance an opportunity to deliver a formal statement. Time may also be available for brief unscheduled comments. Written comments and data for Committee consideration will also be accepted by the Executive Secretary no later than April 6.

A summary report of the written comments received no later than April 6 will be forwarded to Committee members prior to the meeting. All written comments will be filed and will be available at the meeting for consideration. For the convenience of the Committee, written comments should address any of the following subjects as a separate report: genneral comments; economic justification of the MAC proposal; and, quality and bioequivalence justification of the MAC proposal.

The Committee meeting is open to the public. Public attendance is limited to space available.

All communications regarding this Committee should be addressed to Carl T. DeMarco, Acting Executive Secretary, Pharmaceutical Reimbursement Advisory Committee, Office of Quality Standards, Room 16A09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: March 15, 1977.

CARL T. DEMARCO,
Acting Executive Secretary, Pharmaceutical Reimbursement Advisory Committee.

[FR Doc.77-8189 Filed 3-17-77;8:45 am]

Office of the Secretary

ASSURANCE OF COMPLIANCE WITH TITLE IX OF EDUCATION AMENDMENTS OF 1972

The following document (HEW Form 639-A (3/77)) has been designated by the Director, Office for Civil Rights, Department of Health, Education, and Welfare, as the Assurance of Compliance which must be submitted by all applicants for, and recipients of, Federal financial assistance awarded by the Department and subject to the provisions of Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) The requirement that such applicants and recipients submit this Assurance is set forth in the Department's regulation implementing Title IX, at 45 CFR 86.4. The form is similar in content and purpose to that used in implementing Title VI of the Civil Rights Act of 1964. (See 45 CFR 80.4.)

This form (HEW Form 639-A (3/77) is a revision of a previous Assurance form (HEW Form 639 (7/76)) which was mailed to State school officers, superintendents of local education agencies, and presidents of colleges and universities in July 1976 for completion and return by September 30, 1976. Recipients who submitted an acceptable Assurance (HEW) 639, 7/76) are not required to resubmit this revised version.

HEW Form 639-A (3/77) is essentially the same as the previous version, except that Article III, paragraph 2, of the Title IX Assurance revised in order to clarify the scope of the recipient's obligation to obtain assurances from subgrantees, contractors, or subcontractors. The effect of the revision is to delete the requirement that recipients obtain written assurances from subgrantees, contractors, or subcontractors. Instead, recipients must take reasonable steps to assure themselves that the other entities do not discriminate on the basis of sex.

Additional copies of the Assurance and Explanation may be obtained by writing the Office of Public Affairs, Office for Civil Rights, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

ALBERT T. HAMLIN,
Acting Director, Office for Civil Rights.

MARCH 14, 1977.

(Please read explanation of HEW Form 639 A (3/77)[1] before completing this document.)

Pursuant to 45 CFR 86.4:

(Name of applicant or recipient)

(Address)

(City, State, ZIP Code)

(Identifying code—FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

A. The Applicant is (check the following boxes where applicable):

1. ( ) A State education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. ( ) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

B. ( ) Claiming a religious exemption under 45 CFR 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 CFR Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school.
2. ( ) Kindergarten.
3. ( ) Elementary or secondary.
4. ( ) Graduate.
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges).
7. Vocational or technical.
8. Professional.

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (Pub. L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 CFR Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (prescribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1685.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against those students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 CFR 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES (CHECK THE APPROPRIATE BOX)

A. 1. ( ) Pursuant to 45 CFR 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. ---
(Name of employee)

3 ---
(Office address)

4. ---
(Telephone number).

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 CFR 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION (CHECK THE APPROPRIATE BOX)

A. (☐) The Applicant has completed a self-evaluation as required by 45 CFR 86.3(c) and has not found it necessary to modify any of

[1] HEW Form 639 A (3/77). This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. (☐) The Applicant has completed a self-evaluation as required by 45 CFR 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. (☐) The Applicant has not completed the self-evaluation required by 45 CFR 86.3 (c) but expects to have it completed by

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(Insert date)

D. (☐) The Applicant is not required to conduct a self-evaluation under 45 CFR 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: ----------

(Insert name of applicant)

By

(This document must be signed by an official legally authorized to contractually bind the applicant)

(Insert title of authorized official)

EXPLANATION OF HEW FORM 639 A (3/77), ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 CFR Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 A, (3/77) has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 A, (3/77) constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. 2000e et seq.); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 A, (3/77) is binding on a recipient for a period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 A, (3/77) from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for the the Federal government.

An applicant or recipient which has submitted an HEW Form 639 A, (3/77) to the Director need not submit a separate form with each grant application but may, if the information contained therein remains accurate, simply incorporate by reference, HEW Form 639 A, (3/77), giving the date it was submitted. On the other hand, a revised HEW Form 639 A, (3/77) must be submitted within 30 days after information contained in the submitted form becomes inaccurate, even if no additional financial assistance is being sought.

OBLIGATION OF RECIPIENT TO OBTAIN ASSURANCES FROM OTHERS

As indicated in Article III, paragraph 2, of the Assurance, if a recipient subgrants to, or contracts, subcontracts, or otherwise arranges with an individual, organization, or group to assist in the conduct of an education program or activity receiving Federal financial assistance from the Department or to provide services in connection with such a program or activity, the recipient continues to have an obligation to ensure that the education program or activity is being administered in a nondiscriminatory manner. (See 45 CFR 86.31.) Accordingly, the recipient must take reasonable steps to ensure that the individual, organization, or group in question is complying with Title IX and Part 86. These steps may include, but do not necessarily require, obtaining assurances of compliance from such subgrantees, contractors, and subcontractors in the form of, or modeled on, the HEW Form 639A, (3/77). These steps do require, however, such activities as may be reasonably necessary to monitor the compliance of these subgrantees, contractors, or subcontractors, regardless of whether they have submitted assurances to the recipient. If a recipient is unable to assure itself that any contractor, subcontractor, subgrantee, or other individual or group with whom it arranges to provide services or benefits to its students and employees does not discriminate on the basis of sex as described in Part 86, the recipient may not initiate or continue contracts, subcontracts, or other arrangements with that individual or group or make subgrants to it.

ADMINISTRATIVELY SEPARATE UNITS

If an educational institution is composed of more than one administratively separate unit, a separate HEW Form 639 A, (3/77) may be submitted for each unit or one may be submitted for the entire institution. If separate forms are submitted, the administratively separate unit for which the form is submitted should be clearly identified in the first line of HEW Form 639 A, (3/77). An "administratively separate unit" is defined as a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution. See 45 CFR 86.2(o).

STATE EDUCATION AGENCIES

State education agencies are generally not responsible for running pre-school, kindergarten, elementary or secondary programs. Such responsibility is generally left to local education agencies although some supervisory authority may be vested with the state education agency. Consequently, most state agencies should not check the boxes for "Pre-school," "Kindergarten," or "Elementary or Secondary" in Article I of HEW Form 639 A, (3/77). If the state agency runs special programs for the handicapped, including those on the pre-school, kindergarten, elementary, or secondary level, the box marked "Other" should be checked and the appropriate description inserted in the space provided.

Under Article III, paragraph 5, of HEW Form 639A, (3/77) a state education agency may be called upon from time to time to submit reports necessary to determine Title IX compliance by local education agencies within its jurisdiction. The form and content of such reports will be specified by the Director at the time the request is made.

RELIGIOUS EXEMPTION

Applicants or recipients which are educational institutions controlled by a religious organization are not covered by Part 86 to the extent that application of Part 86 would be inconsistent with the religious tenets of the controlling religious organization.

Section 86.12 of Part 86 requires an institution seeking an exemption to submit a written statement to the Director identifying the provisions of Part 86 which conflict with a specific tenet of the controlling religious organization. Such a statement must be signed by the highest ranking official of the educational institution claiming the exemption. An applicant or recipient claiming an exemption is not relieved of its obligations to comply with that portion of Part 86 not specified in its statement to the Director as being inconsistent with the tenets of the controlling religious organization.

Although 86.12 imposes no time restrictions when a recipient or applicant may claim an exemption, applicants or recipients are urged to make such claims when they initially submit HEW Form 639 A, (3/77) by checking the appropriate box in Article I of HEW Form 639 A, (3/77) and attaching thereto the statement required by 86.12(b). Such an approach will avoid misunderstandings on the part of both the Department and the applicant or recipient as to what, if any, action is required under Part 86.

An applicant or recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions prevail:

(1) It is a school or department of divinity; or

(2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or

(3) Its charter and catalog, or other official publication, contains explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

The term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects. (This definition is adopted from section 1201(1) of the Higher Education Act of 1965, P.L. 89-329.)

[FR Doc.77-8207 Filed 3-17-77;8:45 am]

Office of Education

BILINGUAL EDUCATION PROGRAM

Extension of Closing Date for Receipt of Applications for Fiscal Year 1977

A. *Extended closing date.* Notice is hereby given that the February 15, 1977 deadline for filing applications for awards for State educational agency technical assistance programs under the Bilingual Education Program as authorized by section 721(b) (3) of the Bilingual Education Act (20 U.S.C. 880b-7(b) (3)), and as published in the FEDERAL REGISTER at 41 FR 54818 on December 15, 1976, is extended to 4:00 p.m., Washington, D.C. time, April 6, 1977. Applicants who have already filed such applications will be permitted (but are not required) to review, revise, and refile their applications by the extended deadline.

Applications must be received by the U.S. Office of Education Application Control Center on or before April 6, 1977.

B. *Application sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202; Attention 13.403H, State Educational Agency Technical Assistance Programs. 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 April 1, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt the Commissioner will reply on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 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.

D. *Other information.* Other information published in the December 15, 1976 Notice is unchanged. (41 FR 54818.)

(20 U.S.C. 880b-7(b) (3).)
(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education Program.)

Dated: March 14, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-8282 Filed 3-17-77;8:45 am]

ENVIRONMENTAL EDUCATION PROGRAM

Closing Date for Receipt of Amendments—Fiscal Year 1977

On December 1, 1976, a notice of closing date for the receipt of grant applications for the Environmental Education Program (20 U.S.C. 1531-1536; 45 CFR Part 183) was published in the FEDERAL REGISTER (41 FR 52721). The notice established a closing date of February 23, 1977.

1. Applications under the Environmental Education Program are subject to the clearinghouse procedures required by OMB Circular A-95. A number of applications which were received by the February 23, 1977 closing date have failed to provide clearinghouse comments with their applications as required by Circular A-95. The Circular requires that applications must be returned to the applicants to fulfill the requirements (41 FR 2051, January 13, 1976, Part 1, Paragraph 6.b.).

2. The regulations for the Environmental Education Program (45 CFR Part 183.31(c)) in accordance with the statute, also (a) require each local educational agency (LEA) applicant to provide a copy of its application to the State educational agency (SEA) of the State within which the applicant was located concurrently with its submission of the application to the U.S. Office of Education; (b) require the LEA to indicate in writing that the application has been submitted to the SEA; and (c) provide that the SEA have opportunity to review and comment on the proposal. A number of applications received by the February 23, 1977 closing date do not indicate any submission to the SEA.

3. The purpose of this notice is to provide each applicant under the Environmental Education Program which did not meet the clearinghouse requirements of OMB Circular A-95 an opportunity to do so, and to provide LEAs, which have not done so, an opportunity to indicate submission of their applications to appropriate SEAs.

4.(a) With respect to complying with clearinghouse requirements an applicant must provide the Office of Education with: (i) its identifier number, if one has been assigned; (ii) if no number has been assigned, a statement to the effect that the proposal has been submitted to the clearinghouse, where it has been submitted, and the current status of review, (iii) in lieu of either, a copy of the transmittal letter to the clearinghouse, or (iv) the clearinghouse comments, if available.

(b) With respect to applications submitted by LEAs to SEAs for review and comment, a LEA must submit to the Office of Education a copy of the dated cover letter used to forward a copy of the LEA's application to the SEA (or comparable indication of such submission to the SEA). If the LEA has not already submitted a copy of its application to the appropriate SEA, it shall do so no later than the day on which it submits it application amendment to the U.S. Office of Education.

(c) Verifying documentation of compliance with the above requirement must be received by the U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202 on or before March 25, 1977. The copy of the cover letter or other verification is referred to hereinafter as the "amendment" to the application.

A. *Amendments sent by mail.* An amendment sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW, Washington, D.C. 20202, Attention: 13.552. An amendment sent by mail will be considered to be received on time by the Application Control Center if:

(1) The amendment was sent by registered or certified mail not later than March 21, 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 amendment is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mailrooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education and Welfare, or the U.S. Office of Education.

B. *Hand delivered amendments.* An amendment to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered amendments will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Amendments will not be accepted after 4:00 p.m. on the closing date.

C. *Cut-off date for receipt of clearinghouse and SEA comments.* The cut-off date for receipt of advice and comments

from clearinghouses and SEA's is April 21, 1977. Advice and comments received from SEA's and clearinghouses no later than April 21, 1977 will be considered by the Office of Education in reviewing applications.

D. *Forms for amendment.* There are no forms for the amendment. To facilitate review, the applicant is asked to identify in a cover letter the Application Control Number for its FY 1977 application.

E. *Other amendments.* No other amendments to applications are being accepted.

(20 U.S.C. 1531–1536; 45 CFR Part 183)

(Catalog of Federal Domestic Assistance Number 13.522; Environmental Education Program)

Dated: March 14, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-8283 Filed 3-17-77;8:45 am]

FOLLOW THROUGH PROGRAM

Extension of Closing Date for Receipt of Applications for Fiscal Year 1977

A. *Extended Closing Date.* Notice is hereby given that the February 3, 1977 deadline for filing applications for grants or contracts for Technical Assistance to Follow Through projects under the Follow Through Program as authorized by Title V, Parts B and C of the Economic Opportunity Act as amended by section 8(a) of Pub. L. 93-644 (42 U.S.C. 2929 et. seq.) as published in the FEDERAL REGISTER at 41 FR 56859 on December 30, 1976, is extended to 4:00 p.m., Washington, D.C. time, March 25, 1977. Applicants who have already filed such applications will be permitted (but are not required) to review, revise, and refile their applications by the extended deadline.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 25, 1977.

B. *Applications Sent by Mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue SW., Washington, D.C., 20202; Attention: 13.433. 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 March 21, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. *Hand Delivered Applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room-5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

D. *Other Information.* Other information published in the December 30, 1976 Notice is unchanged (41 FR 56859).

(42 U.S.C. et seq.)

(Catalog of Federal Domestic Assistance Number 13.433 Follow Through Program.)

Dated: March 14, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-8284 Filed 3-17-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings and public hearing of the National Advisory Council on Bilingual Education. It also outlines the procedures to be observed during the public hearing. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10 (a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: April 3, 1977 Executive Committee Meeting 8:00 p.m.–9:00 p.m.; April 4, 1977 Business Meeting 9:00 a.m.–4:30 p.m.; April 5, 1977 Public Hearings 9:00 a.m.–4:30 p.m.; April 6, 1977 Committee Meetings 9:00 a.m.–3:30 p.m.

ADDRESS: Hyatt Regency New Orleans, 500 Poydras Plaza, New Orleans, Louisiana 70140.

FOR FURTHER INFORMATION CONTACT:

Dr. John C. Molina, Director, Office of Bilingual Education, Reporter's Building, Room 421, Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, (202–245–2600).

The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b–11) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meeting on April 3, 1977 will be open to the public beginning at 8:00 p.m. and ending at 9:00 p.m. The meetings on April 4, 5, 1977 will be open to the public beginning at 9:00 a.m. and ending at 4:30 p.m. The meeting on April 6, 1977 will be open to the public beginning at 9:00 a.m. and end at 3:30 p.m.

The proposed agenda for the meeting on April 3, 1977 includes: Review of policies governing the Council and discussion of the 1979 budget.

The proposed agenda for the meeting on April 4, 1977 includes:

(1) Office of Bilingual Education Director's Report;
(2) Action on previous meeting minutes;
(3) Executive Committee Report;
(4) Committee Discussion and Reports;
(5) Report on the Third Annual Report Nov. 1 Report to Congress;
(6) Special Reports;
(7) Report on Issue Papers;
(8) Plans for future NACBE Activities;
(9) Regular Council business;
(10) Proposed Legislative Changes.

April 5, 1977. Consonant with the Council's charge to provide advice on matters relating to the administration of the Bilingual Education Act, testimony will be heard on the following topics:

(1) Proposed Legislative Changes;
(2) Maintenance vs. Transitional Bilingual Education Programs;
(3) Service vs. Demonstration vs. Start-up Costs;
(4) Serving Diverse Language Groups; and
(5) Research Needs.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis;
(2) Witnesses shall limit their testimony to twenty minutes: ten to fifteen minutes of formal presentation followed by five to ten minutes of questioning from Council members;
(3) Two or more persons from the same organization shall designate one person to speak for the group;
(4) Witnesses shall present a written synopsis of their oral presentation. Witnesses who do not provide such a synopsis will be heard after all who have written synopses are heard;
(5) Witnesses who have testified at previous hearings will be heard after all others;
(6) Witnesses may address the Council in either English or in their native language. The written synopsis of the oral presentation must be submitted in English. Witnesses who have chosen to give testimony in their native language may submit their written synopsis in that language in addition to their synopsis in English; and
(7) All testimony shall be tape recorded.

April 6, 1977. Meetings of the following subcommittees are from 9:00 a.m.–3:30 p.m.; *Budget.* Report of the FY 1977 expenditures; *Legislation.* Proposed legislative changes; *November 1 Report to Congress.* Report on 1977 Annual Report schedule; *Public Hearings.* Previous day's hearings; and *Non-Spanish Minority Languages.* Discussion on issue papers relating to "Serving Diverse Language Groups."

Records will be kept of all Council proceedings and shall be available for public inspection 14 days after the meeting in Room 421, Reporter's Building, 300 7th Street, S.W., Washington, D.C. 20202. In the event that the proposed agenda

is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, D.C., on March 14, 1977.

JOHN C. MOLINA,
Director, Office of Bilingual Education.

[FR Doc.77-8188 Filed 3-17-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

Notice of public meetings of the National Advisory Council on Women's Educational Programs.

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meetings of the National Advisory Council on Women's Educational Programs will be held from 8:30 to 8:45 a.m. and from 2:00 to 5:00 p.m. on April 4, and from 9:00 a.m. to 5:30 p.m. on April 5, 1977. The meeting of the Council will be preceded by a meeting of the Executive Committee from 2:00 to 6:00 pm. on April 3, 1977. There will also be meetings of the Legislation, Federal Policy and Practices and Program Committees from 8:45 a.m. to 12:30 p.m. on April 4, 1977. All of the meetings will be held in Suite 821, 1832 M Street, NW., Washington, D.C. except for the morning session on April 5, which will be held in Room 3000, 400 Maryland Avenue, SW., Washington, D.C.

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under Section 408 of Pub. L. 93-380.

The meetings of the Council and of the Committees will be open to the public. The agenda for the Council meeting will include (1) Executive Director's report; (2) committee reports; (3) discussion with Women's Program Staff on status of Women's Educational Equity Act Program; and (4) other business. The 9:00 a.m. session on April 5 will include appearances by HEW officials and a discussion of athletics in relation to women's education.

The agenda for the Executive Committee meeting will include preparation for the Council meeting.

The agenda for the Federal Policy and Practices Committee meeting will include discussion of the Council's review of the Education Division of HEW.

The agenda for the Legislation Committee will include discussion of pending legislation affecting women.

The agenda for the Program Committee will include discussion of the Council evaluation of the Women's Educational Equity Act Program.

Records will be kept of all Council proceedings and will be available for inspection at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C., on March 15, 1977.

JOY R. SIMONSON,
Executive Director.

[FR Doc.77-8187 Filed 3-17-77;8:45 m]

STATE POSTSECONDARY EDUCATION COMMISSIONS

Closing Date for Receipt of Information Concerning Establishment

In order for a State to receive funds appropriated during fiscal year 1977 to support statewide comprehensive planning for postsecondary education as authorized under Section 1203(a) of the Higher Education Act of 1965 (20 U.S.C. 1142(b)), it must have established a State Postsecondary Education Commission which, as required by Section 1202 (a) of that Act, is "broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State, including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four year institutions of higher education and branches thereof." States which have not previously submitted information concerning establishment of such a State Commission and which wish to receive such planning funds must submit the following information to the U.S. Commissioner of Education by April 22, 1977:

(1) An indication of which of the following three options for establishing a Section 1202 State Commission the State has chosen to follow: (i) creation of a new Commission, (ii) designation of an existing State agency or State Commission, or (iii) expanding, augmenting or reconstituting the membership of an existing State agency or State Commission.

(2) An indication whether any of the following State-administered program authorities contained in the Higher Education Act of 1965 have been assigned to the Section 1202 State Commission:

(i) Community Services and Continuing Education (HEA Section 105);

(ii) Equipment for Undergraduate Instruction (HEA Section 603); and

(iii) Grants for Construction of Undergraduate Academic Facilities (HEA Section 704).

(3) The official name, address and telephone number of the State Commission.

(4) The names, mailing addresses and terms of office of the members of the State Commission.

(5) The name, title, mailing address and telephone number of the principal staff officer of the State Commission.

(6) A letter, signed by the Governor, explaining how the membership of the State Commission meets the "broadly and equitably representative" requirements of Section 1202(a) and what provisions have been made to ensure continuing compliance with these requirements of the law.

The above information may be sent by mail or hand-delivered.

(a) *Information sent by mail.* Information sent by mail should be addressed to the U.S. Commissioner of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Such information will be considered to be received on time if:

(1) The information was sent by registered or certified mail not later than April 18, 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 information is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(b) *Information delivered by hand.* Information to be delivered by hand must be taken to Room 4181, 400 Maryland Avenue, SW., Washington, D.C. Hand-delivered information will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Information will not be accepted after 4:00 p.m. on the closing date.

(20 U.S.C. 1142b)

Dated: March 15, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

[FR Doc.77-7999 Filed 3-17-77;8:45 am]

CONSULTING GROUP ON WELFARE REFORM

Meeting

Notice is hereby given that the Consulting Group on Welfare Reform will meet from 9:00 a.m. to 11:00 a.m. on April 8, 1977, in the first floor Auditorium, South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. The Group will conduct a final review of alternative approaches to welfare reform. As with all prior meetings, this meeting will be open for public observation.

Further information about this meeting and the proceedings of the Group may be obtained by writing to: Mr. Bob Heim, Executive Director, Room 410-E South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Dated: March 16, 1977.

BOB HEIM,
Executive Director.

[FR Doc.77-8208 Filed 3-17-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA AND NEVADA

Modification of Administrative District Office Boundaries, Jurisdictions, and Grazing Districts; Correction

FR Doc. 76-15702 appearing at pages 22134-45 of the FEDERAL REGISTER issue of Tuesday, June 1, 1976, is hereby corrected as follows:

In the fifth line of the land description, "T. 9 N., R. 22 E., all;" should read "T. 9 N., R. 22 E., all of the township east of the Alpine-Mono County lines;"

March 9, 1977.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.77-8003 Filed 3-17-77;8:45 am]

[Bureau Order No. 701, Amendment No. 25]

MANAGERS, OUTER CONTINENTAL SHELF OFFICES

Lands and Resources; Redelegation of Authority

Bureau Order No. 701 dated July 23, 1964, is further amended as follows:

Part IV-B—Redelegation to Managers—Outer Continental Shelf Offices.

1. A new Sec. 4.7 is added to read as follows:

Section 4.7—*Viable Coral Communities.*

The Managers, Outer Continental Shelf Offices, are authorized to take all actions in connection with the management and protection of viable coral communities, including processing and issuing permits for the domestic taking of coral on the Outer Continental Shelf, pursuant to 43 CFR Subpart 6224.

2. Footnote 7 is amended to read as follows:

[7] The New Orleans OCS Office has responsibility for the Gulf of Mexico OCS and the Atlantic OCS from and including Florida to the east-west block line common to blocks 400 and 444 found on OCS Official Protraction Diagram NJ 18-11, revised December 6, 1976, (the approximate State line between North Carolina and Virginia). The New York OCS Office has responsibility for the Atlantic OCS from the east-west block line common to blocks 400 and 444 found on OCS Official Protraction Diagram NJ 18-11 (the approximate State line between Virginia and North Carolina) to the International boundary between the United States and Canada. The Pacific OCS Office has responsibility for the Pacific OCS from the International boundary between the United States and Mexico north to the International boundary between the United States and Canada, and for the Hawaii OCS. The Alaska OCS Office has responsibility for the Alaska OCS.

GEORGE L. TURCOTT,
Associate Director.

MARCH 9, 1977.

[FR Doc.77-8004 Filed 3-17-77;8:45 am]

National Park Service

HISTORIC PRESERVATION EASEMENTS; PROPOSED ACCEPTANCE

Public Hearing

In accordance with Department of the Interior guidelines on discretionary public hearings (455 DM 1, August 31, 1973), notice is given of the following public hearing:

Date: April 22, 1977.

Place: Louisa County Courthouse, Louisa, Virginia.

Time: 10:00 a.m. to 1:00 p.m.

Subject: Proposed acceptance of historic preservation easements on lands within the Green Springs Historic District, a national historic landmark.

Green Springs Historic District was designated a national historic landmark by the Secretary of the Interior on May 19, 1974. The designation followed a finding by the Secretary's Advisory Board on National Parks, Historic Sites, Buildings and Monuments that the historic area meets the criteria for national significance. The historic district is located in Louisa County, Virginia, 25 miles east of Charlottesville, Virginia. The landmark consists of 14,000 acres of farmland with many of its historic manor houses and outbuildings still intact.

The private owners of about 7,000 acres of land within the historic district have conveyed easements restricting the use of their land and buildings to activities that will not significantly impair their historic and scenic appearance. Nearly all of these owners have granted their easements to a private non-profit association, Historic Green Springs, Inc., which has asked the Secretary of the Interior to accept a donation of these easements.

The Department is considering the acceptance of these easements. It is authorized to do so by the Historic Sites Act of 1935 (49 Stat. 666). The purpose of this meeting is to provide the public an opportunity to present its views on this matter. The Department will not respond to these views at the hearing but will consider them in reaching a decision.

The following requirements will apply:

(a) Statements will be received from the public with regard to the proposal of the Department of the Interior to accept the easements.

(b) Persons wishing to make oral statements at the hearing may do so by sending a written request to appear postmarked no later than April 13, 1977 to the Chief, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240. The request should contain the telephone number of the person(s) making the request.

(c) Persons wishing to submit written statements with respect to the proposal may do so at the hearing.

(d) Oral statements delivered at the hearing shall be for a maximum of ten minutes of the number of persons wishing to speak so permit it. Additional testimony may be submitted in writing at the hearing.

(e) A fact sheet on this matter is being prepared and will be available prior to the meeting. It may be obtained by writing to the address in item (b) above or by telephoning area code 202/523-5464.

Dated: March 14, 1977.

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

[FR Doc.77-8199 Filed 3-17-77;8:45 am]

NORTH CASCADES NATIONAL PARK SERVICE COMPLEX, ROSS LAKE NATIONAL RECREATION AREA

Availability of Envirnomental Assessment and Review on Proposed Newhalem Campground

Notice is hereby given that an environmental assessment has been prepared regarding the proposal to construct a public campground near Newhalem within Ross Lake National Recreation Area. A review of the environmental assessment has also been prepared by the National Park Service.

Copies of the environmental assessment and the review of the assessment may be obtained by writing to the Superintendent, North Cascades National Park Service Complex, Sedro Woolley, Washington 98284, or the Regional Director, National Park Service, 601 Fourth and Pike Building, Seattle, Washington 98101.

Dated: February 23, 1977.

RUSSELL E. DICKENSON,
Regional Director.

[FR Doc.77-8180 Filed 3-17-77;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 700-77]

PRIVACY ACT OF 1974

Systems of Records

Notice is hereby given that pursuant to the provisions and requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the following systems notices and systems modifications are proposed by the Department of Justice.

JUSTICE/TAX-005 Tax Division Special Projects Files is a new system of records for which no public notice has been previously published in the FEDERAL REGISTER.

The system previously reported as JUSTICE/TAX-001, Central Classification Cards, Index Docket Cards and Associated Records, has been redesignated

JUSTICE/TAX–001, Central Classification Cards, Index Docket Cards and Associated Records—Criminal Tax Cases; and JUSTICE/TAX–002, Central Classification Cards, Index Docket Cards and Associated Records—Civil Tax Cases. The new system notices are published in their entirety to reflect the division of the previous system into two separate systems. This redesignation does not affect the previously reported routine uses or operational methodology.

A summary of minor changes in systems previously reported as JUSTICE/TAX–002 and JUSTICE/TAX–003 is published to reflect the renumbering of those systems and the renaming of one.

Interested persons are invited to submit written comments on that portion of JUSTICE/TAX–005 which describes the proposed routine uses. No oral hearings are contemplated. Comments should be mailed to the Administrative Counsel, Office of Management and Finance, Room 1117, Department of Justice, Washington, D.C. 20530.

JUSTICE/TAX–005

System name:

Tax Division Special Projects Files.

System location:

U.S. Department of Justice; Tax Division; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system:

Persons referred to in potential or actual cases under the jurisdiction of the Criminal Section of the Tax Division.

Categories of records in the system:

The system consists of investigatory files, records and associated documents and information indexed by individual name and entity and relating to matters assigned, referred or of interest to the Criminal Section of the Tax Division.

Authority for maintenance of the system:

This system is established and maintained pursuant to 28 CFR 0.70 and 0.71.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

A. Materials maintained in this system may be used by Division attorneys and attorneys in other appropriate offices, boards and divisions for purposes of pursuing investigative leads and for purposes of initiating, developing, preparing and prosecuting criminal and civil tax cases.

B. Additionally, a record maintained in this system of records may be disseminated as a routine use as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the material in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) In the course of investigating the potential or actual violation of any law whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, material may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) Material may be disseminated to the appropriate federal, state, local, or foreign court or grand jury in accordance with established constitutional, substantive, or procedural law or practice; (4) Material may be disseminated to federal, state or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) Material may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) Material that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of a potential or actual case or of any decision or determination that has been made; (7) Material may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Material contained in this system is stored manually.

Retrievability:

Material is retrieved by the name of an individual or entity both manually and through the use of an automated data retrieval system.

Safeguards:

Information contained in the system is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

Retention and disposal:

Currently there are no provisions for the disposal of material in this system.

System manager(s) and address:

Assistant Attorney General; Tax Division; U.C. Department of Justice; 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedure:

An inquiry concerning this system should be directed to the System Manager listed above.

Record access procedures:

To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

Internal Revenue Service, Department offices and employees, and other federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

Systems exempted from certain provisions of the act:

The Attorney General has proposed exemption of this system from subsections (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 552 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/TAX–001

System name:

Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Criminal Tax cases.

System location:

U.S. Department of Justice; Tax Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system:

Persons referred to in potential or actual criminal tax cases and related matters of concern to the Tax Division under the Internal Revenue laws.

Categories of records in the system:

The system consists of an alphabetical index by individual name of all criminal tax cases, and related matters assigned,

referred, or of interest to the Tax Division. Records in many instances are duplicated in the Criminal Section of the Division which has specific jurisdiction over criminal tax cases.

Authority for maintenance of the system:

This system is established and maintained pursuant to 28 CFR 0.70 and 0.71.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

A. Classification cards are maintained on each Tax Division criminal case in order to identify and assign mail to the proper office within the Division; to relate incoming material to an existing case; to establish a file number for a new case upon receipt; and to provide a central index of criminal tax cases within the Division.

B. Docket cards are records pertaining to the flow of legal work in the Division. They are maintained on each criminal tax case which is being or was handled by the Division's Sections.

C. Case files maintained allow Division attorneys immediate access to information which is essential in carrying out their responsibilities concerning all criminal tax cases.

D. A record maintained in this system of records may be disseminated as a routine use as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing such law; (2) In the course of investigating the potential or actual violation of any law whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) A record relating to a case or matter may be disseminated to the appropriate federal, state, local, or foreign court or grand jury in accordance with applicable constitutional, substantive, or procedural law or practice; (4) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) A record relating to a case or matter that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; (7) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (8) A record may be disseminated 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 relates to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information contained in this system is stored manually on index cards and in folders.

Retrievability:

Information is retrieved manually by the name of the individual from the index card which, in turn, indicates the case number, and the section unit or attorney assigned to work on the material.

Safeguards:

Information contained in the system is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

Retention and disposal:

Currently, there are no provisions for the disposal of the cards in this system; however, the records of the closed classes are forwarded to the Federal Records Center, where they are destroyed after 25 years.

System manager(s) and address:

Assistant Attorney General; Tax Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure:

An inquiry concerning this system should be directed to the System Manager listed above.

Record access procedures:

To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if know, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

Internal Revenue Service, Department offices and employees, and other federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses and informants.

Systems exempted from certain provisions of the act:

The Attorney General has proposed exemption of this system from subsection (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/TAX-002

System name:

Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Civil Tax Cases.

System location:

U.S. Department of Justice; Tax Division; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system:

Persons referred to in potential or actual civil tax cases and related matters of concern to the Tax Division under the Internal Revenue laws.

Categories of records in the system:

The system consists of an alphabetical index by individual name of all civil tax cases, and related matters assigned, referred, or of interest to the Tax Division. Records in many instances are duplicated in the various Civil Tax Sections of the Division which have specific jurisdiction over civil tax cases.

Authority for maintenance of the system:

This system is established and maintained pursuant to 28 CFR 0.70 and 0.71.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

A. Classification cards are maintained on each Tax Division civil case in order

to identify and assign mail to the proper office within the Division; to relate incoming material to an existing case; to establish a file number for a new case upon receipt; and to provide a central index of civil tax cases within the Division.

B. Docket cards are records pertaining to the flow of legal work in the Division. They are maintained on each civil tax case which is being or was handled by the Division's Sections.

C. Case files maintained allow Division attorneys immediate access to information which is essential in carrying out their responsibilities concerning all civil tax cases.

D. A record maintained in this system of records may be disseminated as a routine use as follows: (1) In any case in which there is an indication of a violation or potential violation of. law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing such law; (2) In the course of investigating the potential or actual violation of any law whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or oragnization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3). A record relating to a case or matter may be disseminated to the appropriate federal, state, local, or foreign court or grand jury in accordance with applicable constitutional, substantive, or procedural law or practice; (4) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) A record relating to a case or matter that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; (7) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (8) A record may be disseminated 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 relates to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information contained in this system is stored manually on index cards and in folders.

Retrievability:

Information is retrieved manually by the name of the individual from the index card which, in turn, indicates the case number ,and the section unit or attorney assigned to work on the material.

Safeguards:

Information contained in the system is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

Retention and disposal:

Currently, there are no provisions for the disposal of the cards in this system; however, the records of the closed classes are forwarded to the Federal Records Center, where they are destroyed after 25 years.

System manager(s) and address:

Assistant Attorney General; Tax Division; U.S. Department of Justice; 10th and Constitution Avenue NW.; Washington, D.C. 20530.

Notification procedure:

An inquiry concerning this system should be directed to the System Manager listed above.

Record access procedures:

To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

Internal Revenue Service, Department offices and employees, and other federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses and informants.

Systems exempted from certain provisions of the act:

The Attorney General has proposed exemption of this system from subsections (c) (3), (d) (1), (d) (2), (d) (3), and (d) (4), (e) (1), (e) (4) (G), (e) (4) (H), (e) (4) (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/TAX-002, Files of Application for position of attorney with the Tax Division, has been renumbered JUSTICE/TAX-003.

JUSTICE/TAX-003, Freedom of Information Request Files, has been redesignated JUSTICE/TAX-004, Freedom of Information—Privacy Act Request Files.

Dated: March 11, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-7383 Filed 3-17-77;8:45 am]

[Order No. 702-77]

PRIVACY ACT OF 1974

System of Records

Notice is hereby given that pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a) the Department of Justice proposes to expand the data base of the system of records previously published in the FEDERAL REGISTER as JUSTICE/DEA-002, Automated Intelligence Records (Pathfinder I).

This system has been redesignated JUSTICE/DEA-INS-111, Automated Intelligence Record System (Pathfinder). The revised system notice is published in full to reflect the proposed enlargement of this system as a result of the sharing of the data base by the Drug Enforcement Administration (DEA) and the Immigration and Naturalization Service (INS).

Interested persons are invited to submit written comments to the Administrative Counsel, Office of Management and Finance, Room 1117, Department of Justice, Washington, D.C. 20530. Comments should be received on or before April 18, 1977. No oral hearings are contemplated.

JUSTICE/DEA-INS-111

System name:

JUSTICE/DEA-INS-111, Automated Intelligence Records System (Pathfinder).

System location:

Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537 and El Paso Intelligence Center (EPIC), El Paso, Texas 79902.

Categories of individuals covered by the system:

(1) Those individuals who are known, suspected, or alleged to be involved in (a) narcotic trafficking, (b) narcotic-arms trafficking, (c) alien smuggling or transporting, (d) illegally procuring, using, selling, counterfeiting, reproducing, or altering identification documents relating to status under the immigration and nationality laws, (e) terrorist activities (narcotic, arms or alien trafficking/smuggling related), (f) crewman desertions and stowaways, and (g) arranging or contracting a marriage to defraud the immigration laws; (2) In addition to the categories of individuals listed above, those individuals who (a) have had citizenship or alien identification documents put to fraudulent use or have reported them as lost or stolen, (b) arrive in the United States from a foreign territory by private aircraft, and (c) are informants or witnesses (including non-implicated persons) who have pertinent knowledge of some circumstances or aspect of a case or suspect; may be the subject of a file within this system; and (3) In the course of criminal investigation and intelligence gathering, DEA and INS may detect violations of non-drug or non-alien related laws. In the interests of effective law enforcement, this information is retained in order to establish patterns of criminal activity and to assist other law enforcement agencies that are charged with enforcing other segments of criminal law. Therefore, under certain limited circumstances, individuals known, suspected, or alleged to be involved in non-narcotic or non-alien criminal activity may be subject to a file maintained in this system.

Categories of records in the system:

In general, this system contains computerized and manual intelligence information gathered from DEA and INS investigative records and reports. Specifically, intelligence information is gathered and collated from the following DEA and INS records and reports: (1) DEA Reports of Investigation (DEA-6), (2) DEA and INS Intelligence Reports, (3) INS Air Detail Office Index (I-92A), (4) INS Anti-Smuggling Indices (G-170), (5) INS Marine Intelligence Index, (6) INS Fraudulent Document Center Index, (7) INS Terrorist Index, and (8) INS Reports of Investigation and Apprehension (I-44, I-213, G-166).

Authority for maintenance of the system:

This system has been established in order for DEA and INS to carry out their law enforcement, regulatory, and intelligence functions mandated by the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), Reorganization Plan No. 2 of 1973, the Single Convention on Narcotic Drugs, (18 UST 1407), and Sections 103, 265, and 290 and Title III of the Immigration and Nationality Act, as amended, (8 U.S.C. 1103, 1305, 1360, 1401 et seq.). Additional authority is derived from Treaties, Statutes, Executive Orders and Presidential Proclamations which DEA and INS have been charged with administering.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This system will be used to produce association and link analysis reports and such special reports as required by intelligence analysts of DEA and INS. The system will also be used to provide "real-time" responses to queries from federal, state, and local agencies charged with border law enforcement responsibilities.

Information from this system will be provided to the following categories of users for law enforcement and intelligence purposes provided a legitimate and lawful "need to know" is demonstrated: (a) Other federal law enforcement agencies, (b) state and local law enforcement agencies, (c) foreign law enforcement agencies with whom DEA and INS maintain liaison, (d) U.S. intelligence and military intelligence agencies involved in border criminal law enforcement, (e) clerks and judges of courts exercising appropriate jurisdiction over subject matter maintained within this system, and (f) in the event there is an indication of a violation or potential violation of law whether civil, criminal, regulatory, or administrative in nature, the relevant information may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulations, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual subsets of the Pathfinder Information System are maintained on standard index cards and manual folders. Standard security formats are employed.

The automated Pathfinder Information System is stored on digital computers in the Drug Enforcement Administration Office of Intelligence Secured Computer facilities located at DEA Headquarters and El Paso, Texas.

Retrievability:

Access to individual records can be accomplished by reference to either the manual indices or the automated information system. Access is achieved by reference to personal identifiers, other data elements or any combination thereof.

Safeguards:

The Pathfinder System of Records is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to intelligence information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

Physical security when intelligence files are attended is provided by responsible DEA and INS employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of containers or facilities is made in consideration of the sensitivity or National Security Classification, as appropriate, of the files, and the extent of security guard and/or surveillance afforded by electronic means.

Protection of the automated information system is provided by physical, procedural, and electronic means. The master file resides in the DEA Office of Intelligence Secured Computer System and is physically attended or safe-guarded on a full time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information. Surreptitious access to an unattended terminal is precluded by a complex authentication procedure. The procedure is provided only to authorized DEA and INS employees. Transmission from DEA Headquarters to El Paso, Texas is accomplished via a dedicated secured line.

An automated log of queries is maintained for each terminal. Improper procedure results in no access and under certain conditions completely locks out the terminal pending restoration by the master controller at DEA Headquarters after appropriate verification. Unattended terminals are otherwise located in locked facilities after normal working hours.

The dissemination of intelligence information to an individual outside the Department of Justice is made in accordance with the routine uses as described herein and otherwise in accordance with conditions of disclosure prescribed in the Privacy Act. The need to know is determined in both cases by DEA and INS as a prerequisite to the release of information.

Retention and disposal:

Records maintained within this system are retained for fifty-five (55) years.

System manager(s) and address:

Assistant Administrator for Intelligence, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537 and Associate Commissioner, Management, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536.

Notification procedure:

Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

Record access procedures:

Same as notification procedure.

Contesting record procedures:

Same as notification procedure.

Record source categories:

DEA intelligence and investigative records/reports; INS investigative, in-

telligence and statutory mandated records/reports; records and reports of other federal, state and local agencies; and reports and records of foreign agencies with whom DEA maintains liaison.

Systems exempted from certain provisions of the act:

The Attorney General has proposed exemption of this system from subsections (c) (3) and (4), (d), (e) (1), (2), and (3), (e) (4) (G), (H) and (I), (e) (5) and (8), (f), (g), and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k).

Dated March 11, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-7989 Filed 3-17-77;8:45 am]

[Order No. 704-77]

PRIVACY ACT OF 1974

System of Records

Notice is hereby given that pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Justice proposes to expand the retrievability capacity of an existing system of records maintained by the Office of Management and Finance, titled JUSTICE/OMF-013, Employee Locator File.

Pursuant to Section 3(e)(4) of the Privacy Act, 5 U.S.C. 552a(e)(4), notice of the existence of this system, JUSTICE/OMF-013, was published in the FEDERAL REGISTER, 40 FR 38800, on August 27, 1975. This modification will enable employees in the Department of Justice who perform income tax reporting or personnel functions to access by means of cathode-ray terminals, the automated portions of this system.

Amendments to the Notice of System of Records are as follows:

Storage: Records are stored on magnetic tape and magnetic disk.

Retrievability: Information can be retrieved by name or any other data item by means of cathode-ray terminals.

Safeguards: Access to terminals is limited to persons with terminal identification numbers. These numbers are issued only to employees who have a need to know in order to perform job functions relating to income tax reporting or personnel matters.

Appropriate reports have been filed with Congress, the Office of Management and Budget, and the Privacy Protection Study Commission.

Dated: March 11, 1977.

GRIFFIN B. BELL,
Attorney General.

JUSTICE/OMF-013

System name:

Employee Locator File.

System location:

U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system:

All employees of the U.S. Department of Justice, with the exception of individuals employed by the Federal Bureau of Investigation.

Categories of records in the system:

The system contains information relating to each employee's home and business address, home and business telephone number, information as to next of kin, and personal physician preferred in case of medical emergency.

Authority for maintenance of the system:

The system is maintained pursuant to 5 U.S.C. 301 and 7901, and 26 U.S.C. 6011.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The locator system is used to contact employees of the Department at their official place of business or their residence regarding matters of an official nature relating to their employment with the Department of Justice. It is also used in medical emergencies to contact an employee's personal physician if he or she has an indicated preference, and to notify next of kin. Use of the file for these purposes is limited to supervisors of the employees concerned or individuals having the permission of a supervisor of the employee concerned.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored on magnetic tape and magnetic disk.

Retrievability:

Information can be retrieved by name or any other data item by means of cathode-ray terminals.

Safeguards:

Access to terminals is limited to persons with terminal identification numbers. These numbers are issued only to employees who have a need to know in order to perform job functions relating to income tax reporting or personnel matters.

Retention and disposal:

Records are retained for the duration of an individual's employment with the Department. They are destroyed upon his or her separation.

System manager(s) and address:

Director, Personnel and Training Staff; Office of Management and Finance; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure:

Same as System Manager.

Record access procedures:

Same as Notification.

Contesting record procedures:

Same as Notification.

Record source categories:

Information is supplied by the individual to whom the record pertains.

Systems exempted from certain provisions of the act:

None.

[FR Doc.77-7939 Filed 3-17-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[ETA/OPER-7705]

GRANT ANNOUNCEMENT

Developmental Awards for Conceptual Research on Labor Market Problems/Issues Concerning Hispanic Americans

The U.S. Department of Labor, Employment and Training Administration, Office of Policy, Evaluation and Research, announces that it will provide funding for a limited number of developmental grant research awards—none to exceed $15,000/12 months—to support and encourage investigative and analytical work in areas concerning the employment and training experience of Hispanic Americans. The research work produced under these awards is expected to be conceptual in nature, aimed at enhancing or synthesizing knowledge about processes, conditions, or methods relevant to the labor market problems and issues concerning this population group. Results of this research effort may lead to support of further work in this area.

Proposals may be submitted by colleges, universities, and public or private nonprofit organizations. Grants under this competition are expected to be announced on of before June 30, 1977. The deadline for receipt of proposals is close of business May 20, 1977. Copies of the guidelines and instructions for submitting proposals under this invitation may be obtained by writing to:

U.S. Department of Labor, Employment and Training Administration, Central Procurement Staff, ATTN: Hispanic American Studies, 601 D Street N.W., Room 9432, Washington, D.C. 20213.

FRANCIS O. STANARD,
Chief, Central Procurement Staff.

MARCH 16, 1977.

[FR Doc.77-8341 Filed 3-17-77;8:45 am]

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to

another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 14th day of March, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending March 11, 1977

Name of applicant	Location of enterprise	Principal product or activity
Maple Grove Nursing Home	Houlton, Maine	Nursing home care.
Pyott-Boone Machinery Corp	Saltville, Va	Manufacture of battery powered mine tractors, scoops and spare parts.
American Olivine Corp	Dillsboro, N.C	Mining and processing of olivine ore.
Godwin Welding Service, Inc	Dunn, N.C	Manufacture of flat bed truck bodies, trailers and hydraulic hoists and repair service.
Crisp Pump and Supply Co., Inc	Cordele, Ga	Wholesale distributor of pumps, well supplies and drilling equipment.
Trinity Furniture Industries, Inc	Albemarle, N.C	Manufacture and installation of church furniture, and office furniture.
Powermaker, Inc	Dunlap, Tenn	Produce bituminous coal and lignite.
Image Furniture, Inc. (tenant of city of Claremont).	Claremont, N.C	Manufature of upholstered furniture.
Perfection Furniture Co., Inc. (tenant of city of Claremont).	do	Do.
Schorck Bros, Manufacturing Co	Arthur, Ill	Manufacture and distribution of wood kitchen cabinets.
Phoenix Inn Motel	Effingham, Ill	Motel.
Barry County Lumber Co	Hastings, Minn	Retail and some wholesale sales of lumber, paint and building materials.
Sands Restaurant	Albany, Minn	Restaurant.
Thomas Allen Calhoun	Mansfield, La	Storage of cotton in bales.
Newell Oil Co., Inc	Newton, Kan	Gasoline service station.
Camp Heating and Air Conditioning.	Chico, Calif	Heating and air conditioning construction and service.

[FR Doc.77-7936 Filed 3-17-77;8:45 am]

Occupational Safety and Health Administration

[V-76-11]

CATERPILLAR TRACTOR CO.

Grant of Variance

I. BACKGROUND

Caterpillar Tractor Company, 100 N.E. Adams Street, Peoria, Illinois 61629 made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the safety standards prescribed in 29 CFR 1910.157(a) (5) and (6). The standard specifies the kinds of mountings allowed for fire extinguishers, and sets the allowable height of the top of the fire extinguishers at 5 ft. for extinguishers under 40 lbs., and 3½ ft. for those over 40 lbs. The facility affected by this application is Caterpillar Tractor Co., 600 West Washington Street, East Peoria, Illinois 61630. Notice of the application was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51624-25). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. FACTS

Section 1910.157(a) (5) and (6) requires that fire extinguishers be mounted on the hangers or in the brackets supplied, and that the height of the top of the extinguisher shall not exceed 5 ft. for extinguishers under 40 lbs., and 3½ ft. for those over 40 lbs. The purpose of the standard is to ensure safe and secure mounting of the extinguishers, and provide easy access to the extinguishers in an emergency situation. The applicant has mounted its fire extinguishers on retractable boards suspended from the superstructure of the warehouse. In the stored position the bottom of the board is 8 ft. from the floor. When a two foot nylon rope attached to the bottom of the board is pulled, the board springs downward to a position approximately 2½ ft. from the floor. This immediately places the extinguishers within easy reach of the employees. The fire extinguishers and boards are painted fluorescent red for easy visibility throughout the factory. The mountings used to attach the extinguishers to the board are specially designed for this purpose. The pull required to lower the board ranges from approximately 9 lbs. to approximately 26 lbs. depending on the weight of the extinguishers mounted.

Decision. The system of mounting and storing fire extinguishers which the applicant has devised provides an alternative method for meeting the purpose of the standard. The fire extinguishers are mounted on a board which is normally at an 8 ft. height where the extinguishers will not be bumped or damaged. This type of mounting allows the extinguishers to be hung near aisles or other hazardous areas where they would otherwise be susceptible to being damaged. The extinguishers are readily accessible in that the board on which they are mounted is designed to spring downward to a position from which the extinguishers can be comfortably removed for use when a 2 ft. rope is pulled. The fluorescent red coloring and the height of the board provide easy visibility. For these reasons the applicant is providing a place of employment as safe as that which would be obtained by complying with the standard.

III. ORDER

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8-76 (41 FR 25059), it is ordered that Caterpillar Tractor Company be, and it is hereby, authorized to mount its fire extinguishers on retractable boards which hang from the superstructure of the warehouse in lieu of complying with the requirements in § 1910.157 (a) (5) and (6). These boards shall meet the following requirements:

(1) The boards shall be located with the bottom no more than 8 ft. from the floor, and shall have a two ft. nylon rope by which the board can be lowered to a position approximately 2½ ft. from the floor.

(2) The space below and to the sides of such board shall be kept clear so that easy access is provided.

(3) The pull rope shall hang straight down and shall not be looped over anything.

(4) The board shall be counterbalanced in such a manner that the board is easily lowered, but shall not be so delicately balanced that the board will lower accidentally.

(5) All boards shall be maintained in good working order.

As soon as possible Caterpillar Tractor Company shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date: This order shall become effective on March 18, 1977, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 10th day of March, 1977.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc. 77-8224 Filed 3-17-77;8:45 am]

Office of the Secretary

[TA-W-1306]

SUNSHINE KIDDIE KNITWEAR COMPANY, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1306: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1976 in response to a worker petition received on November 29, 1976 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing children's knit playwear at Sunshine Kiddie.

The notice of investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54567). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sunshine Kiddie, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The department's investigation revealed that criterion four has not been met.

Significant Total or Partial Separations. The average number of production workers at Sunshine Kiddie declined 30 percent in 1975 compared to 1974. The average number of production workers declined 4.3 percent in the first nine months of 1976 compared to the first nine months of 1975.

Sales or Production, or Both, Have Decreased Absolutely. Shipments at Sunshine Kiddie declined 54.5 percent in 1975 compared to 1974. Shipments increased 29.8 percent in the first nine months of 1976 compared to the first nine months of 1975.

Increased Imports. Imports of women's misses and children's suits, pants suits and jumpsuits increased each year from 1972 through 1975. Imports increased from 206,000 dozen in 1972 to 412,000

The ratio of imports to domestic production and consumption increased from 12.3 percent and 10.9 percent, respectively in 1974 to 14.6 percent and 12.7 percent, respectively in 1975.

Imports of women's, misses' and children's blouses and shirts increased each year from 1972 through 1975. Imports increased from 14,106 thousand dozen in 1972 to 21,594 thousand dozen in 1975. The ratio of imports to domestic production and consumption increased from 69.6 percent and 41.0 percent, respectively in 1974 to 81.6 percent and 44.9 percent, respectively in 1975.

Contributed Importantly. During the 1974–1975 period Sunshine's major customer accounting for over 50 percent of total shipments decreased purchases of children's playwear from Sunshine Kiddie and also decreased purchases of children's playwear from foreign sources. Sales to the major customer increased in 1976 compared to 1975. Sunshine's second largest customer switched to other domestic manufacturers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's knit playwear at Sunshine Kiddie Co., Inc. did not contribute importantly to the total or partial separation of workers at such plant.

Signed at Washington, D.C. this 7th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-8226 Filed 3-17-77;8:45 am]

ADVISORY COMMITTEES

Comprehensive Annual Review

During the next month, the Department of Labor will undertake a review of the Agency's Federal Advisory Committees.

This review is taking place in accordance with Section 7(b) of the Federal Advisory Committee Act (P.L. 92-463) which requires an annual comprehensive review of each Federal agency's advisory committees. The review will differ from those of previous years in that it will also attempt to respond to President Carter's recent directive that an in-depth zero-based review of Federal advisory committees take place. A zero-based review presumes that all committees will be abolished except those (1) for which there is a compelling need; (2) which have a truly balanced membership; and (3) which conduct their business in an open manner, consistent with the law and their mandate.

The Department of Labor will undertake a review of its advisory committees currently in existence. These committees are listed below in alphabetical order.

The Department of Labor is required to submit a report to the Office of Management and Budget on the results of the advisory committee review by April 15, 1977. This reporting deadline requires an expeditious review.

The public is invited to submit comments to the Department on its advisory committees. In preparing comments, the following points should be taken into consideration:

The frequency of committee meetings within the past year, or two-year period.

The impact of committee recommendations on agency decision-making.

The representative nature of the committee membership in terms of expertise, demographic representation and balance.

The existence of duplication between the committee's purpose and work and that of other public or private organizations.

The responsiveness of the committee to the purpose for which it was established.

The manner in which the committee work has been conducted.

Further information may be obtained from Anamary Lantzy, c/o Executive Secretariat, Department of Labor, 2nd and Constitution Avenue, N.W., Washington, D.C. 20210. Written comments may be sent to the above address on or before April 11, 1977.

Signed this 14th day of March 1977.

RAY MARSHALL,
Secretary of Labor.

LIST OF DOL ADVISORY COMMITTEE

1. Advisory Committee on Construction Safety and Health.
2. Advisory Committee on Longshoring Safety and Health.
3. Advisory Committee on Sheltered Workshops.
4. Advisory Committee on Women to the Secretary of Labor.

5. Advisory Council on Employee Welfare and Pension Benefit Plans.
6. Business Research Advisory Council.
7. Citizens' Advisory Council on the Status of Women.
8. Federal Advisory Committee for Affirmative Action in Employment at Institutions of Higher Education.
9. Federal Advisory Council on Employment Service.
10. Federal Advisory Council on Occupational Safety and Health.
11. Federal Advisory Council on Unemployment Insurance.
12. Federal Committee on Apprenticeship.
13. Labor Policy Advisory Committee for Multilateral Trade Negotiations.
14. Labor Research Advisory Council.
15. Labor Sector Advisory Committee on Electrical and Electronic Equipment and Supplies and Nonelectrical Machinery.
16. Labor Sector Advisory Committee on Food and Agricultural Products and chemical, Plastic and Rubber Products.
17. Labor Sector Advisory Committee on Lumber, Wood and Paper Products and Stone, Clay and Glass Products.
18. Labor Sector Advisory Committee on Services.
19. Labor Sector Advisory Committee on Textile, Apparel and Leather Products and Miscellaneous Manufacturing Industries.
20. Labor Sector Advisory Committee on Transportation Equipment and Primary and Fabricated Metal Products.
21. National Advisory Committee on Occupational Safety and Health.
22. National Commission on Employment and Unemployment Statistics.
23. National Commission for Manpower Policy.
24. National Commission on Unemployment Compensation.
25. Standards Advisory Committee on Agriculture.

[FR Doc.77-8227 Filed 3-17-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77-18]

SPACE PROGRAM ADVISORY COUNCIL, PHYSICAL SCIENCES COMMITTEE

Meeting

The Physical Sciences Committee (PSC) of the NASA Space Program Advisory Council will meet on April 14-15, 1977, at the NASA Kennedy Space Center (KSC). The meeting will be held in the 4th Floor Conference Room of the KSC Headquarters Building, Kennedy Space Center, FL 32899, from 8:30 a.m. until 5:00 p.m. on the 14th of April, and from 8:30 a.m. until 4:00 p.m. on the 15th of April. Members of the public will be admitted to the meeting beginning at 8:30 a.m., each day, on a first come, first served basis to within the 60 seat capacity of the room. Visitors will be requested to sign a visitor's register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including astrophysics, life sciences, solar terrestrial, upper atmospheric research, and lunar and planetary exploration.

The Committee presently has 15 members, including the Chairman, Dr. George B. Field. For further information regarding the meeting, please contact Dr. Sabatino Sofia, Area Code 202-755-3616 or 755-8493. The agenda for the meeting is as follows:

APR. 14, 1977

Time	Topic
8:30 a.m.	NASA Kennedy Space Center Director's Welcome.
8:45 a.m.	*Opening remarks.* This time is provided for: (1) the chairman's introductory remarks, bringing to the attention of the Committee, issues of concern and interest; and (2) for the executive secretary to cover administrative matters.
9:15 a.m.	*The Associate Administrator for Space Science.* The Associate Administrator for Space Science, Dr. Noel W. Hinners, will brief the Committee on the following: (1) issues concerning the Office of Space Science (OSS), (2) OSS budget, (3) Spacelab I payloads, and (4) OSS 5-year plan.
10:30 a.m.	*Advanced planning.* Presentations will be made to the Committee on OSS division's 5-year plan, shuttle payload planning, space stations, and other related topics as applicable, followed by discussion.
1:30 p.m.	*Advanced planning.* Further presentations of OSS planning, followed by discussion.
2:30 p.m.	*Search for extraterrestrial intelligence (SETI).* A presentation will be made about the current scientific efforts on the SETI and detection of extra-solar planetary systems, followed by discussion.
3:30 p.m.	*Data handling for voyager.* A presentation will be made to the Committee regarding plans for the data handling for voyager, followed by discussion.
4:00 p.m.	*Kennedy Space Center shuttle payload operations.* A presentation will be made by the Kennedy Space Center on their planned role regarding shuttle payload operations.
5:00 p.m.	Adjourn.

APR. 15, 1977

Time	Topic
8:30 a.m.	*Universities Space Research Association (USRA).* The USRA will make a presentation regarding its present activities and future plans on space science.
9:15 a.m.	*USRA.* The Committee will discuss the previous USRA presentation.
10:15 a.m.	*Dynamic Explorer.* A presentation will be made on the current OSS planning of the Dynamic Explorer, followed by discussion.
10:45 a.m.	*General relativity at NASA.* OSS will make a presentation to the Committee on its role in the study of general relativity, followed by discussion.
11:30 a.m.	*Lunar-planetary and astrophysics in OSS.* The Committee Chairman, Dr. George B. Field, will present his views regarding the interface between lunar-planetary and astrophysics divisions in OSS.
1:30 p.m.	*Concluding discussion and writing session.* The members of the Committee will use this period to conclude discussions and document recommendations.
4:00 p.m.	Adjourn.

JOHN M. COULTER,
Acting Assistant Administrator for DOD and Interagency Affairs.

MARCH 14, 1977.

[FR Doc.77-7993 Filed 3-17-77;8:45 am]

[Notice 77-17]

SPACE PROGRAM ADVISORY COUNCIL; APPLICATIONS COMMITTEE

Meeting

The ad hoc informal Subcommittee on Satellite Telecommunications of the SPAC Applications Committee will meet on March 25, 1977, at NASA Headquarters, Federal Office Building 10B, Room 226A, 600 Independence Avenue SW., Washington, D.C. This notice covers an emergency session of the Subcommittee to meet a May 1, 1977, deadline set by the Office of Applications top management to provide a preliminary recommendation on the scope of NASA's satellite communications program. At least two meetings are required to meet the May 1 deadline, one in March and one in April 1977. The tardiness in arrival of the final report of the National Research Council-Space Applications Board Committee on Satellite Communications, the background report for the subcommittee; the complexity of the travel plans (both domestic and foreign) of the participants; and the objective of convening the maximum number of participants on a given date delayed the establishment of the final date for the March meeting.

Members of the public will be admitted to the meeting at 9:00 a.m. on a first-come, first-served basis. The seating capacity of the room is 35 people. Visitors will be requested to sign a visitor's register.

This Subcommittee, comprised of 7 members including the Chairman, Mr. Thomas Rogers, serves in an advisory capacity only and will recommend a satellite telecommunications program to NASA.

For further information regarding the meeting, please contact Mr. Louis B. C. Fong, (202) 755-8617. The approved

agenda for the meeting on March 25, 1977, is as follows:

Time	Topic
9:00 a.m.	Opening remarks by chairman.
9:30 a.m.	*Satellite telecommunications program.* The report of the National Research Council-Space Applications Board Committee on satellite communications (CSC) will be reviewed and discussed and a plan evolved on how the subcommittee will proceed to formulate a recommended satellite telecommunications program for NASA.
4:00 p.m.	Adjourn.

JOHN M. COULTER,
Acting Assistant Administrator, for DOD and Interagency Affairs.

MARCH 14, 1977.

[FR Doc.77-7995 Filed 3-17-77;8:45 am]

[Notice 77-19]

SUPERCRITICAL WING PATENT

Intent To Adopt Special Patent License Plan; Extension of Time

This Notice is to amend a portion of the Notice which appeared in the FEDERAL REGISTER of February 14, 1977, Vol. 42, No. 30, page 9066, Notice No. 77-8, regarding the intent of the National Aeronautics and Space Administration to adopt a special license plan for the supercritical wing patent, U.S. Patent No. 3,952,971 covering an invention entitled "Airfoil Shape for Flight at Subsonic Speeds." The closing date for comments should be changed from March 18, 1977 to April 18, 1977. All other information in the Notice remains the same.

Dated: March 14, 1977.

GERALD J. MOSSINGHOFF,
Acting General Counsel.

[FR Doc.77-7994 Filed 3-17-77;8:45 am]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

PAST ACCOMPLISHMENTS AND FUTURE PLANS

Annual Review

Pursuant to OMB Circular No. A-63, Transmittal Memorandum No. 5, the National Transportation Policy Study Commission is conducting an annual comprehensive review of its past accomplishments and future plans. Consequently, the Commission is soliciting public comment on the importance and scope of the Commission's mandate, its future plans and past achievements. Comments should be sent to Edward R. Hamberger, Special Assistant to the Chairman, and must be received, in writing no later than April 8, 1977.

Dated: March 11, 1977.

BUD SHUSTER,
Chairman.

[FR Doc.77-8030 Filed 3-17-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

NRC'S ADVISORY COMMITTEES

Review

This is to announce that the Nuclear Regulatory Commission is seeking public comment in connection with the annual comprehensive review of advisory committees now being undertaken as directed by the President on February 25, 1977 and in accordance with Office of Management and Budget guidance provided in Circular No. A-63, Transmittal Memorandum No. 5, dated March 7, 1977.

All agencies have been directed to conduct this government-wide zero-base review taking into account the following considerations: (1) is there a compelling need for each committee, because, for example, the information or advice cannot be obtained from other sources within the agency or other agencies; (2) does each committee have truly balanced membership in terms of points of view represented and functions to be performed; and (3) does each committee conduct its business as openly as possible consistent with the law and its mandate.

The NRC is now in the process of conducting this review for its two advisory committees, the Advisory Committee on Reactor Safeguards and the Advisory Committee on the Medical Uses of Isotopes. A brief description of the committees follows:

a. *Advisory Committee on Reactor Safeguards.* This committee was established by Section 29 of the Atomic Energy Act of 1954, as amended, to review safety studies and facility license applications and to advise the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards. It is composed of a maximum of fifteen members who represent diverse scientific and engineering specialties relating to nuclear reactor design, construction and operation. This committee, its subcommittees and working groups hold approximately 110 meetings annually and issue about 60 reports.

b. *Advisory Committee on Medical Uses of Isotopes.* This committee was established under agency authority to review and provide recommendations on applications for licenses related to the medical uses of isotopes. It is composed of nine members who represent various fields of nuclear medicine, radiology, and pathology. This committee provides advice and recommendations to the NRC staff primarily through the submission of individual members' comments on licences for new or complex uses of radioisotopes in medicine.

The NRC is required to complete its review and submit its determination to the Office of Management and Budget not later than April 15, 1977. Therefore, any public comments and recommendations concerning NRC's advisory committees should be provided to the NRC as soon as possible, and in any event no later than April 4, 1977. Interested persons should direct their comments in writing to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Advisory Committee Management Officer.

Dated at Washington, D.C., this 16th day of March 1977.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc.77-8354 Filed 3-17-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 10, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division with OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Fresh Cut Flower Importers' Questionnaire:
Single time. All importers of fresh cut flowers, Will Sherman, 395-4730.
Single time, Stratified random sample of 159 commercial growers, Will Sherman, 395-4730.

DEPARTMENT OF AGRICULTURE

Forest Service: Rim Cordon Sample Interview Record, single-time, Recreation users; Oregon Dunes NRA, Suislaw NF, Will Sherman, Maria Gonzalez, 395-4730.

DEPARTMENT OF LABOR

Employment and Training Administration, Hire Program Proposal and Progress Report/Inventory, ETA-167,168, other (see SF-83), Large Business Firms, Housing, Veterans and Labor Division, Strasser, A., 395-3532.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration:
Conditions in the Active Workings of the Coal Mine, 2000-42, annually, all active underground coal mines, Ellett, C. A., 395-5867.
Minimum Roof Control Plan Report, 2000-52, other (see SF-83), coal companies, Ellett, C. A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Follow-up to applicant for employment to determine current availability, FL 5-20, on occasion, applicants for Employment, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Request for Medicare Payment of Ambulance Service, SSA 1491, on occasion, Suppliers of Ambulance Services Claiming Suppl. Med. Ins., Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Ass't Sec'y), Preliminary Reservation of Contract Authority, FHA-3126, on occasion, sponsors Housing, Veterans and Labor Division, 395-3532:

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-8326 Filed 3-17-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 11, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service:
Collection of Prices, Margins, and Volume of Movement Data from Food Chains and Food Wholesalers, monthly, food chains and wholesalers, 10 major food distribution market, Strasser, A., 395-5867.

Statistical Reporting Service:
Survey of Food Wholesalers, single-time, Business firms, Laverne V. Collins, 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Career Education Survey Forms: Process Data Collection, OE-541, 1, 2, 3, 4, single-time, students, teachers, counselors, administrators in 15 school systems, Human Resources Division, Raynsford, R. 395-3532.

DEPARTMENT OF TRANSPORTATION

Departmental and Other:
Intercity Bus Insurance Questionnaire, single-time, Intercity bus companies, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Multiframe Hog and Cattle Survey, quarterly, Hog and cattle farmers, Will Sherman, 395-4730.

EXTENSIONS

DEPARTMENT OF STATE (EXCLUDING AID AND ACTION)

Retail Price Schedule, DSP-23, annually, Primarily retail sales outlets outside United States, Laverne V. Collins, 395-5867.

DEPARTMENT OF COMMERCE

National Bureau of Standards:
Package Size Survey Form, NBS-181, on occasion, State and local government weights and measures office, Marsha Traynham, 395-4529.

DEPARTMENT OF DEFENSE

Departmental and other:
Youth Attitude Tracking Study, semi-annually, 16-21 year old, male civilians, Richard Eisinger, 395-6140.
Department of Defense Ammunition Data Card, DD1650, on occasion, Commercial Contractors, Warren Topelius, 395-5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-8325 Filed 3-17-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 14, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ACTION

Service-Learning Questionnaire, Single-time individuals, George Hall, Maria Gonzales, 395-6140.

DEPARTMENT OF COMMERCE

Bureau of Census:
Distribution of sales by Class of Customer, NC-K4M and K4S, other (see SF-83), Firms conducting manufacturing activity, Laverne V. Collins, 395-5867.
1977 Census of Transportation—Commodity Transportation Survey, TC-400 A,B,C TC-401, 401 TC-403, single-time, Manufacturing establishments, Mineral Establishments, Wholesalers of Farm Products, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary:
HEW Region X Migrant Study: (A) Farmworker Questionnaire, (B) Service Provider Questionnaire, OS-3-77 A,B, single-time, migrants, seasonal farmworkers and human resources providers, housing, veterans and labor division, Kathy Wallman, 395-3532.
Topic for Interviews with (1) CMHC Staff, (2) Local Funding Agencies, (3) State Agency, (4) Title XX Program, OS-4-77, single-time, Professional staff at 20 CMHC's Housing, veterans and labor division, Reese B. F., 395-3532.
Discharged Client Study: (A) Client Questionnaire, (B) Community Service Provider Questionnaire, (C) Staff Questionnaire, OS-2-77 A,B,C, single-time, patients, administrators, staff and service delivery staff, housing, veterans and labor division, Reese B. F., 395-3532.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics:
National Assessment of Educational Progress, OE 2371, elementary and secondary students, school officials, young adults, Kathy Wallman, 395-6140.

PHILLIP D. LARSEN,
Budget Management Officer.

[FR Doc.77-8327 Filed 3-17-77;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (the Act), notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Wednesday, March 30, 1977, from 1 p.m. to 5 p.m. in Room 308 of the Old Executive Office Building, Washington, D.C.

The purpose of this meeting will be to review and discuss the status of, and the United States strategy and objectives for, the multilateral trade negotiations currently underway in Geneva.

In accordance with section 10(d) of the Act, the meeting will not be open to the public because information falling within the purview of 5 U.S.C. 552b (c) (1) (the exception to the Government in the Sunshine Act for matters specifically required by Executive order to be kept secret in the interest of foreign policy) will be reviewed and discussed.

More detailed information can be obtained by contacting Paul T. O'Day, Assistant Special Representative for

Trade Negotiations, 1800 G Street, room 725, Washington, D.C. 20506.

PAUL T. O'DAY,
Assistant Special Representative for Trade Negotiations.

[FR Doc.77-8322 Filed 3-17-77;8:45 am]

SPECIALTY STEEL QUOTAS

Reallocation

AGENCY: Office of the Special Representative for Trade Negotiations.

ACTION: Notice of Shortfall Reallocation for Specialty Steel Quotas.

SUMMARY: The Special Representative for Trade Negotiations hereby reallocates shortfalls of certain specialty steel quota categories as set forth below.

This action modifies certain quota quantities for the first restraint period, June 14, 1976–June 13, 1977. Quota quantities are reduced for certain suppliers who are not likely to export the quantity of steel which would fill the quotas assigned to them. The quota quantities for other suppliers who are able to supply additional steel are increased.

EFFECTIVE DATES: The reallocations which result in a reduction of a quota quantity shall be effective upon publication of this notice in the FEDERAL REGISTER. Reallocations which increase a quota quantity, including the separate quota quantity established for Austria, shall be effective on the seventh day following the date of publication of this notice in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Richard Heimlich, Office of the Special Representative for Trade Negotiations, Washington, D.C., 20506. (202–395–3395).

SUPPLEMENTARY INFORMATION: Pursuant to subpargaraph (c) of headnote 2, subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (TSUS) the Special Representative is authorized to modify the quota quantities to reallocate shortfalls as defined by subparagraph (c). I have determined that shortfalls are likely to occur in items 923.20, 923.21, 923.22, and 923.26, TSUS, in the first restraint period (June 14, 1976–June 13, 1977) as follows:

Item	Article	Supplier	Shortfall—in short tons
923.20	Sheet and strip	Canada	1,800
		Col. 2 countries [1]	3
923.21	Plate	Canada	200
		Sweden	1,700
923.22	Bar	EEC [2]	400
		Canada	400
		Col. 2 countries	2
923.26	Alloy tool steel (excluding bearing steel)	Col. 2 countries	6

[1] Col. 2 countries are listed in general headnote 3(e), TSUS.
[2] European Economic Community.

Accordingly, subpart A, part 2, of the Appendix to the TSUS is amended to substitute new quota quantities for the first restraint period (June 14, 1976–June 13, 1977) for articles provided for in items 923.20, 923.21, 923.22, and 923.26, TSUS, as set forth below:

A. For item 923.20 (sheet and strip): (1) By changing the quota quantity for the European Economic Community from "15,800" to "17,041"; (2) By changing the quota quantity for Canada from "8,800" to "7,000"; (3) By changing the quota quantity for other countries entitled to the rate of duty in rates of duty column numbered 1 from "2,600" to "3,162"; (4) By changing the quota quantity for other countries from "3" to "none".

B. For item 923.21 (plate): (1) By changing the quota quantity for the European Economic Community from "2,900" to "4,800"; (2) By changing the quota quantity for Canada from "400" to "200"; (3) By changing the quota quantity for Sweden from "3,300" to "1,600".

C. For item 923.22 (bar): (1) By changing the quota quantity for the European Economic Community from "2,500" to "2,100"; (2) By changing the quota quantity for Canada from "1,500" to "1,100"; (3) By changing the quota quantity for Sweden from "1,500" to "1,720"; (4) By changing the quota quantity for other countries entitled to the rate of duty in rates of duty column numbered 1 from "5,100" to "5,682"; (5) By changing the quota quantity for other countries from "2" to "none";

D. For item 923.26 (alloy tool): (1) By establishing a quota quantity for Austria of "6"; (2) By changing the quota quantity for other countries from "6" to "none".

Item 923.26, TSUS, is amended by deleting therefrom the parenthetical expressions "(for the periods beginning on or after June 14, 1977)", and "(including Austria for the period ending June 13, 1977)".

ALAN WM. WOLFF,
Acting Special Representative for Trade Negotiations.

[FR Doc.77-8350 Filed 3-17-77;8:45 am]

RENEGOTIATION BOARD

COMPENSATION OF GENERAL COUNSEL

Pursuant to section 225(f)(D) of Pub. L. 90-206 (81 Stat. 644), the General Counsel of the Renegotiation Board shall receive compensation at the rate of $47,500 per annum, effective February 27, 1977.

Dated: March 15, 1977.

GOODWIN CHASE,
Chairman.

[FR Doc.77-8196 Filed 3-17-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13355; File No. SR-DTC-77-2]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 24, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change provides for a change in the Fee Schedule for Major Services, filed as Form 19b-4A, File No. SR-NYSE-75-19:

Long Position (per month). (NOTE.—$1000 bond=25 shares) .42 monthly charge per issue plus price per 100 shares of: .0050 for 0-25 MM sh.[1] .0013 for 25-200MM sh.[1] .000652 for over 200MM[1] Zero over 300 MM.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed change in the Fee Schedule for Major Services is to encourage the immobilization of debt securities and increase DTC's vault inventory of bond certificates available for certificate on demand withdrawal requests.

The proposed change in the Fee Schedule for Major Services relates to DTC's carrying out the purposes of section 17A of the Securities Exchange Act of 1934 (the Act) by equitably allocating fees among DTC Participants.

Comments regarding the reduction in the long position fee for debt securities on deposit at DTC were solicited by telephone from Participant Banks with sizeable bond portfolios. No written responses were received. In conversations with the Participants, no objections to the new fee were raised.

No burden on competition will be caused by the proposed rule change.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should

[1] Per 100 shares based on daily average for the month; per issue charge also based on daily average for the month.

file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before April 8, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 10, 1977.

[FR Doc.77-8014 Filed 3-17-77;8:45 am]

[File Nos. 81-252 and 3-5168]

FORT WORTH STEEL & MACHINERY CO.

Application and Opportunity for Hearing

MARCH 9, 1977.

Notice is hereby given that Fort Worth Steel & Machinery Company ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from filing an Annual Report on Form 10-K for the year ended December 31, 1976 and all other reports required to be filed pursuant to sections 13 or 15(d) of the 1934 Act.

Section 12(g) of the 1934 Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons.

Sections 13 and 15(d) of the 1934 Act require that issuers of securities registered pursuant to section 12 or that have filed a registration statement that has become effective pursuant to the Securities Act of 1933, must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the provisions of sections 12(g), 13, 14 or 15(d) of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or otherwise, that such exemption is not inconsistent with the public interest or protection of investors.

The Applicant states, in part:

1. Applicant is incorporated under the laws of the State of Texas.

2. Prior to a tender offer by Houdaille Industries, Inc. ("Houdaille"), Applicant had one class of equity securities registered under the Securities Act of 1933.

3. Prior to the tender offer, Applicant was subject to the provisions of section 15(d) of the 1934 Act and its common stock was registered pursuant to section 12(g) of the 1934 Act.

4. As a result of the tender offer, the Applicant became a 98%-owned subsidiary of Houdaille.

In the absence of an exemption, Applicant is required to file pursuant to sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder, an Annual Report on Form 10-K for the year ending December 31, 1976. Applicant believes that its request for an order exempting it from the provisions of sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Applicant believes that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, NW., Washington, D.C.

Notice is further given that any interested person not later than April 4, 1977 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. 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. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-8010 Filed 3-17-77;8:45 am]

[Rel. No. 19928; 70-5982]

METROPOLITAN EDISON CO.

Proposed Issue and Sale of Short-Term Notes to Banks

MARCH 10, 1977.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed requests that, for the period commencing on the date of any order granting this application, and ending December 31, 1977, it be permitted from time to time to issue or renew notes, of a maturity of nine months or less, evidencing short-term bank borrowings provided that the aggregate principal amount of such notes to be outstanding at any one time shall not exceed the lesser of (A) $89,000,000, or (B) 10 percent of the sum of (i) the principal amount of Met-Ed's outstanding first mortgage bonds and debentures, (ii) the par value of Met-Ed's outstanding preferred stock, (iii) the par value of Met-Ed's outstanding common stock, and (iv) the capital surplus of Met-Ed. Said aggregate principal amount shall be reduced by the net proceeds, if any, received by Met-Ed during 1977 from the transfers of ownership interest in certain nuclear generating stations as described in the separate application docketed in File No. 70-5951. If such proposed transfers are consummated, Med-Ed expects that such short-term bank borrowings would not exceed approximately $51,000,000.

The new notes will bear interest at the prime rate, which may be the floating rate of the lending bank, for commercial borrowing at the date of issue of such note, will mature not more than nine months from the date of issue, will be prepayable at any time without premium, and will not be issued as a part of a public offering. Although no commitments or agreements for such borrowings have been made, Met-Ed expects that, as and to the extent that its cash needs require, borrowings will be effected from among 36 designated banks. It is stated that the banks generally require compensating balances ranging from a minimum of 10 percent of the line of credit to a maximum of 10 percent of the line plus 10 percent of the loan outstanding. Assuming a 6¼ percent prime rate and a 20 percent compensating balance, the effective interest rate to be paid by Met-Ed is 7.81 percent.

Met-Ed proposes to utilize the proceeds of the proposed borrowings to provide funds for its short-term working capital requirements, including repayment of other short-term borrowings, and to provide a temporary source of funds for construction expenditures.

The application states that Met-Ed's expenses incident to the proposed transactions are estimated at $9,500, including legal fees of $7,000, and that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 4, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such re-

quest, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-8011 Filed 3-17-77;8:45 am]

[Release No. 34-13337; File No. SR-MSTC-77-1]

MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 1, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Operating Procedures (Procedures) of The Midwest Securities Trust Company (MSTC) which defines MSTC's fees for services shall be amended by adding the following provision at the end thereof:

No clearing agency which has been granted registration as a clearing agency by the Securities and Exchange Commission pursuant to section 19(a) of the Securities Exchange Act of 1934 which (i) acts as a securities depository in that it holds securities in custody for its participants and completes book-entry deliveries of securities pursuant to instructions of the participants, (ii) is organized under state law as a trust company, (iii) does not seek to profit from services to participants and (iv) interfaces with other such entities for the purpose of permitting its participants to effect book-entry deliveries of securities to participants in another such entity (a "registered securities depository") shall be obligated to pay fees for MSTC services other than the fees designated herein for Withdrawals by Transfer and Withdrawal of Nominee Certificates: *Provided, however*, That such registered securities depository maintains securities in custody for MSTC's account and charges MSTC fees only for withdrawal services for which MSTC charges fees to it.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is a follows:

Rule changes like that proposed have been agreed to jointly and are concurrently being proposed by Depository Trust Company (DTC) and Pacific Securities Depository Trust Company (PSDTC), which, if such rule changes become effective, will be registered securities depositories within the meaning of MSTC's proposed rule change. MSTC, DTC and PSDTC are the only trust company registered clearing agencies which at this time maintain interfaces with each other.

The purpose of the proposed rule change is to establish a uniform basis for inter-depository fees within a national depository system. While each of DTC and PSDTC may have reservations regarding these rule changes, as does MSTC, the three depositories have agreed thereto in light of their unique relationship and in order to serve that purpose.

MSTC, DTC and PSDTC interface with each other as participants in each other's systems whereby each system acts as a custodian for the other system. They do so in order to provide a national depository system for the benefit of their participants. Such interfaces, for example, make it possible for a participant in one depository to make book-entry deliveries of securities to a participant in another system, thereby reducing the cost and improving safety in the settlement of participants' transactions.

Such deliveries between participants in different systems require that each system record the transaction, including records of the other depository's involvement, and require clerical action by each depository subsequent to such deliveries.

Depositories initiate such deliveries only upon instructions of their participants but, in completing such instructions, may be required to pay charges levied by the other depository on all participants in that depository. Furthermore, as a consequence of such deliveries, a depository may have to pay another depository's charge for custody of securities credited to its account and for withdrawing securities which it might require at its location.

While experience indicates that charges between one depository and another tend to cancel each other out, they do not do so entirely and some imbalance in charges may nonetheless exist. While each depository should be free to establish appropriate uniform charges to its participants—charges which may result in the small imbalance in interdepository charges mentioned above—the policy proposed here is intended virtually to eliminate these imbalances.

Under the proposed rule registered securities depositories would not charge each other for delivery, custody, or usage services. Their respective service charges would be applicable only to withdrawals of securities, an exception designed to encourage a minimum of such withdrawals.

The proposed rule change relates to the perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transcations.

Comments have neither been solicited nor received by the Midwest Securities Trust Company.

While it may be perceived that the proposed rule change constitutes a burden on competition because participants in MSTC other than registered securities depositories would pay fees for the services for which registered securities depositories would not pay fees, any such perception would be based upon the existing competition between such participants and registered securities depositories. While it is not believed that such competition exists between present participants and registered securities depositories, if it does exist or if it exists between future participants and registered securities depositories, any burden on such competition is appropriate in furtherance of the finding of Congress set forth in section 17A(a)(1)(D) of the Securities Exchange Act of 1934 that:

> The linking of all clearance and settlement facilities and the development of uniform standards and procedures for clearance and settlement will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

and the direction to the Commission in section 17A(b)(2) of said Act that it

> use its authority under this title to facilitate the establishment of a national system for prompt and accurate clearance and settlement of transactions in securities * * * in accordance with the findings and to carry out the objectives set forth in paragraph (1) of the subsection.

On or before April 22, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference

Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 8, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 7, 1977.

[FR Doc.77-8015 Filed 3-17-77;8:45 am]

[Release No. 13348; SR-MSRB-76-8]

MUNICIPAL SECURITIES RULEMAKING BOARD

Order Approving Proposed Rule Change

MARCH 9, 1977.

On August 5, 1976, the Municipal Securities Rulemaking Board (the "MSRB"), Suite 507, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, proposed rules G-13 and G-14. The purpose of the proposed rules is to establish uniform rules applicable to municipal securities brokers and municipal securities dealers and their associated persons with respect to the dissemination of quotations relating to municipal securities and reports of municipal securities transactions.

Notice of the proposed rules together with the terms of substance of the proposed rules was given by publication of a Commission Release (Securities Exchange Act Release No. 12696, (August 6, 1976)) and by publication in the FEDERAL REGISTER (41 FR 34715, (August 16, 1976)). An amendment, containing technical drafting changes to proposed rule G-13, was filed by the MSRD on December 3, 1976. The text of the rules is as follows:

RULE G-13. QUOTATIONS RELATING TO MUNICIPAL SECURITIES

(a) *General.* The provisions of this rule shall apply to all quotations relating to municipal securities which are distributed or published, or caused to be distributed or published, by any municipal securities broker or municipal securities dealer or any person associated with and acting on behalf of a municipal securities broker or municipal securities dealer. For purposes of this rule, the term "quotation" shall mean any bid for, or offer of, municipal securities, or any request for bids for or offers of municipal securities, including indications of "bid wanted" or "offer wanted." The terms "distributed" or "published" shall mean the dissemination of quotations by any means of communication. Reference in this rule to a municipal securities broker or municipal securities dealer shall be deemed to include reference to any person associated with a municipal securities broker or municipal securities dealer.

(b) *Bona Fide Quotations.* (i) Except as provided below, no municipal securities broker or municipal securities dealer shall distribute or publish, or cause to be distributed or published, any quotation relating to municipal securities, unless the quotation represents a bona fide bid for, or offer of, municipal securities by such municipal securities broker or municipal securities dealer: *Provided, however,* That all quotations, unless otherwise indicated at the time made, shall be subject to prior purchase or sale and to subsequent change in price. If such municipal securities broker or municipal securities dealer is distributing or publishing the quotation on behalf of another broker, dealer, or municipal securities dealer, such municipal securities broker or municipal securities dealer shall have no reason to believe that such quotation does not represent a bona fide bid for, or offer of, municipal securities. Nothing in this paragraph shall be construed to prohibit requests for bids or offers, including indications of "bid wanted" or "offer wanted," or shall be construed to prohibit nominal quotations, if such quotations are, at the time made, clearly stated or indicated to be such. For purposes of this paragraph, a "nominal quotation" shall mean an indication of the price given solely for informational purposes.

(ii) No municipal securities broker or municipal securities dealer shall distribute or publish, or cause to be distributed or published, any quotation relating to municipal securities, unless the price stated in the quotation is based on the best judgment of such municipal securities broker or municipal securities dealer of the fair market value of the securities which are the subject of the quotation at the time the quotation is made. If a municipal securities broker or municipal securities dealer is distributing or publishing a quotation on behalf of another broker, dealer, or municipal securities dealer, such municipal securities broker or municipal securities dealer shall have no reason to believe that the price stated in the quotation is not based on the best judgment of the fair market value of the securities of the broker, dealer or municipal securities dealer on whose behalf such municipal securities broker or municipal securities dealer is distributing or publishing the quotation.

(iii) For purposes of subparagraph (i), a quotation shall be deemed to represent a "bona fide bid for, or offer of, municipal securities" if the municipal securities broker or municipal securities dealer making the quotation is prepared to purchase or sell the security which is the subject of the quotation at the price stated in the quotation and under such conditions, if any, as are specified at the time the quotation is made.

(c) *Multiple Markets in the Same Securities.* No municipal securities broker or municipal securities dealer participating in a joint account shall, together with one or more other participants in such account, distribute or publish, or cause to be distributed or published, quotations relating to the municipal securities which are the subject of such account if such quotations indicate more than one market for the same securities.

RULE G-14. REPORTS OF SALES OR PURCHASES

No municipal securities broker or municipal securities dealer or person associated with a municipal securities broker or municipal securities dealer shall distribute or publish, or cause to be distributed or published, any report of a purchase or sale of municipal securities, unless such municipal securities broker or municipal securities dealer or associated person knows or has reason to believe that the purchase or sale was actually effected and has no reason to believe that the reported transaction is fictitious or in furtherance of any fraudulent, deceptive or manipulative purpose. For purposes of this rule, the terms "distributed" or "published" shall mean the dissemination of a report by any means of communication.

The Commission finds that the proposed rules are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of section 15B and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rules be, and hereby are, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-8012 Filed 3-17-77;8:45 am]

[Release No. 13349; SR-MSRB-77-2]

MUNICIPAL SECURITIES RULEMAKING BOARD

Order Approving Proposed Rule Change

MARCH 9, 1977.

The Municipal Securities Rulemaking Board (the "MSRB"), Suite 507, 1150 Connecticut Avenue, NW., Washington, D.C. 20036, has filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to provide a procedure for the nomination and election of successor members of the MSRB.

Notice of the proposed rule change, as originally filed on January 19, 1977, together with the terms of substance thereof was given by publication of Securities Exchange Act Release No. 13196 (January 21, 1977) and by publication in the FEDERAL REGISTER (42 FR 5168 (January 27, 1977)). On February 15, 1977, the MSRB filed substantive amendments to the proposed rule change to provide for increased industry participation in the nomination and election process.[1]

Notice of the proposed rule change as amended together with the terms of substance thereof was given by publication of Securities Exchange Act Release No. 13246 (February 15, 1977) and by publication in the FEDERAL REGISTER (42 FR 10378 (February 22, 1977)).

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[1] Rule A-3(d) provides that twenty percent of municipal securities brokers and municipal securities dealers who have paid the initial fee required by MSRB rule A-12 may nominate additional broker-dealer representative or bank representative candidates. After the MSRB gains experience with the procedures contained in the proposed rule change, it may be necessary to consider whether the percentage required to nominate additional candidates should be lowered to assure fair representation and whether for the same reason a petitioning procedure should be established to permit the nomination of additional public representative candidates.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of section 15B and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing of substantive amendments thereto, since, under the rule, as approved, the MSRB is required to take certain actions by March 15, 1977 and early approval is necessary to allow the MSRB the time necessary to implement its nomination and election procedures.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change, as amended (the text of which is set forth in 42 FR 10378 (February 22, 1977)) be and hereby is, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-8013 Filed 3-17-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0127]

AMERICAN VENTURE CAPITAL CORP.

Application of a License as a Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations (13 CFR 107.102 (1976)), under the name of American Venture Capital Company, Suite 200, Axe Wood West, Skippack and Butler Pikes, Ambler, Pennsylvania 19002, for a license to operate in the Commonwealth of Pennsylvania as an SBIC, under the provisions of the Small Business Investment Act of 1958 (Act), as amended, (15 U.S.C. 661 et seq.).

The proposed officers and directors and major stockholders are as follows:

1. Claire A. Snyder, Chairman of the Board, President, 4 Northfield Road, Wyomissing Hills, Pa. 19609.
2. Knute C. Albrecht, Vice President, 1126 Strathmann Drive, Southampton, Pa., 18966.
3. David M. Gilson, Vice President, Chief Executive, Director, P.O. Box 192, Main Street, Wycombe, Pa. 18980.
4. James B. Bishop, Treasurer, Assistant Secretary, 2015 Reading Boulevard, Hunington Valley, Pa. 19006.
5. Ernest M. Zollers, Secretary, Director, 307 N. Trooper Road, Norristown, Pa. 19401.
6. Sidney D. Kline, Jr., Director, 21 Merrymount Road, Reading, Pa. 19609.
7. Russell J. Kunkel, Director, 521 N. 25th Street, Reading, Pa. 19606.
8. Samuel A. McCullough, Director, 922 Sunnyside Avenue, Wyomissing, Pa. 19609.
9. Ben T. Craig, Director, 1345 Reading Boulevard, Wyomissing, Pa. 19006.
10. Jay S. Wilmoyer, Director, 441 March Street, Shillington, Pa. 19607.

American Business Credit Corporation, 100%.

The stock will all be owned by American Business Credit Corporation, a 99.957 percent owned subsidiary of American Bank and Trust Company of Pennsylvania with assets over $1,000,000,000, and with over 2,500 shareholders of record.

The Applicant will begin operations with a capitalization of $1,000,000, which will be a source of equity capital and long-term loans for qualified small business concerns in diversified industries. In addition to financial assistance, the Applicant will provide consulting services to its clients.

The Applicant will conduct its operations principally in the Commonwealth of Pennsylvania and in other areas wherever the need may arise.

Matters involved in SBA's consideration of the Applicant include the general reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested persons may not later than March 28, 1977 submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 11, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-7977 Filed 3-17-77;8:45 am]

[License No. 05/05-5109]

SC OPPORTUNITIES, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that SC Opportunities (licensee) 1112 7th Avenue, Monroe, Wisconsin 53566 was licensed by the Small Business Administration on January 16, 1976, to operate as a small business investment company pursuant to the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

On April 12, 1976, licensee provided equity financing to SCO Albuquerque, Inc. (SCOA) a small business concern. SCOA is a Delaware corporation operating a Swiss Colony Franchise Store in Albuquerque, New Mexico, SCOA is an associate of the licensee since SCOA was owned by SC America, Inc. (SCA), a Wisconsin Corporation. Mr. Ray Kubly, Mr. Robert Soderholm and Mr. Michael Kubly, all stockholders of the licensee, own more than 10 percent each of the stock of SCA. 51 percent of the stock of SCOA was sold to Mr. Paul Lattin and 49 percent of the stock was acquired by licensee for $4900. Licensee also provided financing to SCOA in the form of a Convertible Note in the amount of $10,000 bearing interest at the rate of 9.5 percent annually.

The transaction falls within the purview of § 107.1004 of the regulations because the financing was used to acquire property from an associate of the licensee.

Notice is hereby given that any person may submit to SBA written comments, no later than April 4, 1977 on this financing. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in Albuquerque, New Mexico.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 14, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-7975 Filed 3-17-77;8:45 am]

[License No. 0505-5109]

SC OPPORTUNITIES, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice

Notice is hereby given that SC Opportunities (SCOP), 1112 7th Avenue, Monroe, Wisconsin 53566, was licensed by the Small Business Administration on January 16, 1976, to operate as a small business investment company pursuant to the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

On April 12, 1976, SC Opportunities, Inc. (licensee) provided equity financing to SCO Citrus Heights, Inc. (Citrus) a small business concern. Citrus is a Delaware Corporation, operating a Swiss Colony Francise Store in Citrus Heights, California. Citrus is an associate of licensee since Citrus was owned by SC America, Inc. (SCA) a Wisconsin Corporation. Mr. Ray Mr. Kubly, Mr. Robert Soderholm and Mr. Michael Kubly, all stockholders of licensee, own more than 10 percent each of the stock of SCA. 51 percent of the stock of Citrus was sold to Mr. Bryan L. Clark and 49 percent of the stock was acquired by the licensee for $4900. In addition, licensee provided financing to Citrus in the form of a convertible note in the amount of $15,000 bearing interest at the rate of 9.5 percent annually.

The transaction falls within the purview of § 107.1004 of the regulations because the financing was used to acbearing interest at the rate of 9.5 percent licensee.

Notice is hereby given that any person may submit to SBA written comments, no later than April 4, 1977, on this financing. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in Citrus Heights, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 14, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-7976 Filed 3-17-77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 77-6]

COMMERCE IN EXPLOSIVES

List of Explosive Materials

Pursuant to the provisions of Section 841(d) of Title 18, United States Code, and 27 CFR 181.23, the Director, Bureau of Alcohol, Tobacco, and Firearms, must publish and revise at least annually in the FEDERAL REGISTER a list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution, and Storage of Explosive Materials. This Chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in Section 841(c) of Title 18, United States Code.

Accordingly, the following is the 1977 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the FEDERAL REGISTER and blasting agents. The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is not all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in Section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the List of Explosive Materials dated March 5, 1976 (41 FR 9573).

LIST OF EXPLOSIVE MATERIALS

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
*Ammonium nitrate explosive mixtures (non cap sensitive).
Aromatic nitro-compound explosive mixtures.
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
*ANFO [ammonium nitrate-fuel oil].

B

Baratol.
Baronol.
BEAF [1,2-bis(2,2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
*Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and watergel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis (trinitroethyl) carbonate].
BTNEN [bis (trinitroethyl) nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclotol.

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM.
Dipicryl sulfone.
Dipicrylamine.
DNDP [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate].

E

EDNA.
Ednatol.
EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders.

F

Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo - 1,3,5,7 - tetramethylene-2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerin [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN).
Nitroguanidine explosives.
Nitroparaffins and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-subsituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.
Organic peroxides.

P

PBX [RDX and plasticizer].
Pellet powder.
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.

* Materials constituting blasting agents are marked by an asterisk.

PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid.
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate - nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5-trimethylene-2,4,6-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].

S

Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene].
TATB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetranitromethane explosive mixtures.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate).
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethyl orthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trintrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).

X

Xanthamonas hydrophilic colloid explosive mixture.

Signed: March 2, 1977.

JOHN S. KNOCHAN,
Deputy Director.

[FR Doc.77-7993 Filed 3-17-77;8:45 am]

Office of the Secretary

REPRESENTATIVES OF THE UNITED STATES AND THE UNITED KINGDOM

Estate and Gift Tax Treaty Negotiations

The Treasury Department announced today that representatives of the United States and the United Kingdom will meet in Washington beginning May 2 to consider revising the estate tax convention between the two countries, including the possibility of extending the convention to apply to gifts.

Persons wishing to make comments and suggestions about the forthcoming discussions should submit their views in writing to Laurence N. Woodworth, Assistant Secretary of the Treasury, U.S. Treasury Department, Washington, D.C. 20220.

The Treasury Department also made available today the text of its current "model" estate and gift tax treaty. The Treasury Department is currently suggesting this model as a starting point for negotiations. Any comments on this model may also be sent to Laurence N. Woodworth.

Dated: March 18, 1977.

DAVID S. FOSTER,
International Tax Counsel.

[FR Doc.77-8195 Filed 3-17-77;8:45 am]

ADVISORY COMMITTEE REVIEW

Invitation for Comment

In accordance with the Federal Advisory Committee Act (P.L. 92-463) and OMB Circular No. A-63, Transmittal Memorandum No. 5, dated March 7, 1977, Treasury invites public comments to the following proposed actions concerning Treasury Advisory Committees.

A. Committees to be continued:

(1) *National Advisory Committee on Banking Policies and Practices.* This committee provides direct communication between the Comptroller of the Currency, the banking industry and the public. This committee assists the Comptroller in understanding the problems of the banking industry and the public regarding the Comptroller's regulatory responsibilities.

(2) *The Advisory Committee on Federal Consolidated Financial Statements.* This committee advises on conceptual issues involved in the preparation of consolidated financial statements for the Federal government.

(3) *The Art Advisory Panel of the Commissioner of Internal Revenue.* This panel assists the Internal Revenue Service foster voluntary compliance and correct inaccurate appraisals by reviewing and evaluating property appraisals for works of art submitted by taxpayers in accordance with the Internal Revenue Code.

(4) *The Advisory Group to the Commissioner of Internal Revenue.* This group provides knowledgeable advice on policies, procedures and programs to assist the Internal Revenue Service improve its operations and serves as a sounding board for proposed new policies and programs.

(5) *Advisory Committee on Reform of the International Monetary System.* This committee provides continuing advice on the International Monetary System.

(6) *U.S. Government Borrowing Committee of the American Bankers Association.* This committee is utilized for advice to Treasury on Federal financing and management of the public debt.

(7) *U.S. Government and Federal Agencies Securities Committee of the Public Securities Association.* This committee is utilized for advice to Treasury on Federal financing and management of the public debt.

B. Committees to be merged:

(1) *The Small Business Advisory Committee to the Commissioner of Internal Revenue* will be merged with the Small Business Advisory Committee on Economic Policy that advises the Secretary of the Treasury. Merging the functions of these two committees will give small businessmen and women a stronger voice in expressing their viewpoints on tax administration, economic policy, and other matters that affect the small business community.

C. Committees to be terminated:

(1) *Fourteen Regional Advisory Committees on Banking Policies and Practices (one committee in each of the fourteen National Bank Regions).* These committees were created to provide communciation between the Comptroller's Regional Administrators, the banking industry and the public regarding banking policies and practices. The National Advisory Committee on Banking Policies and Practices will, by including regional representation, communicate regional concerns to the Comptroller of the Currency.

(2) *Advisory Committee on Distilled Spirits Plant Supervision.* This committee, formed to advise the Director of the Bureau of Alcohol, Tobacco and Firearms on the desirability of and the methods for revising government supervision of distilled siprits plants, has submitted its final report to the Director.

D. Committees still under reviews:

(1) *Advisory Committee on Private Philanthropy and Public Needs.* This committee was set up to advise Treasury on tax and regulatory policies affecting private philanthropy and the philanthropic activities of donors, organizations and beneficiaries.

(2) *The Advisory Committee on Explosives Tagging and the Technical Subcommittee of the Advisory Committee on Explosives Tagging.* These committees provide a forum for the private sector and government agencies to evaluate and coordinate research and development efforts relating to explosives detection and identification.

The Secretary of the Treasury is applying three criteria established by the President in evaluating the existing committees and for continued Departmental oversight of all advisory committees. These criteria are: (1) compelling need, (2) balanced membership (diversity of viewpoints and representation), and (3) public access and participation.

Public comments to the above proposed actions should be submitted in writing to William Coffman, Advisory Committee Program Officer, Room 4313, Main Treasury, 15th and Pennsylvania Ave., N.W., Washington, D.C. 20220 before April 1, 1977.

J. ELTON GREENLEE,
Acting Assistant Secretary (Administration).

[FR Doc.77-8357 Filed 3-17-77;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on April 4, 1977, at 10:00 a.m., the San Diego Regional Office Station Committee on Educational Allowances shall at 2022 Camino Del Rio North, San Diego, California 92108 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in South Bay Airport Company, Building 2048E, Brown Field, San Diego, California 92173 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: March 8, 1977.

R. H. AVENT,
Acting Director, VA Regional Office, San Diego, California.

[FR Doc.77-7898 Filed 3-17-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 349]

ASSIGNMENT OF HEARINGS

MARCH 15, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 117068 (Sub-71), Midwest Specialized Transportation, Inc., now being assigned May 3, 1977 (1 day) at Minneapolis, Minnesota, in a hearing room to be later designated.

MC 133095 (Sub-114), Texas Continental Express, Inc., now being assigned May 4, 1977 (1 day) at Minneapolis, Minnesota, in a hearing room to be later designated.

MC 720 (Sub-17), Bird Trucking Co., Inc., now being assigned May 5, 1977 at Minneapolis, Minnesota, in a hearing room to be later designated.

MC 114211 (Sub-279), Warren Transport, Inc. and MC 118806 (Sub-49), Arnold Bros. Transport, Ltd., now being assigned May 9, 1977 (1 week) at Minneapolis, Minnesota, in a hearing room to be later designated.

No. 36350, Bituminous Coal, Cameo, Colo., to Cochise, Ariz., and No. 36515, Arizona Electric Power Cooperative, Inc., v. Denver & Rio Grande Western Railroad Company, ET AL., now assigned April 19, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113855 (Sub-No. 362), International Transport, Inc., now being assigned May 12, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 (Sub-No. 759), National Trailer Convoy, Inc., now being assigned May 12, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128224 (Sub-Nos. 2), George F. Johnson, now being assigned June 9, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115495 (Sub-Nos. 3, 4, 7, 14, 16, 20, 22, 24 and 25), United Parcel Service, Inc. and MC 116200 (Sub-Nos. 2, 3, 5), United Parcel Service, Inc., now being assigned for Prehearing Conference on May 17, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12411, Noel Transfer, Inc.—Control—Dakota Express, Inc., now being assigned continued hearing May 2, 1977 (4½ days) at Chicago, Illinois, in a hearing room to be later designated.

MC 25869 Sub 129, Nolte Bros. Truck Line, Inc., now being assigned April 20, 1977 (8 days) in the Tax Court Room 587, U.S. Federal Bldg., 19th & Stout Streets, Denver, Colo.

MC 138076 Sub 6, Heavy Hauling, Inc. now assigned March 31, 1977 at Kansas City, Missouri is cancelled, application dismissed.

MC 128273 Sub 236, Midwestern Distribution, Inc. now being assigned June 8, 1977 (3 days) at New Orleans, Louisiana in a hearing room to be later designated.

MC 120472 Sub 3, Gollott & Sons Transfer & Storage, Inc. now being assigned June 6, 1977 (2 days) at New Orleans, Louisiana in a hearing room to be later designated.

MC 111231 Sub 204, Jones Truck Lines, Inc. and MC 128273 Sub 235, Midwestern Distribution, Inc., now being assigned June 3, 1977 (1 day) at New Orleans, Louisiana in a hearing room to be later designated.

AB 12 Sub 29, Southern Pacific Transportation Company Abandonment Of Its Napoleonville Branch Between Supreme and Glenwood In Assumption Parish, Louisiana now being assigned June 1, 1977 (2 days) at Thibodeax, Louisiana in a hearing room to be later designated.

MC 946 (Sub-6), Ferdinand Arrigoni, Inc.; MC 115521 (Sub-4), McDermott Bus Corp.; MC 118848 (Sub-22), Domenico Bus Service, Inc.; MC 140797 (Sub-1), Blue & Grey Transit, Inc. and MC 142530 (Sub-1), Pioneer Bus Corp., now being assigned May 4, 1977 (3 days) at Newark, New Jersey, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-8233 Filed 3-17-77;8:45 am]

[Ex Parte No. 241; Rule 19, 8th Rev. Exemption No. 129]

CHICAGO, WEST PULLMAN & SOUTHERN RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 402 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

* * * * *

Chicago, West Pullman & Southern Railroad Company
Reporting Marks: CWP
Detroit and Mackinac Railway Company
Reporting Marks: D&M-DM

* * * * *

Illinois Terminal Railroad Company
Reporting Marks: ITC

* * * * *

Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT
Missouri Pacific Railroad Company
Reporting Marks: CEI-MI-MP-TP
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR

* * * * *

Effective 12:01 a.m., March 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 10, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

NOTE.—The Baltimore and Ohio Railroad Company; The Chesapeake and Ohio Railway Company; Elgin, Joliet and Eastern Railway Company; Louisville and Nashville Rail-

road Company; Southern Railway Company; and Western Maryland Railway Company deleted.

[FR Doc.77-8229 Filed 3-17-77;8:45 am]

[Ex Parte No. 241; Rule 19, Rev. Exemption No. 111, Amdt. No. 1]

DETROIT, TOLEDO AND IRONTON RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Revised Exemption No. 111 issued December 9, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Revised Exemption No. 111 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 31, 1977.

This amendment shall become effective March 15, 1977.

Issued at Washington, D.C., March 10, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-8231 Filed 3-17-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 15, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed April 4, 1977.

FSA No. 43340—*Hominy Feed from and to Points in Southwestern, WTL, and Southern Territories.* Filed by Southwestern Freight Bureau, Agent (No. B-665), for interested rail carriers.

Rates on hominy feed, in carloads, as described in the application, from and to points in southwestern, western trunkline and southern territories.

Grounds for relief—Carrier competition and rate relationship.

Tariffs—Supplement 261 to Southwestern Freight Bureau, Agent, tariff 182-J, I.C.C. No. 4967, and 2 other schedules named in the application.

Rates are published to become effective on April 12, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-8232 Filed 3-17-77;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption No. 116, Amdt. No. 4]

GRAND TRUNK WESTERN RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 116 issued March 6, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 116 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 31, 1977.

This amendment shall become effective March 15, 1977.

Issued at Washington, D.C., March 10, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-8230 Filed 3-17-77;8:45 am]

[Notice No. 35]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 11, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 344TA), filed March 1, 1977. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14043, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid plastics* (polyester resins), in bulk, in tank vehicles, from Oxnard, Calif., to Swansboro, N.C., for 180 days. Supporting shipper: Diamond Shamrock Corp., 617 Veterans Blvd., Redwood City Calif. 94063. Send protests to: John F. Mensing, District Supervisor, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 14713 (Sub-No. 4TA), filed March 1, 1977. Applicant: L. DAVIS TRUCKING CO., INC., 25-18 38th Ave., Long Island City, N.Y. 11101. Applicant's representative: Michael R. Werner, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Floor covering and materials, supplies and equipment* used in the installation of floor covering (except commodies in bulk), between carrier's terminal facilities in Belleville, N.J., on the one hand, and, on the other, New York, N.Y.; Nassau, Rockland, Suffolk and Westchester Counties, N.Y.; Fairfield County, Conn.; Bergen, Passaic, Hudson, Essex, Union, Middlesex, Somerset, Morris, Monmouth, Sussex, Warren and Huterdon Counties, N.J.; those points in Mercer County, N.J., on and north of a line beginning at junction New Jersey-Pennsylvania State line and Interstate Highway 195 and extending along Interstate Highway 195 to the Mercer-Monmouth County line; and those points in Ocean County, N.J., on and north of a line beginning at junction Monmouth-Ocean County line and Interstate Highway 195 and and extending along Interstate Highway 195 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction New Jersey Highway 549, thence along New Jersey Highway 549 to the Atlantic Ocean. Applicant intends to interline at Belleville, N.J., for 180 days. Applicant has also fied an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) West Point-Pepperell, Inc., P.O. Box 71, West Point, Ga. 31833. (2) Trend Carpet, Division of Champion Int., P.O. Box 162, Rome, Ga. 30161. (3) Aldon Industries, Inc., P.O. Box 12527, Calhoun, Ga. 30701. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 41404 (Sub-No. 126TA), filed February 28, 1977. Applicant: ARGO-COLLIER TRUCK LINES CORP., P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *Biological specimens,* in containers, from Weakley County, Tenn., to Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ron Arnold d.b.a. Mark Wholesale Biological Company, Route 2, Box 232, Gleason, Tenn. 38229. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 N. Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 82841 (Sub-No. 205TA), filed February 25, 1977. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts for irrigation systems and accessories,* from Brownfield, Tex., to points in California, Idaho, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, Washington and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: V. A. Hedlund, Jr., General Manager, Tri-Matic, Inc., P.O. Box 1152, 1560 Lubbock Road, Brownfield, Tex. 79316. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 107496 (Sub-No. 1068TA), filed February 17, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Propane,* in bulk, from Alto and Lowell, Mich., to Burns Harbor, Ind., for 180 days. Supporting shipper: Bethlehem Steel Corporation, Burns Harbor, Ind. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 110525 (Sub-No. 1182TA), filed February 28, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paint primer,* in bulk, in tank vehicles, from Garland, Tex., to Catawba, S.C., for 180 days. Supporting shipper: The Sherwin-Williams Co., 2802 W. Miller Road, Garland, Tex. 75040. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111231 (Sub-No. 208TA), filed February 28, 1977. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, roofing materials, insulating products and materials* including products necessary in the installation thereof, from Owens Corning Fiberglas Plant, at Kansas City, Kans., to points in Arkansas, Louisiana, Nebraska, Mississippi, Oklahoma, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 113678 (Sub-No. 655TA), filed February 28, 1977. Applicant: CURTIS INC., 4810 Pontiac St., Commerce City (Denver), Colo 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Printing paper* (except Newsprint), from Rothschild, Wis., to points in California, Colorado, Kansas, Nebraska, and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Company, 100 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Herbert C. Ruoff District Supervisor, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 114552 (Sub-No. 128TA), filed March 1, 1977. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plywood and composition board,* from the facilities of Champion International Corporation, at Charleston, S.C., to points in North Carolina, Kentucky and Tennessee, for 180 days. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: E. E. Strothied, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 115904 (Sub-No. 70TA), filed February 28, 1977. Applicant: GROVER TRUCKING CO., 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Boxes and sheets,* corrugated or not corrugated, K.D.F., from the plantsite of Boise Cascade Corporation, at or near Nampa, Idaho, to North Salt Lake, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 115904 (Sub-No. 71TA), filed February 28, 1977. Applicant: GROVER TRUCKING CO., 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Boxes and sheets,* corrugated or not corrugated, K.D.F., from the plantsite of Boise Cascade Corporation, at or near Nampa, Idaho, to Lovelock Nev., for 180 days. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 119741 (Sub-No. 64TA), filed March 1, 1977. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, R.F.D. No. 2, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Edible animal fats, animal oils, and vegetable oils,* in packages; (2) *products and blends* of the commodities in (1) above, in packages, and (3) *oleomargarine, in* packages, from the facilities utilized by Swift & Co., at Bradley, Ill., to points in Wisconsin and Minnesota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Edible Oil Co., Division of Swift & Co., 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 119789 (Sub-No. 329TA), filed March 1, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Confectioneries,* from Chicago, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M&M/MARS, High St., Hackettstown, N.J. 07840. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 123640 (Sub-No. 24TA), filed March 1, 1977. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein,

371 Seventh Ave., New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose wood fiber insulation and materials, supplies, equipment, machinery and parts and accessories thereof*, utilized in the production, manufacture, packaging, installation and distribution of cellulose wood fiber insulation, between Delphos, Ohio, on the one hand, and points in Kentucky, Illinois, Indiana, Wisconsin, Michigan, Iowa, Massachusetts, Maryland, Minnesota, Missouri, New York, North Carolina, Pennsylvania, Tennessee, Virginia, Washington, D.C. and West Virginia on the other; (2) *Packaging materials*, from Spencerville, Ohio, on the one hand, and, Lee Mass.; Detroit, Mich.; Oskaloosa, Iowa; and Jonesville, N.C., on the other; (3) *Cellulose wood fiber insulation*, from Detroit, Mich., to points in Ohio and Indiana; (4) *Cellulose wood fiber* insulation, from Oskaloosa, Iowa, to points in Illinois, Indiana and Ohio; (5) *Cellulose wood fiber insulation*, from Lee, Mass., to points in Ohio and Pennsylvania; and (6) *Cellulose wood fiber* insulation, from Jonesville, N.C., to points in Kentucky, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia, under a continuing contract with U.S. Fiber Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Fiber Corporation, 101 S. Main St., Delphos, Ohio 45833. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 124078 (Sub-No. 715TA), filed February 25, 1977. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid yeast slurry*, from Milwaukee, Wis., to Owatonna, Minn., for 180 days. Supporting shipper: Southeastern Wisconsin Products Co., Inc., 500 W. Edgerton Ave., Milwaukee, Wis. 53207. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 W. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 124987 (Sub-No. 22TA), filed February 28, 1977. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, doing business as EARL L. BONSACK, 512 W. Plainview Road, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden, 309 State Bank Bldg., La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crates, shook, wood and fibre*, nailed and/or glued, knocked down flat in bundles, from Aurora, Ill., to Rochester, Minn., to Galesville, Wis., under a continuing contract with Aurora Container Corp., for 180 days. Supporting shipper: Aurora Container Corp., 201 N. Hampshire, Aurora, Ill. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 128375 (Sub-No. 153TA), filed March 1, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Nashua, N.H., and Westbrook, Maine, and their commercial zones to points in Arkansas, Texas, Oklahoma and Memphis, Tenn., and its commercial zone, under a continuing contract with Western Paper Company, for 180 days. Supporting shipper: W. R. Hearshman, President, Western Paper Company, Box 12210, Overland Park, Kans. 66212. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 133566 (Sub-No. 72TA), filed March 1, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, Suite 1573, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, sauerkraut and pickled green tomatoes*, requiring transportation in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Claussen Pickle Co., a wholly owned subsidiary of Oscar Mayer & Co., Inc., at or near Woodstock, Ill., to points in Delaware, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 901 Mayer Ave., Madison, Wis. 53704. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 133566 (Sub-No. 73TA), filed March 1, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, Suite 1573, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectioncry products*, from the plantsite and storage facilities of M&M/Mars, a division of Mars, Inc, at or near Chicago, Ill., and its commercial zone, to points in the District of Columbia, Delaware, Massachusetts, Maine, Maryland, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont, restricted to traffic originating at the named origin and destined to the named destination states, for 180 days, Supporting shipper: M&M Mars, High St, Hacketstown, N.J. 07840. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 134375 (Sub-No. 14TA), filed March 1, 1977. Applicant: ELDON GRAVES, doing business as ELDON GRAVES TRUCKING, P.O. Box 3044, Union Gap, Wash. 98903. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packing partitions, wood pulp* (avocado trays) made from recycled scrap paper, from Wenatchee, Wash., to Los Angeles, Fallbrook, Yorba Linda, San Diego and National City, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Keyes Fibre Company, 8450 Gerber Road, Sacramento, Calif. 95828. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 134467 (Sub-No. 17TA), filed February 25, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 72764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting mixes*, from the plantsite and storage facilities of Chelsea Milling Co., at or near Chelsea, Mich., to points in Louisiana and Mississippi, restricted to traffic originating at the plantsite and storage facilities of Chelsea Milling Co., at or near Chelsea, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chelsea Milling Company, North St., Chelsea, Mich. 48118. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 134755 (Sub-No. 93TA), filed March 1, 1977. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Kraft, Inc., at or near Champaign, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Maryland, Virginia and the District of Columbia, restricted to traffic originating at the named origins and destined to points in the destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft, Inc., 500 Peshtigo Court,

Chicago, Ill. 60690. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 135082 (Sub-No. 43TA), filed February 28, 1977. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, Albuquerque, N. Mex. 87125. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products* (except commodities in bulk moving in tank vehicles), from the plantsite of Form-Rite Plastic Equipment Company, Inc., Lakewood Industrial Park, Pierce County, Wash., to points in Colorado, Missouri, Nebraska, Texas and Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Form-Rite Plastic Equipment Company, Inc., P.O. Box 99158, Tacoma, Wash. 98499. Send protests to: John H. Kirkemo, District Supervisor, 1106 Federal Office Bldg., 517 Gold Ave., SW., Albuquerque, N. Mex. 87101.

No. MC 136343 (Sub-No. 102TA), filed February 22, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.D. No. 1, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp board, wrapping paper and woodpulp*, from the facilities of the Chesapeake Corporation, of Virginia, located at West Point, Va., to South Windsor, Conn., Lexington, Otter River, Springfield, West Groton, West Springfield, Mass.; Rochester, West Henniker, N.H. and Brattleboro, Vt., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Chesapeake Corporation of Virginia, West Point, Va. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Walnut St., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 138115 (Sub-No. 5TA), filed February 22, 1977. Applicant: FRANK D. CORBIN, 1308 Ambrose Drive, Winchester, Va. 22601. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated louvers, louvered penthouses and attachments therefor, and materials* (except in bulk), used in the construction and installation thereof, between points in Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Wisconsin and the District of Columbia and points in its commercial zone, under a continuing contract with General Commerce Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Commerce Corporation, Summit Office Bldg., Room 609, 8555 16th St., Silver Spring Md. 20910. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 138875 (Sub-No. 43TA), filed February 25, 1977. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and processed foods* (except products in bulk and meat packing house products, etc., as described in Appendix I to Descriptions to Motor Carrier Certificates, 61 M.C.C. 209 and 766), from the plantsites and storage facilities of Ore-Ida Foods, Inc., at Ontario, Oreg.; Boise, Burley, Fruitland and Nampa, Idaho, to points in Texas, Oklahoma, Louisiana, Ohio, Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, West Virginia, Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ore-Ida Foods, Inc., Owyhee Plaza, Boise, Idaho 83701. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 139495 (Sub-No. 198TA), filed February 28, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds; and water treating compounds* (except in bulk), from the plantsite and storage facilities of Calgon Corporation, located at or near Frisco, Pa., to Hayward and the City of Industry, Calif.; New Orleans, La.; Bayport and Houston, Tex.; Bluefield, W. Va., and Denver, Colo., for 180 days. Supporting shipper: Calgon Corporation, P.O. Box 1346, Pittsburg, Pa. 15230. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 139495 (Sub-No. 204TA), filed March 1, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Red Clay pottery, flower pots and saucers*, from Houston, Tex., to points in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and New Mexico, for 180 days. Supporting shipper: CDP Corporation, P.O. Box 125, Houston, Tex. 77003. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 6702.

No. MC 141273 (Sub-No. 2TA), filed March 1, 1977. Applicant: CARL NEESAM, Pardeeville, Wis. 53954. Applicant's representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Red Wing, Minn., to the facilities of Luxemburg Milling Co., Inc., at or near Luxemburg, Wis.; Shirley Feed Mills, at or near De Pere and Bear Creek, Wis.; Grand River Cooperative, at or near Markesan, Wis.; Sunnyside Feed Mill, at or near Portage, Wis.; Wyocena Farmers Coop, at or near Wyocena, Wis.; Shawano County Farmco Cooperative, at or near Bonduel, Wis.; H. C. Timm Co., Inc., at or near New Holstein, Malone and Chilton, Wis.; Oconto County Farmco Cooperative, at or near Lena, Wis.; Door County Cooperative, at or near Sturgeon Bay and Forestville, Wis.; Cooperative Services, at or near Denmark, Wis.; Manchester Feed Mill, at or near Manchester, Wis.; Poy Sippi Farm Supply, at or near Poy Sippi, Wis.; and Berlin Feed Service, at or near Berlin, Wis.; and to the farms of Roland Mook, at or near Fennimore, Wis., and Thomas D. McDowell, at or near Montello, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 25 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 141402 (Sub-No. 6TA), filed March 1, 1977. Applicant: LINCOLN FREIGHT LINES, INC., Indiana State Highway 32, P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures, caps, covers and stoppers*, from the plantsites or warehouses of the Glass Containers Corporation, at or near Indianapolis, Marion and Gas City, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Ohio and Michigan (except the Upper Peninsula), under a continuing contract with Glass Containers Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glass Containers Corporation, 1301 S. Keystone Ave., Indianapolis, Ind. 46203. Send protests to: J. H. Gray, District Super-

visor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 141974 (Sub-No. 1TA), filed February 28, 1977. Applicant: HALL TRANSPORTATION, INC., 240 Highland Ave., Twin Falls, Idaho 83301. Applicant's representative: Walker and Kennedy, P.O. Box 23, Twin Falls, Idaho 83301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acrolein*, from Bakersfield, Calif., to Moses Lake, Wash.; Hermiston, Oreg.; Nampa, Idaho; Twin Falls, Idaho; Salt Lake City, Utah; Denver, Colo.; Grand Junction, Colo.; Billings and Miles City, Mont.; Casper and Cheyenne, Wyo.; points in Nebraska and Winnemucca, Nev., under a continuing contract with Magna Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Magna Corporation, 2434 Holmes Road, Houston, Tex. 77051. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 142511 (Sub-No. 1TA), filed March 1, 1977. Applicant: ROGER TINNEY, doing business as TINNEY TRANSPORT, Box 164, Winnsboro, Tex. 75494. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Dry fertilizer*, in bulk, from Shreveport, La., to points in Oklahoma and Texas, restricted to traffic originating at the plantsite and warehouse facilities of Swift Agricultural Chemicals Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Agricultural Chemicals Corp., 2501 N. Kingshighway, E. St. Louis, Ill. 62201. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 142689 (Sub-No. 2TA), filed March 1, 1977. Applicant: REM TRANSPORT CO., INC., 25036 Jackson Ave., Long Island City, N.Y. 11101. Applicant's representative: Harold Sacks, 19 W. 44th St., New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Film and sheeting and chemicals* (except in bulk), from the plantsites of Tenneco Chemicals, at Piscataway, N.J., to points in Suffolk, Middlesex and Norfolk Counties, Mass.; (2) *Film and sheeting and chemicals* (except in bulk), from the plantsites of Tenneco Chemicals, at Piscataway, N.J., to New York, N.Y.; Nassau County, N.Y.; Suffolk County, N.Y.; and (3) *Film and sheeting and chemicals, and materials, supplies and equipment* used in manufacture, distribution and packaging thereof, (except in bulk), from points in Norfolk and Suffolk Counties, Mass., to New York, N.Y.; Nassau County, N.Y.; Suffolk County, N.Y., and points in Middlesex, Passaic, Essex and Union Counties, N.J., under a continuing contract with Tenneco Chemicals, Inc., Piscataway, N.J., for 180 days. Supporting shipper: Tenneco Chemicals, Inc., Turner Place, P.O. Box 365, Piscataway, N.J. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142912 (Sub-No. 1TA), filed January 31, 1977. Applicant: JIMMY CROWDER EXCAVATING & LAND CLEARING, INC., Route 4, Box 475, Tallahassee, Fla. 32301. Applicant's representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump trucks, from points in Gadsden County, Fla., to the plantsite and facilities of Engelhard Minerals and Chemicals Corporation, at Attapulgus, Ga., under a continuing contract with Engelhard Minerals & Chemicals Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

PASSENGER APPLICATION

No. MC 67340 (Sub-No. 10TA), filed March 1, 1977. Applicant: RESORT BUS LINES, INC., 1010 Nepperhan Ave., Yonkers, NY. 10703. Applicant's representative: Samuel V. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Denver, Colo., and extending to points in the United States. Restrictions: (1) to students accompanied by tour directors of chaperones and their baggage; (2) to charter operations which are subject of a prior or subsequent movement by air; and (3) to charters arranged by licensed brokers of student or tennage tours, for 180 days. Supporting shipper: Trails West, 92 Middle Neck Road, Great Neck, N.Y. 11021. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-8234 Filed 3-17-77;8:45 am]

Federal Register

FRIDAY, MARCH 18, 1977

PART II

FEDERAL ELECTION COMMISSION

■

FEDERAL ELECTION CAMPAIGN ACT

Advisory Opinion Requests

Title 11—Federal Elections

CHAPTER I—FEDERAL ELECTION COMMISSION

[Notice 1977-14]

PART 102—REGISTRATION AND ORGANIZATION OF POLITICAL COMMITTEES

PART 104—REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

PART 134—EXAMINATIONS AND AUDITS; REPAYMENTS

Transmittal of Regulations to Congress

The Federal Election Commission announces that it transmitted to the Congress on January 11, 1977, pursuant to 2 U.S.C. 438(c) and 26 U.S.C. 9009(b) and 9039(b), regulations interpreting the Federal Election Campaign Act of 1971, as amended. If these regulations are not disapproved within 30 legislative days after receipt the Commission will prescribe these regulations.

The regulations transmitted on January 11, 1977 are identical to those published in the FEDERAL REGISTER on August 25, 1976 (41 FR 35932), with the following exceptions:

The Commission approved amendments to §§ 102.9, 102.10 and 104.2 of the disclosure regulation regarding the reporting of the "particulars" of expenditures, as published at 41 CFR 45952 on October 18, 1976;

The Commission approved an amendment to § 114.4(c)(2) of the regulation pertaining to corporate and labor organization activity, as published at 41 FR 38522 on September 10, 1976;

The Commission approved an amendment to § 134.3(c)(2) of the regulation pertaining to Presidential matching funds subsequent to the January 11, 1977 transmittal. This amendment was published in substantially the same form at 41 FR 45952 on October 18, 1976. It will be transmitted to the Congress as an amendment to the regulation now pending before the Congress if those regulations are not disapproved.

Dated: March 4, 1977.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.77-7914 Filed 3-17-77;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1977-13, AOR 1977-9]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's Proposed Regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977-9 has been made public at the Commission. Copies of AOR 1977-9 were made available on March 3, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-9: Whether checks collected by a county party committee from individuals for purposes of funding party activity to promote Federal candidates in the county, but made payable to the non-Federal committee of the county party, may be transferred from such committee to the Federal Funds Committee of the county party.—Requested by Dorothy Glancy on behalf of the Santa Clara County Central Committee—Federal Funds Committee, Santa Clara, California.

Dated: March 4, 1977.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.77-7913 Filed 3-17-77;8:45 am]

Federal Register

FRIDAY, MARCH 18, 1977

PART III

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

■

ANIMAL WELFARE

Proposed Standards Concerning Transportation, and Handling care and Treatment

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 1, 2, 3]

ANIMAL WELFARE

Proposed Standards and Regulations for Transportation, and Handling Care, and Treatment in Connection Therewith, of Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Certain Other Warmblooded Animals.

AGENCY: Animal and Plant Health Inspection Service (USDA).

ACTION: Proposed rule.

SUMMARY: This document proposes new and revised standards and regulations under the Animal Welfare Act concerning the transportation, and handling, care, and treatment in connection therewith, of dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and certain other warmblooded animals in commerce to conform to the Animal Welfare Act Amendments of 1976 (Pub. L. 94-279) enacted on April 22, 1976.

DATE: Comments on or before April 22, 1977.

ADDRESSES: Comments to Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments available for inspection at the above address during regular hours of business (8 a.m. to 4:30 p.m. Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782 (301-436-8271).

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Animal Welfare Act Amendments of 1976 (Pub. L. 94-279), the Department of Agriculture is proposing: (1) To amend the regulations under the Act (9 CFR 1.1) to add new definitions for "primary conveyance" and "transporting device"; (2) to provide new and revised standards (9 CFR 3.1 et seq.) regarding transportation, and handling, care, and treatment of certain warmblooded animals, in commerce; and (3) to amend § 2.100 of the regulations (9 CFR 2.100) to require carriers and intermediate handlers to comply with the standards governing transportation of certain animals, in commerce, and their handling, care, and treatment in connection therewith.

Section 13 of the Animal Welfare Act (7 U.S.C. 2143) requires the Secretary to promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Provisions of the Animal Welfare Act Amendments of 1976, enacted on April 22, 1976 (Pub. L. 94-279), also require the Secretary of Agriculture to promulgate standards to govern the transportation in commerce, and the handling, care, and treatment in connection therewith, by intermediate handlers, air carriers, or other carriers of animals consigned by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or of any State or local government, for transportation in commerce. The Secretary is also given authority to promulgate such rules and regulations as he determines necessary to assure humane treatment of animals in the course of their transportation in commerce including requirements such as those with respect to containers, feed, water, rest, ventilation, temperature, and handling.

Present transportation standards are applicable to vehicles used to transport animals by dealers, exhibitors, research facilities and operators of auction sales. The 1976 amendments to the Act require that transportation standards be promulgated to cover carriers and intermediate handlers, as well. The present transportation standards appear to be inappropriate for vehicles used by carriers and intermediate handlers for interim movement of animals in and around terminal facilities and between the terminal facility and the carrier's primary conveyances, such as airplanes in the case of an airline. Therefore, it is proposed that new definitions be added to § 1.1 of the regulations (9 CFR 1.1) for "primary conveyance" and "transporting device." A "primary conveyance" would be defined as "the main method of transportation used to convey an animal from origin to destination, such as a motor vehicle, plane, ship, or train." A "transporting device" would be defined as "an interim vehicle or device, other than man, used to transport animals between the primary conveyance and the terminal facility or in and around the terminal facility of a carrier or intermediate handler."

The Department proposes that dogs, cats, rabbits, guinea pigs, hamsters, nonhuman primates, and certain other warmblooded animals not be accepted for transportation in commerce by intermediate handlers and carriers more than 4 hours before the scheduled departure of the primary conveyance in order to minimize the total time an animal is confined in its shipping container or primary enclosure used for transportation.

The Department proposes that carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6-hour period following the arrival of a warmblooded animal at destination in order to expedite delivery and effect speedy removal of the animal from the confinement of its shipping container.

The present standards require that the primary enclosure used to transport animals be well-constructed, well-ventilated, and designed to protect the health and ensure the safety of the animal. The Department proposes to clarify such standards by requiring that the primary enclosure be strong enough to contain the animal and withstand the normal rigors of transportation and be free of any interior protrusions which could injure the animal. To assure adequate ventilation, the Department proposes to clarify the standards by specifying that there shall be openings for ventilation on at least both ends of the enclosure. Such ventilation openings would be required to be not less than 8 percent of the total surface area of each end of the enclosure, and rims, flanges, or other devices which prevent obstruction of such ventilation openings would be required to be used on the primary enclosure.

In addition, the Department proposes that requirements for handholds or other devices for lifting the primary enclosure be provided to facilitate easy handling, minimize tilting and prevent contact between the contained animal and the person handling the primary enclosure.

Scientific data indicates that extreme temperature changes to which an animal is not acclimated have a definite debilitating effect on the animal. Physiological shock and increased susceptibility to disease are the results. The present standards provide maximum and minimum ambient temperatures within the primary enclosure to which a dog, cat, rabbit, guinea pig, hamster, and nonhuman primate may be subjected during transportation in commerce. At present, standards for other warmblooded animals provide that the ambient temperature within the primary enclosure shall be sufficiently regulated to be compatible with the health and comfort of the animal. The present standards allow an animal, except guinea pigs, hamsters, and nonhuman primates, to be subjected to a lower ambient temperature if the animal is acclimated to such lower temperature.

Modern methods of transportation are capable of transporting, and do transport, animals over long distances from a geographical area of one temperature or climatic extreme to or through another geographical area of the opposite temperature or climatic extreme in a relatively short period of time. Most warmblooded animals are not capable of quickly adjusting to such extreme temperature changes. However, it appears that certain warmblooded animals can withstand extremes of temperature above and below those proposed in this document for short periods of time without severe deleterious effects to their health.

There would be instances during the normal course of transportation, in commerce, where the ambient temperature inside a primary enclosure may exceed the proposed maximums and minimums for the animals contained therein because they would not be in a controlled environment, such as between the animal holding space in a terminal facility and animal cargo space of a primary conveyance during extreme temperature or climatic conditions, or in the cargo space

of an airplane after it is loaded and before it takes off, or after it has landed and before it is unloaded. It would appear to be more detrimental to the health and well-being of a warmblooded animal to keep the animal in his primary enclosure in the animal holding area of a terminal facility for a prolonged period of time during extremes of temperature or climate conditions than to expose the animal to a short period of extreme temperature above or below those proposed.

In view of the stress and trauma animals suffer during transportation and the resulting debilitating effects on their good health and ability to ward off disease, it appears that they should proceed to destination, even under extreme temperature and climate conditions, unless the ambient temperature within their primary enclosure will exceed the maximums and minimums proposed for more than 45 minutes. Based on experience acquired by officials of the Animal and Plant Health Inspection Service, in connection with the enforcement of the current transportation standards under the Act, these time and temperature limitations would appear to be in the best interest of preserving the good health of transported animals. However, it would not appear that such limitations should apply to certain animals which are capable of being acclimated, and have been acclimated, to temperatures lower than those proposed during such transportation. However, persons transporting such animals should assume that all animals are not acclimated to temperatures lower than those proposed unless they have actual knowledge that such animals have been so acclimated.

Most animals consigned to carriers and intermediate handlers for transportation in commerce are raised and consigned for shipment in the Midwest for shipment to the eastern and western parts of the United States. During surface transportation, the animals may be fed and watered at any time after stopping the primary conveyance or aboard the primary conveyance, such as on a boat or train, in which the animal cargo space is accessible for such feeding and watering during transit. However, such is not the case with airlines which carry the vast majority of such animals.

It normally takes 4 to 6 hours for animals to be flown from the Midwest to the East or West Coast of the United States, and this usually involves a transfer of flights at a major airport in which there is little time to feed or water the animals as required unless they are held over and not placed on the next available flight. This is not to be encouraged since the longer an aimal spends in his primary enclosure for transportation, the more stress and trauma the animal experiences. Many animals must also make connecting flights at major airports on the coasts to reach their ultimate destination, which may take another two to four hours.

It would apear to be in the best interests of the animals being transported to be able to reach their destination before being fed or watered, as most animals are subject to motion sickness if transported soon after being fed or watered. Therefore, it is proposed that animals not be consigned to any carrier or intermediate handler more than 4 hours prior to the scheduled departure of their primary conveyance, to increase the probability that the animals will reach their ultimate destination within twelve hours and not have to be fed or watered in transit. This would also seem to allow carriers and intermediate handlers sufficient time to process the animals and to observe them to determine whether they need any veterinary care and to properly load them on the primary conveyance.

Adequate space in the primary enclosure used to transport warmblooded animals is based on the size of the animal relative to the size of the enclosure. Because of individual, as well as species differences, animals vary diversely in size and stature. The present standards regarding space requirements of primary enclosures for dogs and cats specify that such dog or cat shall have sufficient space to turn about freely, to stand erect, and to lie in a natural position. The Department proposes to clarify such space requirements for dogs and cats to require that sufficient space be provided to allow each such dog or cat to turn about freely in a standing position, to stand and sit erect, and to lie in a natural position. The proposal is based, in part, on the fact that dogs and cats are taller in a sitting position than in a standing position and because there has been some confusion as to how much space is necessary to allow a dog or cat to turn about freely. Some people have believed that if an animal can turn around in its enclosure, regardless of the body contortions which may be required, there would be compliance with the standard. The proposed standard is intended to clarify this misconception and to indicate that the dog or cat should have as much space to turn about in a standing position as it would use if it were not confined by the walls of the primary enclosure. The Department proposes to allow an exception to the space requirements of the proposed standards for coursing hounds (e.g. greyhounds and Norwegian Elk hounds) transported in commerce which are subject to injury to their vertebral column in the course of transportation if allowed sufficient space to turn about. In the case of coursing hounds, the primary enclosure should be narrow enough to prevent the animal from turning around in its enclosure and sustaining possible injury to its vertebral column.

Present transportation standards require sufficient space in primary enclosures for nonhuman primates to turn about freely and to make normal postural adjustments. The Department proposes to clarify space requirements for primary enclosures used to transport nonhuman primates in commerce by requiring sufficient space in which the nonhuman primate can turn about freely in a stance whereby both feet and hands are on the floor, and can sit in an upright position, and lie in a natural position. Since nonhuman primates include a great diversity of forms ranging from the marmoset weighing a few ounces, to the adult gorilla weighing hundreds of pounds, the Department further proposes that certain larger species of nonhuman primates may be restricted in their movement while being transported in commerce in order to prevent danger to the animals, their handlers or other persons.

The Department proposes limitations on the number of dogs and cats which may be transported in one primary enclosure or container based on the age of the animals. The proposed standards provide that puppies or kittens which are less than 8 weeks of age, are littermates, and are accompanied by their dam, may be transported in a primary enclosure to laboratories only, because of the preweaning age of the young and the need for frequent nourishment from the dam. It is proposed that only two puppies or kittens, 8 weeks to 6 months of age, but not weighing over 20 pounds and of comparable size, may be transported in one container to provide the young, and often just weaned animal, with needed social contact to reduce the stress of transportation.

The Department also proposes to restrict to one, the number of dogs and cats over 6 months of age which may be transported, in commerce, in one primary enclosure. This standard for adult dogs and cats would eliminate specific exceptions in the current standards permitting two or more adult dogs or cats which are compatible to be transported in one enclosure. This proposed standard would preclude the need for a large container which meets the space requirements for two or more adult dogs or cats, and as a result would be difficult to handle because of its size. Moreover, the proposed limitation obviates the necessity of trying to determine the compatibility of two or more adult dogs or cats under the stress and trauma of transportation.

Present standards require that no more than 25 hamsters shall be transported in the same primary enclosure. The standard corrugated shipping container which is normally used for shipping hamsters appears to be of sufficient size to contain up to 50 weanling hamsters without being detrimental to such hamsters good health and well-being during transportation. Most hamsters that are shipped in such numbers are weanlings; therefore, the Department proposes that up to 50 hamsters may be shipped in the same primary enclosure.

Prevention of diseases which may either be infectious for other animals or pose a public health threat to humans is an important consideration in the proposed standards for transportation of dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and certain other warmblooded animals. The present standard requires that primary enclosures be cleaned and sanitized prior to each shipment. The proposed standard would not require a primary enclosure to

be cleaned and sanitized unless it were previously used, since a new primary enclosure should not pose any health hazard to the animals. The Department proposes that the shipping container or primary enclosure have a solid bottom to prevent leakage during shipment and to contain litter in sufficient quantity to absorb and cover excreta and minimize odors. Since the animal being transported is in contact with the litter, the litter material must be safe and nontoxic to the animal. Some containers used to house warmblooded animals during transportation in commerce have wire or other non-solid floors. The Department proposes that in the case of such wire bottom primary enclosures, absorbent litter not be required, but that the primary enclosure must have a solid bottom below the non-solid floor to prevent leakage of excreta.

Failure to distinctly identify the primary enclosure as containing live or wild animals being transported in commerce has been the reason for some mishandling of animals, delays in shipment and improper storage in the primary conveyance. The Department proposes that the primary enclosure be appropriately marked on top and on one or more sides with the words, "Live Animal" or "Wild Animal" in letters not less than one inch high and arrows or other markings to indicate the correct upright position of the container. Additionally, the Department proposes that documents accompanying the shipment be attached to the outside of one of the primary enclosures in a shipment in a manner which permits easy accessibility to the documents for inspection.

The environment within the primary conveyance is critical to the comfort and survival of warmblooded animals. Therefore, the Department proposes that the animal cargo area within the primary conveyance be designed to protect the health of the animals, ensure the safety and comfort of the animals, and include consideration of the construction and maintenance of the animal cargo area. The proposed standards also require the prevention of ingress of engine exhaust fumes and gases into the animal cargo area. It is proposed that no animal be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein and that primary enclosures be positioned in the animal cargo area so that each animal has access to sufficient air for normal breathing, and that all animals can be unloaded within 5 minutes in an emergency. It is also proposed that proper precautions be taken to prevent injury to the animals caused by exposure or contact with any potentially harmful material, substance or device contained in the animal cargo area.

Complaints by consignors as well as consignees of warmblooded animals shipped in commerce have highlighted the need for requirements regarding the feeding and watering of such animals during the course of transportation. The Department proposes that dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates, and certain other warmblooded animals be offered potable water within 4 hours prior to being transported, or offered for transportation to any carrier or intermediate handler and every 12 hours thereafter. These proposed requirements would appear to provide the opportunity for consumption of water prior to the beginning of transportation and at sufficient intervals during transportation to provide for the animal's thirst and prevent body dehydration without unnecessary consumption of water causing sickness associated with movement and motion during transportation. For similar reasons, the Department proposes to require the feeding of adult warmblooded animals once in each 24 hour period and young animals once in every 12 hour period during transportation.

It is proposed that the driver or other employee of any surface transportation (e.g., motor vehicle, rail, or marine) inspect animals covered by the Act every 2 hours during transportation to determine whether any such animals are in need of veterinary care. This proposal is intended to clarify the present requirement that such animals be inspected frequently. In the course of air transportation, it is proposed that the determination for needed veterinary care will be made by the carrier or intermediate handler every 2 hours if the animal cargo space is accesible during flight and whenever the animals are loaded and unloaded and whenever the animal cargo space is otherwise accessible, if it is not accessible during flight. The Department proposes that no warmblooded animal covered by the Act and in need of veterinary care shall be transported in commerce until such veterinary care is provided. Any such needed veterinary care shall be provided as soon as possible in order to maintain the animal in a healthy condition.

In the course of commercial transportation, an animal may spend many hours in terminal facilities waiting for an initial scheduled departure, for scheduled transfers in transit or pick-up by the consignee at destination. The environment of the holding area in terminals has proven, in many cases, to be more detrimental to the health and well-being of the animal than the environment inside the primary conveyance during transit. Therefore, it is proposed that a specific area be designated as an indoor animal holding area in all terminal facilities for which fresh air and ventilation is provided, and ambient temperatures are controlled to prevent excessive changes. Proposed standards also prescribe requirements for the cleanliness and sanitation of the animal holding area to prevent a disease hazard, accumulation of trash, debris, or excreta or vermin infestation.

In transporting dogs, cats, guinea pigs, hamsters, rabbits, nonhuman primates and certain other warmblooded animals from the terminal facility to the primary conveyance, the Department proposes standards for protection of the primary enclosure from sunlight, rain, snow, and cold weather. The proposed standards also require that these animals be moved in an expeditious manner to minimize exposure to inclement weather, temperature extremes and other environmental hazards. A maximum time of 45 minutes is proposed for such animals to remain outside the terminal facility or primary conveyance.

To minimize physical and emotional trauma to warmblooded animals transported in commerce, the Department proposes that care be exercised in handling the primary enclosures to avoid tossing, dropping, or needlessly tilting the primary enclosures or stacking the primary enclosures in a manner which may result in their falling.

The Department proposed that present § 2.100 of the regulations be designated as paragraph (a) and that a new paragraph (b) be added to require carriers and intermediate handlers to comply with the standards governing transportation of animals, in commerce, and their handling, care, and treatment in connection therewith.

As provided by the Metric Conversion Act of 1975, the Department proposes to change all measurements to the metric system followed by their English equivalents in parenthesis. The Department also proposes to list all temperatures in "Celsius" units followed by their Fahrenheit equivalents in parenthesis.

ECONOMIC IMPACT SUMMARY STATEMENT

1. *Proposed action.* Proposed rulemaking to amend the Animal Welfare regulations and standards for transportation, and handling, care, and treatment in connection therewith of dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates, and certain other warmblooded animals.

2. *Duration.* This is a Notice of Proposed Rulemaking with not less than a 30-day public comment period. The final rulemaking will not become effective until 90 days after the final rulemaking is actually published in the FEDERAL REGISTER.

3. *Authority.* The Animal Welfare Act (7 U.S.C. 2131 et seq.).

4. *Agency.* Animal and Plant Health Inspection Service, Veterinary Services, USDA.

5. *Contact.* Dr. D. F. Schwindaman, (301) 436-8271.

6. *Date.* February 18, 1977.

7. *Impact Analysis Summary*—a. *Cost Impact Effects.* This proposed rulemaking is not considered to be inflationary according to the criteria established by the Department relative to the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107. The proposed transportation standards are discussed in detail in Attachment A and are seen to have a price-quantity effect on producers and for consignors of live animals for transportation in commerce and on the carrier and intermediate handler who accepts and transports live animals in commerce. Price-quantity effects are summarized as follows:

(1) *Producer and/or Consignor (Attachment B).* The estimated impact for commercial and private consignors is between $6.75 and $13.40 per animal from higher carrier rates to cover their increases in costs. No significant cost impact is anticipated from the proposed standards for shipping containers since containers meeting these requirements are already available on the market and are being extensively used.

(2) *Carriers and Intermediate Handlers (Attachment C).* The cost impact of the proposed standards on carriers and intermediate handlers is an estimated investment of $40 million for holding facilities and equipment and additional labor costs of $5.7 million. The annual fixed cost for investment amortization and other related expenses is estimated at $5.25 million. The total annual cost is, therefore, estimated at $10.95 million. This increase will presumably be recovered in the form of higher rates to consignors and ultimately higher prices paid by consumers.

(3) *Veterinary Services, APHIS, USDA.* Projected costs and manpower needs required by Veterinary Services to implement the proposed animal welfare transportation standards would be $503,000 and 17 man-years on an annual basis. FY 1977 requirements are estimated at $244,000 and 8.5 man-years.

(4) The total impact on the public and private sectors is $11.453 million a year. This increase in costs is not considered inflationary to the economy as a whole.

b. *Effect on productivity.* No known effect on the productivity of wage earners, business, or government.

c. *Effect on competition.* Sinec the proposed transportation standards affect all persons who deliver an animal for transportation in commerce and affect all carriers and intermediate handlers who acept and transport animals in commerce, there is no limitation, concentration, or other unfair restriction placed on competition.

d. *Supply of important materials.* No known effect on products or materials. Additional service on the part of the carriers and intermediate handlers will be required as a result of the proposed rulemaking.

e. *Effect on employment.* Certain requirements of the proposed rulemaking will require the employment of additional personnel by the carriers and intermediate handlers. The total employment effect is a need for an estimated 409,000 man-hours or approximately 200 man-years of labor.

f. *Effect on energy supply-demand.* No known significant requirements for additional energy to meet the proposed transportation standards.

g. *Benefits.* The proposed transportation standards are a major part of the 1976 Amendments to the Animal Welfare Act which will assure the safe transportation and humane treatment of animals shipped in commerce. The added costs will be offset by substantial tangible and intangible benefits to consumers.

It is believed that the care and attention afforded live animals through the implementation of the proposed transportation standards will result in lowered morbidity and mortality among animals shipped in commerce and increased economic savings.

Improvements in humane care of animals transported in commerce are difficult to measure. However, sick and diseased animals have a "domino effect" on the economy in that additional costs to the dissatisfied consumer are created. Such additional costs include adjustments between the carrier and intermediate handler and the consumer, veterinary fees, and even complete loss of the investment if the animal dies.

Attachment A

An analysis of the economic impact of amendments to animal welfare regulations and standards

This statement is an examination of the economic impact of a proposed rulemaking amending the Animal Welfare regulations and standards as mandated by certain provisions of the Animal Welfare Act Amendments of 1976 (Pub. L. 94-279).

The Laboratory Animal Welfare Act, 7 U.S.C. 2131 et seq., was enacted in 1966 to prevent theft and sale for use in research of pet cats and dogs. The law was also enacted to foster humane treatment by dealers and research facilities of cats, dogs, and certain other laboratory animals. In 1970, the Act's coverage was extended to most warmblooded animals, and exhibition and auction sales were subjected to regulation.

Enactment of Pub. L. 94-279 (the Animal Welfare Act Amendments of 1976) extensively amended the Act of 1966 as amended by the Animal Welfare Act of 1970. The 1976 amendments deal comprehensively with the persistent problem of mistreatment of animals in the course of their transportation in commerce. Over the past several years, domestic shipments of live animals have increasingly been monitored by the Secretary of Agriculture and to an even greater extent by organizations dedicated to promoting humane treatment of animals. Instances of animals shipped in flimsy containers or crates, which lacked adequate ventilation and space, have been cited. Often animal shipments are handled no more expeditiously than ordinary freight. The result has been animals needlessly left in transit for extended periods without food or water and exposed to extreme conditions of temperature and climate.

The 1976 Amendments bring carriers and intermediate handlers within the class of persons regulated under the statute and requires them to adhere to rules, regulations, and standards promulgated by the Secretary to assure humane treatment of animals in the course of their transportation in commerce.

For easier presentation, the proposed transportation standards are discussed in light of their effect and cost impact on producers and/or consignors of live animals for transportation in commerce (Attachment B) and on the carrier and intermediate handler who accepts and transports live animals in commerce (Attachment C).

Attachment B

Producer and/or Consignor

Those proposed amendments to Parts 1, 2, and 3 (9 CFR) pertaining to transportation standards which will directly affect the producer and/or consignor of live animals for transportation in commerce include requirements for a maximum time of tender (4 hours) and an offer of potable water to animals within 4 hours prior to being transported. The proposed standards cite specific requirements for interior space (relative to the size of the animal), construction, and design of the container or primary enclosure used to contain the animal being shipped.

Compliance Costs

At present, USDA licensees ship almost 409,000 dogs, cats, and nonhuman primates by commercial transport each year. This information was obtained from Veterinary Services computerized central records based on a required annual report submitted by the USDA licensees. In addition, a similar number of animals, primarily dogs and cats, are shipped commercially by individual pet owners each year. Almost all of the estimated 818,000 animals are shipped by air transport.

A shipping container or primary enclosure which will meet the requirements of the proposed transportation standards, varies in cost with the size of the primary enclosure needed to transport the particular animal and material used. Molded plastic containers are priced from $3.75 each (12 inches high) to $4.25 each (18 inches high). Fiberglass or aluminum containers are priced from $5.00 to $16.00 each depending on size.

Since these containers are already available in the market and are being used extensively by consignors, the proposed standards should not have any significant cost impact.

The costs incurred by carriers and intermediate handlers for compliance with the proposed standards, $10.95 million a year (Attachment C), will be reflected in higher transport rates charged to consignors. If this cost is applied only to the 818,000 animals subject to the standards, the cost impact could be as high as $13.40 per animal. However, if the facilities are used for holding all live animal shipments and the cost increase is spread over all such shipments, the cost impact for a dog or cat weighing 40 pounds or less and shipped 1,000 miles could be as low as $6.75 per animal.

Attachment C

Carrier and Intermediate Handler

The 1976 Amendments direct the Secretary of Agriculture to promulgate standards with respect to the transportation in commerce of all animals protected by the Animal Welfare Act. The provisions of the proposed transportation standards which will have a cost impact on the carrier and intermediate handler include requirements for (1) feeding and watering animals at time intervals ap-

propriate to the age of the animal in the course of transportation, (2) inspecting animals every two hours by an employee to determine the need for veterinary care, (3) providing an indoor animal holding area, and (4) expeditiously moving animals in a careful and humane manner.

COMPLIANCE COSTS

Twenty major airlines are responsible for handling most of the animals transported commercially. Each of these airlines has passenger and freight facilities in an average of 98 air terminals located throughout the country. A telephone survey conducted by the Air Transportation Association of America found that each airline will have to invest an estimated $2 million for indoor animal holding areas and equipment in order to comply with the proposed standards. This represents a total industry investment of $40 million.

Amortization of this investment over a 15-year period at 8 percent interest will result in an average annual fixed cost of approximately $4.25 million. Other fixed costs associated with this investment are estimated at $1 million a year for a total industry fixed cost increase of $5.25 million.

Other costs to the carriers and intermediate handlers for the proposed transportation requirements are for additional employee time required for possible feeding and watering of animals, inspections performed to determine the need for veterinary care, and expeditious handling of the transported animals. Based on a shipment volume of 818,000 animals a year and 0.5 hour of labor per animal handled, the additional labor requirement is estimated at 409,000 man-hours a year. At $13.95 per man-hour, the "average hourly wage rate, all inclusive USA" provided by the Air Transportation Association of America, the annual cost increase for labor is $5.7 million.

The total additional annual cost for compliance with the standards is estimated at $10.95 million ($5.25 million plus $5.7 million). The cost impact on a per animal shipped basis depends on whether the carriers elect to apply the cost increase only to those animals subject to the proposed standards (818,000 annually) or spread the cost increase over all live animal shipments. For the former situation, the cost increase will average $13.40 per animal.

For the latter situation, the carriers had estimated revenues of $32 million for all live animal shipments in 1976. Increasing revenues by $10.95 million a year would require a rate increase of 34 percent. The domestic rate for shipping a cat or dog weighing 40 pounds or less 1,000 miles is currently $19.85. A 34 percent rate increase would increase the per animal cost by $6.75.

The cost impact on consignors is likely to range between $6.75 and $13.40 per animal. Presumably, this cost will be passed through in the form of higher animal prices to purchasers or higher transport rates to the private consignor.

Accordingly, the regulations and Standards (9 CFR 1.1 et seq.) would be amended in the following respects:

PART 1—DEFINITION OF TERMS

1. Section 1.1 of the regulations (9 CFR 1.1) would be amended by adding new paragraphs (qq) and (rr) to the end thereof as follows:

§ 1.1 Definition.

* * * * *

(qq) "Primary conveyance" means the main method of transportation used to convey an animal from origin to destination, such as a motor vehicle, plane, ship, or train.

(rr) "Transporting device" means an interim vehicle or device, other than man, used to transport an animal between the primary conveyance and the terminal facility or in and around the terminal facility of a carrier or intermediate handler.

PART 2—REGULATIONS

2. Section 2.100 of the regulations (9 CFR 2.100) would be amended by designating the present regulation as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 2.100 Compliance with standards.

* * * * *

(b) Each carrier and intermediate handler shall comply in all respects with the standards set forth in Part 3 of the subchapter setting the standards for the humane transportation of animals, in commerce, and their handling, care and treatment in connection therewith.

PART 3—STANDARDS

3. The Table of Contents cited in Part 3—STANDARDS would be revised to read as follows:

Subpart A—Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats

FACILITIES AND OPERATING STANDARDS

Sec.
3.1 Facilities, general.
3.2 Facilities, indoor.
3.3 Facilities, outdoor.
3.4 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.5 Feeding.
3.6 Watering.
3.7 Sanitation.
3.8 Employees.
3.9 Classification and separation.
3.10 Veterinary care.

TRANSPORTATION STANDARDS

3.11 Consignments to carriers and intermediate handlers.
3.12 Primary enclosures used to transport live dogs and cats.
3.13 Primary conveyances (motor vehicle, rail, air, and marine).
3.14 Food and water requirements.
3.15 Care in transit.
3.16 Terminal facilities.
3.17 Handling.
3.18 Ambient temperature.

Subpart B—Specifications for the Humane Handling, Care, Treatment, and Transportation of Guinea Pigs and Hamsters

FACILITIES AND OPERATING STANDARDS

Sec.
3.25 Facilities, general.
3.26 Facilities, indoor.
3.27 Facilities, outdoor.
3.28 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.29 Feeding.
3.30 Watering.
3.31 Sanitation.
3.32 Employees.
3.33 Classification and separation.
3.34 Veterinary care.

TRANSPORTATION STANDARDS

3.35 Consignments to carriers and intermediate handlers.
3.36 Primary enclosures used to transport live guinea pigs and hamsters.
3.37 Primary conveyances (motor vehicle, rail, air, and marine).
3.38 Food and water requirements.
3.39 Care in transit.
3.40 Terminal facilities.
3.41 Handling.
3.42 Ambient temperature.

Subpart C—Specifications for the Humane Handling, Care, Treatment, and Transportation of Rabbits

FACILITIES AND OPERATING STANDARDS

3.50 Facilities, general.
3.51 Facilities, indoor.
3.52 Facilities, outdoor.
3.53 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.54 Feeding.
3.55 Watering.
3.56 Sanitation.
3.57 Employees.
3.58 Classification and separation.
3.59 Veterinary care.

TRANSPORTATION STANDARDS

3.60 Consignments to carriers and intermediate handlers.
3.61 Primary enclosures used to transport live rabbits.
3.62 Primary conveyances (motor vehicle, rail, air, and marine).
3.63 Food and water requirements.
3.64 Care in transit.
3.65 Terminal facilities.
3.66 Handling.
3.67 Ambient temperature.

Subpart D—Specifications for the Humane Handling, Care, Treatment, and Transportation of Nonhuman Primates

FACILITIES AND OPERATING STANDARDS

3.75 Facilities, general.
3.76 Facilities, indoor.
3.77 Facilities, outdoor.
3.78 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.79 Feeding.
3.80 Watering.
3.81 Sanitation.
3.82 Employees.
3.83 Classification and separation.
3.84 Veterinary care.
3.85 Vehicles.
3.86 Primary enclosures used to transport nonhuman primates.
3.87 Food and water requirements.
3.88 Care in transit.

TRANSPORTATION STANDARDS

Sec.

3.85 Consignments to carriers and intermediate handlers.
3.86 Primary enclosures used to transport live nonhuman primates.
3.87 Primary conveyances (motor vehicle, rail, air, and marine).
3.88 Food and water requirements.
3.89 Care in transit.
3.90 Terminal facilities.
3.91 Handling.
3.92 Ambient temperature.

Subpart E—Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, and Nonhuman Primates

FACILITIES AND OPERATING STANDARDS

3.100 Facilities, general.
3.101 Facilities, indoor.
3.102 Facilities, outdoor.
3.103 Space requirements.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.104 Feeding.
3.105 Watering.
3.106 Sanitation.
3.107 Employees.
3.108 Separation.
3.109 Veterinary care.
3.110 Handling.

TRANSPORTATION STANDARDS

3.111 Consignments to carriers and intermediate handlers.
3.112 Primary enclosures used to transport live animals.
3.113 Primary conveyances (motor vehicle, rail, air, and marine).
3.114 Food and water requirements.
3.115 Care in transit.
3.116 Terminal facilities.
3.117 Handling.
3.118 Ambient temperature.

AUTHORITY: Sec. 13, 80 Stat., as amended, (7 U.S.C. 2143).

4. Section 3.11 of the standards (9 CFR 3.11) would be revised to read as follows:

§ 3.11 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live dog or cat presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or of any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported.

(b) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live dog or cat at destination. The time, date, and method of notification to the consignee and the person notifying the consignee shall be noted on one of the documents accompanying the animal.

5. Section 3.12 of the standards (9 CFR 3.12) would be revised to read as follows:

§ 3.12 Primary enclosures used to transport dogs and cats.

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live dogs and cats shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the dogs and cats and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live dogs and cats contained therein; (3) the openings of such enclosures are easily accessible at all times for emergency removal of the live dogs and cats; (4) there are ventilation openings located on both ends and such ventilation openings shall be at least 8 percent of the total surface area of each such end; (5) projecting rims or other devices shall be on ends and sides with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inches) between the primary enclosure and adjacent cargo or conveyance wall; and (6) adequate handholds or other devices for lifting shall be provided on the exterior of the container to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the dog or cat.

(b) Live dogs and cats transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Puppies or kittens shall not be transported in the same primary enclosure with adult dogs or cats, other than their dams.

(c) Primary enclosures used to transport live dogs or cats shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely in a standing position, to stand and sit erect, and to lie in a natural position: *Provided, however,* That the primary enclosure for a coursing hound (e.g., greyhound or Norwegian Elk hound) should be narrow enough to prevent the animal from turning around in its enclosure.

(d) A maximum of one live dog or cat, 6 months or more of age, shall be transported in a primary enclosure. Two live puppies or kittens, 8 weeks to 6 months of age, but not weighing over 9 kilograms (20 pounds) each and of comparable size, may be carried in the same primary enclosure, and live puppies or kittens under the age of 8 weeks may be shipped to research laboratories in the same primary enclosure if they are littermates and accompanied by their dam.

(e) Primary enclosures used to ship live dogs and cats as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in the manner prescribed in § 3.7 of the standards if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to the dogs and cats, in sufficient quantity to absorb and cover excreta, unless the dogs or cats are on wire or other nonsolid floors.

(f) Primary enclosures used to transport live dogs and cats shall be clearly marked on top and on one or more sides with the words "Live Animals" in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

6. Section 3.13 of the standards (9 CFR 3.13) would be revised to read as follows:

§ 3.13 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting live dogs and cats shall be designed and constructed to protect the health, and ensure the safety and comfort of the dogs and cats contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases.

(c) No live dog or cat shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein and the primary enclosures shall be positioned in the animal cargo space in such a manner that each dog or cat has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the dogs and cats can be removed from the primary conveyance within a five minute time period.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live dogs and cats shall not be transported with any material, substance, or device which may be injurious to the health and well being of the dogs and cats unless proper precaution is taken to prevent such injury.

7. Section 3.14 of the standards (9 CFR 3.14) would be revised to read as follows:

§ 3.14 Food and water requirements.

(a) All live dogs or cats shall be offered potable water within 4 hours prior to being transported in commerce. Any live dogs or cats less than 16 weeks of age being offered to any carrier for transportation in commerce shall be offered at least 60 cubic centimeters (ccs.) (approximately 2 ounces) of potable water within 4 hours prior to being so offered for transportation in commerce. Dealers, exhibitors, research facilities, operators of auction sales, departments, agencies, or instrumentalities of the United States or of any State or local government shall provide potable water to all live dogs and cats transported in their own primary conveyances at least every 12 hours, and carriers and intermediate handlers shall provide potable water to all live dogs and cats at least every 12 hours after acceptance for transportation in commerce.

(b) Each live dog and cat over 16 weeks of age shall be fed at least once in each 24 hour period. Live puppies and kittens less than 16 weeks of age shall have food

made available to them at least every 12 hours. The time periods provided for in this paragraph shall apply to carriers and intermediate handlers after acceptance of any live dog or cat for transportation in commerce.

8. A new § 3.15 (9 CFR 3.15) would be added to the standards as follows:

§ 3.15 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to inspect the live dogs and cats at least every two hours to determine whether they need veterinary care and provide any needed veterinary care as soon as possible. When transported by air, live dogs and cats shall be inspected by the carrier at least every two hours if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight the carrier shall inspect the live dogs and cats whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to determine whether such live dogs and cats need veterinary care, and the carrier shall provide any needed veterinary care as soon as possible. No dog or cat in need of veterinary care shall be transported in commerce.

(b) During the course of transportation, in commerce, live dogs and cats shall not be removed from their primary enclosure unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

9. A new § 3.16 (9 CFR 3.16) would be added to the standards as follows:

§ 3.16 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimized drafts, odors, and moisture condensation. The ambient temperature shall neither be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in a manner prescribed in § 3.7 of the standards often enough to prevent an accumulation of debris, or excreta, minimize vermin infestation, and to prevent a disease hazard.

(b) *Outdoor facilities.* Carriers and intermediate handlers in transporting live dogs and cats from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(i) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live dogs and cats from the direct rays of the sun.

(ii) *Shelter from rain or snow.* Live dogs and cats shall be provided protection to allow them to remain dry during rain or snow.

(iii) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live dogs and cats when the atmospheric temperature falls below 10° C. (50° F.).

10. A new § 3.17 (9 CFR 3.17) would be added to the standards as follows:

§ 3.17 Handling.

(a) Carriers and intermediate handlers shall move live dogs and cats from the indoor animal holding area of the terminal facility to the primary conveyance and from thep rimary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live dog or cat contained therein.

(c) Primary enclosures housing live dogs and cats shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may result in their falling.

11. A new § 3.18 (9 CFR 3.18) would be added to the standards as follows:

§ 3.18 Ambient temperature.

(a) The ambient temperature within primary enclosures used to transport live dogs and cats shall not exceed 35° C. (95° F.) for a period of more than 45 minutes, and shall not fall below 7.2° C. (45° F.) for a period of more than 45 minutes unless such person transporting such live dog or cat knows such live dog or cat is acclimated to such lower temperature.

(b) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live dog or cat at destination. The time, date, and method of notification to the consignee and the person notifying the consignee shall be noted on one of the documents accompanying the animal.

12. Section 3.35 of the standards (9 CFR 3.35) is revised to read as follows:

§ 3.35 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live guinea pig or hamster presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or of any State or local government for shipment, in commerce more than 4 hours prior to the scheduled departure of the primary conveyance:

13. Section 3.36 of the standards (9 CFR 3.36) is revised to read as follows:

§ 3.36 Primary enclosures used to transport guinea pigs and hamsters.

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live guinea pigs and hamsters shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the guinea pigs and hamsters and withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live guinea pigs and hamsters contained therein; (3) the inner surfaces of corrugated fiberboard, cardboard, or plastic containers shall be covered or laminated with wire mesh screen where necessary to prevent escape of the animals; (4) the openings of such enclosures are easily accessible at all times for emergency removal of the live guinea pigs and hamsters; (5) there are ventilation openings located on both ends, and such ventilation openings shall be at least 8 percent of the total surface area of each such end; (6) projecting rims or other devices shall be on ends and sides with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inches) between the primary enclosure and any adjacent cargo or conveyance wall; and (7) adequate handholds or other devices for lifting shall be provided on the exterior of the container to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the animal.

(b) Live guinea pigs and hamsters transported in the same primary enclosure shall be of the same species and maintained in compatible groups.

(c) Primary enclosures used to transport live guinea pigs or hamsters shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments.

(d) Not more than 15 live guinea pigs shall be transported in the same primary enclosure. Not more than 50 live hamsters shall be transported in the same primary enclosure.

(e) In addition to the other provisions of this section, the following requirements shall also apply to primary enclosures used to transport live guinea pigs or hamsters.

(1) *Guinea pigs.* (i) The interior height of primary enclosures used to transport live guinea pigs shall be at least 20.3 centimeters (8 inches).

(ii) Each live guinea pig transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

Minimum space per live guinea pig

Weight in grams	Square centimeters	Square inches
Up to 350	193.6	30
350 to 600	290.3	45
Over 600	354.8	55

(2) *Hamsters.* (i) The interior height of primary enclosures used to transport live hamsters shall be at least 15.2 centimeters (6 inches) except that in the case of dwarf hamsters such interior height shall be at least 12.7 centimeters (5 inches).

(ii) Each live hamster transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

Minimum space per live hamster

Age	Dwarf		Other	
	Square centimeters	Square inches	Square centimeters	Square inches
Weaning to 5 weeks	33.2	5.0	45.2	7
5 to 10 weeks	48.3	7.5	71.0	11
Over 10 weeks	58.1	9.0	99.8	15

(f) Primary enclosures used to ship live guinea pigs and hamsters as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in the manner prescribed in § 3.31 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to guinea pigs and hamsters, in sufficient quantity to absorb and cover excreta unless the guinea pigs and hamsters are on wire or other nonsolid floors.

(g) Primary enclosures used to transport live guinea pigs and hamsters shall be clearly marked on top and on one or more sides with the words "Live Animal" in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(h) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

14. Section 3.37 of the standards (9 CFR 3.37) is revised to read as follows:

§ 3.37 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting live guinea pigs and hamsters shall be designed and constructed, to protect the health, and ensure the safety and comfort of the live guinea pigs and hamsters at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases.

(c) No live guinea pig or hamster shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein and the primary enclosures shall be positioned in the primary conveyance in such a manner that each live guinea pig or hamster has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live guinea pigs or hamsters can be removed from the primary conveyance within a 5 minute time period.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live guinea pigs and hamsters shall not be transported with any material, substance, or device which may be injurious to the health and well being of the live guinea pigs and hamsters unless proper precaution is taken to prevent such injury.

15. Section 3.38 of the standards (9 CFR 3.38) is revised to read as follows:

§ 3.38 Food and water requirements.

If live guinea pigs or hamsters are transported for a period of more than 6 hours, the animals shall be fed the quantity and quality of fruits or vegetables sufficient to satisfy their food and water needs during transit.

16. A new § 3.39 (9 CFR 3.39) would be added to the standards as follows:

§ 3.39 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to inspect the live guinea pigs or hamsters at least every 2 hours to determine whether they need veterinary care and provide any needed veterinary care as soon as possible. When transported by air, live guinea pigs and hamsters shall be inspected by the carrier at least every 2 hours if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight the carrier shall inspect the live guinea pigs and hamsters whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to determine whether such live guinea pigs and hamsters need veterinary care, and the carrier shall provide any needed veterinary care as soon as possible. No guinea pig or hamster in need of veterinary care shall be transported in commerce.

(b) During the course of transportation, in commerce, live guinea pigs and hamsters shall not be removed from their primary enclosure unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

17. A new § 3.40 (9 CFR 3.40) would be added to the standards as follows:

§ 3.40 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall neither be allowed to fall below 15.6° C. (60° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in the manner prescribed in § 3.31 of the standards often enough to prevent an accumulation of debris, or excreta, minimize vermin infestation and to prevent a disease hazard.

(b) *Outdoor facilities.* Carriers and intermediate handlers in transporting live guinea pigs and hamsters from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedure, shall provide the following:

(i) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live guinea pigs and hamsters from the direct rays of the sun.

(ii) *Shelter from rain or snow.* Live guinea pigs and hamsters shall be provided protection to allow them to remain dry during rain or snow.

(iii) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live guinea pigs and hamsters when the atmospheric temperature falls below 15.6° C. (60° F.).

18. A new § 3.41 (9 CFR 3.41) would be added to the standards as follows:

§ 3.41 Handling.

(a) Carriers and intermediate handlers shall move live guinea pigs and hamsters from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live guinea pigs or hamsters contained therein.

(c) Primary enclosures housing live guinea pigs or hamsters shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may result in their falling.

19. A new § 3.42 (9 CFR 3.42) would be added to the standards as follows:

§ 3.42 Ambient temperature.

The ambient temperature within primary enclosures used to transport live guinea pigs and hamsters shall not exceed 20.5° C. (85° F.) for a period of more than 45 minues nor fall below 15.5° C. (60° F.) for a period of more than 45 minutes.

20. Section 3.60 of the standards (9 CFR 3.60) is revised to read as follows:

§ 3.60 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live rabbit presented by any dealer, research facility, exhibitor operator of an auction sale or other person or any department, agency, or instrumentality of the United States or of any State or local government for shipment, in commerce, more

than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported.

(b) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live rabbits at destination. The time, date, and method of notification to the consignee and the person notifying the consignee shall be noted on one of the documents accompanying the animals.

21. Section 3.61 of the standards (9 CFR 3.61) is revised to read as follows:

§ 3.61 Primary enclosures used to transport live rabbits.

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live rabbits shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the rabbits and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live rabbits contained therein; (3) the openings of such enclosures are easily accessible at all times for emergency removal of the live rabbits; (4) there are ventilation openings located on both ends and such ventilation openings shall be at least 8 percent of the total surface area of each such end; (5) projecting rims or other devices shall be on ends and sides with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inches) between the primary enclosure and any adjacent cargo or conveyance wall; and (6) adequate handhold or other devices for lifting shall be provided on the exterior of the container to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the animal.

(b) Live rabbits transported in the same primary enclosure shall be maintained in compatible groups and shall not be transported in the same primary enclosure with other species of animals.

(c) Primary enclosures used to transport live rabbits shall be large enough to ensure that each rabbit contained therein has sufficient space to turn about freely, and to make normal postural adjustments.

(d) Not more than 15 live rabbits shall be transported in the same primary enclosure.

(e) Primary enclosures used to ship live rabbits as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in the manner prescribed in § 3.56 of the standards, if previously used. Such primary enclosures shall contain clean litter of suitable absorbent material which is safe and nontoxic to the rabbits, in sufficient quantity to absorb and cover excreta unless the rabbits are on wire or other nonsolid floors.

(f) Primary enclosures used to transport live rabbits shall be clearly marked on top and on one or more sides with the words "Live Animal" in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

22. Section 3.62 of the standards (9 CFR 3.62) is revised to read as follows:

§ 3.62 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting rabbits shall be designed and constructed to protect the health, and ensure the safety and comfort of the rabbits contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases.

(c) No live rabbit shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein and the primary enclosures shall be positioned in the primary conveyance in such a manner that each live rabbit has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live rabbits can be removed from the primary conveyance within a 5 minute time period.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live rabbits shall not be transported with any material, substance, or device which may be injurious to the health and well being of the rabbits unless proper precaution is taken to prevent such injury.

23. Section 3.63 of the standards (9 CFR 3.63) is revised to read as follows:

§ 3.63 Food and water requirements.

If live rabbits are transported for a period of more than 6 hours, they shall be provided with food and water. This requirement may be met by providing feedstuff and water, or the quantity and quality of vegetables sufficient to satisfy their food and water needs during transit.

24. A new § 3.64 (9 CFR 3.64) would be added to the standards as follows:

§ 3.64 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to inspect the live rabbits at least every 2 hours to determine whether they need veterinary care and provide any needed veterinary care as soon as possible. When transported by air, live rabbits shall be inspected by the carrier at least every 2 hours if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall inspect the live rabbits whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible, to determine whether such rabbits need veterinary care and the carrier shall provide any needed veterinary care as soon as possible. No live rabbit in need of veterinary care shall be transported in commerce.

(b) During the course of transportation in commerce, live rabbits shall not be removed from their primary enclosure unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

25. A new § 3.65 (9 CFR 3.65) would be added to the standards as follows:

§ 3.65 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall neither be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in the manner prescribed in § 3.56 of the standards often enough to prevent an accumulation of debris, or excreta, minimize vermin infestation, and to prevent a disease hazard.

(b) *Outdoor facilities.* Carriers and intermediate handlers in transporting live rabbits from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(i) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live rabbits from the direct days of the sun.

(ii) *Shelter from rain or snow.* Live rabbits shall be provided protection to allow them to remain dry during rain or snow.

(iii) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live rabbits when the atmospheric temperature falls below 10° C (50° F.).

26. A new § 3.66 (9 CFR 3.66) would be added to the standards as follows:

§ 3.66 Handling.

(a) Carriers and intermediate handlers shall move live rabbits from the indoor animal holding are of the termifial facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live rabbits contained therein.

(c) Primary enclosures housing live rabbits shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may result in their falling.

27. A new § 3.67 (9 CFR 3.69) would be added to the standards as follows:

§ 3.67 Ambient temperature.

The ambient temperature within primary enclosures used to transport live rabbits shall not be allowed to exceed 20.5° C. (85° F.) for a period of more than 45 minutes nor fall below 7.2° C. (45° F.) for a period of more than 45 minutes unless the person transporting such live rabbits knows that such live rabbits are acclimated to such lower temperatures.

28. Section 3.85 of the Standards (9 CFR 3.85) is revised to read as follows:

§ 3.85 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live nonhuman primate presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or of any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported.

(b) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of such live nonhuman primates at destination. The time, date, and method of notification to the consignee and the person notifying the consignee shall be noted on one of the documents accompanying the animals.

29. Section 3.86 of the standards (9 CFR 3.86) is revised to read as follows:

§ 3.86 Primary enclosures used to transport nonhuman primates.

(a) Primary enclosures such as compartments, transport cages, cartons, or crates, used to transport live nonhuman primates shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the live nonhuman primates and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live nonhuman primates contained therein; (3) no part of the live nonhuman primate will be exposed outside of the primary enclosure which may cause injury to the animal or to persons who are nearby or who handle the primary enclosure; (4) the openings of such enclosures are easily accessible at all times for emergency removal of the live nonhuman primates; (5) the openings which provide access into the primary enclosure shall be secured with locking devices capable of preventing accidental opening; (6) there are ventilation openings located on both ends and such ventilation openings shall be at least 8 percent of the total surface area of each such end; (7) projecting rims or other devices shall be on ends and sides with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inches) between the primary enclosure and any adjacent cargo or conveyance wall; and (8) adequate handholds or other devices for lifting must be provided on the exterior of the container to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the nonhuman primate.

(b) Live nonhuman primates transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Nonhuman primates which have not reached puberty shall not be transported in the same primary enclosures with adult nonhuman primates other than their dams. Any female nonhuman primate in season (estrus) shall not be transported in the same primary enclosure with any male nonhuman primate.

(c) Primary enclosures used to transport live nonhuman primates shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely in a stance whereby both feet and hands are on the floor and can sit in an upright position and lie in a natural position: *Provided, however,* That certain larger species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the live nonhuman primates, their handlers, or other persons.

(d) No more than ten live nonhuman primates shall be transported in a primary enclosure.

(e) Primary enclosures used to ship live nonhuman primates as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in the manner prescribed in § 3.81 of the standards, if previously used. Such primary enclosures shall contain litter of a suitable absorbent material which is safe and nontoxic to nonhuman primates, in sufficient quantity to absorb and cover excreta, unless the nonhuman primates are on wire or other nonsolid floors.

(f) Primary enclosures used to transport live nonhuman primates shall be clearly marked on top and on one or more sides with the words "Wild Animal" in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

30. Section 3.87 of the standards (9 CFR 3.87) is revised to read as follows:

§ 3.87 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting live nonhuman primates shall be designed and constructed to protect the health and ensure the safety and comfort of the nonhuman primates contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases.

(c) No live nonhuman primate shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein and the primary enclosures shall be positioned in the primary conveyance in such a manner that each live nonhuman primate has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live nonhuman primates can be removed from the conveyance within a 5 minute time period.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live nonhuman primates shall not be transported with any material substance, or device which may be injurious to the health and well-being of the nonhuman primates unless proper precaution is taken to prevent such injury.

31. Section 3.88 of the standards (9 CFR 3.88) is revised to read as follows:

§ 3.88 Food and water requirements.

(a) All live nonhuman primates shall be offered potable water within 4 hours prior to being transported in commerce. Dealers, exhibitors, research facilities, operators of auction sales, departments, agencies, or instrumentalities of the United States or of any State or local government shall provide potable water to all live nonhuman primates transported in their own primary conveyance at least every 12 hours, and carriers and intermediate handlers shall provide potable water to all live nonhuman primates at least every 12 hours after acceptance for transportation in commerce.

(b) Each live adult nonhuman primate over 1 year of age shall be fed at least once in each 24 hour period. Live nonhuman primates less than 1 year of age shall have food made available to them every 12 hours. The time periods provided for in this paragraph shall apply to carriers and intermediate handlers after acceptance of any live nonhuman primates for transportation in commerce.

32. A new § 3.89 (9 CFR 3.89) would be added to the standards as follows:

§ 3.89 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to inspect the live nonhuman primates at least every 2 hours to determine whether they need veterinary care and provide any needed veterinary care as soon as possible. When transported by air, live nonhuman primates shall be inspected by the carrier at least every 2 hours if the animal cargo space is accessible during flight. If the animal cargo space is not accessible dur-

ing flight, the carrier shall inspect the live nonhuman primates whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible, to determine whether such nonhuman primates need veterinary care and the carrier shall provide any needed veterinary care as soon as possible. No nonhuman primate in need of veterinary care shall be transported in commerce.

(b) During the course of transportation in commerce, live nonhuman primates shall not be removed from their primary enclosure unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

33. A new § 3.90 (9 CFR 3.90) would be added to the standards as follows:

§ 3.90 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall neither be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in the manner prescribed in § 3.81 of the standards often enough to prevent an accumulation of debris, or excreta, minimize vermin infestation and to prevent a disease hazard.

(b) *Outdoor facilities.* Carriers and intermediate handlers in transporting live nonhuman primates from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(i) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live nonhuman primates from the direct rays of the sun.

(ii) *Shelter from rain or snow.* Live nonhuman primates shall be provided protection to allow them to remain dry during rain or snow.

(iii) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live nonhuman primates when the atmospheric temperature falls below 10° C. (50° F.).

34. A new § 3.91 (9 CFR 3.91) would be added to the standards as follows:

§ 3.91 Handling.

(a) Carriers and intermediate handlers shall move live nonhuman primates from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the animal contained therein.

(c) Primary enclosures housing nonhuman primates shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may result in their falling.

35. A new § 3.67 (9 CFR 3.67) would be added to the standards as follows:

§ 3.67 Ambient temperature.

The ambient temperature within such primary enclosures used to transport live nonhuman primates shall not exceed 35° C. (95° F.) for a period of more than 45 minutes and shall not fall below 7.2° C. (45° F.) for a period of more than 45 minutes.

36. Section 3.111 of the standards (9 CFR 3.111) is revised to read as follows:

§ 3.111 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live animals presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department agency, or instrumentality of the United States or of any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported.

(b) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live animals at destination. The time, date, and method of notification to the consignee and the person notifying the consignee shall be noted on one of the documents accompanying the animal.

37. Section 3.112 of the standards (9 CFR 3.112) is revised to read as follows:

§ 3.112 Primary enclosures used to transport animals.

(a) Primary enclosures such as compartments, transport cages, cartons or crates, used to transport live animals shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the animals and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live animals contained therein; (3) the openings of such enclosures are easily accessible at all times for emergency removal of the live animals; (4) there are ventilation openings located on both ends and such ventilation openings shall be at least 8 percent of the total surface area of each such end; (5) projecting rims or other devices shall be on ends and sides with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inches) between the primary enclosure and any adjacent cargo or conveyance wall; and (6) adequate handholds or other devices for lifting must be provided on the exterior of the container to enable the primary enclosure to be lifted without tilting and to insure that the person handling the primary enclosure will not be in contact with the animal.

(b) Live animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Live animals that have not reached puberty shall not be transported in the same primary enclosure with adult animals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) must be allowed visual and olfactory contact. Any female animal in season (estrus) shall not be transported in the same primary enclosure with any male animal.

(c) Primary enclosures used to transport live animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely, and to make normal postural adjustments: *Provided, however,* That certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons.

(d) Primary enclosures used to ship animals as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in the manner prescribed in § 3.106 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material which is safe and nontoxic to the live animal, in sufficient quantity to absorb and cover excreta, unless the animals are on wire or other nonsolid floors.

(e) Primary enclosures used to transport live animals shall be clearly marked on top and on one or more sides with the words "Live Animal" or "Wild Animal," whichever is appropriate, in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(f) All documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

38. Section 3.113 of the standards (9 CFR 3.113) is revised to read as follows:

§ 3.113 Primary conveyances (motor vehicle, rail, air and marine).

(a) The animal cargo space of primary conveyances used in transporting live animals shall be designed and constructed to protect the health and ensure the safety and comfort of the live animals contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases.

(c) No live animal shall be placed in an animal cargo space that does not have a supply of air sufficient for nor-

mal breathing for each live animal contained therein and the primary enclosure shall be positioned in the primary conveyance in such a manner that each live animal has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live animals can be removed from the primary conveyance within a 5 minute time period.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live animals shall not be transported with any material, substance or device which may be injurious to the health and well-being of the animals unless proper precaution is taken to prevent such injury.

39. Section 3.114 of the standards (9 CFR 3.114) is revised to read as follows:

§ 3.114 Food and water requirements.

(a) All live animals shall be offered potable water within 4 hours prior to being transported in commerce. Dealers, exhibitors, research facilities, operators of auction sales, departments, agencies or instrumentalities of the United States or any State or local government shall provide potable water to all live animals at least every 12 hours after acceptance for transportation in commerce: *Provided, however,* That except as directed by hibernation, veterinary treatment or other professionally accepted practices, those live animals which, by common accepted practice, require watering more frequently shall be so watered.

(b) Each live animal shall be fed at at least once in each 24-hour period except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices. Those live animals which, by common accepted practice, require feeding more frequently shall be so fed.

(c) A sufficient quantity of food and water shall accompany the live animal to provide food and water for such animals for a period of at least 24 hours, except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

40. A new § 3.115 (9 CFR 3.115) would be added to the standards as follows:

§ 3.115 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to inspect the live animals at least every 2 hours to determine whether they need veterinary care and provide any needed veterinary care as soon as possible. When transported by air, live animals shall be inspected by the carrier at least every 2 hours if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall inspect the live animals whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible, to determine whether such animals need veterinary care and the carrier shall provide any needed veterinary care as soon as possible. No live animal in need of veterinary care shall be transported in commerce.

(b) Wild or otherwise dangerous animals shall not be taken from their primary enclosure except under extreme emergency conditions: *Provided, however,* That a temporary primary enclosure may be used, if available, and such temporary primary enclosure is structurally strong enough to prevent the escape of the animal. During the course of transportation in commerce, animals shall not be removed from their primary enclosure unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

41. A new § 3.116 (9 CFR 3.116) would be added to the standards as follows:

§ 3.116 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors and moisture condensation. The ambient temperature shall neither be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in the manner prescribed in § 3.106 of the standards often enough to prevent an accumulation of debris, or excreta, minimize vermin infestation and to prevent a disease hazard.

(b) *Outdoor facilities.* Carrier and intermediate handlers in transporting live animals from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live animals from the direct rays of the sun.

(2) *Shelter from rain or snow.* Live animals shall be provided protection to allow them to remain dry during rain or snow.

(3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live animals when the atmospheric temperature falls below 10° C. (50° F.).

42. A new § 3.117 (9 CFR 3.117) would be added to the standards as follows:

§ 3.117 Handling.

(a) Carriers and intermediate handlers are responsible for moving live animals from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live animal contained therein.

(c) Primary enclosures housing live animals shall not be tossed, dropped or needlessly tilted and shall not be stacked in a manner which may result in their falling.

43. A new § 3.118 (9 CFR 3.118) would be added to the standards as follows:

§ 3.118 Ambient temperature.

The ambient temperature within the primary enclosure use to transport live animals shall not exceed 35° C (95° F.) for a period of more than 45 minutes and shall not fall below 7.2° C. (45° F.) for a period of more than 45 minutes unless the person transporting such live animals knows that such live animals are acclimated to such lower or higher temperature.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 703, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of March 1977.

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

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-8027 Filed 3-17-77;8:45 am]

Federal Register

FRIDAY, MARCH 18, 1977

PART IV

DEPARTMENT OF LABOR

Wage and Hour Division

■

EMPLOYMENT OF PATIENT WORKERS IN HOSPITALS AND INSTITUTIONS AT SUBMINIMUM WAGES

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 529]

WORKERS IN HOSPITALS AND INSTITUTIONS

Employment of Patients at Subminimum Wages

AGENCY: Department of Labor.

ACTION: Proposed Rule.

SUMMARY: Regulations 29 CFR Part 529, published in the FEDERAL REGISTER on February 7, 1975, included the following statement in § 529.17: "Approximately six months after the effective date of this Part, the Wage and Hour Division will undertake a review of its program for administration and enforcement of this Part in cooperation with the Advisory Committee on Sheltered Workshops."

In preparation for the review of the Regulations, the Department invited comments from every institution that has utilized these Regulations, from all national organizations known to the Department to be interested in this matter and from Federal agencies having a direct interest in this area. The Department received sixty-three letters of comment, most containing multiple comments. These comments were presented to the Advisory Committee on Sheltered Workshops for advice and recommendations to the Department, on August 29, 1975, October 24, 1975, January 6, 1976, and July 14, 1976. Present during these deliberations were representatives of handicapped workers, industry, labor, public mental health organizations, State vocational rehabilitation agencies, other governmental agencies, workshops, and hospitals and institutions.

DATES: All comments must be received by April 18, 1977.

This document was prepared under the direction of Warren D. Landis, Acting Administrator, Wage and Hour Division.

FOR FURTHER INFORMATION about this document, contact:

Arthur H. Korn, Director, Division of Special Minimum Wages, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Ave., Room C4613, Washington, D.C. 20210, telephone No. 202-523-8727.

The following summarizes the proposed changes:

1. Table of contents is revised to delete § 529.17 which called for a review of the regulations six months after the effective date.

2. Revised paragraph (a) of § 529.1 cites 1966 amendments in applying section 14(c) of the Act to patient workers in hospitals and institutions. Also, the statutory language in section 14(c) is deleted.

3. New paragraph (b) of § 529.1 cites relevant provisions of sections 3(s)(4), 6(b), 6(d), 7(a)(2), 7(j), 12(c), 12(d), and 13(a)(7) of the Act as they relate to patient workers. Footnotes 1–5 explain the effect of the Supreme Court decision in *National League of Cities* v. *Usery* on the employment of patient workers at hospitals and institutions operated by the State and local governments.

4. A new paragraph (d) of § 529.1 cites portions of the statutory language of section 14(c) currently located in paragraph (a) of § 529.1, except that section 14(c)(2) concerning handicapped workers in training or evaluation programs and multihandicapped individuals has been deleted.

5. Current paragraph (b) of § 529.1 has been changed to § 529.1(e), with editorial changes.

6. Paragraph (d) of § 529.2 has been expanded to clarify the definition of "employment relationship" with respect to aspects of work activity involving less than one hour a day and less than five hours a week during the first three months, voluntary service, and the sharing of household chores in family oriented living arrangements.

7. Definitions of "personal housekeeping chores," "living quarters," "treatment," and "care" have been added to § 529.2 and designated as paragraphs (e), (f), (g), and (h), respectively. Current entries of (e), (f), (g), and (h) entitled "evaluation and training," "group minimum wages," "individual exception" and "work activities center," respectively, have been deleted.

8. The definition of "Group minimum wage" (currently § 529.2(f)) has been revised and redesignated as "Group I" and renumbered as § 529.2(i). "Group I" is an administrative classification given to that group of patient workers with impaired productivity but capable of earning at least 50 percent of the minimum wage.

9. The definition of "Work activities center" (currently § 529.2(h)) has been revised and redesignated as "Group II" and renumbered as § 529.2(j). "Group II" is an administrative classification given to that group of patient workers whose productivity is impaired to the extent that they cannot earn at least 50 percent of the minimum wage. Annual justification is required for any patient worker kept in this classification beyond one year.

10. The definition of "commensurate pay," currently § 529.2(i), has been redesignated as § 529.2(k). The reference to the statutory language "wages related to the worker's productivity" as it relates to type of certification ("Individual exception") has been dropped.

11. The definition of "State agency", currently § 529.2(j), has been deleted.

12. Paragraph (k) of § 529.2 has been redesignated as paragraph (1).

13. Paragraph (a) of § 529.4 has been expanded to include a statement requiring the payment of wages in cash or other legal tender and not tokens, scrip, coupons or other similar devices.

14. Paragraph (b) of § 529.4 is revised to show reduction of certificates from four to two, "Group I" and "Group II". The "evaluation and training" and "individual exception" certifications are being dropped. Appropriate deletions with respect to current programs have been made.

15. In line with reduction of certificates to two types, paragraphs (c) and (e) of § 529.4, "Evaluation and training" and "Individual exception," respectively, have been deleted with appropriate changes in lettering.

16. Current paragraph (d) of § 529.4, "Group minimum wage," has been changed to paragraph (c) and has been redesignated "Group I" in line with changes cited in paragraph (b).

17. Current paragraph (f) of § 529.4, "Work activities center," has been changed to paragraph (d) and has been redesignated "Group II" in line with changes cited in paragraph (b).

18. Current paragraph (g) of § 529.4 has been redesignated (e).

19. Current paragraph (h) of § 529.4 has been redesignated paragraph (f) and now calls for an initial evaluation of each patient worker's productivity during the first pay period of employment. Also, findings and conclusions of the review must now be in writing and cannot include supervisory or related costs in determining patient worker wages.

20. Current paragraph (i) of § 529.4 has been redesignated paragraph (g) and includes an expanded statement concerning the assessment of patient wages.

21. A new paragraph (h) of § 529.4 has been added to provide for a third party to assume control of the patient worker's wages for those patient workers not able to handle money.

22. Section 529.5 has been revised to exclude all references to "evaluation and training" and "individual exception" and to redesignate "group minimum wage" and "work activities center" as "Group I" and "Group II," respectively.

23. Current paragraph (c) of § 529.5 has been redesignated (b).

24. Section 529.6 has been revised to incorporate an additional criterion, designated as paragraph (d), for consideration in the issuance of certificates, namely, whether the provisions of the FLSA, or the terms of a previous certificate or of this part, have been violated. Also, current paragraph (d) has been redesignated (e) and paragraph (e) concerning certification by State agency has been deleted.

25. Paragraph (d) of § 529.8 has been revised to delete reference to individual exception certificates and to substitute "Group I" for "Group minimum wage".

26. Current paragraph (e) of § 529.8 has been revised to delete reference to "evaluation and training certificate" and to substitute "Group II" for "work activities center."

27. Current paragraph (g) of § 529.8 has been revised to provide for work periods of fourteen consecutive days as an alternative to a seven day workweek period for purposes of overtime compensation.

28. Current paragraph (h) of § 529.8 has been revised to provide for notification of a patient worker's rights under the FLSA prior to becoming an employee, including the right to request a review of the wage payment, and provide for notification of parent or guardian under certain conditions.

29. A new paragraph (k) has been added to § 529.8 concerning child labor to prevent conflict with other laws or ordinances.

30. Current paragraphs (e) and (g) of § 529.10 have been deleted with appropriate changes in lettering.

31. In current paragraph (f) of § 529.10, "Group I and Group II certificates" has been substituted for "work activities center certificate" and "group minimum wage certificate" and redesignated as paragraph (e).

32. Current § 529.17 has been deleted.

33. In addition, there were minor editorial changes made.

Interested parties may present written data, views, and argument in quadruplicate to the Administrator of the Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, on or before April 18, 1977. Such submission may bear on any matters in connection with the proposed Regulations, Part 529. Upon consideration of such submissions, any changes as are appropriate will be made in this Part and published in the FEDERAL REGISTER.

Based on the comments received, the recommendations of the Department's Advisory Committee on Sheltered Workshops and the Wage and Hour Division's experience with these Regulations, the revisions are proposed as set forth below.

Signed at Washington, D.C. on this 9th day of March 1977.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

PART 529—EMPLOYMENT OF PATIENT WORKERS IN HOSPITALS AND INSTITUTIONS AT SUBMINIMUM WAGES

Sec.

529.1 Statutory language and scope of regulations.
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529.13 Submission of information, investigations, and hearings.
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529.15 Issuance of certificates for experimental purposes.
529.16 Amendment of this part.

AUTHORITY: Sec. 14, 52 Stat. 1068, as amended (29 U.S.C. 214, unless otherwise noted), Secretary's Order No. 16–75 (40 FR 55913) and Employment Standards Order No. 2–75 (40 FR 56743).

§ 529.1 Statutory language and scope of regulations.

(a) The Fair Labor Standards Act as amended, among other things, makes provision in Section 14(c) of the Act, for the employment of handicapped persons at subminimum wages under certificate. This Part provides necessary rules for the application of that section to patient workers in hospitals and institutions in accordance with the 1966 amendments, 80 Stat. 830 et seq., except for those patients working for employers other than the hospital or institution and patients working in sheltered workshops.

(b) Section 3(s)(4) extends the Act's coverage to employees of an enterprise which "is engaged in the operation of a hospital, an institution primarily engaged in the care of the sick, the aged, the mentally ill or defective who reside on the premises of such institution * * * (regardless of whether or not such hospital, institution * * * is public[1] or private operated for profit or not for profit)." The minimum wage protection is extended to these employees under section 6(b).[2] The equal pay protection is extended to these employees under section 6(d). The maximum hours provision under section 7(a)(2) extends overtime protection to these employees unless the employer qualifies for the partial exemption provided by section 7(j).[3] Section 12(c) provides that "No employer shall employ any oppressive child labor in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce." Section 12(d) authorizes the Secretary to require by regulation that employers obtain from any employee proof of age to carry out the objectives of section 12.[4] Section 13(a)(7) provides both a minimum wage and overtime exemption for "any employee to the extent that such employee is exempted by regulation, order or certificate of the Secretary issued under section 14."

(c) Patient workers whose earning or productive capacity is not impaired shall be paid at least the statutory minimum wage. For patient workers whose earning or productive capacity is impaired to the extent that they are not able to earn the statutory minimum wage, the regulations in this Part 529 govern certificates authorizing special minimum wages for patient workers in hospitals and institutions for the sick, the aged, and the mentally ill or defective with the following exceptions which are governed by Parts 524 and 525 of this chapter, as appropriate:

(1) Patients of hospitals or institutions working for employers other than the hospital or institution.

(2) Patients working in sheltered workshops, including work activities centers, as defined in Part 525.

(d) Section 14(c), which authorizes the employment of handicapped persons at subminimum wage rates, provides in pertinent part as follows:

> (c)(1) Except as otherwise provided in paragraph[s] * * * (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.
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> * * * * *
>
> (3)(A) The Secretary may by regulation or order provide for the employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimum applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.
>
> (B) For purposes of this section, the term "work activities center" shall mean centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

(e) Authority to promulgate the regulations and issue the certificates referred to in section 14(c) has been delegated by the Secretary to the Administrator of the Wage and Hour Division (Secretary's Order No. 16–75 (40 FR 55913) and Employment Standards Order No. 2–75 (40 FR 56743)).

§ 529.2 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour Division, U.S. Department of Labor, or the Administrator's authorized representative.

(b) "Patient worker" or "resident worker," hereafter referred to as "patient worker," means a sick, aged or mentally ill or defective individual who receives treatment or care by a hospital or institution, whether he or she is a resident or not, and has an employment relationship with such establishment, other than in a sheltered workshop program.

(c) "Hospital or institution," hereinafter referred to as "institution," is a public[5] private, nonprofit or profit facility primarily engaged in (i.e., more than 50 percent of the income is attributable to) providing residential care for the sick, the aged, or the mentally ill or defective, including but not limited to nursing homes, intermediate care facilities, rest homes, convalescent homes,

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[1] On June 24, 1976, the Supreme Court held in *National League of Cities* v. *Usery*, U.S., 96 S. Ct. 2465, 49 L. Ed. 2d 245 (1976), that the minimum wage and overtime provisions of the Fair Labor Standards Act cannot constitutionally be applied to State and local government employees when engaged in traditional governmental activities, including specifically hospitals. To the extent that this decision affects public hospitals and may also affect other similar public institutions, Section 3(s)(4) is no longer in force with respect to the Act's minimum wage and overtime requirements only. (The Court's decision does not affect application of the Act's equal pay and child labor provisions.)

[2] See footnote 1, supra.

[3] See footnote 1, supra.

[4] Such regulations were issued on December 29, 1971 (36 FR 25158), but were subsequently withdrawn on June 29, 1976 (41 FR 126).

[5] See footnote 1, supra.

homes for the elderly and infirm, halfway houses, residential centers for drug addicts or alcoholics, and the like, whether licensed or not licensed.

(d) "Employment relationship" generally arises whenever a patient is suffered or permitted to work. The total facts surrounding a given situation, other than those factors specifically excluded in this subsection, determine whether the test is satisfied. A major factor in determining whether or not an employment relationship exists under this Part is whether the work performed is of any consequential economic benefit to the institution. Generally, work shall be considered to be of consequential economic benefit if it is of the type that nonhandicapped workers normally perform, in whole or in part, in the institution or elsewhere. Determination of an employment relationship does not depend on the level of performance of the patient or whether the work is of therapeutic value to the patient. A patient does not become an employee merely by reason of any of the following activities:

(1) Performing personal housekeeping chores, such as maintaining his or her own quarters;

(2) Receiving a token remuneration for his or her services;

(3) Engaging in such activities as making craft products, where the patient voluntarily engages in such activity and the products become the property of the patient making them, or the funds resulting from the sale of the products are divided among the patients participating in that program or are used for purposes of purchasing materials consumed in making the craft products;

(4) Spending, during the first three months of engagement in a work activity or activities, no more than one hour a day and no more than 5 hours a week in such activities, provided that competent instruction and supervision are given to the patient during such period;

(5) Engaging voluntarily in tasks which would otherwise be performed by a non-patient volunteer, except that the ordinary maintenance, patient care, office work and other activities normally performed in the operation of an institution will not be considered voluntary service when performed by a patient;

(6) Living in a group home whose stated purpose and actual effect is to create a family-like environment in which to each residents, during a small part of their day, independent daily living skills. These skills may include the sharing of responsibility among a small group of residents for ordinary household chores such as meal preparation, grocery shopping, dishwashing, laundering, cleaning of common areas of residency, lawn care, gardening, and other tasks generally performed by a normal family. Whether or not any of the patients in a family-like group home has entered into an employment relationship necessarily depends upon all of the facts of the particular situation. Ordinarily, an employment relationship will not be considered to have been created where all of the following conditions have been met: The work performed is that which is usually done on a daily basis in an ordinary home and is not of consequential economic benefit to the owners or to nonhandicapped employees; the group home resembles an ordinary home in that it is located in the community and has no more than six residents; residents spend no more than six hours per week engaged in the independent living program described above; and the residents have an opportunity to practice their independent living skills outside the group home, either because they leave the home after a relatively short time to be placed in independent living settings, or because they are involved in jobs or other activities in the larger community in which they live; or

(7) Living in a facility whose stated purpose and actual effect is to create a family-like environment in which to treat residents with drug or alcoholic problems. Whether or not any of the residents in such a facility has entered into an employment relationship necessarily depends upon all of the facts of the particular situation. Ordinarily, an employment relationship will not be considered to have been created where all of the following conditions have been met: The work performed is that which is usually done on a daily basis in an ordinary home and is not of consequential economic benefit to the owners or operators or to the nonhandicapped employees; residents do not perform work activities which would ordinarily be performed by full-time employees of the facility so that there is no displacement of regular full-time employees through substitution of resident workers; residence in the facility and performance of activities by the residents is short term (usually no more than a year); and the facility is relatively small, houses a limited number of residents, and has no paid staff other than counselors and other professionals.

(e) "Personal housekeeping chores" means light housekeeping duties, which generally include bedmaking, sweeping, vacuuming, and dusting, performed by a patient in his or her immediate living quarters. This includes the rotating or sharing of cleaning tasks and bedmaking among the residents in a room housing six or fewer patients, and the cleaning of their bathroom, day room, or shower room not used by others. The cleaning of common hallways, recreation room, and other such areas, even on a rotating or sharing basis, does not constitute personal housekeeping chores.

(f) "Living quarters" means the patient's room or, in a room designed for multiple occupancy, his or her proportionate space in that room, regardless of whether or not the room is fully occupied. Where six or fewer patients occupy a room, living quarters include the day room, bathroom and shower room not used by others.

(g) "Treatment" includes the rendering of any medical, surgical, therapeutic, social, or general services by the hospital or institution.

(h) "Care" includes levels of service to the patient from closely supervised services and guidance to routine custodial (i.e. guardian) services and attention. The total facts of the situation will determine whether "care" is being provided.

(i) "Group I" is an administrative classification given to that group of patients whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, to the extent that they are incapable of earning the minimum wage applicable under section 6 of the Act, but are capable of earning at least 50 percent of such wage. A special certificate, pursuant to section 14(c)(1) of the Act, may be issued, which allows "Group I" patient workers to be employed at wages which are lower than the minimum wage applicable under section 6 of the Act but not less than 50 percent of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work. This special certificate shall apply to all patient workers except those whose productive capacity is not impaired, or those whose productive capacity is so impaired as to classify them as a "Group II" patient worker as defined in this part.

(j) "Group II" is an administrative classification given to that group of patients whose physical or mental impairment is so severe as to make their productive capacity inconsequential to the extent that they are incapable of earning as commensurate pay at least 50 percent of the minimum wage applicable under section 6 of the Act. A special certificate, pursuant to section 14(c)(3) of the Act, may be issued which allows "Group II" patient workers to be employed in a program designed exclusively to provide therapeutic activities for such patients, at wages which are lower than 50 percent of the minimum wage applicable under section 6 of the Act, and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work. Such employment need not be restricted to a particular physical or program area of the institution, nor to a particular type of work. The term "Group II" as used in these regulations is intended to have the same meaning as "work activities center" which term is used in the statute.

No patient worker shall remain under a "Group II" certificate for more than one year unless annual justification is furnished by the institution that the patient worker is incapable of earning at least 50 percent of the minimum wage under section 6(b) of the Act. A copy of the patient worker's latest performance review as required by § 529.4(f) attesting to the individual's inability to earn at least 50 percent of the minimum wage submitted with the institution's next renewal application for a certificate under this part, shall constitute justification for this purpose.

(k) "Commensurate pay" (the term used in these regulations) is intended to

have the same meaning as "equitable compensation," which term is used in the statute, and means wages which are commensurate with those paid nonhandicapped workers in the institution or in industry maintaining acceptable labor standards in the vicinity for essentially the same type, quality, and quantity of work. So for example, the commensurate pay of a patient worker who is 75 percent as productive, considering quality and quantity, as the average nonhandicapped worker performing essentially similar work in the institution would be at least 75 percent of the wage paid to such nonhandicapped worker.

(l) "The Act" means the Fair Labor Standards Act of 1938, as amended.

§ 529.3 Advisory Committee on Sheltered Workshops.

(a) The Advisory Committee on Sheltered Workshops, appointed periodically by the Secretary of Labor, shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereto and for such other purposes as may be desired by the Administrator.

(b) The Administrator may consult with the Advisory Committee on Sheltered Workshops prior to any action taken under this part and may afford the Committee 15 days, or such additional time as may be allowed, to present its views. The Administrator may also afford the Committee an opportunity to present its views in connection with any petition for review filed, any hearing held, and any petition for amendment of these regulations, or any proposed legislation by the Secretary of Labor pertaining to the problems dealt with in these regulations.

§ 529.4 Wage payments.

(a) A patient worker whose earning or productive capacity is not impaired shall be paid at least the statutory minimum wage. A patient worker whose earning or productive capacity is impaired to the extent that the individual is unable to earn at least the statutory minimum wage may be paid a subminimum wage but only after a certificate authorizing payment of such lower wage has been obtained from the Wage and Hour Division. Payment of the prescribed wages must be in cash or other legal tender. Tokens, scrip, coupons and similar devices are not proper mediums of payment.

(b) Two types of certificates authorizing subminimum wages are available for patient workers in institutions: Group I, and Group II. Both are group certificates. Under a group certificate, the program is certificated and not the individual patient worker.

(c) Group I wage: Patient workers subject to a Group I certificate shall receive at least the minimum wage authorized in the certificate or commensurate pay, whichever is higher. The group minimum wage shall not be less, and may be more, than 50 percent of the minimum wage under section 6 of the Act.

(d) Group II: Patient workers subject to a Group II certificate shall receive at least commensurate pay; no minimum wage guarantee is required unless the Administrator, shall determine it is in the best interest of the patient workers that a minimum wage guarantee be set.

(e) Compensable time for a patient worker starts when the individual begins to perform work involving an employment relationship.

(f) An initial evaluation of each patient worker's productivity shall be made by the institution during the first 2 weeks of an employment relationship. The worker's productivity then shall be reviewed at three month intervals during the next 6 months in an employment relationship, and at least every 6 months thereafter. Following each such review, the patient worker's wages shall be adjusted accordingly. The review shall relate the patient worker's quantity and quality of production to that of nonhandicapped workers receiving the prevailing wage in the institution for similar work or work requiring similar skills. If similar work or work requiring similar skills is not performed by nonhandicapped workers in the institution the prevailing wage paid nonhandicapped workers n the vicinity in ndustry mantaning acceptable labor standards shall be used. The review shall be made by a staff member or members who observe the patient worker(s) being rated on a continuing asis and who are familiar with appropriate nonhandicapped production standards. The findings and conclusions of the review shall be in writing. Supervisory or other costs in connection with operating work programs for patients shall not be factors in determining patient worker wages under this part.

(g) No part of the minimum wage and overtime earned by a patient worker can be deducted for the cost of room, board or services. The patient worker must receive his or her wages free and clear, except for legal payroll deductions. It is not the intention of these regulations, however, to preclude the institution thereafter from assessing or collecting the reasonable cost of room, board and other services actually provided to a patient worker to the extent permitted by applicable Federal or State law and on the same basis as it assesses and collects from nonworking patients. Such assessments and collections must be made as part of a separate transaction and cannot result in the patient worker receiving less than the wages due him or her under the Act. Moreover, if it is determined that institutions are assessing only working patients, the payment of such assessments and collections from the wages of patient workers will result in a violation of the Act. Institutions should also note that nothing provided herein shall be construed as approving the validity of any Federal or State law permitting institutions to assess patients, for the reasonable costs of board, lodging and other facilities furnished them.

(h) If in specific cases it can be demonstrated that the patient has no concept of the value of money, or the patient is unable to handle money, the requirement for "free and clear" payment may be met by the introduction of a third party. This may be accomplished by any court of competent jurisdiction appointing a legal guardian for the patient who administers the patient's estate under local law, or by paying the money to the superintendent or to a delegated bonded representative, provided that he or she is legally subject to a regular accounting and provided also that the institution derives no profit or benefit from the transaction.

§ 529.5 Application for certificates.

(a) Application for a certificate for a Group I or a Group II subminimum wage may be filed by any institution with the Regional Office or Caribbean Director of the administrative region or area of the Wage and Hour Division, U.S. Department of Labor, in which the institution is located. Application forms may be obtained from the appropriate Office.

(b) An institution initially applying for a certificate, which does not have the information called for in the application, may be issued a temporary certificate if it meets the requirements of, and provides assurance of compliance with, this part.

§ 529.6 Criteria for consideration in issuance of certificates.

The following criteria will be considered by the Adminstrator in determining the necessity of issuing a certificate or certificates and the conditions to be specified therein:

(a) The present and previous earnings of the patient workers.

(b) Whether the patient workers are receiving commensurate pay.

(c) The nature and extent of the disabilities of the patient workers and the degree to which these factors affect earnings or productive capacity of the patient workers.

(d) Whether any of the provisions of the Act or the terms of a previous certificate issued under section 14(c) of the Act have been violated, or the requirements of this part were not complied with under a previously issued certificate.

(e) Whether the conditions required for certification under this part have been met.

§ 529.7 Issuance of certificates.

(a) Upon consideration of criteria specified in § 529.6, the Administrator may issue a certificate or certificates, as appropriate.

(b) If a certificate is issued, a copy shall be sent to the institution. If denied, the institution shall be notified in writing of the denial and the reasons therefor.

(c) A group minimum wage certificate may be issued for the entire institution or a department or departments of the institution.

§ 529.8 Terms and conditions of certificates.

(a) A certificate shall specify the terms and conditions under which it is granted.

(b) A certificate shall apply to every patient worker in the program for which the certificate is granted.

(c) A certificate shall be effective for a period to be designated by the Administrator, generally for a period of 1 year. Patient workers may be paid wages lower than the statutory minimum only during the effective period of a certificate.

(d) Group I certificate shall set a special minimum wage of not less than 50 percent of the minimum wage under section 6 of the Act. An individual exception certificate shall set a special minimum wage not less than 25 percent of the minimum wage under section 6 of the Act.

(e) A Group II certificate need not set a special minimum wage other than that required by paragraph (f) of this section or provided for by § 529.4.

(f) All patient workers subject to a certificate shall be paid wages commensurate with those paid nonhandicapped workers in the institution in which they are patients or in the vicinty in industry maintaining acceptable labor standards for essentially the same type, quality, and quantity of work, but not less than the certificate rate applicable if such a rate has been authorized.

(g) Patient workers shall be paid not less than one and one half times their regular rate of pay for any hour worked in excess of forty in any one workweek. No employer engaged in the operation of a hospital or institution as defined in § 529.2(c) shall be deemed to have violated this provision if, pursuant to an agreement or understanding arrived at between the employer and the employee before the performance of the work, a work period of fourteen consecutive days is accepted in lieu of the workweek of seven consecutive days for the purposes of overtime compensation and if, for his or her employment in excess of eight hours in any workday and in excess of eighty hours in such fourteen-day period, the employee receives compensation at a rate of not less than one and one half times the regular rate at which he or she is employed, as allowed in section 7(j) of the Act.

(h) No patient worker shall be newly-employed under a certificate issued under these regulations while abnormal labor conditions, such as a strike, a lock-out, or other similar condition, exist in the institution.

(i) Prior to entering into an employment relationship with the institution, each patient worker shall be informed both orally and in writing, of his or her rights under the Act. Such notification shall include the patient-worker's right to be paid in accordance with the minimum wage and overtime provisions of the Act, the patient-worker's commensurate pay, and the patient-worker's right to request an amendment to the certificate and petition for review as set forth in § 529.8(i) and § 529.12. If there are changes in any of these items, the patient-worker shall be informed. If a patient-worker is adjudged incompetent, the parent or guardian shall also be informed in writing of all of the above.

(j) The terms of any certificate may be amended for cause, upon request of the institution, or a patient worker or his or her parent or guardian, or upon the initiative of the Administrator.

(k) A certificate does not relieve any hospital or other institution of the child labor provisions of the Act or of the regulations issued thereunder, nor of the provisions of any other Federal, State or local child labor law or ordinance.

§ 529.9 Renewal of certificates.

(a) Application may be filed for renewal of any certificate.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Patient workers may be paid wages less than the statutory minimum after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 529.12: *Provided, however,* That if the denial is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of denial.

§ 529.10 Records to be kept.

Every institution shall maintain and have available for inspection by the Administrator records of:

(a) Disability, which show the nature of each patient worker's disability.

(b) Productivity, which show the productivity of each patient worker on a continuing basis or at periodic intervals as defined in § 529.4(f).

(c) Prevailing wage, which show the prevailing wages paid nonhandicapped workers in the institution or in industry in the vicinity for essentially similar work to that performed by the patient workers.

(d) Production standards for an average nonhandicapped worker for each job being performed by a patient worker in the institution (for use as a norm in measuring patient worker productivity).

(e) When an institution holds both Group I and Group II certificates, records showing which patient workers are under each certificate.

(f) In addition, the records required under all the applicable provisions of Part 516 of this chapter.

(g) Every institution having patient workers who are entitled to benefits under the Act shall at all times display a poster, as prescribed by the Administrator, in a conspicuous place in the institution where it may be observed readily by the patient workers and other workers in the institution.

(h) Records required by this section shall be kept for the periods specified in Part 516 of this chapter.

§ 529.11 Cancellation of a certificate.

(a) The Administrator may cancel any certificate for cause. A certificate may be canceled (1) as of the date of issuance, if it is found that fraud has been utilized in obtaining the certificate or in permitting a patient worker to be employed thereunder; (2) as of the date of violation, if it is found that any of the provisions of the Act or of the terms of the certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 529.12, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of cancellation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the institution in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 529.12 Review.

Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 60 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted shall be made either by the Administrator or by an authorized representative who took no part in the action under review, who may, to the extent it is deemed appropriate, afford other interested persons an opportunity to present data and views.

§ 529.13 Submission of information, investigations, and hearings.

The Administrator may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate, or may conduct an investigation, which may include a hearing, prior to taking any action pursuant to this part. To the extent it is deemed appropriate, the Administrator may provide an opportunity

to other interested persons to present data and views.

§ 529.14 Relation to other laws.

No provision of this part, or of any certificate issued under this part, shall excuse noncompliance with any other Federal or State law or municipal ordinance establishing higher standards.

§ 529.15 Issuance of certificates for experimental purposes.

In addition to the issuance of certificates as provided in §§ 529.1 to 529.14, the Administrator may authorize the issuance of certificates to permit employment of patient workers in institutions at less than the applicable minimum wage under section 6 of the Act as part of experimental programs to increase employment opportunities for such persons. Such certificates shall be issued in such types of cases and on such terms and conditions within the scope of section 14 of the Act as the Administrator shall determine will best further any such experimental programs. Certificates issued under this section shall be limited to an effective period of not more than 1 year.

§ 529.16 Amendment of this part.

The Administrator may at any time upon his or her own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

[FR Doc.77-8223 Filed 3-17-77;8:45 am]

Federal Register

FRIDAY, MARCH 18, 1977

PART V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

■

FINANCING, TAX EXEMPTION OF OBLIGATIONS OF PUBLIC HOUSING AGENCIES; SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM

Proposed Rulemaking

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing, Federal Housing Commissioner

[24 CFR Part 811]

[Docket No. R-77-334]

PUBLIC HOUSING AGENCIES

Financing, Tax Exemption of Obligations

The Department published final regulations under Part 811, Subpart A, "Tax Exemption of Obligations of Public Housing Agencies Under section 11(b) of the Act," on October 30, 1975, at 40 FR 50531. Notice is hereby given that the Department is proposing to amend Part 811, Subpart A in several respects, as discussed below:

In general the proposed amendments would clarify the existing regulation to, on the one hand, overcome difficulties in finding express authority under State law for the creation or utilization of "agencies or instrumentalities" by public bodies authorized to engage in housing for low-income families and, on the other hand, provide the requisite controls to make the organization in fact and in law an "agency or instrumentality" of the parent public body and specifically an "instrumentality" to carry out the public purpose of the Federal tax exemption. In drafting these amendments, special care has been taken to prevent the abuses of a similar form of financing which developed under the former Section 23 program. Congress sought to prevent these abuses by specifically requiring HUD to approve the financing where Section 8 housing assistance payments are pledged as security. Particular attention is directed to the provisions in the proposed amendments restricting the amount and use of the bond proceeds and the prohibition against arbitrage financing. These restrictions include a requirement that the bond proceeds be escrowed until the project is completed and accepted by HUD, thus assuring that the bond proceeds will not be disbursed and that no tax exemption will be provided for unacceptable projects.

Specifically, the amendments would make the following changes:

1. A definition of "Low-Income Housing Project" would be added to § 811.102 to clarify that the term includes housing projects for families and persons within the income range covered by section 3(2) of the Act such as those of lower income assisted under section 8 and those that may otherwise be referred to as moderate-income families and persons. A definition of "obligations" would be added to the same section to clarify that the term "obligations" includes, but is not limited to, bonds and notes (whether or not secured by a mortgage).

2. New paragraphs (b) (2) and (b) (3) would be added to § 811.104 to provide that an "agency or instrumentality" under the Regulations may be created or utilized "by any appropriate means not prohibited by State law." The underlying principle is that the prime purpose of the Regulation is to carry out the Congressional purpose for which tax exemption is provided under the United States Housing Act of 1937, i.e., the housing of lower-income families, and that the Regulation should therefore not prescribe the method by which "agencies or instrumentalities" may be created or utilized by the parent entity, so long as that method is not prohibited by State law.

3. The "agency or instrumentality" must be a "not-for-profit" organization and its activities, assets and funds must be limited to carrying out a low-rent housing project which has been approved by the parent entity and with respect to which (a) HUD will have executed a Housing Assistance Payments Contract or an Agreement to enter into such a Contract, or (b) HUD will have approved the execution of such an Agreement or Contract in accordance with an Annual Contributions Contract with HUD.

4. The parent entity must approve the charter and by-laws of its "agency or instrumentality" and any amendments thereto; must initially approve its programs and expenditures and make annual post-reviews; must approve each issue of obligations not more than 60 days prior to issue; must review annual fiscal statements; must have access to all books and accounts; and must agree to receive title to any property financed by the tax-exempt obligations. If in conjunction with issuance of the obligations title is to be conveyed to the parent entity, instruments conveying title to it must be placed in escrow, and in such case full legal title must be obtained by the parent entity upon retirement of the obligations.

5. The proceeds of the obligations (other than temporary obligations issued to finance construction) must be placed in escrow. The escrowed funds shall be disbursed only upon execution of a Housing Assistance Payments Contract, except for prior disbursements for reasonable expenses of issuing the obligations and for capitalized interest. If a Housing Assistance Payments Contract is not executed within 60 days of the date by which completion is required under the applicable Agreement to Enter into Housing Assistance Payments Contract, the obligations must be redeemed at par plus accrued interest from the escrowed proceeds of the obligations unless the Agreement is amended to allow additional time. Any net earnings belong to the parent entity and, upon dissolution of the "agency or instrumentality," title to all property vests in the parent entity.

6. Section 811.105 would be amended to expressly authorize use of the proceeds of the bond issue to cover capitalized interest during construction and to provide for deposit of the one-year debt service reserve in an interest earning account with the earnings available only for purposes of making debt service payments on the obligations.

7. Arbitrage obligations are prohibited but temporary construction financing is deemed not to be an arbitrage transaction.

8. The provision stating that this regulation is not applicable to obligations which are tax exempt pursuant to other provisions of law or regulation has been amended by adding the qualifying phrase "except as provided in 24 CFR, §§ 880.115 (c) and 881.115(c)." Amendments to these sections are being proposed in today's edition of the FEDERAL REGISTER to provide that the controls and limitations required by the proposed amendments to Part 811 with respect to an "agency or instrumentality" shall be applicable even where the tax exemption of the obligations of a PHA (other than a Participating Agency under Part 883) or of an entity created or utilized by such a PHA is obtained pursuant to Treasury Department regulations, rather than Part 811.

Since the proposed amendments are designed to provide procedural clarifications of the existing regulation and since these clarifications are necessary to expedite approval of financing for projects which have otherwise been approved by the Department and are pending the availability of financing under Part 811, Subpart A, the Department has determined that it is necessary and in the public interest to limit the period for public comment to 15 days. All comments received on or before April 5, 1977, will be considered before adopting a final rule.

Submittals should refer to the above Docket Number and date and be addressed to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a finding of inapplicability of inflation impact statement requirements has been made in accordance with HUD procedures. Copies of these findings will be available for public inspection during regular business hours at the address specified above.

It is therefore proposed to amend Title 24 of the Code of Federal Regulations by amending Part 811, Subpart A, as follows:

1. Section 811.102 paragraphs (c) and (d) would be redesignated § 811.102 paragraphs (e) and (f), respectively, and new §§ 811.102(c) and 811.102(d) would be added to read:

§ 811.102 Definitions.

* * * * *

(c) "Low-income housing project" means any low-income housing developed, acquired, or assisted by a PHA under the Act, and the improvement of any such housing. "Low-income housing" means housing for families and persons within the income range covered by section 3(2) of the Act such as those of lower income assisted under Section 8 and those that may otherwise be referred to as moderate-income families and persons.

(d) "Obligations" include, but are not limited to, bonds and notes (whether or not secured by a mortgage).

2. Paragraph (b) of § 811.104 would be redesignated paragraph (b)(1) and new paragraphs (b)(2) and (b)(3) would be added as follows:

§ 811.104 Approval of Public Housing Agencies.

* * * * *

(b) * * *

(2) An applicant applying as an agency or instrumentality shall furnish sufficient evidence to establish that it can be created or utilized by the parent entity by any appropriate means not prohibited by State law. The applicant shall be a not-for-profit entity which as to form may be a corporation, trust, commission, bureau, tribe, district, authority, unincorporated association or other form of organization. The documentary evidence required under paragraph (b)(1) of this section shall include an opinion of counsel acceptable to the Department that the applicant meets the requirements of paragraphs (a)(1) and (2) of this section.

(3) An applicant applying as an agency or instrumentality shall furnish sufficient evidence to establish that activities to be performed by the applicant, and funds and assets connected therewith, shall be limited to carrying out a low-income housing project which has been approved by the parent entity and with respect to which the Department will have executed a Housing Assistance Payments Contract, or an Agreement to enter into such a Contract, pursuant to the Act or will have executed its written approval of the execution of such an Agreement or Contract in accordance with an Annual Contributions Contract with the Department. The organization, activities, funds and assets of the applicant shall be subject to the following additional requirements:

(i) Approval by the parent entity of the charter or other organic document and of the by-laws; such organic instrument and by-laws shall specify that any amendments are subject to approval by the parent entity.

(ii) Approval by the parent entity of the projected program and projected expenditures of the applicant and annual post-review of the program and expenditures.

(iii) Approval by the parent entity of each issue of obligations of the applicant not more than 60 days prior to the date of issue.

(iv) Annual review by the parent entity of the applicant's activities and financial statements for the prior year, including the annual statements of income and expenditures.

(v) Access by the parent entity at any time to all books and records of the applicant.

(vi) Agreement by the parent entity to accept title to any real or personal property financed by the obligations.

(vii) If in conjunction with the issuance of the obligations title is to be conveyed to the parent entity, instruments making such conveyance shall be placed in escrow with instructions that the escrow agent deliver such instruments of title to such parent entity upon the retirement of the obligations or at such earlier time as may be established in conjunction with the issuance of the obligations. In such event the parent entity shall obtain, upon retirement of the obligations, full legal title to the property with respect to which the indebtedness is incurred free of encumbrances created subsequent to the acquisition of the property by the applicant. Examples of encumbrances are options, lease renewals or lease extensions exercisable by any person other than the parent entity.

(viii) The proceeds of any obligation(s) issued pursuant to this Subpart A (other than temporary obligations issued to finance construction or rehabilitation) shall be placed in escrow. The escrowed proceeds shall be disbursed only upon execution of a Housing Assistance Payments Contract covering the project with respect to which the obligation(s) was issued except for prior disbursements for reasonable expenses of issuing the obligations and for capitalized interest. In the event that such Contract is not executed within 60 days of the date by which completion is required under the applicable Agreement to Enter into Housing Assistance Payments Contract, the obligation(s) shall be redeemed at par, plus accrued interest, from the proceeds of the obligations, provided that the obligations shall not be required to be redeemed in the event (a) the Agreement is amended to allow additional time and (b) additional funds to pay any late completion penalty are added to the escrowed proceeds of obligation(s).

(ix) Any net earnings of the applicant (beyond those necessary for retirement of the indebtedness or to carry out the low-rent housing project) may not inure to the benefit of any person other than the parent entity.

(x) Upon dissolution of the applicant, title to all property owned by such applicant shall vest in the parent entity."

3. Section 811.105 would be amended by deleting it and substituting the following:

§ 811.105 Amount of obligations and use of proceeds.

(a) Obligations shall be tax-exempt under § 811.103(a) only if the amount of the obligations is determined by the Department not to exceed the estimated reasonable development cost of the project plus reasonable expenses of issuing the obligations. Reasonable development cost may include capitalized interest during construction and an amount sufficient to establish a reserve fund equal to one year's debt service. The reserve fund shall be deposited in an interest earning account, and this fund and interest income shall be available only for the purpose of paying principal and interest on the obligations.

(b) Arbitrage obligations are not eligible under this Subpart A. The issuance of temporary obligations to finance construction or rehabilitation of an eligible project which are to be liquidated upon its completion with the proceeds of permanent financing pursuant to this Subpart shall not be deemed to constitute an arbitrage transaction.

4. Section 811.107 would be amended to read:

§ 811.107 Inapplicability to tax exemption other than under section 11(b).

The provisions of this subpart shall not be applicable to obligations issued pursuant to, or purporting to be tax exempt under, any other provision of law or Governmental regulation, except as provided in 24 CFR, §§ 880.115(c) and 881.115(c).

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)); sec. 5(b) of the United States Housing Act of 1937, (42 U.S.C. 1437c (b)).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Issued at Washington, D.C. on March 15, 1977.

JOSEPH BURSTEIN,
Acting Assisting Secretary for Housing.

[FR Doc.77-8243 Filed 3-17-77;8:45 am]

[24 CFR Part 880]

[Docket No. R-77-389]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

New Construction

The Department published regulations for effect for the Section 8 Housing Assistance Payments Program—New Construction on April 26, 1976, 41 FR 17468. Miscellaneous amendments were published on September 29, 1976, 41 FR 42951.

Notice is hereby given that the Department is proposing to amend Part 880 of Title 24 in several respects.

Section 880.106(a) would be revised to clarify that a State Housing Finance or Development Agency administering a project pursuant to an ACC under Part 880 is eligible to receive a fee for administration if the amount charged for the loan by the State Agency to the Owner is no greater than the Agency's cost of borrowing. This makes explicit the result reached under the current provision, which has been interpreted to authorize a fee for State Agencies only when their charge for the loan to the Owner is no greater than their cost of borrowing.

Section 880.115 would be revised to provide that certain provisions of Part 811, "Tax Exemption of Obligations of PHAs under section 11(b) of the Act," including amendments being proposed in today's edition of the FEDERAL REGISTER, shall be applicable when the financing is by obligations of a PHA (other than a Participating Agency under Part 883) or an entity created or utilized by such a PHA even when the tax exemption of the obligations is obtained pursuant to

Treasury Department regulations, rather than Part 811. A discussion of these Part 811 provisions can be found in the preamble to the amendments proposed to Part 811 published today.

Conforming amendments to Part 881, the Section 8 Substantial Rehabilitation Program Regulations, will be published for effect when the amendments to Part 880 now being proposed are published for effect.

Since these proposed amendments are incidental to the proposed Part 811 amendments and are necessary for consistency with them, the Department has determined that it is necessary and in the public interest to limit the period for public comment to 15 days, which is the same period as that provided for the Part 811 amendments.

Written comments and suggestions will be received until April 5, 1977. HUD will make such modifications as it deems appropriate in the final regulations. Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each such communication will be available for public inspection during regular business hours at the above address.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a finding of inapplicability of inflation impact statement requirements has been made in accordance with HUD procedures. Copies of these findings will be available for public inspection during regular business hours at the above address.

It is therefore proposed to amend Part 880 by revising § 880.106(a) and by adding a new § 880.115(c), as follows:

1. Section 880.106(a) would be revised by inserting the following at the end thereof:

§ 880.106 Maximum Total ACC Commitment and Project Account (Private-Owner/PHA Projects).

(a) * * *

Where the PHA is a State Housing Finance or Development Agency, the maximum total annual contribution shall not include a fee for the regular costs of administration, nor shall the agency be eligible for a fee for the preliminary costs of administration, if the amount charged for the loan by the agency to the Owner is greater than the agency's cost of borrowing.

2. A new § 880.115(c) would be added to read:

§ 880.115 Financing.

* * * * *

(c) *Applicability of Certain Provisions of 24 CFR, Part 811, Where Financing is by a PHA or Entity Created or Utilized by a PHA.* Where the financing is by obligations of a PHA (other than a Participating Agency under Part 883) or an entity created or utilized by such a PHA which obligations are tax exempt pursuant to Treasury Department regulations, rather than 24 CFR, Part 811, "Tax Exemption of Obligations of PHAs under section 11(b) of the Act," § 811.104(b) shall nevertheless be applicable.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)); sec. 5(b) of the United States Housing Act of 1937, (42 U.S.C. 1437c (b)); sec. 8 of the United States Housing Act of 1937, (42 U.S.C. 1437f).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Issued at Washington, D.C. on March 15, 1977.

JOSEPH BURSTEIN,
Acting Assistant Secretary for Housing.

[FR Doc.77-8244 Filed 3-17-77;8:45 am.]

[24 CFR Part 883]

[Docket No. R-77-309]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, HOUSING FINANCE AND DEVELOPMENT AGENCIES

Maximum Total ACC Commitment and Project Account

The Department proposes to amend Title 24 by revising §883.203(a) to permit the maximum total annual contribution that may be contracted for in an Annual Contributions Contract between the Department and a State Housing Finance and Development Agency to include a fee for the regular costs of administration if the amount charged for the loan by the State Agency to the Owner is no greater than the Agency's cost of borrowing. In this event, a fee for the preliminary costs for administration would also be paid.

Section 883.203 as now published does not provide for a fee to be paid to the State Agency for administration of the project because the usual practice of State Agencies is to cover their expenses by charging a spread between their cost of borrowing and their charge for lending to the owner. Although State Agencies ordinarily obtain tax exemption for their obligations pursuant to Treasury Department regulations, there may be cases where they will find it necessary or desirable to obtain the tax exemption under HUD regulations on "Tax Exemption of Obligations of PHAs under section 11(b) of the Act," 24 CFR, Part 811. Amendments to Part 811 being proposed in today's edition of the FEDERAL REGISTER make arbitrage obligations ineligible for tax exemption under Part 811, so that a State Agency acting under Part 811 would be prohibited from charging more than its cost of borrowing. Accordingly, these amendments to Part 883 are being proposed to permit a fee to be paid to the State Agency in such cases. Under these amendments, it will also be possible for a State Agency to qualify for a fee even when the tax exemption is obtained pursuant to Treasury Department regulations, if the Agency charges no more for the loan than its cost of borrowing.

Since these proposed amendments are incidental to the proposed Part 811 amendments and are necessary for consistency with them, the Department has determined that it is necessary and in the public interest to limit the period for public comment to 15 days, which is the same period as that provided for the Part 811 amendments.

Written comments and suggestions will be received until April 5, 1977. HUD will make such modifications as it deems appropriate in the final regulations. Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. A copy of each such communication will be available for public inspection during regular business hours at the above address.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a finding of inapplicability of inflation impact statement requirements has been made in accordance with HUD procedures. Copies of these findings will be available for public inspection during regular business hours at the above address.

It is therefore proposed to revise § 883.203(a) to read:

§ 883.203 Maximum total ACC commitment and project account.

(a) *Maximum total ACC commitment.* The maximum total annual contribution that may be contracted for in the ACC for a project shall be the total of the Gross Rents for all the Contract units in the project, plus a Financing Cost Contingency (if the HFA is using its set-aside for the project) for possible increases in Contract Rents resulting from higher financing costs, pursuant to § 883.205(c)(2). In addition, the maximum total annual contribution may include a fee for the regular costs of HFA administration if the amount charged for the loan by the HFA to the Owner is no greater than the HFA's cost of borrowing. Where the HFA qualifies for a fee for the regular costs of administration, HUD-approved preliminary costs for administration (including administrative costs in connection with HFA activities related to relocation of occupants) shall be payable out of the maximum total annual contribution.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)); sec. 5(b) of the United States Housing Act of 1937. (42 U.S.C. 1437c (b)); sec. 8 of the United States Housing Act of 1937, (42 U.S.C. 1437F).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Issued at Washington, D.C. on March 15, 1977.

JOSEPH BURSTEIN,
Acting Assistant Secretary for Housing.

[FR Doc.77-8245 Filed 3-17-77;8:45 am]

Federal Register

FRIDAY, MARCH 18, 1977

PART VI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

FEDERAL ADVISORY COMMITTEES

Announcement of Annual Comprehensive Review

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Alcohol, Drug Abuse, and Mental Health Administration and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS: Mr. William R. Berry, 5600 Fishers Lane, Room 17-A-55, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT:

Mr. William R. Berry, 301/443-6328 (address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide, zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or whether the committee should be abolished.

The Alcohol, Drug Abuse, and Mental Health Administration is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/PHS/ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Alcohol Research Review Committee
Alcohol Training Review Committee
Biological Science Training Review Committee
Board of Scientific Counselors, NIMH
Clinical Program-Projects Research Review Committee
Clinical Projects Research Review Committee
Clinical Psychopharmacology Research Review Committee
Committee on Mental Health and Illness of the Elderly
Community Alcoholism Services Review Committee
Continuing Education Training Review Committee
Crime and Delinquency Review Committee
Drug Abuse Demonstration Review Committee
Drug Abuse Prevention Review Committee
Drug Abuse Research Review Committee
Drug Abuse Training Review Committee
Epidemiologic Studies Review Committee
Experimental Psychology Research Review Committee
Experimental and Special Training Review Committee
Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism
Juvenile Problems Research Review Committee
Mental Health Services Research Review Committee
Mental Health Small Grant Committee
Metropolitan Mental Health Problems Review Committee
Minority Advisory Committee
Minority Group Mental Health Programs Review Committee
National Advisory Council on Alcohol Abuse and Alcoholism
National Advisory Council on Drug Abuse
National Advisory Mental Health Council
National Panel on Alcohol, Drug Abuse, and Mental Health
Neuropsychology Research Review Committee
Paraprofessional Manpower Development Review Committee
Personality and Cognition Research Review Committee
Preclinical Psychopharmacology Research Review Committee
Psychiatric Nursing Education Review Committee
Psychiatry Education Review Comittee
Psychological Sciences Fellowship Review Committee
Psychology Education Review Committee
Rape Prevention and Control Advisory Committee
Social Problems Research Review Committee
Social Sciences Research Review Committee
Social Sciences Training Review Committee
Social Work Education Review Committee

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8426 Filed 3-17-77;10:41 am]

CENTER FOR DISEASE CONTROL

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Center for Disease Control.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Center for Disease Control and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS: Committee Management Officer, Center for Disease Control, 1600 Clifton Road, NE., Room 111, Atlanta, Georgia 30333.

FOR FURTHER INFORMATION CONTACT:

Mrs. Martha S. Brocato, 404/633-3311, Ext: 6793 (address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide, zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The Center for Disease Control is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by

March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/PHS/CENTER FOR DISEASE CONTROL

Coal Mine Health Research Advisory Committee.
Drinking Water Disinfection ad hoc Advisory Committee.
Immunization Practices Advisory Committee.
Medical Laboratory Services Advisory Committee.
Safety and Occupational Health Study Section.

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8427 Filed 3-17-77;10:41 am]

EDUCATION DIVISION

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Education Division.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Education Division and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS: Committee Management Officer, Office of the Assistant Secretary for Education, 200 Independence Ave., S.W., Room 301-H, South Portal, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Ms. Barbara Hunter,
202/245-8036
(address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide, zero-based review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The Education Division is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/EDUCATION DIVISION:

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

Advisory Council on Education Statistics.
Board of Advisors to the Fund for the Improvement of Postsecondary Education.

NATIONAL INSTITUTE OF EDUCATION

Panel on Basic Skills.
Panel on Education and Work.
Panel on School Capacity for Problems Solving.

OFFICE OF EDUCATION

Accreditation and Institutional Eligibility Advisory Committee.
Advisory Council on Developing Institutions.
Advisory Council on Environmental Education.
Advisory Council on Financial Aid to Students.
Community Education Advisory Council.
National Advisory Committee on the Handicapped.
National Advisory Council on Adult Education.
National Advisory Council on Bilgual Education.
National Advisory Council for Career Education.
National Advisory Council on Education of Disadvantaged Children.
National Advisory Council on Equality of Educational Opportunity.
National Advisory Council on Ethnic Heritage Studies.
National Advisory Council on Extension and Continuing Education.
National Advisory Council on Indian Education.
National Advisory Council on Vocational Education.
National Advisory Council on Women's Educational Programs.

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8423 Filed 3-17-77;10:41 am]

FOOD AND DRUG ADMINISTRATION

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Food and Drug Administration and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS:

Committee Management Officer, Food and Drug Administration, 5600 Fishers Lane, Room 7-79, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard L. Schmidt, 301/443-2765 (address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The Food and Drug Administration is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This dead-

line requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/PHS/FOOD AND DRUG ADMINISTRATION

Ad Hoc Committee on Reserpine and Breast Cancer
Anesthesiology Advisory Committee
Anesthesiology Device Classification Panel
Anti-Infective Agents Advisory Committee
Arthritis Advisory Committee
Biometric and Epidemiological Methodology Advisory Committee
Board of Tea Experts
Cardiovascular Device Classification Panel
Cardiovascular and Renal Advisory Committee
Clinical Chemistry Device Classification Panel
Clinical Toxicology Device Classification Panel
Controlled Substances Advisory Committee
Dental Device Classification Panel
Dental Drug Products Advisory Committee
Dermatology Advisory Committee
Device Good Manufacturing Practices Advisory Committee
Diagnostic Products Advisory Committee
Ear, Nose, and Throat Device Classification Panel
Endocrinology and Metabolism Advisory Committee
FDA/NIDA Drug Abuse Research Advisory Committee
Gastrointerological Urological Device Classification Panel
Gastrointestinal Drugs Advisory Committee
General Hospital and Personal Use Device Classification Panel
General and Plastic Surgery Device Classification Panel
Hematology Device Classification Panel
Immunology Device Classification Panel
Medical Radiation Advisory Committee
Microbiology Device Classification Panel
National Advisory Food and Drug Committee
Neurological Drugs Advisory Committee
Neurological Device Classification Panel
Obstetrical and Gynecological Device Classification Panel
Obstetrics and Gynecology Advisory Committee
Oncologic Drugs Advisory Committee
Opthalmic Device Classification Panel
Ohthalmic Drugs Advisory Committee
Orthopedic Device Classification Panel
Panel on Review of Allergenic Extracts
Panel on Review of Antimicrobial Agents
Panel on Review of Antiperspirant Drug Products
Panel on Review of Bacterial Vaccines and Bacterial Antigens
Panel on Review of Bacterial Vaccines and Toxoids
Panel on Review of Blood and Blood Derivatives
Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs
Panel on Review of Contraceptives and other Vaginal Drug Products
Panel on Review of Dentifrices and Dental Care Agents
Panel on Review of Hemorroidal Drugs
Panel on Review of Internal Analgesic Including Antirheumatic Drugs
Panel on Review of Laxative, Antidiarrheal, Antiemetic, and Emetic Drugs
Panel on Review of Miscellaneous External Drug Products
Panel on Review of Miscellaneous Internal Drug Products
Panel on Review of Opthalmic Drugs
Panel on Review of Oral Cavity Drug Products
Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs
Panel on Review of Skin Test Antigens
Panel on Review of Topical Analgesics Including Antirheumatic, Otic, Burn, Sunburn Treatment and Prevention Drugs
Panel on Review of Viral Vaccines and Rickettsial Vaccines
Panel on Review of Vitamin, Mineral and Hematinic Drug Products
Pathology Device Classification Panel
Physical Medicine Device Classification Panel
Psychopharmacological Agents Advisory Committee
Pulmonary-Allergy and Clinical Immunology Advisory Committee
Radiological Device Classification Panel
Radiopharmaceutical Advisory Committee
Science Advisory Board to the National Center for Toxicological Research
Surgical Drugs Advisory Committee
Technical Electronic Product Radiation Safety Standards Committee
Toxicology Advisory Committee

Dated: March 16, 1977

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8429 Filed 3-17-77;10:41 am]

HEALTH RESOURCES ADMINISTRATION

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Health Resources Administration.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Health Resources Administration and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS:
Mr. William R. Berry, 5600 Fishers Lane, Room 17-A-55, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT:
Mr. William R. Berry, 301/443-6328 (address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide, zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The Health Resources Administration is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/PHS/HEALTH RESOURCES ADMINISTRATION

Cooperative Health Statistics Advisory Council
Federal Hospital Council
Graduate Medical Education National Advisory Committee
Health Care Technology Study Section
Health Services Developmental Grants Study Section
Health Services Research Study Section
Long-Term Care Advisory Committee
National Advisory Council on Health Professions Education
National Advisory Council on Nurse Training
National Advisory Public Health Training Council
National Council on Health Planning and Development
Nursing Research and Education Advisory Committee
United States National Committee on Vital and Health Statistics

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8430 Filed 3-17-77;10:41 am]

HEALTH SERVICES ADMINISTRATION

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Health Services Administration.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Health Services Administration and invites the public to comment on individ-

ual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS: Mr. William R. Berry, 5600 Fishers Lane, Room 17-A-55, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT:

Mr. William R. Berry, 301/443-6328 (address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide, zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistant with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Comittee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The Health Services Administration is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/PHS/HEALTH SERVICES ADMINISTRATION

Indian Health Advisory Committee
Interagency Committee on Emergency Medical Services
Maternal and Child Health Grants Review Committee
National Advisory Council on Health Manpower Shortage Areas
National Advisory Council on Migrant Health

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8431 Filed 3-10-77;10:41 am]

NATIONAL INSTITUTES OF HEALTH

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: National Institutes of Health.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the National Institutes of Health and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS: Committee Management Officer, National Institutes of Health, Building 01, Room 303, Bethesda, Maryland 20014.

FOR FURTHER INFORMATION CONTACT:

Mrs. Suzanne L. Fremeau, 301/496-2123 (address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide, zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandafe. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The National Institutes of Health is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/PHS/NATIONAL INSTITUTES OF HEALTH

Ad hoc Committee for the Selection of Director, National Cancer Program and National Cancer Institute
Advisory Committee to the Director, NIH
Aging Review Committee
Allergy and Immunology Research Committee
Allergy and Immunology Study Section
Animal Resources Advisory Committee
Applied Physiology and Orthopedics Study Section
Arteriosclerosis and Hypertension Advisory Committee
Artificial Kidney-Chronic Uremia Advisory Committee
Bacteriology and Mycology Study Section
Behavioral Sciences Research Contract Review Committee
Biochemistry Study Section
Biomedical Library Review Committee
Biometry and Epidemiology Contract Review Committee
Biophysics and Biophysical Chemistry A Study Section
Biophysics and Biophysical Chemistry B Study Section
Biotechnology Resources Advisory Committee
Blood Diseases and Resources Advisory Committee
Board of Regents of the National Library of Medicine
Board of Scientific Counselors of Division of Cancer Biology and Diagnosis
Board of Scientific Counselors of the Division of Cancer Treatment
Board of Scientific Counselors, NEI
Board of Scientific Counselors, NHLBI
Board of Scientific Counselors, NIA
Board of Scientific Counselors, NIAID
Board of Scientific Counselors, NIAMDD
Board of Scientific Counselors, NICHD
Board of Scientific Counselors, NIDR
Board of Scientific Counselors, NIEHS
Board of Scientific Counselors, NINCDS
Breast Cancer Diagnosis Committee
Breast Cancer Epidemiology Committee
Breast Cancer Experimental Biology Committee
Breast Cancer Treatment Committee
Cancer Center Support Grant Review Committee
Cancer Clinical Investigation Review Committee
Cancer Control Community Activities Review Committee
Cancer Control Grant Review Committee
Cancer Control Intervention Programs A Review Committee
Cancer Control Intervention Programs B Review Committee
Cancer Control and Rehabilitation Advisory Committee
Cancer and Nutrition Scientific Review Committee
Cancer Research Manpower Review Committee
Cancer Special Program Advisory Committee
Carcinogenesis Program Scientific Review Committee A

Carcinogenesis Program Scientific Review Committee B
Carcinogenesis Scientific Advisory Committee
Cardiology Advisory Committee
Cardiovascular and Pulmonary Study Section
Cardiovascular and Renal Study Section
Cell Biology Study Section
Cellular and Molecular Basis of Disease Review Committee
Clearinghouse on Environmental Carcinogens
Clinical Applications and Prevention Advisory Committee
Clinical Cancer Education Committee
Clinical Cancer Program Project Review Committee
Clinical Trials Committee
Clinical Trials Review Committee
Combined Modality Committee
Commisison for the Control of Epilepsy and Its Consequences
Commission for the Control of Huntington's Disease and Its Consequences
Committee on Cancer Immunobiology
Committee on Cancer Immunodiagnosis
Committee on Cancer Immunotherapy
Committee on Cytology Automation
Communicative Disorders Review Committee
Communicative Sciences Study Section
Comprehensive Sickle Cell Centers (CSCC) ad hoc Review Committee
Computer and Biomathematical Sciences Study Section
Contraceptive Development Contract Review Committee
Contraceptive Evaluation Research Contract Review Committee
Dental Caries Program Advisory Committee
Dental Research Institutes and Special Programs Advisory Committee
Developmental Behavioral Sciences Study Section
Developmental Therapeutics Committee
Diagnostic Radiology Committee
Diagnostic Research Advisory Group
Diet and Cancer Scientific Review Committee
Diet, Nutrition and Cancer Program Advisory Committee
Drug Development Committee
Endocrinology Study Section
Epidemiology and Disease Control Study Section
Epilepsy Advisory Committee
Ethical Advisory Board
Experimental Psychology Study Section
Experimental Therapeutics Study Section
Experimental Virology Study Section
General Clinical Research Centers Committee
General Medicine A Study Section
General Medicine B Study Section
General Research Support Program Advisory Committee
Genetics Study Section
Heart, Lung, and Blood Research Review Committee A
Heart, Lung, and Blood Research Review Committee B
Hematology Study Section
Human Embryology and Development Study Section
Immunobiology Study Section
Immunolobical Sciences Study Section
Infectious Diseases Committee
Lipid Metabolism Advisory Committee
Mammalian Cell Lines Committee
Maternal and Child Health Research Committee
Medical Laboratory Sciences Review Committee
Medicinal Chemistry A Study Section
Medicinal Chemistry B Study Section
Mental Retardation Research Committee
Metabolism Study Section
Microbial Chemistry Study Section
Minority Access to Research Careers (MARC) Review Committee
Molecular Biology Study Section
Molecular Cytology Study Section
National Advisory Allergy and Infectious Diseases Council
National Advisory Child Health and Human Development Council
National Advisory Council on the Aging
National Advisory Dental Research Council
National Advisory Environmental Health Sciences Council
National Advisory Eye Council
National Advisory General Medical Sciences Council
National Advisory Neurological and Communicative Disorders and Stroke Council
National Advisory Research Resources Council
National Arthritis Advisory Board
National Arthritis, Metabolism, and Digestive Diseases Advisory Council
National Bladder Cancer Project Working Cadre
National Cancer Advisory Board
National Commission on Digestive Diseases
National Diabetes Advisory Board
National Heart, Lung and Blood Advisory Council
National Large Bowel Cancer Project Working Cadre
National Pancreatic Cancer Project Working Cadre
National Prostatic Cancer Project Working Cadre
Neurological and Communicative Disorders and Stroke Sciences Information Program Advisory Committee
Neurological Disorders Program-Project Review A Committee
Neurological Disorders Program-Project Review B Committee
Neurological Sciences Study Section
Neurology A Study Section
Neurology B Study Section
Nutrition Study Section
Oral Biology and Medicine Study Section
Pathobiological Chemistry Study Section
Pathology A Study Section
Pathology B Study Section
Periodontal Diseases Advisory Committee
Pharmacology Study Section
Pharmacology-Toxicology Research Program Committee
Physiological Chemistry Study Section
Physiology Study Section
Population Research Committee
Population Research Study Section
President's Cancer Panel
Primate Research Centers Advisory Committee
Pulmonary Diseases Advisory Committee
Radiation Study Section
Recombinant DNA Molecule Program Advisory Committee
Reproductive Biology Study Section
Research Manpower Review Committee
Research Scientist Development Review Committee
Sickle Cell Disease Advisory Committee
Surgery, Anesthesiology and Trauma Study Section
Surgery and Bioengineering Study Section
Temporary Cancer Institutional Fellowship Review Committee
Temporary Review Committee for Frederick Cancer Research Center
Tobacco Working Group
Toxicology Study Section
Transplantation Immunology Committee
Tropical Medicine and Parasitology Study Section
Virology Study Section
Virus Cancer Program Advisory Committee
Virus Cancer Program Scientific Review Committee A
Virus Cancer Program Scientific Review Committee B
Vision Research Program Committee
Visual Sciences A Study Section
Visual Sciences B Study Section

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8435 Filed 3-17-77;10:41 am]

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Office of the Assistant Secretary for Health and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS: Mr. William R. Berry, 5600 Fishers Lane, Room 17-A-55, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT:

Mr. William R. Berry, 301/443-6328 (address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977, published in the FEDERAL REGISTER, ordered a government-wide, zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The Office of the Assistant Secretary for Health is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is

welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/PHS/OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Health Insurance Benefits Advisory Council.
National Advisory Health Council.
National Commission for the Protection of Human Subjects in Biomedical and Behavioral Research.
National Professional Standards Review Council.
Pharmaceutical Reimbursement Advisory Committee.
President's Council on Physical Fitness and Sports.
Review Panel on New Drug Regulation.
Secretary's Advisory Committee on Population Affairs.

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8432 Filed 3-17-77;10:41 am]

OFFICE OF HUMAN DEVELOPMENT

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Office of Human Development.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Office of Human Development and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS: Committee Management Officer, Office of the Assistant Secretary for Human Development, 200 Independence Ave., S.W., Room 305-F South Portal, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Ms. Beth Minter, 202/472-3055 (address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide, zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The Office of Human Development is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/OFFICE OF HUMAN DEVELOPMENT

Child and Family Development Research Review Committee.
Federal Council on the Aging.
National Advisory Committee on Accessible Environment.
National Advisory Council on Services and Facilities for the Developmentally Disabled.
President's Committee on Mental Retardation.
Rehabilitation Services National Advisory Committee.

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8433 Filed 3-17-77;10:41 am]

OFFICE OF THE SECRETARY

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Office of the Secretary and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and the openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS: Mr. Frederick M. Bohen, Executive Secretary of the Department, 200 Independence Ave. SW., Room 606-G South Portal, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Mr. Frederick M. Bohen, 202/245-8093 (address as above).

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide, zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The Office of the Secretary is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/OFFICE OF THE SECRETARY

Consulting Group on Welfare Reform
Consumer Advisory Council
Secretary's Advisory Committee on the Rights and Responsibilities of Women
Student Financial Assistance Study Group

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77-8434 Filed 3-17-77;10:41 am]

SOCIAL SECURITY ADMINISTRATION

Announcement of Annual Comprehensive Review of Federal Advisory Committees

AGENCY: Social Security Administration.

ACTION: Notice.

SUMMARY: This announces a review of Federal advisory committees in the Social Security Administration and invites the public to comment on individual committees in terms of need for each committee, the balance of its membership, and openness of each committee's proceedings.

DATES: Comments due by March 31, 1977.

ADDRESS: Committee Management Officer, Social Security Administration, 6401 Security Boulevard, Room 4–R–22, Operations Building, Woodlawn, Maryland 21235.

FOR FURTHER INFORMATION CONTACT:

Mr. Nicholas Stratton 301/594–7771 (address as above)

SUPPLEMENTARY INFORMATION: The President in his letter of February 25, 1977 published in the FEDERAL REGISTER, ordered a government-wide, zero-base review of all Federal advisory committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and its mandate. Further, the President's message urges agency heads to make appropriate recommendations on administrative committees and to confer with Congress about abolishing statutory committees which do not meet the above standards.

Pursuant to this directive and in accordance with the Federal Advisory Committee Act, the Director of the Office of Management and Budget has begun a review to determine whether each committee is carrying out its purpose; whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised; whether the committee should be merged with other advisory committees; or, whether the committee should be abolished.

The Social Security Administration is now conducting its review and invites the public to comment on the need for each committee, and how the committee's goals can best be achieved. In addition, the public is asked to comment on whether the committee's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the committee's record of encouraging public participation and any changes needed.

The President has set April 15, 1977 as the date for submission of recommendations by the Secretary. This deadline requires that comments be received by March 31, 1977 to be included in this review. Comments received after that date will be incorporated in the Department's continuing review of the utility and the operation of advisory committees directed by the President.

FEDERAL ADVISORY COMMITTEES OF THE HEW/SOCIAL SECURITY ADMINISTRATION

Program Review Team for the State of Arkansas
Program Review Team for the State of California
Program Review Team for the State of Florida
Program Review Team for the State of Kansas
Program Review Team for the State of Massachusetts
Program Review Team for the State of Michigan
Program Review Team for the State of New York
Program Review Team for the State of Pennsylvania
Program Review Team for the State of Utah
Program Review Team for the State of Washington

Dated: March 16, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

[FR Doc.77–8436 Filed 3–17–77;10:41 am]

Federal Register

FRIDAY, MARCH 18, 1977

PART VII

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Minnesota	MN77–2038
Tennessee	TN77–1026

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:	
AZ76–5109; AZ76–5110; AZ 76–5111.	Nov. 26, 1976.
Arkansas:	
AR76–4188	Nov. 19, 1976.
Florida:	
FL77–1023	Feb. 25, 1977.
Georgia:	
GA76–1035	Mar. 5, 1976.
Idaho:	
ID77–5023	Feb. 25, 1977.
Illinois:	
IL76–2123	Oct. 8, 1976.
Iowa:	
IA76–4147	Sept. 10, 1976.
IA76–4174	Oct. 15, 1976.
Kansas:	
KS77–4020	Feb. 4, 1977.
KS77–4025	Feb. 18, 1977.
KS77–4046; KS77–4048; KS 77–4049.	Feb. 25, 1977.
Kentucky:	
KY76–1086	Aug. 27, 1976.
KY76–1110	Sept. 24, 1976.
KY76–1129	Nov. 26, 1976.
Louisiana:	
LA77–4052	Mar. 4, 1977.
Maryland:	
MD77–3018	Jan. 14, 1977.
Michigan:	
MI76–2136	Oct. 29, 1976.
MI77–2036	Mar. 4, 1977.
Minnesota:	
MN76–2058	May 14, 1976.
Montana:	
MT76–5100	Oct. 29, 1976.
MT77–5021	Mar. 4, 1977.
MT77–5034	Mar. 11, 1977.
Nebraska:	
NE77–4013	Feb. 25, 1977.
New Mexico:	
NM77–4022	Feb. 18, 1977.
North Carolina:	
NC77–1012	Mar. 4, 1977.
North Dakota:	
ND77–5020	Feb. 18, 1977.
Oklahoma:	
OK76–4186	Nov. 19, 1976.
OK76–4189	Nov. 26, 1976.
Texas:	
TX76–4030	Feb. 13, 1976.
TX76–4193	Dec. 26, 1976.
TX77–4045	Feb. 25, 1977.
West Virginia:	
WV77–3024; WV77–3027	Feb. 18, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL76–1011 (AL77–1027)	Jan. 30, 1976.
Florida:	
FL75–1089 (FL77–1028)	Sept. 12, 1975.
FL76–1064 (FL77–1029)	May 21, 1977.
Iowa:	
IA76–4145 (IA77–4064)	Sept. 10, 1976.
Maryland:	
MD76–3285 (MD77–3041)	Nov. 19, 1976.
Nebraska:	
NE77–4032 (NE77–4067)	Feb. 18, 1977.
Nevada:	
NV76–5114 (NV77–5022); NV 76–5115 (NV77–5031).	Dec. 10, 1976.
Oklahoma:	
OK76–4017 (OK77–4066); OK76–4137 (OK77–4065).	July 30, 1976.
Texas:	
TX76–4039 (TX77–4068)	Feb. 13, 1976.
Virginia:	
MD76–3285 (MD77–3041)	Nov. 19, 1976.
Washington, D.C.:	
DC76–3284 (DC77–3040)	Nov. 19, 1977.

Signed at Washington, D.C., this 11th day of March 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Minnesota
DECISION NUMBER: MN77-2038
DESCRIPTION OF WORK: Heavy & Highway Construction

COUNTY: Crow Wing
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS	$5.64	.26	.15		
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor-Spreader	7.26	.26	.15		
Asphalt Plant	7.66	.26	.15		
Bulldozer	7.66	.26	.15		
Crusher & Screening Plant	7.66	.26	.15		
Front-End Loader	7.66	.26	.15		
Motor Patrols	7.94	.26	.15		
Rollers:					
Base	6.53	.26	.15		
Finish	7.04	.26	.15		
Tractors-Over D-2 TD-6	8.35	.26	.15		
TRUCK DRIVERS:					
Over 8 cubic yards	7.04	.26	.15		
Semi - Tractor Trailer	7.26	.26	.15		
3 - Axle	7.32	.40	.45		

NEW DECISION

STATE: Tennessee COUNTY: Montgomery County Fort Campbell only
DECISION NO : TN77-1026 DATE: Date of Publication
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos workers	9 55	35	35		
Boilermakers	7 50	40	90		.02
Bricklayers	8 30				
Carpenters & Soft floor layers	8 30	35	25		05
Cement masons	8 30				
Electricians,	8 15	40	18		25%
Elevator constructors	6 92	445	29	3%+a&b	02
Elevator constructors' helpers	70%JR	445	.29	3%+a&b	02
Elevator constructors' helpers (prob)	50%JR				
Glaziers	7 70	45	35		02
Ironworkers	8 35	45	30		10
Laborers:					
Laborers	5 60	25	25		
Air tool op , mason tenders, mortar mixers, pipelayers, plasterers tenders	5 75	25	25		
Lathers	7 80		20		01
Marble, tile & terrazzo workers	8 30				
Millwrights & piledrivermen	8 55	35	25		05
Painters, brush	6 95		40		10
Plasterers	8 30				
Plumbers	8 44	40	40		05
Roofers, composition	6 70	35	25	15	
Sheet metal workers	8 10	35	30		02
Sprinkler fitters	9 35	50	80		0β
Truck drivers	4 90				
Welders - rate for craft					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day, C-Independence Day, D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a Six Paid Holidays: A through F

b Employer contributes 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 was worked in business less than 5 years

c Eight paid holidays, A through F plus Washington's Birthday & good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holidays

TN77-1026 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS A	7 50	30	35		
CLASS B	7 04	30	35		
CLASS C	6 58	30	35		
CLASS D	6 21	30	35		

CLASS A: Shovels, backhoes, draglines, cranes, derricks, gantreys, gradall, winches with boom, motor patrol, trenching machines (18" or over), pile driver, tug boat operator, mechanic, forklift, central mixing plant, locomotive engineers, straddle carrier, core drills, tower cranes, hydro-cranes, austin western and all similar type cranes, drilling of piling (all types), tugger, hoist more than one drum, earth freezing equipment, sideboom, dredge operator & engineer, hepto, pump crete, mucking machine, cableway, finishing machine, central compressor, derrick boat, concrete pump, welders, helicopters, de-watering system (all types) sweeper, bulldozers, pans, pulls, scrapers, trenchcavators, front end loaders, concrete placing machines, two tower cranes requiring three operators

CLASS B: Trenching machines (18" or smaller), tandem rollers, pavers, mixer mobiles, backfillers, blade graders, dinkey operators, elevating graders, winches operated from trucks and tractors without booms, distributors bituminous surfaces, hoist (1) drum, mixers, grout pumps, motor boat, switchman, brake man, elevator earth compactors, tractors, conveyors

CLASS C: Locomotive fireman on boilers, air compressor (stationary), earth drills, scale operators, motor crane driver and oiler, pumps 4" and larger, oilers on gantreys, greasers, drill helpers

CLASS D: Air compressor, mechanic helper, fireman (low pressure pumps under 4") oilers, welding machine operators, deckhand

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. AZ76-5109 - Mod. #3 (40 FR 52189-November 26, 1976) Statewide, Arizona					
Change:					
Carpenters:					
(Central and Southern Areas)					
Carpenters; Drywall Applicators; Saw Filers; Shinglers	$9 785	845	955		05
Floorlayers (finish); Piledrivermen	10 07	845	955		05
Millwrights	10 20	845	955		05
(Northern Area)					
Carpenters; Drywall Applicators; Saw Filers; Shingler	11 66	845	955		05
Floorlayers (finish); Piledrivermen	11 945	845	955		05
Millwrights	12 075	845	955		05
Sheet Metal Workers:					
Zone Bases-from the Administration Building or City Hall in Douglas and Tucson:					
Zone A (0-22 miles)	9 99	3%a+ 94	1 91		05
Zone B (22-45 miles)	10 94	3%a+ 94	1 91		05
Zone C (Over 45 miles)	12 49	3%a+ 94	1 91		05
DECISION NO. AZ76-5110 - Mod. #3 (40 FR 52198-November 26, 1976) Maricopa County, Arizona					
Change:					
Carpenters:					
Carpenters; Drywall Applicator	9 785	845	955		05
Piledrivermen; Floorlayers (finish)	10 07	845	955		05
Millwrights	10 20	945	955		05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. AZ76-5111-Mod. #3 (40 FR 52204-November 26, 1976) Pima County Arizona					
Change:					
Carpenters:					
Carpenters; Drywall Applicator	$9 785	845	955		05
Piledrivermen; Floorlayers (finish)	10 07	845	955		05
Millwrights	10 20	845	955		05
Sheet Metal Workers:					
Zone A (0-22 miles from Tucson)	9 99	3%a+ 94	1J91		05
Zone B (22-45 miles from Tucson)	10 94	3%a+ 94	1 91		05
Zone C (over 45 miles from Tucson)	12 49	3%a+ 94	1 91		05
FOOTNOTE:					
a Employer contributes 3% of total wage package to SASMI Fund					
DECISION NO. AR76-4188 - Mod. #4 (41 FR 51253 - November 19, 1976) Pulaski County, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electricians	$10 45	40	1%		1/4%
Cable splicers	10 575	40	1%		1/4%

Decision # FL77-1023 - Mod. # 2 (42 FR 11191 - February 25, 1977)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Brevard and Volusia (Cape Kennedy, Kennedy Space Flight Center, Patrick AFB, & Melabar Radar Site only), Counties, Florida.					
Changes:					
Ironworkers:					
Structural, finishers, burners rodmen, welders, riggers and machinery movers	9 33	65	60	65	05
Sheeters	9.58	.65	.60	.65	.05

DECISION #GA76-1035 - Mod. #1 (41 FR-9758 - March 5, 1976)					
Chattahoochee, Harris, Macon, Marion, Meriwether, Muscogee, Schley, Stewart, Sumter, Talbot, Taylor, Troup, and Webster Counties, Georgia					
Changes:					
Painters, brush	5 35				

DECISION #ID77-5023 - Mod. #2 (42 FR 11195 - February 25, 1977) Statewide Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Changes:					
Carpenters:					
Remaining Counties and Idaho County (south of the northern boundary of Township #29 North):					
Carpenters; Floor layers; Shinglers; Drywall	$9 18	52	50	50	10
Saw filer; Piledriverman; Bridgeman and Wharf Builders	9 35	52	50	50	10
Millwrights; Machine erectors; Piledriverman & Boom man	9 47	52	50	50	10

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION ØIL76-2123 - Mod. Ø5 (41 FR 44612 - October 8, 1976) DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will Counties, Illinois					
CHANGE:					
Carpenters:					
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen					
Kane, Kendall & McHenry Counties	$10.68	.55	.76		

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. IA76-4147 - Mod. Ø4 (41 FR 38716 - Sept 10, 1976) Dubuque County (City of Dubuque and abutting municipalities), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Laborers:					
Group 1 - Common laborers	$7.28	.30	.20		
Group 2 - All air operated tools; Bricklayers' helpers & tenders; Caisson workers; Carpenters' helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers; Plasterers' helpers & tenders; Tile setters (4"-6"-8")	7 38	.30	.20		
Group 3 - Tile setters (10" and up)	7.63	.30	.20		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. IA76-4174 - Mod. #3 (41 FR 45808 - Oct. 15, 1976) Webster County (City of Fort Dodge), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Laborers:					
Group 1 - Common Laborers	$7.21	.30	.05		
Group 2 - Mortar, plaster & grout mixers; Jackhammer; Paving breaker; Rock Drill; Vibrator operator; Motor buggy operators while pouring concrete	7.36	.30	.05		
Group 3 - Plasterers' tenders	7.41	.30	.05		
Group 4 - Concrete saw man	7.46	.30	.05		
Group 5 - Sandblaster	7.56	.30	.05		
Group 6 - Digging of or work within a shaft entering into natural underground cavities or caverns and work within the said shaft or caverns	7.71	.30	.05		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #KS77-4025 - Mod. #1 (42 FR 10235 - February 18, 1977) Allen, Anderson, Atchison, Bourbon, Brown, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Saline, Sumner, Wabaunsee, Washington, Wilson and Woodson Counties, Kansas					
Change:					
Areas covered to include Geary and Riley Counties for Highway Construction only.					
DECISION #KS77-4020 - Mod. #2 (42 FR 7057 - February 4, 1977) Sedgwick County, Kansas					
Change:					
Boilermakers	$10.30	.05	1.09		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #KS77-4046 - Mod. #1 (42 FR 11213 - February 25, 1977) Shawnee County, Kansas					
Change:					
Electricians:					
Electricians	$11.35	.45	1%+.55		.05
Cable splicers	12 485	.45	1%+.55		.05
Glaziers	9.325	.55	.51	.8635+.6%	.03
Boilermakers	10 30	.85	1.00		.02
DECISION #KS77-4048 - Mod. #1 (42 FR 11216 - February 25, 1977) Shawnee County, Kansas					
Change:					
Boilermakers	$10.30	.85	1.00		.02
DECISION #KS77-4049 - Mod. #1 (42 FR 11219 - February 25, 1977) Leavenworth County, Kansas					
Change:					
Electricians:					
Zone 2	$11.35	.45	1%+.55		.05
Boilermakers	10 30	.85	1.00		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #KY76-1086 - Mod. #5 (41 FR-36384 - August 27, 1976) Boone, Campbell, Kenton, and Pendleton Counties, Kentucky					
Change:					
Asbestos workers	11 46	75	85		02
DECISION #KY76-1110 - Mod. #5 (41 FR-42113 - September 24,1976) Boyd County, Kentucky					
Change:					
Laborers:					
Group 1	7 18	35	35		
Group 2	7 33	35	35		
Group 3	7 35	35	35		
Group 4	7 38	35	35		
Group 5	7 47	35	35		
Group 6	7 68	35	35		
Group 7	7 88	35	35		
Group 8	8 38	35	35		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #KY76-1129 - Mod. #5 (41 FR-52257 - November 26, 1976) Hardin, Jefferson, and Meade Counties, Kentucky					
Change:					
Painters:					
Zone 1 - 35 mile radius from Jefferson Co Courthouse, Louisville, Ky.					
New Construction:					
Basic	8 62	35	20		03
Special	8 97	35	20		03
Spray	9 07	35	20		03
Old Construction:					
Basic	8 08	35	20		03
Special	8 43	35	20		03
Spray	8 53	35	20		03
Zone 2- Over 35 mile radius from Jefferson Co Courthouse, Louisville, Ky.					
New Construction:					
Basic	8 97	.35	20		03
Special	9 32	.35	20		03
Spray	9 42	35	20		03
Old Construction:					
Basic	8 43	35	20		03
Special	8 78	35	.20		03
Spray	8.88	35	20		.03
Work on bridges over navigable water - $2 00 per hour premium all zones					
Planterers	9.85				
DECISION #LA77-4052 - Mod. #1 (42 FR 12593 - March 4, 1977) Statewide Louisiana					
Change:					
Painters:					
Zone 2:					
Group 1	$ 8 40		.10		.05
Group 2	9 27		.10		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #MD76-3153 - Mod. #2 (41 FR 11744 - March 19, 1976) Baltimore County, Maryland					
Change:					
Description of Work to read - Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction)					
DECISION #MD77-3018 - Mod. #1 (42 FR 3145 - January 14, 1977) Baltimore City, Maryland					
Change:					
Description of Work to read - Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction)					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #MI76-2136 - Mod. #3 (41 FR 47771 - October 29, 1976) Alger, Baraga, Chippewa, Dickinson, Gogebic, Houghton, Keweenaw, Mackinac, Marquette & Ontongon Counties, Michigan					
ADD:					
Under Painters:					
Alger & Marquette Counties:					
Glaziers	8.50				
Chippewa & Mackinac Counties:					
Glaziers	5.80			1.50	
DECISION #MI77-2036 - Mod. #1 (42 FR 12615 - March 4, 1977) Marquette County, Michigan					
ADD:					
Painters (Brush) & Glaziers	8.00				
DECISION #MN76-2058 - Mod. #3 (41 FR 20131 - May 14, 1976) Aitken, Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Cook, Crow Wing, Dakota, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Itasca, Jackson, Kanabec, Koochiching, Lake, LeSueur, Martin, Meeker, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Nobles, Olmsted, Pine, Ramsey, Rice, Rock, Scott, Sherburne, Sibley, Stearns, Steele, St. Louis, Wabasha, Waseca, Washington, Winona & Wright Counties, Minnesota					
OMIT:					
Under Counties:					
Crow Wing County					

DECISION #MT76-5100 - Mod. #4 (41 FR 47798 - October 29,1976) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
Change:					
Sheet Metal Workers:					
Gallatin and Valley Counties	$9 39	.37	3&+ 45		10
Boilermakers	10 30	85	1 00		02
Add:					
Painters:					
Deer Lodge County					
Painter and perfataper	7 60				
Paint mitts	8 12				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; water blasting and steam cleaning; stacks and steeples; brushing of steel; spraying and airless spraying; work over 30 feet	10 40				
Gallatin County					
Parking lot striping and related work	8 69	25	20		03
Paper Hanger	9 19	25	20		03
Perfataper:					
Hand	9 19	25	20		03
Spray	9 69	25	20		03
Machine	9 94	25	20		03

DECISION #MT77-5021 - Mod. #1
(42 FR 12631 - March 4, 1977)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Boilermaker	$10 30	85	1 00		02
Sheet Metal Workers:					
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	9 39	37	3%+ 45		10
Terrazzo Workers & Tile Setters:					
Broadwater, Lewis & Clark, Meagher and Jefferson (Northern area north of Boulder Hill) Counties	9 45	30			
Gallatin and Park Counties	10 05				
Add:					
Painters					
Deerlodge County and the southern part of Granite County from a line east-west through the southern limits of Philipsburg					
Painter and perfataper	7 00				
Paint mitts	0 12				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; water blasting and steam cleaning; stacks and steeples; brushing of steel; spraying and airless spraying; work over 30 ft	10 40				

DECISION #MT77-5021 - Mod #1 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Painters Cont'd.					
Broadwater, Gallatin, Jefferson (Northern area from a line running east and west five miles south of the southern city limits of Boulder), Lewis and Clark (Southern portion from a line running east and west through the southern limits of Craig), Madison (east of the west city limits of Harrison), Meagher, Park, Powell (northern area from a line running east and west through the southern city limits of Helmsville)					
Parking lot striping and related work	$8 69	25	20		03
Paper Hanger	9 19	25	20		03
Perfataper:					
Hand	9 19	25	20		03
Spray	9 69	25	20		03
Machine	9 94	25	20		03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. MT77-5034 - Mod. #1 (42 FR ____ March 11, 1977) Statewide, Montana					
Change:					
Sheet Metal Workers:					
Big Horn, Carson, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	$9 39	37	3&+ 45		10
Add:					
Painters:					
Deer Lodge County and the Southern part of Granite County from a line east-west through the southern limits of Philipsburg					
Painters	7 60				
Paint mitts	8 12				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; water blasting and steam cleaning; stacks and steeples; brushing of steel; Spraying and airless spraying;					
Work over 30 ft	10 40				

DECISION NO. MT77-5034 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Broadwater, Gallatin, Jefferson (Northern area from a line running east and west five miles ousth of the southern city limits of Boulder), Lewis and Clark (Southern portion from a line running east and west through the southern limits of Craig), Madison (east of the west city limits of Harrison), Meaghor, Park, Powell (northern area from a line running east and west through the southern city limits of Helmsville)					
Parking lot striping and related work	$8 69	25	20		03
Paper Hanger	9 19	25	20		03
Perfataper:					
Hand	9 19	25	20		03
Spray	9 69	25	20		03
Machine	9.94	.25	.20		.03
DECISION #NE77-4043 - Mod. #1 (42 FR 11224 - February 25, 1977) Douglas & Sarpy Counties, Nebraska					
CHANGE:					
ELEVATOR CONSTRUCTORS	$10.99	545	.35	4&+a	02
STEAMFITTERS	11 24	60	.75		15
Residential Rehabilitation	9.55	.60	.75		.15
MARBLE, Tile and Terrazzo Workers Helpers'	8 11				

DECISION NO. NM77-4022 - Mod. #2
(42 FR 10243 - February 18, 1977)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CHANGE:					
ELECTRICIANS: (ZONE III)					
3-A	$ 9 10	30	1%		1/2%
3-B	10 55	30	1%		1/2%
CABLE SPLICERS: (ZONE III)					
3-A	9 35	30	1%		1/2%
3-B	10 80	30	1%		1/2%

CHANGE ELECTRICIANS-CABLE SPLICERS DEFINITIONS ZONE III TO READ:
ZONE 3-A - Within a ten mile radius from the Post Office in Las Cruces; and within a 5 mile radius from the Post Office in Alamagordo
ZONE 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 3-A)

CHANGE PAINTERS ZONE AND CLASSIFICATION DEFINITIONS FOR ZONE I TO READ:
San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo, Curry, Lea and Eddy Counties, New Mexico

OMIT - PAINTERS ZONE IV:					
Zone 4-A	5 95	35			
Zone 4-B	6 45	35			
Zone 4-C	6 20	35			
OMIT - PAINTERS ZONE V:					
Zone 5-A	6 90	35			
Zone 5-B	7.40	35			
Zone 5-C	7 15	35			

OMIT PAINTERS ZONE AND CLASSIFICATION DEFINITIONS FOR ZONE IV AND ZONE V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Decision # NC77-1012 - Mod. # 1 (42 FR-12662 - March 4, 1977) Avery, Mitchell, & Watauga Counties, North Carolina					
Change:					
Electricians (Avery, & Watauga Counties)	4 46				
DECISION #ND77-5020 - Mod. #3 (42 FR 10255 - February 18, 1977) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota					
Change:					
Boilermakers	$10 30	85	1 00		02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. OK76-4186 - Mod. #3 (41 FR 51359 - November 19, 1976) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes, Rogers Counties, Oklahoma					
CHANGE:					
BOILERMAKERS	$10 00	50	1 00		02
DECISION NO. OK76-4189 - Mod. #3 (41 FR 52278 - November 26, 1976) Wagoner County, Oklahoma					
OMIT:					
PAINTERS:					
Commercial brush and roller	$6 25		25	20	
Spray; glove or dipping; sandblaster; spray or sand pot tender (maximum two pots, two guns or nozzles); powder rollers; power equipment operators; bitumastic and like materials, applicators and kettle tenders	8 00		25	20	
Spray or sand pot tender (maximum, one pot, one nozzle or gun)	7 10		25	20	
Cooning steel, stage bosun chair, spiders, jack, roof work, skates, rolling scaffolds over 18 feet, suspend scaffolds and like equipment - fifty cents (50¢) above basic hourly rate					
ADD:					
PAINTERS:					
Brush and roller	7 45		40	20	07
Highwork & stage	7 85		40	20	07
Sandblasting	8 10		40	20	07
Spray painting	8 10		40	20	07
Hot or bituminous	8 75		40	20	07
Hazardous work	9 65		40	20	07
Sheetrock power tools	7 80		40	20	07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #TX76-4030 - Mod. #2 (41 FR 7903 - February 13, 1976) Bee, Klebers, Nueces & San Patricio Counties, Texas					
Change:					
Electricians	$10 55	.60	1%		1/2%
DECISION #TX76-4193 - Mod. #3 (41 FR 56594 - December 28, 1976) Bee, Klebarg & Nueces Cos , Texas					
Change:					
Electricians:					
Electricians	10 55	60	1%		1/2%
Cable splicers	10 675	60	1%		1/2%
DECISION #TX77-4045 - Mod. #1 (42 FR 11229 - February 25, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Sheet metal workers	6 24		33		.10

MODIFICATIONS P. 23

DECISION #WV77-3024 - Mod. #2 (42 FR 10272 - February 18, 1977) Statewide, West Virginia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Ironworkers: Area 3	$10.17	.75	.85		.01

DECISION #WV77-3027 - Mod. #2 (42 FR 10281 - February 18, 1977) State of West Virginia excluding the Counties of Berkeley, Jefferson, Morgan, Nicholas & Preston					
Change:					
Ironworkers - Structural, Ornamental & reinforcing: Area 1	$10.17	.75	.85		.01
Roofers: Area 1 Composition, slate, tile & asbestos roofers, & damp & waterproof workers	8.93	.60	.20		

SUPERSEDEAS DECISION

STATE: Alabama COUNTIES: *See below
DECISION NO : AL77-1027 DATE: Date of Publication
Supersedes Decision No : AL76-1011 dated January 30, 1976 in 41 FR-4741
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

*Colbert & Lauderdale

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos workers	10 16	45	40		05
Boilermakers	9 50	75	1 00		02
Bricklayers:					
Bricklayers; blocklayers, stonemasons	9 455				
Saw operator	9 705				
Carpenters:					
Carpenters, soft floor layers	8 90		25		
Piledrivermen	9 05		25		
Millwrights	9 15		25		
Cement masons:					
Cement masons	7 35				
Power tool operators	7 60				
Electricians:					
Electricians	9 55	40	1%+ 30		1%
Cable splicers	9 80	40	1%+ 30		1%
Elevator constructors	8 02	445	29	3%+a+b	02
Elevator constructors' helpers	70%JR	445	29	3%+a+b	02
Elevator constructors' helpers (prob)	50%JR				
Glaziers	5 60				
Ironworkers	8 855	50	50		03
Laborers:					
Common	5 15	20	30		
Air tool operator (jackhammer, vibrator)	5 35	20	30		
Plasterers' tenders	5 15	20	30		
Mason tenders	5 15	20	30		
Mortar mixers	5 15	20	30		
Pipelayers	5 35	20	30		
Painters:					
Commercial	7 50		25		05
Industrial	8 25		25		05
Plasterers	7 25				
Plumbers, steamfitters	9 40	40	50		08
Roofers	6 10		20		10
Sheet metal workers	9 50	55	60		05
Sprinkler fitters	10 10	50	80		08
Truck drivers:					
½ to 3 tons	3 70				
3 to 5 tons	3 97				
5 tons & over including special equip , such as euclids dempster dumpster, etc.	4 37				

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

FOOTNOTES:

a 6 paid holidays: A through F

b Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in 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

AL77-1027 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP A	8 78	30	30		
GROUP B	7 44	30	30		
GROUP C	6 73	30	30		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop) shovel, sweeper, tractor (spec equip), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist , central air comp , concrete mixer (port) fireman floating equip , front end loader, rubber tire, ¼ cu yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over) outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port), conveyor, fireman stationary equip , mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $ 10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional $ 25 per hour.

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Alachua
DECISION NUMBER: FL77-1028 DATE: Date of Publication
Supersedes Decision No.: FL75-1089 dated September 12, 1975 in 40 FR 42489
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos workers	10.51	.45	.55		.04
Boilermakers	9.50	.75	1.00		.02
Bricklayers	7.80	.30	.30		.02
Carpenters:					
Carpenters	8 12	.44	.30	.30	.03
Accoustical workers	8.12	.44	.30	.30	.03
Millwrights	8.80	.39	.30		.03
Piledrivermen	8.12	.39	.30	.30	.03
Cement masons	7.30	.30	.30		.02
Electricians:					
Wiremen	8.55	.35	1%		1%
Cable splicers	9.41	.35	1%		1%
Elevator constructors:					
Elevator constructors	9.315	.545	.35	4%+a&b	.02
Helpers	70%JR	.545	.35	4%+a&b	.02
Helper's (probationary)	50%JR				
Glaziers	8.00		.20		.01
Ironworkers, structural & ornamental	8.55	.55	.85		.02
Laborers:					
Unskilled	4.80	.20			.02
Air tool operator	4.70	.20			.02
Mortar mixers	4.70	.20			.02
Pipelayers (concrete & clay)	4.70	.20			.02
Lathers	7.95				.01
Leadburners	6.90	.30		c	.01
Line Construction:					
Linemen	9.69	.25	1%		1%
Cable splicers	9.89	.25	1%		1%
Winch truck operator	7.76	.25	1%		1%
Heavy equipment operator	9.39	.25	1%		1%
Flat bed pick-up driver	6.84	.25	1%		1%
Groundmen, 1st class	5.69	.25	1%		1%
Groundmen, 2nd class	4.49	.25	1%		1%
Marble setters	7.30	.30	.30		.02
Painters:					
Brush	7.01	.10			.05
Paperhangers	7.51	.10			.05
Structural steel	7.51	.10			.05
Spray	7.51	.10			.05
Swing stage	7.51	.10			.05
Boatswain's chair	7.51	.10			.05

FL77-1028 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
Plasterers	7.80	.30	.30		.02
Plumbers	10.30	.20	.25		.10
Roofers:					
Roofers	8.71	.50	.25		.025
Helpers	4.79	.50	.25		.025
Kettlemen	6.53	.50	.25		.025
Sheet metal workers	8.83	.80+ 3%	.40		.035 + .02
Soft floor layers	8.47	.34	.40		.04
Sprinkler fitters	10.16	.60	.90		.10
Steamfitters	10.30	.20	.25		.10
Stone masons	7.80	.30	.30		.02
Terrazzo workers	7.30	.30	.30		.02
Tile setters	7.30	.30	.30		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a Six paid holidays, A through F

b Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% or regular rate to Vacation Pay Credit for employee who has worked in business less than 5 years

c. Nine paid holidays, A through F plus Christmas Eve, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular schedule work days immediately preceding and following the holidays

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FL77-1028 - (Cont'd)

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	9 08	50	35		05
GROUP II	7 95	50	35		05
GROUP III	7 00	50	35		05
GROUP IV	5 94	50	35		05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H P or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu yd. scraper), front end loaders, (over 4 cu, cap.,), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions).

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging), including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap), trenching machine (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scrapers.

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer, (mobile paint), pavement breakers, street sweeping machines.

GROUP IV: Tractor operated sweeper, trenching machine, (ladder & wheel type maximum cut 6' maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine.

STATE: Florida COUNTY: Dade
DECISION NUMBER: FL77-1029 DATE: Date of Publication
Supersedeas Decision No.: FL76-1064 dated May 21, 1976 in 41 FR 21077
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
Asbestos workers	11.15	.50	.65		.04
Boilermakers	9.50	.75	1.00		.02
Bricklayers:					
Bricklayers and Stonemasons	9.70	.60	.54		.04
Cement masons	9.70	.60	.54		.04
Marble masons	9.70	.60	.54		.04
Plasterers	9.70	.60	.54		.04
Terrazzo workers and tile setters	9.70	.60	.54		.04
Carpenters:					
Carpenters and soft floor layers	8.70	.70	.55		.02
Millwrights	8.95	.70	.55		.02
Piledrivermen	8.70	.70	.55		.02
Electricians:					
Wiremen	11.25	4½%	1% + 2%	8½%	1%
Cable splicers	11.75	4½%	1% + 2%	8½%	1%
Elevator constructors:					
Elevator constructors	10.73	.545	.35	4%+a&b	.02
Helpers	70% JR	.545	.35	4%+a&b	.02
Helpers (probationary)	50% JR				
Glaziers	9.50	.45	.35		.02
Ironworkers:					
Structural & ornamental	9.75	.75	.58		.08
Reinforcing	9.75	.75	.58		.08
Laborers:					
Air tool operator, pipelayers	6.62	.55	.30		
Laborers	6.52	.55	.30		
Mason tenders, mortar mixers	6.62	.55	.30		
Plasterers' tenders	6.80	.55	.30		
Lathers	9.20	.35	.10		
Line construction:					
Linemen	9.30	4½%	1% + 2%	5%	8½%
Cable splicers	9.55	4½%	1% + 2%	5%	8½%
Groundmen	48% JR	4½%	1% + 2%	5%	8½%
Painters:					
Brush	8.80	.55	.50		.02
Scaffold work	9.20	.55	.50		.02
Spray	9.30	.55	.50		.02
Taper & paperhangers	9.05	.55	.50		.02
Extension ladder & erected scaffold over 23'	9.05	.55	.50		.02
Structural steel	9.05	.55	.50		.02

FL77-1029 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Painters (cont'd):					
Drywall taper mechanic	9.05	.55	.50		.02
Sandblaster	9.30	.55	.50		.02
Plasterers	9.70	.60	.54		.04
Plumbers	10.34	.92	.75 + 30		.07
Refrigeration and air conditioning mechanic	10.75	.86	1.00		.09
Roofers:					
Roofers, damp and waterproofers	9.77	.83	.35		.02
Sheet metal workers	10.30	.93	.73		.02 + .02
Sprinkler fitters	10 16	.60	.90		.10
Steamfitters	10.75	.86	1.00		.09
Tile setters	9.70	.60	.54		.04
Welders & Riggers - receive rate prescribed for craft performing operation to which welding and rigging are incidental.					

FOOTNOTES:

a Six paid holidays; A through F

b Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FL77-1029, - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP A	9.50	.50	.45		.05
GROUP B	8.86	.50	.45		.05
GROUP C	8.01	.50	.45		.05
GROUP D	7.46	.50	.45		.05
GROUP E	6.46	.50	.45		.05

GROUP A: Field shop mechanic, cranes, derricks, hoist (2 or more drum), field batch plant operator, inside elevator operator (when transferred from 2-drum hoist)

GROUP B: Draglines, backhoes, gradalls, finisher grader, inside elevator operator 1 drum hoist, fork lift, hopto machine, more than one pump or combination of other equip , up to 5; firemen, pump (3" or larger)

GROUP C: Bulldozers, distributors, scrapers, motor graders, trenching machine, front end loaders, air compressor (above 125 cfm), welding machine, winch truck.

GROUP D: Rollers, finishing machines, tractors, oilers & drivers, mixers.

GROUP E: Oiler on crawler cranes, drivers.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Clinton (City of Clinton and abutting municipalities)

DECISION NO.: IA77-4064

DATE: Date of Publication

Supersedes Decision No. IA76-4145, dated September 10, 1976, in 41 FR 38711

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$10.60	.35	.60		.10
BOILERMAKERS	10 30	.85	1.00		02
BRICKLAYERS & STONEMASONS	9.85		65		
CARPENTERS:					
Carpenters	8.90	.45	.60		
Piledrivermen	9.30	45	.60		
Millwrights	11.00	6%	7%		.20
CEMENT MASONS	9.35		65		
ELECTRICIANS:					
Electricians	10 95	45	5.5%		03
Cable splicers	11 20	.45	5.5%		03
GLAZIERS	8.75	55	1.00		
IRONWORKERS	11.22	50	.375		.07
LABORERS:					
GROUP 1 - Common laborers	8.03	.30	.25		
GROUP 2 - Operator on air or power tools; mortar mixer man; any work 35 ft high or over; cement dumper, puddlers or vibrator man and men working with concrete pump hose; ditch work 8 ft. below ground level; any man working with creosote materials	8 28	.30	.25		
GROUP 3 - Cutting torch burner; caisson & cofferdam workers	8.33	.30	.25		
MARBLE SETTERS	9 70	.35	.50		
PAINTERS:					
Brush	8.97	45	65		12
Spray; Structural steel	9.22	.45	65		.12
PLASTERERS	9.85		65		
PLUMBERS & STEAMFITTERS	10.31	60	.60		10
ROOFERS	11.20		40		
SHEET METAL WORKERS	10 10	.45	.40		10
SOFT FLOOR LAYERS	8.90	45	.60		
SPRINKLER FITTERS	11.23	.60	.90		08
TERRAZZO WORKERS	9 70	.35	50		
TILE SETTERS	9.70	.35	50		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO IA77-4064

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
GROUP 1	$ 9 45	40	.50		.08
GROUP 2	8.05	40	.50		.08
GROUP 3	7.00	40	.50		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derricks, Tower Crane, Cable Way, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator; Dipper Dredge Craneman, Dual Purpose Truck (boom or winch); Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required); Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Priming Machine, BackFiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman & Drier, Concrete Pump, Concrete Spreader (servicing 1 paver); Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull & similar machines, DW-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop; Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement & Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-Propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lbs cap or working at heights above 28 ft), Concrete Conveyors

GROUP 2 - Asphalt Booster, Fireman & Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachments, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work; Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs, or less capacity), Gypsum Pump, Conveyor over 20 HP, Fuller-Kenyon Cement Pump or similar machines; Air Compressor (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement & Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-Propelled Curing Machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

DECISION NO IA77-4064

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CARPENTERS:					
Construction, alteration or repair of bridges, locks, dams, levees, docks & on drainage & soil conservation work there on, which relates to the Mississippi River	$ 9 83	.35	.50		.02
Other heavy & highway construction:					
Carpenters & piledrivermen	7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	30	.10		
Group 5	5.05	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe Layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills powered by air; All work performed by Laborers working from a boa'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills

GROUP 2 - Tree climber; Form setters; Rakers; Dextenders; Asphalt Curb Machines; Potman, not mechanical; Bull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12 ft.; Grade checker and cutting torches on demolition work

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room man and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringsman on paving work

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodman; Tending to carpenters; Hot asphalt labor

DECISION NO IA77-4064

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 6.60	.40	.40		.03
Group 2	6.55	.40	.40		.03
Group 3	6.20	.40	.40		.03
Group 4	6.10	.40	.40		.03
Group 5	5.80	.40	.40		.03
Group 6	5.45	.40	.40		.03
TRUCK DRIVERS	6.34	35			

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power shovel, crane, backhoe and dragline; Central mix plant operator; Dredge engineer; Dredge leverman; Paver or spreader operator; Hoisting engineer (steel erection); Motor patrol; Piledriver machine operator; Concrete mixer; Tow or push boat operator; Master mechanic

GROUP 2 - C.M.I. paver; C.M.I. subgrader (or equivalent); Asphalt plant operator; Front endloader operator; Scraper operator; Bulldozer; Push Cat; Tractor pulling scraper; Sideboom tractor; Churn or rotary drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt laydown operator; Asphalt Screed Operator; Asphalt Heater-planer unit; Asphalt roller operator; Self-propelled elevating grader or similar machine; Spreader Operator (concrete); Horizontal boring machine operator; Mechanics-Welders; Group equipment greaser; Concrete pump

GROUP 3 - Concrete curb breaking machine; Concrete widening machine operator; Paving breaker operator; Barber-Green, Haiss Loader or similar machine; Tractor pulling ripper, disc, sheepsfoot or flat roller; Self-propelled sheepsfoot roller

GROUP 4 - Self-propelled roller operator (other than asphalt); Distributor operator; Screening and washing plant operator; Self-propelled vibrating compactor; Trenching machine operator (other than above); Steel placing machine operator; Conveyor Operator; Finishing Machine Operator (on concrete); Flexplane Operator; Bull Float Operator; Form Grader Operator

GROUP 5 - Boiler Operator; Mechanical broom operator; Oiler or mechanics' helper or group greaser helper; Farm-type tractor (pulling disc, harrow or roller); Welding machine operator; Pump Operator (other than dredge); Boom and winch truck operator; Compressor Operator; Tank car heater (combination boiler & booster); Pumps on wellpoints & deep wells for dewatering; Truck crane combination driver-oiler; Concrete curing machine operator; Safety boat operator

GROUP 6 - Batch plant operator - dry

SUPERSEDEAS DECISION

STATE: Maryland & Virginia

COUNTIES: Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D C Training School, and for WMATA - Rapid Rail Transit System Projects Only, Alexandria, Virginia

DECISION NO MD77-3041

Supersedes Decision No MD76-3285, dated November 19, 1976, in 41 FR 51308

DESCRIPTION OF WORK: Building Construction, including Washington Metropolitan Area Transit Authority - Rapid Rail System, (excluding all residential projects)

BUILDING CONSTRUCTION, (INCLUDING WMATA - RRTS)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$ 10 77	59	89		03
BOILERMAKERS - BLACKSMITHS	9 40	60	90		02
BRICKLAYERS	10 90	75	65		10
CARPENTERS	10 00	65	53		05
CEMENT MASONS:					
Cement masons	10 04	685	50		11
Grinding machine	10 29	685	50		11
DIVERS	18 125	50	49		07
DIVER TENDER	10 75	50	49		07
ELECTRICIANS	11 10	65	1% + 80		.13
ELEVATOR CONSTRUCTORS	11.185	545	35	.8%+a+b	02
ELEVATOR CONSTRUCTORS' HELPERS	70% of JR	545	35	.8%+a+b	02
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	50% of JR				
GLAZIERS	10 53	61	50		05
IRONWORKERS:					
Structural, ornamental and chain link fence	10 40	87	80		05
Reinforcing	10 55	55	85		03
LABORERS (EXCLUDING WMATA RAPID RAIL TRANSIT SYSTEM)					
Common laborers, landscapers	8 07	50	40		05
Acetylene burners used on wrecking	8 57	50	40		05
Air tool op , scaffold builders, paving breakers, towmasters, buggy mobiles, spaders, mortar men and scootcretes	8 22	50	40		05
Pipelayers	8 22	50	40		05
Plasterers' tenders	7 03	32	35		05
Plumbers' laborers	6 93	30	40		05
Powdermen	9 245	50	40		05
Powersaw, well points	8 32	50	40		05
LATHERS	10.36	50	50		025
LEADBURNERS	10 75	40	25	c	01
CARPET LAYERS	7 05	30			05

MD77-3041

BUILDING CONSTRUCTION, (INCLUDING WMATA - RRTS)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION:					
Linemen, cable splicers, equipment operators	$12 11	45	1%		1/2 of 1%
Truck with winch, truck pole or steel handling	7 43	45	1%		1/2 of 1%
Groundmen (0 to 1 year)	6 01	45	1%		1/2 of 1%
Groundmen (1 to 2 years)	6 92	45	1%		1/2 of 1%
Groundmen (over 2 years)	7 17	.45	1%		1/2 of 1%
MARBLE SETTERS	11 35	.45	60		.05
MARBLE SETTERS' HELPERS	7 35				
MILLWRIGHTS	10 46	65	53		05
PAINTERS:					
Brush, spray, paperhangers, tapers	9 84	71	69		.06
Steel, sandblasting, swing stage, power brushing	10 34	71	69		.06
PILEDRIVERMEN	10 21	65	53		.05
PLASTERERS	10.15	55	65		.06
PLUMBERS	10 59	.92	91		27
ROOFERS:					
Composition	9 26	47	30		
Slate, tile, mopmen, waterproofers, sprayers, sprandrel and ironite	9 82	47	30		
Helpers	6 68	47	30		
SHEET METAL WORKERS	10 74	84	96		12
SOFT FLOOR LAYERS	10.00	65	53		.05
SPRINKLER FITTERS	11 45	60	90		.08
STEAMFITTERS, Refrigeration and air conditioning mechanic	10 98	.65	90		16
STONE MASONS	11 35	.45	60		.05
STONE CUTTERS:					
Fitters and trimmers	11 65	18	40		
Ornamental carvers	10 38	18	40	d	
Figure carvers	11 00	18	40	d	

BUILDING AND HEAVY CONSTRUCTION CONT'D. (INCLUDING WMATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TERRAZZO AND MOSAIC WORKERS	$10 68	.60	40		
TERRAZZO WORKERS' HELPERS	9.30	.50	.40		
TILE SETTERS	10.68	.60	40		
TILE SETTERS' HELPERS	9 30	50	.40		
TRUCK DRIVERS:					
Boom trucks	7 60	415	425	d+e	
Small dump, water sprinkler, grease and oil	7.35	415	425	d+e	
Flat, pick-up hauling material, small Euclids, dump over 8 wheels	7 45	415	425	d+e	
Trailers, low boys, tractor pulls	7 65	.415	425	d+e	
Helpers	7 20	.415	425	d+e	
Carryalls, large Euclids, Euclid water sprinkler, tunnel work under ground	7 75	415	425	d+e	
Mechanics	7.50	415	.425	d+e	
RIGGERS AND WELDERS - Receive rates prescribed for crafts performing operations to which rigging and welding are incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).

d. Holidays: A-D-E-F and Veteran's Day

e. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday)

f One weeks paid vacation providing the employee has worked 3 years and a minimum of 1450 hours during any calendar year.

MD77-3041

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM ONLY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Laborers:					
GROUP I	$$8 07	50	40		05
GROUP II	8 22	50	40		05
GROUP III	8 27	50	40		05
GROUP IV	8 32	50	.40		05
GROUP V	8 52	50	40		05
GROUP VI	8 72	50	40		05
GROUP VII	8 845	50	40		05
GROUP VIII	9 295	.50	.40		.05

CLASSIFICATIONS

LABORERS:

GROUP I - Carloader, choker setter, concrete crewman, crushed feeder, demolition laborer (including salvaging all material loading and cleaning up), wrecking, driller helper, dumpman, flagman, fence erector and installer (including installation and erection of fence, guard rails, median rails reference posts, guide posts and right-of-way markers), form stripper, general laborers, railroad track laborer, riprap man, scale man, stake jumper, structure mover (includes foundation, separation, preparation, cribbing, shoring, jacking and unloading of structures), water nozzleman, timber bucker and faller, truck loader, water boys, tool room men

GROUP II - Combined air and water nozzlemen, cement handler dope pot fireman (nonmechanical), form cleaning machine, mechanical railroad equipment (includes spiker, puller, tie cleaner, tamper pipe wrapper, power driven wheelbarrow, operators of hand derricks, towmasters, scootcretes, buggymobiles and similar equipment), tamper or rammer operator, trestle scaffold builders over one tier high, power tool operator (gas, electric or pneumatic), sandblast or gunnite tailhose man, scaffold erector (steel or wood) vibrator operator (up to 4'), asphalt cutter, mortar men shorer and lagger, creosote material handler, corrosive enamel or equal paving breaker and jackhammer operators

GROUP III - Multi-section pipe layer, non-mentallic clay and concrete pipe layer (including caulker, collarman, joiner, rigger and jacker) thermite welder and corrugated metal culvert pipe layer

GROUP IV - Asphalt block pneumatic cutter, asphalt roller, walking chain-saw with attachment, concrete saw (walking) high scalers, jackhammer (using over 6' of steel), vibrator (4' and over), well point installers, air-trac operator

GROUP V - Asphalt screeder, big drills, cut of the hole drills (1½ piston or larger) down the hole drills (3½" piston or larger), gunnite or sandblaster nozzleman, asphalt raker, asphalt tamper form setter, demolition torch operator, shotcrete nozzleman and potman

GROUP VI - Powderman master form setters

GROUP VII - Brick paver (asphalt block paver asphalt block saw man asphalt block grinder; hastings block or similar type)

GROUP VIII - Miners

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WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM ONLY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	$8 345	50	40		.05
GROUP II	8 645	50	40		05
GROUP III	9 295	50	40		.05
GROUP IV	9 545	.50	40		05

CLASSIFICATIONS

TUNNELS, RAISES AND SHAFTS - FREE AIR

GROUP I

Brakeman, bull gang, dumper, trackman, concrete man

GROUP II

Chuck tender, powderman in prime house, form setters and movers, nippers, cableman, hosemen, groutman, bell or signalman, top or bottom vibrator operator, caulkers' helpers

GROUP III

Miners, rodmen, re-bar underground, concrete or gunnite nozzlemen, powderman, timberman and re-timberman, wood steel including liner plate or any other support, material, motorman, caulkers, diamond drill operators, riggers, cement finishers - underground, welders and burners, shield driver, air trac operator, shotcrete nozzleman and potman.

GROUP IV

Mucking machine operator (air)

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM ONLY

COMPRESSED AIR RATES-		Rates Paid Daily	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr Tr
Gauge Pressure Pounds	Work Period Hours					
1-14	7	$ 81 72	a	b		c
14-18	6	84 56	a	b		c
18-22	5-1/2	87 89	a	b		c
22-26	5	91 24	a	b		c
26-32	4	94 57	a	b		c
32-38	3	97 92	a	b		c
38-44	2-1/2	101 25	a	b		c

Footnotes:

a The employer pays $2 80 to health and welfare per day

b The employer pays $3 20 to Pension per day

c The employer pay $ 40 to training fund per day.

(INCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
GROUP I	$11 08	55	55		12
GROUP II	10 83	55	55		12
GROUP III	10 68	55	55		12
GROUP IV	10 50	55	55		12
GROUP V	10 45	55	55		12
GROUP VI	10 43	55	55		12
GROUP VII	10 42	55	55		12
GROUP VIII	10 25	55	55		12
GROUP IX	10 23	55	55		12
GROUP X	10 03	55	55		12
GROUP XI	9 91	55	55		12
GROUP XII	9 37	55	55		12

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP I - 35 ton cranes and above, tower and climbing cranes

GROUP II - Back hoes, boom-cat, cableways, cranes or derricks, draglines, elevating graders, hoists, multiple concrete conveyors, elevators (permanent), paving mixers, pile driving engines, power shovels, tunnel shovels, mucking machines, batch plant, concrete pumps, locomotives (standards, narrow guage), power driven wheel scoops and scrapers (50 cu yd struck capacity or above), front end loader above 3½ cu yd , boom trucks, moles, shields, tunnel mining machines, loaders used as muckers in tunnel mining, gradalls, shotcrete machines and grout pumps with discharge of two inches I D or more, drill rigs

GROUP III - Hydraulic back hoes of less than ½ yd capacity, mounted on tractors, front end loader above 2-3/4 to 3½ cu yd

GROUP IV - Air compressor on steel

GROUP V - Mechanic, mechanic-welder, welder

GROUP VI - Front end loader, highlift, fork lift

GROUP VII - Boilers (skeleton), trenching machines, tug boat, well drilling machines

GROUP VIII - Concrete mixer, tunnel motorman

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (CONT'D)

GROUP IX - Power driven wheel scoops and scrapers (below 50 cu yd struck capacity), blade graders, motor graders, bulldozers

GROUP X - Rollers, asphalt spreaders, bullfloat finishing machines, concrete finishing machines, concrete spreaders, fine graders

GROUP XI - Air compressors (except steel), welding machines, pumps, generators, space heaters, wellpoints, deepwells, hydraulic pumps

GROUP XII - Fireman

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Cedar, Cuming, Pierce, Stanton and Wayne Counties

DECISION NUMBER: NE77-4067

DATE: Date of publication

Supersedes Decision No NE77-4032 dated February 18, 1977 in 42 FR 10242

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including four (4) stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
BRICKLAYERS	$8 65				
CARPENTERS	5.30				
Millwright	4.50				
CEMENT MASONS	5 15				
ELECTRICIANS	11.83	.58	1%+.55		5%
Lineman	9 51	.45	1%		1/2%
IRONWORKERS	4 13				
LABORERS:					
Common Laborers	3 10				
LATHERS	8 50				
PAINTERS, Brush	5.75				
PLASTERERS	8.50				
PLUMBERS	5.00				
ROOFERS	8.68	.15	20	20	.01
SHEET METAL WORKERS	5.00				
TRUCK DRIVERS	4 18				
POWER EQUIPMENT OPERATORS:					
Air Compressor	3 10				
Blade Graders	5 00				
Bulldozers	4 42				
Cranes, Derricks, Draglines	4.25				
Finishing Machine	4 25				
Front End Loaders; under 3/8 cubic yard	3.85				
Trenching Machine Operators	4 50				
Tractors	3.50				

STATE: Nevada
DECISION NUMBER: NV77-5022

COUNTY: Clark County (excluding the Nevada Test Site), Nevada
DATE: Date of Publication

Supersedes Decision Number NV76-5114 dated December 10, 1976 in 41 FR 54133
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
ASBESTOS WORKERS	$12 11	85	$1 10		
BOILERMAKERS	12.80	75	1 00	.50	.02
BRICKLAYERS; Stonemasons	11.37	70	60		06
CARPENTERS:					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; in Clark County, the present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	10.46	55	.90	1 00	10
Floor layers; Patent scaffold erectors; Power saw operators	10 61	55	90	1 00	10
Piledrivermen	10.66	55	90	1.00	.10
Millwrights	11.06	.55	.90	1.00	10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above:					
Carpenters	10 96	.55	.90	1.00	.10
Floor layers; Patent scaffold erectors; Power saw operators	11.11	.55	.90	1.00	.10
Piledrivermen	11 16	55	90	1 00	10
Millwrights	11 56	.55	.90	1.00	.10
CARPENTERS: (Cont'd)					
Zone 3: Area over 20 miles and not more than 40 miles from the communities described above:					
Carpenters	$11 21	55	90	$1 00	.10
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	11.36	55	.90	1 00	10
Piledrivermen	11 41	55	90	1 00	.10
Millwrights	11 81	.55	90	1 00	10
Zone 4: Area over 40 miles from the communities described above:					
Carpenters	12 46	55	.90	1 00	10
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	12 61	55	90	1 00	10
Piledrivermen	12 66	55	90	1 00	.10
Millwrights	13 06	.55	90	1 00	.10
CEMENT MASONS:					
Cement Masons	8 90	1 00	40	2 00	.08
Cement Floor Finishing Machine; Color Work	9 15	1.00	.40	2.00	.08
ELECTRICIANS:					
Electricians; Technicians	13.81	73	10+ 40		.08
Cable Splicers	14.14	.73	10+.40		.08
ELEVATOR CONSTRUCTORS	12.95	.545	.35	3%+a	02
ELEVATOR CONSTRUCTORS' HELPERS	7003R	545	.35	3%+a	02
ELEVATOR CONSTRUCTORS' HELPERS (FREE)	50%JR				
GLAZIERS	12 63	.35	40		.05
IRONWORKERS:					
Fence Erectors	10 41	1 14	1.86	1.20	.04
Ornamental; Reinforcing; Structural	11.30	1.14	1.86	1.20	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LATHERS	$ 9 30	50	$ 1 00	$1 00	06
MARBLE MASONS:	11 37	70	60		06
PAINTERS:					
Brush; Roller	11.55	75	35		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Tapers	11.90	75	.35		06
PLASTERERS	9 98	1 00	40	1 20	08
PLUMBERS; Steamfitters	11 05	1 05	1 90	1 85	08
ROOFERS	12 75	65			
SHEET METAL WORKERS	11.43	.93	1 60	1 00	07
SOFT FLOOR LAYERS	12 52	40			15
SPRINKLER FITTERS	14 80	60	90		08
TERRAZZO WORKERS, TILE SETTERS	11 37	70	60		06

FOOTNOTE:
a Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit Six Paid Holidays: A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS					
Group 1	$ 7 63	51	$ 1 25	$1 00	
Group 2	7 68	51	1 25	1 00	
Group 3	7 71	51	1 25	1 00	
Group 4	7 73	51	1 25	1 00	
Group 5	7 75	51	1 25	1 00	
Group 6	7 76	51	1 25	1 00	
Group 7	7 78	51	1 25	1 00	
Group 8	7 81	51	1 25	1 00	
Group 9	7 82	51	1 25	1 00	
Group 10	7 84	51	1 25	1 00	
Group 11	7 89	51	1 25	1 00	
Group 12	7 92	51	1 25	1 00	
Group 13	7 94	51	1 25	1 00	
Group 14	7 97	51	1 25	1 00	
Group 15	7 99	51	1 25	1 00	
Group 16	8 055	51	1 25	1 00	
Group 17	8 08	51	1 25	1 00	
Group 18	8 15	51	1 25	1 00	
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	9 75	95	2 00	50	04
Group 2	10 03	95	2 00	50	04
Group 3	10 32	95	2 00	50	04
Group 4	10 46	95	2 00	50	04
Group 5	10 68	95	2 00	50	04
Group 6	10 79	95	2 00	50	04
Group 7	10 91	95	2 00	50	04
Group 8	11 08	95	2 00	50	04
Group 9	11 21	95	2 00	50	04
TRUCK DRIVERS					
Group 1	9 35	.40	65		
Group 2	9 46	40	65		
Group 3	9 51	40	65		
Group 4	9 67	40	65		
Group 5	9 85	40	65		
Group 6	10 35	40	65		

LABORERS

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers; General or construction laborers; Spotter; Window cleaner

Group 2: Cutting Torch Operator (Demolition); Tarman and Mortarman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including Caisson Bellowers

Group 7: Chucktender (except tunnels); Sealer; Septic Tank Digger and Installer (leadman); Tank Sealer and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader; Buggymobile; Cement Dumper (on 1 yd or larger mixers and handling bulk concrete); Cement Grinding machine operator; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper, Pot Tender and Form Man; Tree Climber, faller, Chain Saw Operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Sealer, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon); Joy Driller Model TW-M-2A, Gardner-Denver Model DH-103 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator (less than 600 C.F.M); Engineer oiler; Generator operator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Compressor operator (600 C F M or larger - maximum of 5 units, over 5 units an additional operator required); Concrete mixer operator, skip type; Conveyor operator; Fireman; Hydrostatic pump operator; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Rotary drill helper (oilfield); Skiploader - wheel type up to 3/4 yd. without attachment; Soils field technician; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Elevator operator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter radioman (ground); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross Carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Bridge type unloader and turntable operator; Chip spreading machine; Concrete pump (small portable); Dinky locomotive or motorman (up to and including 10 ton); Equipment greaser (grease truck); Helicopter hoist; Highline cableway signalman; Hydra-Hammer-Aero Stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching machine up to 6 ft.)

Group 5: Asphalt plant engineer; Backhoe operator (up to and including 3/4 yd); Batch plant operator; Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer operator; Deck engine operator; Derrickman (oil-field type); Drilling machine operator (including water wells); Forklift operator (under 5 ton capacity); Machine tool operator; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete - Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Pool oil mixing machine; Roller operator (asphalt or finish); Rubber-tired earth moving equipment (single engine, up to and including 25 yd. struck); Self-propelled tar pipelining machine; Slip form pump (power-driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader (Crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor - bulldozer, tamper, scraper (single engine, up to 100 h.p , flywheel and similar types, up to and including D-5 and similar types)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 6: Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); BHL Lima Road Pactor, Wagner pactor or similar; Bridge crane; Pipe laying machine (Cast-in-place); Combination mixer and compressor (gunite work); Concrete pump (truck mounted); Concrete mixer - paving; Crane (up to and including 25 ton capacity); Crushing Plant; Drill doctor; Elevating grader; Forklift (over 5 tons); Grade checker; Gradeall; Grouting machine; Heading shield; Heavy duty repairman; Hoist (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau Blob compactor or similar type; Lift slab machine (Vagtborg and similar types); Lift mobile; Loader (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (¾ yd - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excluding Caisson type); Rubber-tired earth moving equipment operator (single engine - Caterpillar, Euclid, Athey Wagon, and simlar types with any and all attachments over 25 yds and up to and including 50 cu yds. struck); Rubber-tired scraper (self-loading - Paddle wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type - over 1½ yds , up to and including 6½ yds); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine (up to and including 25 yds struck); Trenching machine (over 6 ft. depth capacity, manufacturers' rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5 - 100 flywheel HP and over or similar) (bulldozer, tamper, scraper and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending; Tunnel locomotive (over 30 ton); Shovel, backhoe, dragline, clamshell (over 3/4 yd and up to 5 cu yds M R C)

Group 7: Crane (over 25 ton up to and including 100 ton M R C); Derrick barge; Dual drum mixer; Hoist, stiff legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade operator (single engine); Multiple engine tractor operator (Euclid and similar type except Quad 9 Cat); Rubber-tired earth moving equipment (single engine over 50 yds struck); Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds and up to 50 cu yds struck); Tractor loader operator (Crawler and Wheel type over 6½ yds); Tower crane repairman; Shovel, backhoe, dragline, clamshell operator (over 5 cu yds M R C); Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 8: Auto grader; Automatic slip form; Crane (over 100 tons); Hoist, stiff legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass excavator (less than 750 cu yds); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading - 2 or more units); Rubber-tired scraper (pushing one another without Push Cat, Push-Pull) (50¢ per hour additional); Tandem equipment (2 units only); Tandem tractor (Quad 9 or similar type); Tunnel mole boring machine

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1 00 per hour additional); Wheel excavator (over 750 cu yds)

TRUCK DRIVERS

Group 1: Dump trucks (less than 12 yds); Trucks (legal payload capacity less than 15 tons); Water and fuel trucks (under 2500 gals.); Pickups; Service; Teamster equipment (highest rate for dual craft operation); Repairman helper; Drivers of busses (on jobsite used for transportatoon of up to 25 passengers)

Group 2: Dump trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Truck driver working on gas and oil pipeline (including winch truck and all sizes of trucks); Bootman; Water and fuel trucks (2500 to 4000 gals); Truck greaser; Drivers of busses (on jobsite used for transportatoon of more than 25 passengers)

Group 3: Transit-mix (less than 3 yds); Dumpcrete (less than 6½ yds); Warehouse clerk; Fireman

Group 4: Dump trucks (16 yds up to and including 22 yds); Trucks (legal payload capacity 20 tons but less than 30 tons); Euclid-type spreader trucks; Dumpster; Road oil spreader truck, time spent spreading oil; Transit-mix (3 yds but less than 6 yds.); Dumpcrete (6½ yds and over); Fork lift; Ross Carrier, highway; Water and fuel trucks (4000 gals but less than 6000 gals)

Group 5: Transit-mix (6 yds and over); Truck repairman; Dump trucks (over 22 yds); Trucks (legal payload capacity 30 tons and over); Water and fuel trucks (6000 gals. and over)

Group 6: D W and similar-type equipment, D W 10 and D W. 20, Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment, also FD and similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment, including power units pulling off-highway belly dumps in tandem

STATE: Nevada COUNTIES: Washoe County, Nevada
DECISION NUMBER: NV77-5031 DATE: Date of Publication
Supersedes Decision Number NV76-5115 dated December 10, 1976 in 41 FR 54138
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$13 06	90	$1 02		06
BOILERMAKERS	12 80	.75	1 00	50	02
BRICKLAYERS; Stonemasons:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11 00	50	60		01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11 90	50	60		01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11 00	50	60		01
BRICK TENDERS:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	9 25	50	90		05
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	10 15	50	.90		05
CARPENTERS:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Residential Carpenter	7 64	65	1 01	1 00	05
CARPENTERS (Cont'd):					
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Residential Carpenter	$8 24	65	$1 01	$1 00	05
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Residential Carpenter	8 44	.65	1 01	1 00	05
Zone 4: Area over 40 road miles from the above communities:					
Residential Carpenter	9 14	65	1 01	1 00	05
CEMENT MASONS:					
Lake Tahoe Area:					
Cement Masons	10 60	65	75	1.00	03
Mastic, Magnesite and all Composition Masons	10 85	65	.75	1 00	03
Troweling Machine; Grinder Operator and Kelly Float	11 10	.65	.75	1.00	03
Remainder of Washoe County:					
Zone 1: Area within a 15 mile radius of the Main Post Office, Reno, Nevada, or within a 15 mile radius of the employee's permanent residence in the State of Nevada, or within a 15 mile radius of the center of the jobsite; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	9 15	65	75	1 00	03
Mastic, Magnesite and all Composition Masons	9 40	65	75	1 00	03
Troweling Machine; Grinder Operator and Kelly Float	9 65	.65	75	1 00	03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CEMENT MASONS (Cont'd):					
Remainder of Washoe County (Cont'd):					
Zone 2: Area outside of Zone 1:					
2-A: Area over 15 but not over 50 miles to center of jobsite:					
Cement Masons	$9 90	65	75	$1 00	.03
Mastic, Magnesite and all Composition Masons	10 15	65	75	1 00	03
Troweling Machine; Grinder Operator and Kelly Float	10 40	65	.75	1 00	03
2-B: Area over 50 miles to center of jobsite:					
Cement Masons	11.15	65	75	1 00	.03
Mastic, Magnesite and all Composition Masons	11 40	.65	75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11 65	.65	75	1.00	03
DRYWALL INSTALLERS:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:	9 60	65	1.01	1 00	05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities	10.20	65	1 01	1 00	05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DRYWALL INSTALLERS (Cont'd):					
Zone 3: Area over 20 and not more than 40 road miles from the above communities	$10 40	65	$1 01	$1.00	.05
Zone 4: Area over 40 road miles from the above communities	11.10	65	1 01	1.00	05
ELECTRICIANS:					
Electricians; Technicians	12 33	67	1% + .77		.08
Cable Splicers	13 56	67	1% + .77		08
ELEVATOR CONSTRUCTORS	13 49	545	35	3% + a	02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	545	35	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10 495	43	1 20	84+ 43	
IRONWORKERS:					
Fence erectors	10 14	1 09	1 83	1 15	04
Ornamental; Reinforcing; Structural	11 03	1 09	1 83	1 15	04
LATHERS	10 86	56	20		01
PAINTERS:					
Brush	10 95	70	75		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	11 20	70	75		
PLASTERERS	10 52	65	1 00		03
PLASTERER TENDERS:					
Plasterer Tender serving plasterers	10.05	.50	.90		
Plasterer Tender working on any type of gun	10.65	50	.90		
PLUMBERS; Steamfitters	10 84	.73	.80	1.95	.10
ROOFERS	9 75	.50	35		.02
SHEET METAL WORKERS	9 80	.94	1.03	.98	03 + 02
SOFT FLOOR LAYERS	10 80	.70	.20	2.4%	
SPRINKLER FITTERS	14 80	.00	.90		.08
TERRAZZO WORKERS; TILE SETTERS:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11 00	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11 90	50	60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11 00	.50	60		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr

FOOTNOTE:
a Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit
Six Paid Holidays: A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Group 1	$8 00	50	90		10
Group 2	8 10	50	90		10
Group 3	8 25	50	90		10
Group 4	8 50	50	90		10
Group 5	8 80	50	90		10
Group 6-A	8 80	50	90		10
Group 6-B	8 50	50	90		10
Group 6-C	8 15	50	90		10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.60	.50	.90		10
Group 2	8.70	50	90		10
Group 3	8 85	50	90		10
Group 4	9.10	50	90		10
Group 5	9.40	50	90		10
Group 6-A	9 40	50	90		10
Group 6-B	9 10	50	90		10
Group 6-C	8.75	50	90		10
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Group 1	8 80	50	.90		10
Group 2	8 90	50	90		10
Group 3	9 05	50	.90		10
Group 4	9.30	50	90		10
Group 5	9 60	50	.90		10
Group 6-A	9 60	50	90		10
Group 6-B	9 30	50	90		10
Group 6-C	8 95	50	90		10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (Cont'd):					
Zone 4: Area over 40 road miles from the above communities:					
Group 1	$9.50	.50	.90		.10
Group 2	9 60	.50	.90		.10
Group 3	9.75	.50	.90		.10
Group 4	10.00	50	90		10
Group 5	10.30	.50	90		10
Group 6-A	10.30	.50	.90		.10
Group 6-B	10.00	50	90		10
Group 6-C	9 65	.50	90		10

LABORERS

Group 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Pilor

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) - all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) - handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackman (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer under 1/2 yds ; Concrete Pan Work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Drillers' Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas, or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete wet or dry; Rototiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWH-2A, Gardner Denver Model D 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt Rakers

Group 5: Blasters and Powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman
Group 6-B: Gunman, Materialman
Group 6-C: Reboundman

	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):						
Group 1	$8 75	$9.90	$1 12	$2.23	92	20
Group 2	9 12	10.27	1 12	2 23	92	20
Group 3	9 32	10.47	1 12	2 23	92	20
Group 4	9.84	10 99	1 12	2.23	92	20
Group 5	10.05	11 20	1 12	2 23	92	20
Group 6	10 17	11 32	1 12	2 23	.92	20
Group 7	10.34	11 49	1 12	2.23	92	.20
Group 8	10 72	11 87	1 12	2.23	92	20
Group 9	10.94	12 09	1 12	2 23	92	20
Group 10	11 17	12 32	1 12	2 23	92	20
Group 10-A	11 29	12 44	1 12	2 23	92	20
Group 11	11 46	12 61	1 12	2 23	92	20
Group 11-A	12 54	13 69	1 12	2 23	92	20
For "Area Definitions" see the last page of the decision						

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
Group 1	$9.22	$1 12	$2.23	92	20
Group 2	9 61	1 12	2 23	92	20
Group 3	10.61	1 12	2.23	92	20
Group 4	10 75	1 12	2 23	92	20
Group 4-A	11 04	1 12	2 23	92	20
Group 5	11 52	1 12	2.23	92	20
Group 6	11 93	1 12	2 23	92	20
Group 6-A	12 50	1 12	2 23	92	20
Group 7	13 48	1.12	2.23	92	20
POWER EQUIPMENT OPERATORS: PILEDRIVING:					
Group 1	8 78	1 12	2 23	92	20
Group 1-A	9 11	1 12	2 23	92	20
Group 1-B	9 26	1 12	2 23	92	20
Group 2-A	9 89	1 12	2 23	92	20
Group 2-B	10 10	1 12	2 23	92	20
Group 3	10 40	1 12	2 23	92	20
Group 3-A	10 79	1 12	2 23	92	.20
Group 4	11 34	1 12	2 23	92	20
Group 5	11 48	1 12	2 23	92	20
Group 6	12 50	1 12	2 23	92	20

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Assistant to Engineer, including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K W); Fireman, Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete plant); Motorman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Concrete Mixer, Skip type; Dinky; Fork Lift (construction job site); Rosa Carrier; Skip Loader (under 1 cu yd); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu yd.); Concrete Pump or Pumperete Gun; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B L.H. Lima Road Factor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc , in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning, and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small Rubber-tired Tractors; Self-propelled Tape Machine

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Holman Loader; Material Hoist (2 or more drums); Mechanical

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 7 (Cont'd):
Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plant; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt)

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy Duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2 1/2 cu yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving equipment (up to and including 35 cu. yds. "struck" m r.c) (Euclids, T-Pulls, DW's 10 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted Compressor Drill Combination; Trenching Machine (over 3 ft depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-lift (20 ft. or over); Mucking Machine; Tractor with boom (D-6 or larger); Track Laying type Earth moving Machine (single engine with tandem scrapers); Sub-grader (Curries or other types)

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2 1/2 cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earth Moving Machines (Euclid, Dosers, etc.); Pre-stress Wire Wrapping Machine; Rubber-tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (Reclaim Station); Single Engine Scraper (over 35 cu. yds.); Train Loading Station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEFFCO or similar)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 10-A: Backhoe (up to and including 1 cu yd. hydraulic); Backhoe (up to and including 1 cu yd. cable); Cranes (not over 25 tons)(hammerhead and Gantry); Grade-alls (up to and including 1 cu yd); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu yd); Rubber-tired Scraper, self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds up to and including 12 cu yds); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds "struck" m r c); Power Shovels, Clamshells, Draglines Backhoes, Gradeall (over 1 yd and up to and including 7 cu yds. m.r c.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber-tired Earth-moving Machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu yds per hour); Whirley Cranes (over 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu yds); Multi-engine Earth-moving Equipment (over 75 cu yds "struck" m r c); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu yds m r.c); Remote-controlled Earth-moving Equipment; Wheel Excavator (over 750 cu yds per hour)

POWER EQUIPMENT OPERATORS
STEEL ERECTION

Group 1: Oiler

Group 2: Compressor operator; Generator, gasoline or diesel-driven (100 K W or over); Truck crane oiler

Group 3: Compressors, generators and/or welding machines or combination (2 to 6) (Structural steel or tank erection only)

Group 4: Heavy duty repairman; Tractor operator

Group 4-A: Combination heavy-duty repairman-welder

Group 5: Boom truck or dual purpose A-Frame truck; Boom cat; Chicago boom; Crawler cranes and truck cranes (15 tons m.r c or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m r c); Single drum hoist; Tugger hoist

Group 6: Crawler cranes and truck cranes (over 15 tons m r.c.); Derricks; Gantry rider (or similar equipment); Highline cableway; Self-propelled boom-type lifting device (center mount) (over 10 tons); Tower cranes mobile; Universal Liebher and Tower cranes (and similar types); Two or more drum hoist

Group 6-A: Cranes (over 125 tons)

Group 7: Operator of helicopter

POWER EQUIPMENT OPERATORS
PILEDRIVING

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor operator

Group 1-B: Truck crane oiler

Group 2-A: Operator of tugger hoist (hoisting material only)

Group 2-B: Compressor operator (over 2); Generator operator; Pump operator (over 2); Welding machine operator (powered other than by electricity)

Group 3: Deck engineer; Fork lift operator; A-Frames; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m r c)

Group 3-A: Heavy duty repairman and/or welder

Group 4: Operating engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of piledriving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered crane piledriver (without boiler) (up to and including 1 cu yd. rating); Self-propelled boom-type lifting device (center mount) (over 10 tons); Truck crane operator (up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered crane piledriver (without boiler) (over 1 cu yd rating); Operator of crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck crane operator (over 25 tons) (hoisting material or performing piledriving work)

Group 6: Cranes (over 125 tons)

	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS						
DUMP (Single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yds	$9.20	$10 35	51	65		05
4 yds and under 8 yds	9 40	10.55	51	65		05
8 yds and under 18 yds	9 60	10.75	51	65		05
18 yds and under 35 yds	9.75	10 90	51	65		05
35 yds and under 60 yds	10 00	11.15	51	65		05
60 yds and under 75 yds	10 15	11 30	51	65		05
75 yds and under 100 yds	10.30	11.45	51	65		05
100 yds. and over	10.45	11.60	.51	65		05
TRANSIT MIX:						
Under 8 yds.	9 60	10.75	51	65		05
8 yds. and including 12 yds	9.70	10 85	51	.65		05
Over 12 yds.	9.90	11 05	.51	65		05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gals	9.40	10.55	.51	65		05
2,500 gals. and over	9.60	10 75	.51	.65		.05
DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	9 85	11 00	.51	.65		05
FLATRACK; Industrial Lift with mechanical tailgate:						
Single unit - 2 axle	9.40	10 55	.51	65		.05
Single unit - 3 axle	9.50	10.65	.51	65		05
BUS AND MANHAUL DRIVERS, Single unit; Pickup:						
Up to 18,000 pounds	9.25	10.40	.51	.65		05
18,000 pounds and over	9.35	10.50	.51	65		05

	Basic Hourly Rates	Fringe Benefits Payments			
	AREA 1 / AREA 2	H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS (Cont'd):					
WINCH TRUCKS, A-Frame:					
Under 18,000 lbs	$9 35 / $10 50	51	65		05
18,000 lbs and over	9 45 / 10 60	51	65		05
HEAVY DUTY TRANSPORT (Highbed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	9 75 / 10 90	51	65		05
BOOTMAN, Combination; Bootman and Road Oiler	9.65 / 10 80	51	65		05
ROAD OIL TRUCKS OR BOOTMEN; Fuel driver; Fuel man and Fuel island man	9 35 / 10 50	51	65		05
HELICOPTER PILOT (When transporting men or material)	10 15 / 11 30	51	65		05
LIFT JITNEYS AND FORK LIFTS	9 45 / 10 60	51	65		05
WAREHOUSE CLERK	9 30 / 10 45	51	65		05
TIRE REPAIRMAN	9.60 / 10.75	51	65		05
TRUCK REPAIRMAN	9.90 / 11.05	51	65		05

AREA DEFINITIONS
Power Equipment Operators and Truck Drivers
In Washoe County,

AREA 2: All areas not included within Area 1 as defined below
AREA 1: All of Northern Nevada within the following lines:

Commencing at the N W corner of Township 22N, Range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N E. corner of Township 22N, Range 22E;
Thence Southerly to the N E corner of Township 20N, Range 22E;
Thence Easterly to the N W corner of Township 20N, Range 26E;
Thence Northerly to the N W corner of Township 22N, Range 26E;
Thence Easterly to the N W corner of Township 22N, Range 29E;
Thence Northerly to the N W corner of Township 30N, Range 29E;
Thence Easterly to the N.E. corner of Township 30N, Range 33E;
Thence Southerly to the S E corner of Township 24N, Range 33E;
Thence Westerly to the S E corner of Township 24N, Range 31E;
Thence Southerly to the S E corner of Township 16N, Range 31E;
Thence Westerly to the S E corner of Township 16N, Range 30E;
Thence Southerly to the S.E corner of Township 15N, Range 30E;
Thence Westerly to the S.E corner of Township 15N, Range 27E;
Thence Southerly to the S E corner of Township 14N, Range 27E;
Thence Westerly to the S.E. corner of Township 14N, Range 23E;
Thence Southerly to the S.E corner of Township 13N, Range 23E;
Thence Westerly to the S.E. corner of Township 13N, Range 22E;
Thence Southerly to the N E corner of Township 10N, Range 22E;
Thence Easterly to the N.E corner of Township 10N, Range 23E;
Thence Southerly along the Easterly line of Range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S W corner of Township 37N, Range 52E;
Thence Easterly to the S E corner of Township 37N, Range 52E;
Thence Northerly to the N E corner of Township 37N, Range 52E;
Thence Easterly to the N.W corner of Township 37N, Range 58E;
Thence Southerly to the S W corner of Township 37N, Range 58E;
Thence Easterly to the S E. corner of Township 37N, Range 58E;
Thence Southerly to the N E corner of Township 31N, Range 58E;
Thence Westerly to the N W corner of Township 31N, Range 58E;
Thence Southerly to the S W corner of Township 31N, Range 58E;
Thence Westerly to the S E. corner of Township 31N, Range 52E;
Thence Northerly to the N.E corner of Township 31N, Range 52E;
Thence Westerly to the S E. corner of Township 32N, Range 51E;
Thence Northerly to the point of beginning

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: McIntosh
DECISION NO : OK77-4065 DATE: Date of Publication
Supersedes Decision No OK76-4137 dated July 30, 1976 in 41 FR 32180
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$10 80	35	60		015
BOILERMAKERS	10.00	50	1.00		02
BRICKLAYERS-Stonemasons	9 25	45	40		05
CARPENTERS:					
Carpenters	8 25		25		01
Millwrights-Piledrivermen	8 75		25		01
CEMENT MASONS	8 55				
ELECTRICIANS:					
ZONE I - A 20 mile radius from Post Office of Cityof Muskogee					
ZONE II - Area outside Zone I					
Zone I					
Electricians	9 93	40	1%		½%
Cable splicers	10 33	40	1%		½%
Zone II					
Electricians	10 23	40	1%		½%
Cable splicers	10 63	40	1%		½%
ELEVATOR CONSTRUCTORS	9 66	545	35	4%+a+b	02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	545	35	4%+a+b	02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary 6 months)	50%JR				
GLAZIERS	8 42	40	30		01
IRONWORKERS	9 60	45	65		12
LABORERS:					
GROUP I	6 10	25	30		
GROUP II	6 40	.25	30		
GROUP III	6.60	25	30		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, masons or plasterers; water boys, when used, carpenter tenders; and common laborers.

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handline at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the gound or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunnite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader

GROUP III - Wagon drill operator and powderman or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LATHERS	8 65		30		.01
LINE CONSTRUCTION					
Lineman	9 35		1%		½%
Cable splicers	9 91		1%		½%
Hole digger operator	8 49		1%		½%
Heavy Equipment Operator (or Pole cat Equivalent)	8 49		1%		½%
Line truck driver (winch opr)	7 68		1%		½%
Jack hammerman	7 00		1%		½%
Powderman	8 49		1%		½%
Groundman	6 24		1%		½%
Truck driver (flat bed, ton and half and under)	6 66		1%		½%
PAINTERS:					
Brush and roller	7.45		40	20	.07
High work and stage	7 85		40	20	.07
Sandblasting	8 10		40	20	07
Spray painting	8 10		40	20	.07
Hot or bituminous	8.75		40	20	07
Hazardous work	9.65		40	20	07
Sheet rock power tools	7 80		40	20	07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
Group I	10 10	45	50		12
Group II	9 85	45	50		12
Group III	9 60	45	50		12
Group IV	9 35	45	50		12
Group V	9 10	45	50		12
Group VI	8 85	45	50		12
Group VII	8 45	45	50		12
Group VIII	8 35	45	50		12
Group IX	8 15	45	50		12
Group X	7 85	45	50		12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib) all tower cranes and all crane type equipment of 3 cu yd or more (as rated by mfg), sideboom (booms 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h p 65 of over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p 65 or over), asphalt lay machine, tail boom conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type
GROUP VI - Locomotive engineer, boring machine, tug boat, mixer 18 cu ft and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu ft and under, air compressor, over 500 cu ft , (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operators, engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.
GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu ft , air compressor, 500 cu ft and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS-STEAMFITTERS	10 60	.40	80		.15
ROOFERS	8 40	45	25		04
SHEET METAL WORKERS	9 53	50	66		10
SPRINKLER FITTERS	10 90	50	90		08
TERRAZZO WORKERS	9.29		.30		
TERRAZZO WORKERS' HELPERS	7 70				
TERRAZZO WORKERS' HELPERS FLOOR MACHINE OPERATOR	7 80				
TERRAZZO WORKERS' HELPERS BASE MACHINE OPERATOR	8 00				
TILE LAYERS	9 29		30		
TRUCK DRIVERS:					
Group I	8 03				
Group II	8 13				
Group III	8 23				
Group IV	8 18				
Group V	8 33				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournapulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers.
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards
GROUP V - Ready-mix concrete trucks 3 yards and over

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTES:
a - 1st 6 mos - none; 6 mos to 5 yrs - 2%; over 5 yrs - 4% of basic hourly rates
b - Paid Holidays

PAID HOLIDAYS:
A - New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E - Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Pittsburg
DECISION NO : OK77-4066 DATE: Date of Publication
Supersedes Decision No OK76-4017 dated July 30, 1976 in 41 FR 32180
DESCRIPTION OF WORK: Building Construction (excluding single family homes, and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$10 80	35	60		015
BOILERMAKERS	10 00	50	1 00		02
BRICKLAYERS-Stonemasons	9.25	45	40		05
CARPENTERS:					
Carpenters	7 35	25	.25		
Millwrights-Piledrivermen	8 15	25	25		
CEMENT MASONS	6 00				
ELECTRICIANS:					
Electricians	9 65	46	1%+ 40	30	07
Cable splicers	9.90	46	1%+.40	30	07
GLAZIERS	8 42	40	30		01
IRONWORKERS	9 60	45	65		12
LABORERS:					
GROUP I	5 85	25	30		
GROUP II	6 15	25	30		
GROUP III	6 35	25	30		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, masons or plasterers; water boys, when used, carpenter tenders; and common laborers

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the gound or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunnite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION					
Linemen	$9 35		1%		½%
Cable splicers	9 91		1%		½%
Hole digger operator	8 49		1%		½%
Heavy Equipment Operator (or Pole cat Equivalent)	8 49		1%		½%
Line truck driver-(winch opr)	7 68		1%		½%
Jack hammerman	7 00		1%		½%
Powderman	8 49		1%		½%
Groundman	6 24		1%		½%
Truck driver (flat bed, ton and half and under)	6 66		1%		½%
PAINTERS:					
Brush and roller	7 45		40	20	07
High work and stage	7 85		40	20	07
Sandblasting	8 10		40	20	07
Spray painting	8 10		40	20	07
Hot or bituminous	8 75		40	20	07
Hazardous work	9 65		40	20	.07
Sheet rock power tools	7 80		40	.20	07
PLUMBERS-Pipefitters	10 60	.55	80		15
POWER EQUIPMENT OPERATORS:					
Group I	10 10	45	50		12
Group II	9 85	45	50		12
Group III	9 60	45	50		.12
Group IV	9 35	45	50		12
Group V	9 10	.45	50		12
Group VI	8 85	45	50		12
Group VII	8 45	45	50		12
Group VIII	8 35	.45	50		12
Group IX	8 15	45	50		12
Group X	7 85	45	.50		12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200" of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib) all tower cranes and all crane type equipment of 3 cu yd or more (as rates by mfg), sideboom (booms 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h p 65 of over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h p 65 or over), asphalt lay machine, tail boom conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type
GROUP VI - Locomotive engineer, boring machine, tug boat, mixer 18 cu ft and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu ft and under, air compressor, over 500 cu ft , (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operators, engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines
Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.
GROUP VII - Greaser, tilt top trailor operator
GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu ft , air compressor, 500 cu ft and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS	8 80	45	25		04
SHEET METAL WORKERS	9 29	45	45		10
SOFT FLOOR LAYERS	7 71		25		03
PIAD HOLIDAYS:					
a - 6 Paid Holidays - New Year's Day; Memorial Day; July 4th; Labor Day; Thanksgiving Day and Christmas Day					
SPRINKLER FITTERS	10 90	60	90		08
TERRAZZO WORKERS	9 29		30		
TILE SETTERS	9 29		30		
TILE & TERRAZZO WORKERS HELPER	7 70				
TRUCK DRIVERS:					
Group I	8,03				
Group II	8 13				
Group III	8 23				
Group IV	8 18				
Group V	8 33				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournapulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards
GROUP V - Ready-mix concrete trucks 3 yards and over

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

STATE: Texas

COUNTIES: Bailey, Cochran, Crosby, Floyd, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Terry & Yoakum

DECISION NO.: TX77-4068

DATE: Date of Publication

Supersedes Decision No. TX76-4029, dated February 13, 1976, in 41 FR 7006

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
AIR CONDITIONING MECHANICS	$ 6.36				
BRICKLAYERS	7.16				
CARPENTERS	5 00				
CEMENT MASONS	5.90				
DRYWALL INSTALLERS	6.00				
ELECTRICIANS	9 05	60	1%		1/10%
IRONWORKERS	4 00				
LABORERS	3 69				
PAINTERS:					
Brush	5.28				
Spray	5.50				
PLUMBERS	4 65	.39	.40		.04
ROOFERS	4.75				
SHEET METAL WORKERS	5 87				
SOFT FLOOR LAYERS	5.85	.30	.20		.04
TAPERS	6.00				
TILE SETTERS	6.27				

DECISION NO TX77-4068

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Mastorman	3.45				
Asphalt Raker	3.25				
Asphalt Shovelor	2.75				
Batching Plant Scaleman	4.00				
Batterboard Setter	3 00				
Carpenter	4 25				
Carpenter Helper	3.55				
Concrete Finisher (Paving)	4.00				
Concrete Finisher Helper (Paving)	3.20				
Concrete Finisher (Structures)	4.05				
Concrete Finisher Helper (Structures)	3 00				
Electrician	6.25				
Electrician Helper	3.80				
Form Builder (Structures)	3.50				
Form Setter (Paving and Curb)	4.50				
Form Setter Helper (Paving and Curb)	3.70				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	3.60				
Laborer, Common	2.75				
Laborer, Utility Man	3.50				
Mechanic	4.40				
Mechanic Helper	3.75				
Oiler	3.80				
Serviceman	3.75				
Pipelayer	3.85				
Pipelayer Helper	3.50				
Powderman	4.00				
Reinforcing Steel Setter (Structures)	4.25				
Spreader Box Man	4.00				
Sweeper	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.75				
Asphalt Paving Machine	3.90				
Broom or Sweeper Operator	4.00				
Bulldozer, 150 HP and Less	3.40				
Bulldozer, over 150 HP	4.00				

DECISION NO. TX77-4068

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Power Equipment Operators (Cont'd):					
Concrete Paving Finishing Machine	$ 4 35				
Concrete Paving Saw	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.05				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crusher or Screening Plant Op	4.00				
Elevating Grader	4.00				
Foundation Drill Operator (Crawler Mounted)	3 25				
Foundation Drill Operator (Truck Mounted)	4 75				
Front End Loader (2½ CY & Less)	3 80				
Front End Loader (Over 2½ CY)	4 30				
Motor Grader Op , Fine Grade	5.00				
Motor Grader Operator	4 50				
Roller, Steel Wheel (Plant-Mix Pavements)	3 50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	3 00				
Scrapers (17 CY and Less)	3 75				
Scrapers (Over 17 CY)	4.00				
Side Boom	3.25				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	4 00				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	4.00				
Traveling Mixer	3.25				
Trenching Machine, Light	3 00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.75				
Truck Drivers:					
Single Axle, Light	$ 3 00				
Single Axle, Heavy	3 50				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.00				
Weighman (Truck Scales)	2.95				
Welder	4 50				

SUPERSEDEAS DECISION

STATE: Washington, D. C. DATE: Date of Publication
DECISION NO : DC77-3040
SUPERSEDES DECISION NO. DC76-3284, dated, November 19, 1976, in 41 FR 51368
DESCRIPTION OF WORK: Building Construction, Heavy Construction (including Washington Metropolitan Area Transit Authority - Rapid Rail System), Demolition and Sewer and Water Lines(excluding all residential construction)

BUILDING AND HEAVY CONSTRUCTION (INCLUDING WMATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$ 10 77	59	89		03
BOILERMAKERS - BLACKSMITHS	9 40	60	90		02
BRICKLAYERS	10 90	75	65		10
CARPENTERS	10 00	65	53		.05
CEMENT MASONS:					
Cement masons	10 04	685	50		11
Grinding machine	10 29	685	50		11
DIVERS	18 125	50	49		07
DIVER TENDER	10 75	50	49		07
ELECTRICIANS	11 10	65	1% + 80		.13
ELEVATOR CONSTRUCTORS	11.185	545	35	.4+a+b	02
ELEVATOR CONSTRUCTORS' HELPERS	70% of JR	545	35	.4+a+b	02
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	50% of JR				
GLAZIERS	10 53	61	50		05
IRONWORKERS:					
Structural, ornamental and chain link fence	10 40	87	80		05
Reinforcing	10 55	55	85		03
LABORERS (EXCLUDING WMATA RAPID RAIL TRANSIT SYSTEM)					
Common laborers, landscapers	8 07	50	40		05
Acetylene burners used on wrecking	8.57	50	.40		05
Air tool op , scaffold builders, paving breakers, tamperers, buggy mobiles, spaders, mortar men and screeterers	8 22	50	40		05
Pipelayers	8 22	50	40		05
Plasterers' tenders	7.03	.32	35		05
Plumbers' laborers	6.93	30	40		05
Powderman	9.245	.50	40		05
Powersaw, well points	8 32	50	40		.05
LATHERS	10.36	.50	50		025
LEADBURNERS	10.75	.40	.25	c	01
CARPET LAYERS	7 05	30			.05

DC77-3040

BUILDING AND HEAVY CONSTRUCTION CONT'D. (INCLUDING WMATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION:					
Lineman, cable splicers, equipment operators	$12 11	45	1%		1/2 of 1%
Truck with winch, truck pole or steel handling	7 43	45	1%		1/2 of 1%
Groundmen (0 to 1 year)	6 01	45	1%		1/2 of 1%
Groundmen (1 to 2 years)	6 92	45	1%		1/2 of 1%
Groundmen (over 2 years)	7 17	.45	1%		1/2 of 1%
MARBLE SETTERS	11.35	.45	60		.05
MARBLE SETTERS' HELPERS	7 35				
MILLWRIGHTS	10 46	65	53		05
PAINTERS:					
Brush, spray, paperhangers, tapers	9 84	71	69		06
Steel, sandblasting, swing stage, power brushing	10 34	71	.69		.06
PILEDRIVERMEN	10 21	65	53		.06
PLASTERERS	10.15	55	.65		.06
PLUMBERS	10 59	92	91		27
ROOFERS:					
Composition	9 26	47	30		
Slate, tile, composition, waterproofers, sprayers, sprandrel and ironite	9 82	47	30		
Helpers	6 68	47	30		
SHEET METAL WORKERS	10 74	84	96		.12
SOFT FLOOR LAYERS	10.00	65	53		.03
SPRINKLER FITTERS	11 45	60	90		.08
STEAMFITTERS, Refrigeration and air conditioning mechanic	10.98	.65	90		16
STONE MASONS	11 35	.45	.60		.05
STONE CUTTERS:					
Fitters and trimmers	11 65	18	40		
Ornamental carvers	10 38	18	40	d	
Figure carvers	11 00	18	.40	d	

BUILDING AND HEAVY CONSTRUCTION CONT'D. (INCLUDING AMATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TERRAZZO AND MOSAIC WORKERS	$10 68	60	40		
TERRAZZO WORKERS' HELPERS	9 30	50	.40		
TILE SETTERS	10 68	60	40		
TILE SETTERS' HELPERS	9 30	50	.40		
TRUCK DRIVERS:					
Boom trucks	7 60	415	425	d+e	
Small dump, water sprinkler, grease and oil	7.35	415	425	d+e	
Flat, pick-up hauling material, small Euclids, dump over 8 wheels	7 45	415	425	d+e	
Trailers, low boys, tractor pulls	7 65	415	425	d+e	
Helpers	7 20	.415	425	d+e	
Carryalls, large Euclids, Euclid water sprinkler, tunnel work under ground	7.75	.415	425	d+e	
Mechanics	7 50	.415	425	d+e	
RIGGERS AND WELDERS - Receive rates prescribed for crafts performing operations to which rigging and welding are incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F.

b Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).

d Holidays: A-D-E-F and Veteran's Day

e Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).

f One weeks paid vacation providing the employee has worked 3 years and a minimum of 1450 hours during any calendar year.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM ONLY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Laborers:					
GROUP I	$$8 07	50	40		.05
GROUP II	8.22	50	40		05
GROUP III	8 27	50	.40		.05
GROUP IV	8 32	50	40		05
GROUP V	8 52	50	40		05
GROUP VI	8 72	50	40		05
GROUP VII	8 845	50	40		05
GROUP VIII	9 295	50	.40		05

CLASSIFICATIONS

LABORERS:

GROUP I - Carloader, choker setter, concrete crewman, crushed feeder, demolition laborer (including salvaging all material, loading and cleaning up), wrecking, driller helper, dumpman, flagman, fence erector and installer (including installation and erection of fence, guard rails, median rails, reference posts, guide posts and right-of-way markers), form stripper, general laborers, railroad track laborer, riprap man, scale man, stake jumper, structure mover (includes foundation, separation, preparation, cribbing, shoring, jacking and unloading of structures), water nozzleman, timber bucker and faller, truck loader, water boys, tool room man

GROUP II - Combined air and water nozzlemen, cement handler, dope pot fireman (nonmechanical), form cleaning machine, mechanical railroad equipment (includes spiker, puller, tie cleaner, tamper pipe wrapper, power driven wheelbarrow, operators of hand derricks, towmasters, scootcretes, buggymobiles and similar equipment), tamper or rammer operator, trestle scaffold builders over one tier high, power tool operator (gas, electric or pneumatic), sandblast or gunnite tailhose man, scaffold erector (steel or wood) vibrator operator (up to 4'), asphalt cutter, mortar man shorer and lagger, creosote material handler, corrosive enamel or equal, paving breaker and jackhammer operators

GROUP III - Multi-section pipe layer, non-metallic clay and concrete pipe layer (including caulker, collarman, joiner, rigger and jacker) thermite welder and corrugated metal culvert pipe layer

GROUP IV - Asphalt block pneumatic cutter, asphalt roller, walking chain-saw with attachment, concrete saw (walking), high scalers, jackhammer (using over 6' of steel), vibrator (4' and over), well point installers, air-trac operator

GROUP V - Asphalt screeder, big drills, cut of the hole drills (1½ piston or larger) down the hole drills (3½" piston or larger), gunnite or sandblaster nozzleman, asphalt raker, asphalt tamper, form setter, demolition torch operator, shotcrete nozzleman and potman

GROUP VI - Powderman, master form setters

GROUP VII - Brick paver (asphalt block paver, asphalt block saw man, asphalt block grinder; hastings block or similar type)

GROUP VIII - Miners

WASHINGTON METROPOLETAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM ONLY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	$8 345	50	40		05
GROUP II	8 645	50	40		05
GROUP III	9 295	50	40		05
GROUP IV	9 545	50	40		05

CLASSIFICATIONS

TUNNELS, RAISES AND SHAFTS - FREE AIR

GROUP I

Brakeman, bull gang, dumper, trackman, concrete man

GROUP II

Chuck tender, powderman in prime house, form setters and movers, nippers, cableman, hoseman, groutman, bell or signalman, top or bottom vibrator operator, caulkers' helpers

GROUP III

Miners, rodman, re-bar underground, concrete or gunnite nozzleman, powderman, timberman and re-timberman, wood steel including liner plate or any other support, material, motorman, caulkers, diamond drill operators, riggers, cement finishers - underground, welders and burners, shield driver, air trac operator, shotcrete nozzleman and potman.

GROUP IV

Mucking machine operator (air)

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM ONLY

COMPRESSED AIR RATES		Rates Paid Daily	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr Tr
Gauge Pressure Pounds	Work Period Hours					
1-14	7	$ 81 22	a	b		c
14-18	6	84 56	a	b		c
18-22	5-1/2	87 89	a	b		c
22-26	5	91 24	a	b		c
26-32	4	94 57	a	b		c
32-38	3	97 92	a	b		c
38-44	2-1/2	101 25	a	b		c

Footnotes:
a The employer pays $2 80 to health and welfare per day

b The employer pays $3 20 to Pension per day

c The employer pay $ 40 to training fund per day.

(INCLUDING MIATA - RAPID RAIL TRANSIT SYSTEM)

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
GROUP I	$11 08	55	55		12
GROUP II	10 83	55	55		12
GROUP III	10 68	55	55		12
GROUP IV	10 50	55	55		12
GROUP V	10 45	55	55		12
GROUP VI	10 43	55	55		12
GROUP VII	10 42	55	55		12
GROUP VIII	10 25	55	55		12
GROUP IX	10 23	55	55		12
GROUP X	10 03	55	55		12
GROUP XI	9 91	55	55		12
GROUP XII	9 37	55	55		12

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP I - 35 ton cranes and above, tower and climbing cranes

GROUP II - Back hoes, boom-cat, cableways, cranes or derricks, draglines, elevating graders, hoists, multiple concrete conveyors, elevators (permanent), paving mixers, pile driving engines, power shovels, tunnel shovels, mucking machines, batch plant, concrete pumps, locomotives (standards, narrow guage), power driven wheel scoops and scrapers (50 cu yd struck capacity or above), front end loader above 3½ cu yd , boom trucks, moles, shields, tunnel mining machines, loaders used as muckers in tunnel mining, gradalls, shoterete machines and grout pumps with discharge of two inches I D or more, drill rigs

GROUP III - Hydraulic back hoes of less than ½ yd capacity, mounted on tractors, front end loader above 2-3/4 to 3½ cu yd

GROUP IV - Air compressor on steel

GROUP V - Mechanic, mechanic-welder, welder

GROUP VI - Front end loader, highlift, fork lift

GROUP VII - Boilers (skeleton), trenching machines, tug boat, wall drilling machines

GROUP VIII - Concrete mixer, tunnel motorman

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (CONT'D)

GROUP IX - Power driven wheel scoops and scrapers (below 50 cu yd struck capacity), blade graders, motor graders, bulldozers

GROUP X - Rollers, asphalt spreaders, bullfloat finishing machines, concrete finishing machines, concrete spreaders, fine graders

GROUP XI - Air compressors (except steel), welding machines, pumps, generators, space heaters, wellpoints, deepwells, hydraulic pumps

GROUP XII - Fireman

DEMOLITION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
DEMOLITION(excluding Metro projects)					
Laborers	$6 40	35	40		05
Burners	6 90	.35	40		05
Power Equipment Operators					
Cranes	11 08	55	.55		.12
Loaders	10 68	55	.55		.12
Truck Drivers	4.00				

(EXCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

5-D C 3- W

PAVING AND INCIDENTAL GRADING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
Asphalt Shoveler	$6 65	27	30		
Asphalt Raker	6 85	27	.30		
Asphalt Tamper	6 75	27	.30		
Bricklayers	10 90	.75	65		10
Carpenters	10 00	65	53		05
Cement Masons	7 15	27	.30		
Concrete Saw Operator	6 85	27	.30		
Concrete Shoveler	6 75	27	.30		
Form Setter	7 10	27	.30		
Laborers:					
Laborers	6 65	27	30		
Jackhammer	6 80	27	30		
Hand Burner Operator	6 75	27	.30		
Power Equipment Operators:					
Concrete Spreader Operator, Finishing Machine, Roller (rough), Compressor, Rubber-tired Loader (1-½ cu yds , or less), Asphalt Plant Mixer	6 90	27	.30		
Loader Operator Tracks (2-½ cu yds. or less), Burner Planer, Bulldozer, Mechanic or Welder, Rubber Tired Loader (over 1-½ cu yds)	7 10	27	.30		
Asphalt Spreader, Hydraulic Backhoe (½ cu. yd , or less), Asphalt Plant Engineer, Asphalt Roller Operator, Concrete Breaker (machine)	7 15	27	.30		
Crane Operator, Concrete Paving Operator	7 30	27	.30		
Shovel Operator	7 40	27	.30		
Gradall Operator (1-½ cu yds or less), Motor Grader, Loader Operator Tracks (over 2-½ cu yds)	8 05	27	.30		
G-1000 Gradall Operator (over 1½ cu yds)	8 30	27	.30		
Power Broom, Oiler	6 80	27	.30		
Sand Setter	7 10	27	30		
Truck Drivers:					
Truck Drivers (standard)	6 65	27	.30		
Tandem	6 77	27	.30		
Tractor trailer (capable of moving heavy equipment)	7 15	27	.30		

(EXCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
BRICKLAYERS	10 90	75	65		10
CARPENTERS	10 00	65	53		05
CEMENT MASONS	10 04	685	50		11
IRONWORKERS; Reinforcing	10 55	55	85		03
LABORERS:					
Open Cut:					
Laborers, jackhammer, rammers and spaders	5 78	28	25		03
Timbermen, sheeting-men, shoring-men, caulkers, pipelayers helpers	5 93	28	25		03
Bottom man	5 83	28	25		03
Wagon drillers, air track drillers	6 13	28	25		03
Pipelayers	6 13	28	25		.03
Rock drillers	5 88	28	25		03
Tunnel:					
Brakeman, bull gang, dumper, trackmen, concrete man	6 415	28	25		03
Chuck tender, powder in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal men, top or bottom, vibrator operator, caulkers' helpers	6 715	28	25		03
Miners, rodmen, re-bar underground, concrete or gunite nozzlemen, powermen, timbermen and retimberman wood or steel including liner plate or any other support material, motorman, caulkers, diamond drill riggers, cement finishers (underground), welders and burners, shield driver	7 365	28	25		03
Mucking machine operator (air)	7 615	28	25		03

152908 NOTICES

SEWER AND WATER LINES CONT'D.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
COMPRESSED AIR: (All rates per day)					
Gauge Pressure Pounds / Work Period					
From 1 to 14 / 7 hours	72.74	a	b		03
From 14 to 18 / 6 hours	76.08	a	b		03
From 18 to 22 / 5½ hours	79.41	a	b		.03
From 22 to 26 / 5 hours	82.76	a	b		03
From 26 to 32 / 4 hours	86 09	a	b		.03
From 32 to 38 / 3 hours	89.44	a	b		.03
From 38 to 44 / 2½ hours	92 77	a	b		.03
PILEDRIVERMEN	10 21	.65	53		.05
PLUMBERS	10 49	87	83		25
POWER EQUIPMENT OPERATORS:					
Backhoes, cable ways, cranes, draglines power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 cu yd and over	8 19	35	35		05
Backhoes, cableways, cranes derricks, dragline, tunnel shovels, tunnel mucking machines up to 1 cu yd, boom cats, elevating graders, hoists, paving mixers, pile-driving engines, batch plants concrete pumps	7 94	.35	.35		.05
Trenching machines (above 8' 3")	7.74	.35	.35		.05
Backhoes (hydraulic, under ½ c y)	7 82	.35	35		.05
Trenching machines (up to 8' 3"), boilers skeleton, well drilling machines	7 64	.35	.35		.05
Air compressors, tunnel	7 61	.35	.35		.05
Front end loaders (high lift), bulldozers	7 59	.35	35		.05
Concrete mixers, power wheel scoops and scrapers, motor graders, tunnel motor men, blade graders, tunnel mechanics	7 49	35	.35		.05

SEWER AND WATER LINES CONT'D.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Mechanics	$7 47	.35	.35		.05
Bulldozer, hydraulic tampers	7 39	35	.35		.05
Roller	7 29	.35	.35		.05
Air compressors, pump, welding machine well points	7.215	35	.35		.05
Apprentice engineers:					
Firemen	6 75	35	.35		.05
Truck crane oilers	6.60	.35	.35		.05
Oilers	6 55	.35	.35		.05
TRUCK DRIVERS:					
Dump trucks	2 75	12	c		
Dump trucks over 6 wheels	2.85	12	c		
Flat trucks	2 85	.12	c		
Trailers	2 95	12	c		
Fuel and oil trucks	2.75	.12	c		
Euclids	3 10	.12	c		

FOOTNOTES:
a. Employer contributes $2 24 per day to Health and Welfare.
b. Employer contributes $2 00 per day to Pension.
c. $4 00 per week when employee has worked 90 days and work three days in any work week

[FR Doc 77-7748 Filed 3-17-77;8:45 am]

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(Revised as of January 1, 1977)

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_____	Title 10—Energy (Parts 200–End)	4.60	_____
_____	Title 14—Aeronautics and Space (Parts 60–199)	5.10	_____
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[*A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1*]

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