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FRIDAY, SEPTEMBER 24, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERIS SCRIPTA MANET
1934

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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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

Avoidance of Single Gender Language; Nomenclature Change

The Office of the Federal Women's Program of the Civil Service Commission recommends the avoidance of single gender language. To comply with this recommendation, Chapter I of Title 5 of the Code is amended by changing the masculine pronouns "he, his, or him" to "he or she", "his or her", or "him or her".

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

[FR Doc.76-27993 Filed 9-23-76;8:45 am]

PART 213—EXCEPTED SERVICE

Deleting the Definition of Indian

Part 213 is amended to delete the definition of "Indian" (a person of one-fourth or more Indian blood) and make it the responsibility of the Secretary of the Interior and the Secretary of Health, Education, and Welfare to define the term "Indian."

Because this material concerns implementation of current Indian statutes, notice and public procedure thereon are impractical and good cause exists for making the revised regulations effective immediately.

Effective on September 24, 1976, §§ 213.3112(a)(7) and 213.3116(b)(8) are amended as set out below:

§ 213.3112 Department of the Interior.

(a) *General.* * * *

(7) All positions in the Bureau of Indian Affairs and other positons in the Department of the Interior directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of the Interior is responsible for defining the term "Indian."

* * * * *

§ 213.3116 Department of Health, Education, and Welfare.

* * * * *

(b) *Public Health Service.* * * *

(8) All positions in the Public Health Service and other positions in the Department of Health, Education, and Welfare directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of Health, Education, and Welfare is responsible for defining the term "Indian."

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

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

[FR Doc.76-27996 Filed 9-23-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that two additional positions of Confidential Assistant to the Deputy Under Secretary for Congressional and Public Affairs are excepted under Schedule C.

Effective on September 24, 1976, § 213.3313(c)(6) is amended as set out below:

§ 213.3313 Department of Agriculture.

* * * * *

(c) *Office of the Under Secretary.* * * *

(6) Thirteen Confidential Assistants to the Deputy Under Secretary for Congressional and Public 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.76-27994 Filed 9-23-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Director, Planning and Evaluation is no longer excepted under Schedule C.

Effective on September 24, 1976, § 213.3316(n)(2) is revoked.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Human Development.* * * *

(2) (Revoked)

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

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

[FR Doc.76-27995 Filed 9-23-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Confidential Assistant to the Director, Bureau of Outdoor Recreation, is established under Schedule C.

Effective on September 24, 1976, § 213.3312(m)(3) is added as set out below:

§ 213.3312 Department of the Interior.

* * * * *

(m) *Bureau of Outdoor Recreation.* * * *

(3) One Confidential Assistant to the Director.

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

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

[FR Doc.76-27997 Filed 9-23-76;8:45 am]

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to reflect the transfer of one position of Executive Assistant from the Office of the Associate Administrator for Aeronautics and Space Technology to the Office of the Deputy Administrator.

Effective on September 24, 1976, § 213.3348(u) is amended as set out below:

§ 213.3348 National Aeronautics and Space Administration.

* * * * *

(u) One Executive Assistant to the Deputy Administrator.

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

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

[FR Doc.76-27998 Filed 9-23-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR 226.1(d), the Board is publishing the following

official staff interpretations of Regulation Z, issued by a duty authorized official of the Office of Saver and Consumer Affairs.

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

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

These interpretations shall be effective as of September 22, 1976.

[FC–0001]

§ 226.6(a) Printing "annual percentage rate" and "finance charge" entirely in capital letters complies with "more conspicuous" requirement of § 226.6(a) when all other terminology required by Regulation Z is shown in lower case letters with only initial capitals of same type size.

AUGUST 31, 1976.

This is in response to your letter * * *, requesting an official staff interpretation of Regulation Z pursuant to § 226.1(d). You enclosed a copy of the promissory note used by your credit union and asked whether the disclosure of the finance charge and annual percentage rate complies with the requirements of § 226.6(a).

The face of the note, which incorporates the Truth in Lending disclosures, is printed in six point type. With four exceptions, the text of the note is printed in lower case type with only the initial letters of various sentences and terms capitalized. The exceptions are the name of the credit union, the words "witness our hands and seals," and the terms "finance charge" and "annual percentage rate," all of which are printed entirely in capital letters. You question whether the latter two terms are printed "more conspicuously than other terminology required by this Part," as required by § 226.6(a).

It is staff's opinion that the terms "finance charge" and "annual percentage rate" are shown in compliance with this provision, since all other required terminology appearing on the note is printed in lower case letters with only initial capitals. Although the identification of the creditor is a required disclosure under § 226.8(a), this disclosure does not constitute required "terminology." Thus, the fact that the credit union's name is printed in the same manner as the finance charge and annual percentage rate terms does not violate § 226.6(a). Similarly, since the words "witness our hands and seals" do not relate to the terminology required by Regulation Z, the style in which those words are printed is not relevant to the "more conspicuous" requirement of that section.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the Regulation. The interpretation relates solely to the specific question presented and does not constitute staff approval of the form as a whole.

Sincerely,

JERAULD C. KLUCKMAN.

[FC–0002]

§ 226.7(b)(1) Creditor not required to continue sending credit balance periodic statements after one is returned as "undeliverable." Creditor's obligation to renew sending credit balance periodic statements if customer informs creditor of new address within 10 days of end of billing period.

SEPTEMBER 13, 1976.

This is in reply to your letter * * *, requesting an official staff interpretation of Regulation Z. The question you raise is whether § 226.7(b)(1) requires a creditor to continue sending periodic statements to customers with credit balances in excess of $1 when a periodic statement has been returned as "undeliverable" by the U.S. Postal Service.

Until October 28, 1975, Regulation Z did not contain a requirement regarding the sending of credit balance statements. The Board thought that such a requirement was important and put it into effect as part of the amendments in connection with the Fair Credit Billing Act. The Board believed that it was important that consumers with credit balances outstanding be informed of that fact. This requirement was thought to be particularly important in view of the provision in section 165 of the Fair Credit Billing Act and its implementing provision § 226.7(h) of Regulation Z regarding excess payments in open end credit accounts.

Staff believes that a creditor need not continue sending periodic statements to a customer with a credit balance in excess of $1 when one periodic statement (or a refund check) has been mailed and returned as "undeliverable." Continued mailing of statements after having one returned as "undeliverable" would not seem to further the purpose for which the Board inserted the requirement.

You also suggest that the obligation to renew sending periodic statements for a subsequent billing cycle should be triggered only if the customer has informed the creditor of the new address at least 10 days prior to the closing date of that billing cycle. Staff is of the opinion that a reasonable period of time after receipt of the notice of the new address should be given before the creditor's obligation to send a periodic statement is triggered. In dealing with a similar problem when defining a "billing error" under § 226.2(j)(6), the Board approved a 10-day period for notice of change of address. Staff believes that receipt of a notice of a customer's new address at least 10 days before the end of the billing cycle provides the creditor will a reasonable period of time in which to prepare and send a periodic statement for that cycle. Consequently, staff believes that a creditor who followed the 10-day procedure as outlined above would be in compliance with Regulation Z.

I am enclosing a copy of Public Information Letter 1088 which deals with the same topic.

This letter is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the Regulation.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Board of Governors of the Federal Reserve System, September 17, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-28047 Filed 9-23-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 307—TECHNICAL ASSISTANCE, RESEARCH AND INFORMATION

Subpart D—State and Local Economic Development Planning Grants

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended (hereafter referred to as the Act), the Economic Development Administration (EDA) hereby amends 13 CFR Part 307, Subpart D for the purpose of expanding the definition of eligible applicants under section 302(b) of the Act.

Section 307.52(b) is amended to allow for coordination between EDA's program of assistance authorized by § 302 (b) of the Act and the Joint Funding Simplification Act of 1974 (Pub. L. 93–510). As revised, § 307.52(b) allows States and other bodies eligible under the joint funding simplification program to be eligible applicants under section 302(b) of the Act when two conditions are met. The grant must be made in accordance with the joint funding simplification program and the funds must be used solely to assist economic development districts.

In that the matter contained herein relates to the EDA grant and loan program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking opportunity for public participation and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding this amendment to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230, on or before October 26, 1976. Until such time as further changes are made, however, this amendment shall remain in effect, thus permitting the public business to proceed more expeditiously.

Consideration has been given as to whether the matter set forth in this regulation constitutes a major proposal with an inflationary impact within the meaning of OMB Circular No. A–107 and the interpretative guidelines issued by the Department of Commerce. It has been determined that this regulation does not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, 13 CFR Part 307 is hereby amended by revising § 307.52(b) to read as follows:

§ 307.52 Eligible applicants.

* * * * *

(b) Eligible applicants under section 302(b) of the Act are the Chief Officer of a designated economic development district or, where a grant is made pursuant to the joint funding simplification

program, a State or other applicant eligible under that program, provided that such grant will be used solely to assist economic development districts.

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121 et seq.), Department of Commerce Organization Order 10-4, 40 FR 56702.)

Effective date: This amendment becomes effective on September 24, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular No. A-107.

JOHN W. EDEN,
Assistant Secretary
for Economic Development.

SEPTEMBER 16, 1976.

[FR Doc.76-27990 Filed 9-23-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-157, Amdt. 30]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Enforcement Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 21, 1976.

The Board has decided to make several changes in its enforcement procedures, some of which are reflected in amendments of the rules of practice, 14 CFR Part 302, to ensure that action taken against violation of its rules will be as prompt and effective as possible.

I. The Board has decided to have the Chief Administrative Law Judge assign an administrative law judge to an enforcement matter at the time a petition for enforcement is docketed. Up to now, an administrative law judge has not been appointed until the Bureau of Enforcement (BOE) has requested a hearing, and the entire Board has therefore been required to decide on prehearing motions of no general policy significance. No amendment of Board rules is required to effect this change.

II. Under present practice, settlement offers in enforcement cases must come to the Board for initial decision. The Board is of the opinion that enforcement procedures will be strengthened and speeded if authority to pass on such offers is vested in the administrative law judge. It is therefore amending § 302.215(a) to provide that the administrative law judge may approve a settlement offer that has been accepted by the Director of BOE, if the judge finds that it is in the public interest. If either the Director or the administrative law judge does not approve a settlement offer, no interlocutory review will be permitted, except in extraordinary circumstances and with the consent of the disapproving official.

III. In situations where issues in an enforcement proceeding are of a legal nature, rather than factual, the Board has decided that parties should be able to contest these issues without a full hearing. The traditional legal devices for doing this are motions to dismiss or for summary judgment. These motions have not been explicitly provided for in the rules of practice, although they may implicitly be made under the general provisions of Rule 18. To explicitly sanction and encourage their use, a new § 302.212 (b) is being added, incorporating the applicable provisions of the Federal Rules of Civil Procedure (Title 28, U.S. Code), including those with respect to supporting affidavits.

IV. The Board has decided to establish an initial 60-day deadline within which the Director is either to docket or to dismiss a third-party complaint. Since there are many situations in which there are good reasons for BOE not to act within that period, the Director of BOE may at any time move upon a showing of good cause for the Chief Administrative Law Judge to extend the deadline. If, however, BOE has not acted within the 60-day period or any extension of it, the complainant may move to institute a proceeding by docketing the complaint, and the respondent may move to dismiss the complaint. The Chief Judge will act on all motions upon his finding of the public interest in the matter. Review of any orders entered will only be taken in conformity with Rule 18 of the rules of practice (14 CFR 302.18) if they are interlocutory in effect, and with Part 385 of the Organization Regulations (14 CFR Part 385) if they are final in effect.

These changes in Board enforcement procedures are embodied in amendments to Rules 201, 205, and 206 of the rules of practice, 14 CFR 302.201, 302.205, 302.206. Since these amendments relate to rules of Board procedure and practice, and impose no significant additional burden on any member of the public, it is found that notice and public procedure thereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board makes the following amendments to Part 302 of the Procedural Regulations (14 CFR Part 302), effective with respect to complaints filed, or enforcement proceedings otherwise begun, on or after October 25, 1976.

1. The table of contents of Part 302 is amended to read as follows:

* * * * *

Sec.
302.212 Admissions as to facts and documents; motions to dismiss and for summary judgment.

* * * * *

2. The third sentence of § 302.201 is amended to read as follows:

§ 302.201 Formal complaints.

* * * The submission of a formal complaint by a person other than an enforcement attorney (hereinafter called a third party) shall not in itself result in institution of a formal economic enforcement proceeding and a hearing with respect to the complaint unless and until the Director of the Bureau of Enforcement dockets a petition for enforcement with respect to such complaint, or a portion thereof, in accordance with § 302.206 (a), or the Chief Administrative Law Judge does so in accordance with § 302.206(b). * * *

3. Section 302.205(a) is amended to read as follows:

§ 302.205 Procedure when no enforcement proceeding is instituted.

(a) Within a reasonable time, but not more than 60 days, after an answer to a formal third-party complaint is due, or such extension of that 60-day period as may be granted pursuant to § 302.206 (b), the Director of the Bureau of Enforcement shall either institute an enforcement proceeding in accordance with § 302.206(a) or shall advise the complainant in writing that no enforcement will be instituted in whole or in part, with respect to his complaint, noting the reasons for the decision.

* * * * * *

4. Section 302.206 is amended by lettering the existing paragraph (a), and adding new paragraphs (b) and (c), to read as follows:

§ 302.206 Docketing of petition for enforcement.

(a) * * *

(b) The Director of the Bureau of Enforcement may at any time move, upon a showing of good cause, for an extension of the time within which to act upon a third-party complaint. Whenever the Director of the Bureau of Enforcement has failed to act on a third-party complaint within 60 days of the date when the answer is due, or within such extension of that period as may have been granted, the following motions may be addressed to the Chief Administrative Law Judge:

(1) By the complainant to institute a proceeding by docketing the complaint upon a showing that it is in the public interest to do so; and

(2) By the respondent to dismiss the complaint upon a showing that it is in the public interest to do so.

(c) The Chief Judge may grant, deny, or defer any of the motions, in whole or in part, and take appropriate action to carry out his decision.

5. Section 302.212 is amended by changing the title as set forth below, lettering the existing paragraph (a), and by adding a new paragraph (b), to read as follows:

§ 302.212 Admissions as to facts and documents; motions to dismiss and for summary judgment.

(a) * * *

(b) At any time after answer has been filed, any party may file with the administrative law judge a motion to dismiss or a motion for summary judgment, including supporting affidavits. The procedure on such motions shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C.), particularly Rules 6(d), 7(b), 12, and 56.

6. Section 302.215 is amended by revising paragraph (a) to read as follows:

§ 302.215 Offers of settlement.

(a) Any respondent to an economic enforcement proceeding, at any time prior

to final decision, may submit offers of settlement or proposals of adjustment. Each such offer or proposal shall be submitted in writing to the Director of the Bureau of Enforcement, who will promptly advise the respondent whether the offer or proposal is acceptable to the Bureau. Whenever the Director of the Bureau of Enforcement considers the offer or proposal to be acceptable as a basis for terminating the proceeding, in whole or in part, the Director will transmit such offer or proposal to the administrative law judge assigned, serving all parties in the proceeding. The administrative law judge shall consider the views of all parties to the proceeding and, if the offer or proposal appears to be in the public interest, shall issue an initial decision in accordance with Rule 27 approving such offer or proposal. Whenever the Director of the Bureau of Enforcement considers an offer to be unacceptable, or whenever the presiding administrative law judge determines the offer or proposal not to be in the public interest, no interlocutory review will lie except in extraordinary circumstances and with the consent of the Director, or administrative law judge, as appropriate. The submission of such offer or proposal shall not alter or delay the course of the proceeding unless so ordered by the administrative law judge or the Board.

* * * * *

(Sec. 204, 1001, 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.76-28086 Filed 9-23-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-9451; File No. S7-565]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Annual Continuance of Advisory and Principal Underwriting Contracts

On March 25, 1976, the Securities and Exchange Commission published notice (Investment Company Act Release No. 9219, 41 FR 13955) that it had under consideration the adoption of a new Rule 15a-2 [17 CFR 270.15a-2] under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a-1 et seq.]. The rule would interpret the term "annually" for the purposes of sections 15(a)(2) [15 U.S.C. 80a-15(a)(2)] and 15(b)(1) [15 U.S.C. 80a-15(b)(1)] of the Act by specifying a method by which the continuance of investment advisory and principal underwriting contracts may be approved "annually" in compliance with the requirements of those sections.[1]

The notice invited all interested persons to comment on the proposed rule. The Commission has considered all the comments and suggestions received and has determined to adopt § 270.15a-2, with certain modifications, in the form set forth below.

Section 15(a) of the Act [15 U.S.C. 80a-15a] provides that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company and meets certain other requirements. Section 15(a)(2) of the Act provides, as one such requirement, that the contract shall continue in effect for a period more than two years from the date of its execution, only so long as its continuance is specifically approved at least annually by the Board of directors or by vote of a majority of the investment company's outstanding voting securities.[2]

Section 15(b) of the Act [15 U.S.C. 80a-15(b)] provides that it shall be unlawful for any principal underwriter for a registered open-end investment company to offer or sell the company's securities except pursuant to a written contract with such company which meets, among others, the requirement that the contract shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the investment company's outstanding voting securities.[3]

Section 38(a) of the Act [15 U.S.C. 80a-38(a)] authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act, including rules defining accounting, technical and trade terms used in the Act.

The primary purpose of § 270.15a-2 is to eliminate uncertainty as to when the required approval of the contract must be obtained. The Commission believes that for contract continuances extending past the initial two-year term permitted by the Act the votes of approval ought to be taken at intervals of not more than approximately one year and at times when there is meaningful information as to performance over the preceding year on which to base a judgment as to continuing the contract. An additional purpose of the rule is to eliminate certain practices which the Commission, upon the basis of its experience, considers to be contrary to the policy and purposes of Section 15 of the Act. One such practice would be scheduling votes within successive calendar years so that there may be an interval of substantially more than 365 days between them, as where votes are scheduled in January of one year and in December of the following year. Another such practice would be scheduling votes so far in advance of the date on which the continuance of the contract is to take effect that there is no meaningful information on which either the directors or shareholders can base their votes.

Section 270.15a-2 provides that the first continuance of a contract shall be deemed to have been approved at least annually if such contract is specifically approved by the board of directors or by vote of a majority of the investment company's outstanding voting securities during the 90 days prior to and including the earlier of (1) the specified termination date for the contract, or (2) the second anniversary of the date on which the contract was executed. The section further provides that any subsequent continuance of a contract shall be deemed to have been approved in compliance with sections 15(a)(2) or 15(b)(1) if such contract is specifically approved by the board of directors or by a majority of the investment company's outstanding voting securities during the 90 days prior to and including the first anniversary of the date upon which the most recent previous annual continuance of such contract became effective.

As proposed earlier,[4] Section 270.15a-2 would have provided for a period of only 60 days during which approval of the continuance of the contract would be deemed to have occurred at least annually. However, after considering public comment to the effect that 60 days would be inadequate, the Commission has increased this period to 90 days[5] in order to afford greater flexibility in scheduling

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[1] An earlier proposed § 270.15a-2, which was published for comment on October 18, 1968 (Release No. 5517, 33 FR 16008) was withdrawn in favor of the new proposal referred to hereinabove. (See Investment Company Act Releases No. 9218 and 9219, March 25, 1976, 41 FR 13955 and 13956.)

[2] In addition, section 15(c) of the Act [15 U.S.C. 80a-15(c)], in pertinent part, prohibits a registered investment company from renewing its advisory or principal underwriting contract unless the renewal is approved by the vote of a majority of the company's disinterested directors cast in person at a meeting called for the purpose of voting on the approval.

[3] See, also, note 2, supra.

[4] Investment Company Act Release No. 9219.

[5] Six of the comments specifically suggested a 90-day period, while several others would have the period extended to 100 days or more.

meetings of directors or shareholders. This expanded time period also will avoid the necessity for rescheduling meetings of those boards of directors which regularly meet on a quarterly basis.

Apparently there was some confusion as to whether paragraph (a)(2) of the proposed rule would have required contracts to be amended each time they were continued in order to specify an effective date for such continuance.[6] This was not the intended result. Therefore, that paragraph has been modified to clarify that the one-year period is to be measured from the date on which the most recent previous annual continuance became effective.

Paragraph (b) provides for prospective application of the rule, so as not to disrupt existing arrangements. Accordingly, the section does not apply to any continuance which was approved not later than 90 days after the date the rule is adopted, provided the contract will expire by its terms not later than 17 months after such adoption date.

It should be further noted that the adoption of § 270.15a–2 does not change our view that in order to comply with sections 15(a) and 15(b) it is usually expected that an investment company whose private shareholders initially approved an investment advisory contract will submit the contract to a vote of the company's public shareholders as soon as possible thereafter.

Attention is directed to the note at the end of the section, which now indicates that while compliance with the rule would be deemed to be in compliance with section 15(a)(2) and section 15(b)(1) of the Act the method specified in the rule is not the exclusive method for complying with the Act. Both sections 15(a)(2) and 15(b)(1) provide that the continuance of a contract must be approved "at least annually." Therefore, § 270.15a–2 does not prohibit votes at more frequent intervals. The procedure specified in the rule is not exclusive. However, if followed, it will be considered prima facie evidence of compliance with sections 15(a)(2) and 15(b)(1) of the Act.

The note also indicates, as it did prior to the addition of the foregoing, that the annual approval of the continuance of a contract in compliance with sections 15(a) and 15(b) would constitute a renewal of such contract for purposes of section 15(c). Accordingly, the requirements of section 15(c) also must be met on a timely basis.

Commission Action. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding a new § 270.15a–2 reading as follows:

§ 270.15a–2 Annual continuance of contracts.

(a) For purposes of sections 15(a) and 15(b) of the Act, the continuance of a contract for a period more than two years after the date of its execution shall be deemed to have been specifically approved at least annually by the board of directors or by a vote of a majority of the outstanding voting securities of a registered investment company if such approval occurs:

(1) with respect to the first continuance of a contract, during the 90 days prior to and including the earlier of (i) the date specified in such contract for its termination in the absence of such approval, or (ii) the second anniversary of the date upon which such contract was executed; or

(2) with respect to any subsequent continuance of a contract, during the 90 days prior to and including the first anniversary of the date upon which the most recent previous annual continuance of such contract became effective.

(b) The provisions of paragraph (a) of this section shall not apply to any continuance of a contract which shall have been approved not later than 90 days after the date of adoption of this section, provided that such contract shall expire, by its terms, not later than 17 months from the date of adoption of this section.

NOTE: This section does not establish the exclusive method of complying with the Act. It provides one procedure by which a registered investment company may comply with the applicable provisions of sections 15(a) and 15(b) of the Act; it does not preclude any other appropriate procedure. Any annual continuance of a contract approved in accordance with the provisions of paragraph (a)(1) or (a)(2) of § 270.15a–2 will constitute a renewal of such contract for the purposes of section 15(c) of the Act, and therefore such renewal must be approved by the disinterested directors within the times specified in the section for a continuance.

Section 270.15a–2 is adopted pursuant to the authority granted to the Commission in section 38(a) of the Investment Company Act of 1940 [15 U.S.C. 80a–38(a)]. The rule shall become effective October 29, 1976 to afford interested persons sufficient time to become familiar with the rule as adopted.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 17, 1976.

[FR Doc.76–27963 Filed 9–23–76;8:45 am]

[6] Paragraph (a)(2) of proposed § 270.15a–2 was as follows:

(2) With respect to any subsequent continuance of a contract, during the 60 days prior to and including the first anniversary of the date *specified in such contract* as the effective date of its most recent previous annual continuance (emphasis added).

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T. D. 76–268]

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

PART 145—MAIL IMPORTATIONS

Bona Fide Gifts From Members of the Armed Forces Serving in a Combat Zone; Deletion

Pursuant to Pub. L. 89–368, dated March 15, 1966 (80 Stat. 71), item 915.25, which provided that, under certain stated conditions, articles constituting a bona fide gift from a member of the Armed Forces of the United States serving in a combat zone were entitled to entry free of duty, was added to the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202). Subsequently, the Customs Regulations were amended by adding §§ 54.3 and 145.33 (19 CFR 54.3, 145.33) to set forth specific procedures for the duty free entry of articles under item 915.25. While the effective period for item 915.25 was extended by subsequent public laws to December 31, 1973, at which time the effective period for the item expired and it was deleted from the Appendix to the Tariff Schedules, §§ 54.3 and 145.33 of the Customs Regulations were never deleted.

Inasmuch as the effective period for item 915.25 has expired and it has been deleted from the Appendix to the Tariff Schedules, §§ 54.3 and 145.33 of the Customs Regulations should also be deleted. Accordingly, Part 54 of the Customs Regulations (19 CFR Part 54) is amended by deleting § 54.3, and Part 145 of the Customs Regulations (19 CFR Part 145) is amended by deleting § 145.33.

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

Because this amendment merely conforms the Customs Regulations to a statutory change, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective September 24, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 16, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76–28074 Filed 9–23–76;8:45 am]

Title 20—Employees' Benefits

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

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965-.....)

Subpart T—Health Maintenance Organizations

CONTRACT APPEAL PROCEDURES UNDER TITLE XVIII OF SOCIAL SECURITY ACT

Correction

In FR Doc. 76-27019 appearing at page 39306 in the FEDERAL REGISTER of Wednesday, September 15, 1976 the following corrections should be made:

1. On page 39306, middle column, first paragraph the last sentence should read "They will be effective on and after October 15, 1976".

2. On page 39307, third column, the effective date should read "These amendments shall be effective on and after October 15, 1976".

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER B—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED

PART 725—CLAIMS FOR BLACK LUNG BENEFITS PAYABLE UNDER PART C OF TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT, AS AMENDED

Revision of Regulations

On May 7, 1976 a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 18868) proposing to clarify the procedures applicable to the adjudication of claims for black lung benefits predicated upon the death of a miner who died due to or while totally disabled by pneumoconiosis, which are filed more than three years after the date of such miner's death. The Notice sets forth procedures which, in the interest of fairness to parties and judicial economy, permit the summary adjudication of such claims and certain other types of claims under rules similar to those available to a United States district court under Rules 12 and 56 of the Federal Rules of Civil Procedure.

Interested persons were given until June 7, 1976 to submit written comments or objections to the proposed rules (41 FR 20894). One person submitted comments and such comments which are available for public inspection in the office of the Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211 were given due consideration.

A. As a result of the comments received the following change in the revised rules is made, in addition to a technical correction:

The proposed § 725.473B is deleted in accordance with the suggestion of the commentator for the reason that such proposed section is repetitive and unclear.

B. Certain other recommendations made by the aforementioned commentator have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons stated:

1. While the commentator agrees that a full evidentiary hearing in the case of a claim which is prima facie untimely filed is a wasteful proceeding which subjects claimants to unnecessary difficulty and expense, it is suggested that each such claimant who is unrepresented by counsel be given an automatic opportunity to present his or her arguments relating only to the issue raised on a motion for summary disposition, in an oral proceeding. This suggestion is rejected on the grounds that to hold an oral proceeding in every case would, in effect, defeat the purposes of these amended rules. All parties would be required to appear at such a proceeding, which would be presided over by an administrative law judge and which would be stenographically reported. In very few, if any, instances would such a proceeding lead to a different result on the claim, while at the same time such proceedings would be costly and time consuming. On the other hand, if a claimant under the amended rules submits written allegations which in the opinion of the administrative law judge may justify further proceedings a party's motion for summary disposition may be denied by the judge and further proceedings may be conducted.

2. It has been recommended that the qualified adoption of the Federal Rules of Civil Procedure for use in the adjudication of black lung claims contained in the amended § 725.460 be made on a trial basis for a period of six months. It is further recommended that at the end of the six month trial period public comment be invited and a re-evaluation be made of the utility of the FRCP in the adjudication of claims. This recommendation is rejected for the reason that the provision in question does little more than restate the terms of Rule 81(a)(6) of the Federal Rules of Civil Procedure. While this suggestion will not, therefore, be incorporated within the text of these amended rules any and all public comments relating to this matter are welcome and will be considered to the extent permissible in future reviews of the Black Lung Program regulations.

Accordingly, 20 CFR Part 725 is revised as set forth below.

Effective date: These rules shall be effective on September 24, 1976.

Signed at Washington, D.C., this 10th day of September 1976.

JOHN C. READ,
Assistant Secretary for Employment Standards.

1. Paragraph (d) of § 725.124 is amended to read as follows:

§ 725.124 Time limitations for filing claims.

* * * * *

(d) Any claim for benefits in the case of a disabled miner filed under Part C of Title IV of the Act and this Part 725 on the basis of eligibility under § 411(c)(4) of Part B of Title IV of the Act, must be filed in accordance with the requirements of paragraphs (a), (b) and (c) of this section and in addition must be filed within three years from the date of last exposed employment in a coal mine. Any claim for benefits predicated upon the death of a miner in which eligibility for benefits may be established under § 411(c)(4), must be filed in accordance with the requirements of paragraphs (a), (b) and (c) of this section and in addition must be filed within 15 years from the date of last exposed employment in a coal mine.

* * * * *

2. Section 725.451 is revised to read as follows:

§ 725.451 Right to a hearing.

(a) Except as provided in § 725.473A of this part and paragraph (b) of this section, any person affected by proceedings under this part may have a right to a formal hearing concerning any issues of fact or law unresolved in a conference if:

(1) He is a party in interest as defined in § 725.411; and

(2) No final disposition of the case has been achieved in prior proceedings within the period specified in § 725.443.

(b) A full evidentiary hearing need not be conducted if in the opinion of the administrative law judge the case or claim may be determined as a matter of law pursuant to the provisions of this part and an order to such effect is issued by the administrative law judge assigned the case.

3. Section 725.460 is revised to read as follows:

§ 725.460 Hearing procedures—generally.

(a) All hearings shall be attended by the parties or their representatives and such other persons as the administrative law judge deems necessary and proper. The administrative law judge shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the administrative law judge believes that there is relevant and material evidence available which has not been presented at the hearing, he may adjourn the hearing or, at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which evidence and allegations shall be presented and the procedures at the hearing generally, except as these regulations otherwise expressly provide, shall be at the discretion of the administrative law judge and of such nature as to afford the parties a reasonable opportunity for a fair hearing. The unexcused failure of any party or such party's duly authorized representative to attend a formal hearing shall constitute a waiver of such

party's right to present evidence in respect of the issues to be determined at the hearing.

(b) Except as is otherwise provided in the Act and this part and to the extent that such procedures are consistent with sound administrative practices, the Federal Rules of Civil Procedure shall be applicable to hearings conducted pursuant to this part.

4. A new § 725.743A is added to read as follows:

§ 725.473A Dismissal for failure to file a timely survivor's claims and procedure.

(a) Notwithstanding any other provision of this part, every claim for benefits predicated upon the death of a miner who died due to or while totally disabled by pneumoconiosis must, except as is provided by § 725.124(b), be filed within three years from the date of such miner's death.

(b) Accordingly, a claim for benefits predicated upon the death of a miner may be summarily dismissed on the motion of any party if such claim is filed more than three years after such miner's death.

(c) Any party (see § 725.411) to a claim for benefits may request a dismissal pursuant to this section by written motion or by orally stating such motion on the record at the hearing. A motion for dismissal made pursuant to this section shall be accompanied by the claimant's claim form or such other documents as may be necessary to establish the date of the miner's death and the date on which the claim was filed, if such documentation is necessary. The Secretary of Labor may, in any case, move for the dismissal of a claim pursuant to this section.

(d) Within a reasonable time after the receipt of a motion made pursuant to this section, the Chief Administrative Law Judge or administrative law judge shall either deny the motion or issue an order to show cause why the claim should not be dismissed. Such order to show cause shall specify the grounds upon which the motion to dismiss is predicated and shall instruct the recipient thereof to respond within thirty days from the receipt of such order. A motion to dismiss filed pursuant to this section shall be granted if no response is made during such thirty day period after the receipt of an order to show cause. If a timely response to an order to show cause is received the motion pursuant to which such order was issued shall be granted unless, in the opinion of the Chief Administrative Law Judge, or administrative law judge sufficient grounds are set forth in such response to warrant further proceedings. No oral hearing need be conducted on a motion made pursuant to this section. Notwithstanding the provisions of § 725.453 any unrepresented party shall be permitted to plead on his or her own behalf in respect of a motion made or order issued pursuant to this section.

(e) Notice of the Chief Administrative Law Judge's or administrative law judge's action taken on a motion made pursuant to this section shall be by order and shall be personally served or served by mail on the parties to the claim at their last known addresses within a reasonable time after the expiration of the thirty day period described in paragraph (d) of this section. Such order shall advise the parties of their right to request review by the Benefits Review Board pursuant to § 725.490.

5. Section 725.474 is revised to read as follows:

§ 725.474 Notice of dismissal and right to request review thereon.

Except as is provided in § 725.473A, notice of the Chief Administrative Law Judge's or administrative law judge's dismissal action shall be given to the parties or mailed to them at their last known addresses. Such notice shall advise the parties of their right to request review by the Benefits Review Board pursuant to § 725.490.

[FR Doc.76-28099 Filed 9-23-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dexamethasone Injection

The Food and Drug Administration approves a new animal drug application (99-607V) filed by Anthony Products Co., 11634 McBean Dr., El Monte, Calif. 91732, proposing safe and effective use of a 2 milligrams-per-milliliter dexamethasone injection for horses when a rapid adrenal glucocorticoid and/or anti-inflammatory effect is indicated. The approval is effective September 24, 1976.

The Commissioner of Food and Drugs is amending Part 522 (21 CFR Part 522) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 522 is amended in § 522.540 by revising paragraph (c)(1) to read as follows:

§ 522.540 Dexamethasone injection.

* * * * *

(c)(1) *Specifications.* The drug is a sterile aqueous solution. Each milliliter contains 2.0 milligrams of dexamethasone or 4.0 milligrams of dexamethasone sodium phosphate (equivalent to 3.0 milligrams of dexamethasone).

* * * * *

Effective date. This amendment shall be effective on September 24, 1976.

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

Dated: September 20, 1976.

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

[FR Doc.76-27974 Filed 9-23-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 622-5]

PART 402—COOLING WATER INTAKE STRUCTURES

Final Regulations; Correction

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting the improper heading of 40 CFR Part 402 appearing in the notice of final rulemaking for Cooling Water Intake Structures. The affected notice was published in the FEDERAL REGISTER on April 26, 1976 (41 FR 17387).

The title of 40 CFR Part 402 in the April 26, 1976 notice is corrected to read as set forth above.

Dated: September 20, 1976.

ECKARDT C. BECK,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-28129 Filed 9-23-76;8:45 am]

Title 45—Public Welfare

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

PART 175—COLLEGE WORK-STUDY PROGRAM

Correction

In FR Doc. 76-25046, appearing at page 36872, in the issue for Wednesday,

September 1, 1976 make the following corrections:

1. On page 36873, in the third column, in the fifteenth line of the first paragraph, change the word "self-supporing" to read "self-supporting".

2. In the twelfth line of the middle column on page 36876, change the word "regulation" to read "regular".

3. On page 36881, change the fourth line of the middle column which now reads "regulations and in § 144.15 of the pro-" to read "regulations. The statement may be in-".

4. On page 36884, in the eleventh line of § 175.2(p), change the word "source" to "course" and in the 25th line of § 175.2 (v) insert "n" after the letter "i".

5. On page 36890, change the second word in § 175.18(b)(2) from "Commission" to "Commissioner".

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-134; Amdts. 171-34, 172-32, 173-100, 174-27, 175-2, 176-2, 177-37, 178-40, 179-17]

PARTS 171–179—HAZARDOUS MATERIALS REGULATIONS

Reissuance; Corrections

Correction

The FR Doc. number of the above-described document, appearing at page 40475 in the issue of Monday, September 20, 1976 (see file line following document on page 40476) should have read "FR Doc. 76-27693".

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Determination of Critical Habitat for American Crocodile, California Condor, Indiana Bat, and Florida Manatee

The Director, U.S. Fish and Wildlife Service (hereinafter, the "Director" and the "Service," respectively) hereby issues a Rulemaking pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884; hereinafter, the "Act") which determines Critical Habitat for the American Crocodile (*Crocodylus acutus*), California Condor (*Gymnogyps californianus*), Indiana Bat (*Myotis sodalis*), and Florida Manatee (*Trichechus manatus*).

BACKGROUND

In the FEDERAL REGISTER of December 16, 1975 (40 FR 58308-58312) the Service proposed the determination of Critical Habitat for the California Condor, Indiana Bat, Florida Manatee, American Crocodile, Whooping Crane (*Grus americana*), and Snail Darter (*Percina tanasi*). On April 1, 1976 (41 FR 13926-13928) the Service issued a Final Rulemaking determining Critical Habitat for the Snail Darter, but not the other five species. The present Rulemaking deals with four of those other species, but not the Whooping Crane. So much information on the Whooping Crane was received that more time will be required for evaluation and determination of additional measures on that species.

SUMMARY OF COMMENTS

Of the responses received to the Proposed Rulemaking of December 16, 1975, some dealing only with the Snail Darter were discussed in the Final Rulemaking of April 1, 1976, and 35 dealing only with the Whooping Crane will be discussed at a later time. Of the approximately 100 remaining comments, nine simply expressed general support for the Proposal and none indicated general opposition.

With regard to the American Crocodile, the National Park Service recommended that the Critical Habitat zone be expanded to include a portion of Everglades National Park to the west of that delineated in the original Proposal. Since the recommended area is within the Park, the Service considers it proper to include this area as part of the Critical Habitat designated below. The National Audubon Society suggested approximately the same addition as the Park Service, and also several other modifications which remain under consideration.

With regard to the California Condor, one person simply expressed approval of the Proposed Critical Habitat designation, and one expressed disapproval. The California Department of Fish and Game and the Director of the Santa Barbara Museum of Natural History suggested that small additional areas be designated as Critical Habitat, and these areas now are under consideration. Five major conservation organizations expressed concern that the western boundary of the Sespe-Piru Condor Area might have been drawn so as to deliberately exclude the land within a phosphate mining lease application from the Critical Habitat zone. In fact, however, the area of importance to the Condor long was recognized to have approximately the same boundary as that delineated in the Proposal, and there seems no biological justification to extend this boundary into the area of the phosphate lease application. Moreover, a letter from the United States Gypsum Company stated that although the Proposed Critical Habitat zone did not enter the phosphate lease application area, it did include most of an adjacent phosphate prospecting permit area. The Company recommended that the Critical Habitat zone be redrawn to exclude this permit area. The Service, however, considers the original boundary to be appropriate with respect to the biological situation, and no adjustment is being made.

The State of Illinois and two other parties expressed general approval of the Proposed Critical Habitat for the Indiana Bat. The States of Indiana, Kentucky, Missouri and Tennessee; three university professors; and three other parties all recommended the designation of additional Critical Habitat, either more caves or other components of the habitat of the species. These recommendations are now under consideration and may be expressed, at least in part, in a future proposal.

The State of Florida and approximately 64 other parties expressed approval of the Proposed Critical Habitat for the Florida Manatee. The Director of the Florida State Museum suggested adding an additional area in Florida; and the Georgia Conservancy and Mr. Jerry L. McCollum of the Georgia Department of Natural Resources suggested adding parts of Georgia. These suggested additions now are under consideration.

BASIS FOR DETERMINATION

All of the areas delineated below are considered Critical Habitat because they contain constituent elements necessary to the normal needs or survival of one of the species in question. Specifically for the American Crocodile the delineated area must be considered an absolute minimum amount of Critical Habitat in Florida. The current population of the State, with only 200 to 300 individuals, is concentrated in this area and is dependent upon the included habitat of Florida Bay and associated brackish marshes, swamps, creeks, and canals. All known breeding females, of which there are less than ten in Florida, inhabit and nest in the delineated area.

With regard to the California Condor, the Sespe-Piru, Matilija, Sisquoc-San Rafael, and Hi Mountain-Beartrap Condor areas, as described below, are considered critical for nesting and related year-long activity. The Mt. Pinos and Blue Ridge Condor areas, as described below, are considered critical for roosting. The Tejon Ranch, Kern County rangelands, and Tulare County rangelands, as described below, are considered critical for feeding and related activities. The Tejon Ranch is very important because it contains the only significant feeding habitat remaining in close proximity to the Sespe-Piru Condor nesting area. In most cases Condor feeding habitat is not so restricted as nesting and roosting sites, and only certain portions of the areas described below are needed at any one time. Because, however, the location of food is directly related to both Condor distribution and reproductive success, substantial areas of open range, with adequate food, and limited development and disturbance, would have to be preserved in each delineated area in order to maintain the species.

With regard to the Indiana Bat, approximately 75 percent of the known population hibernates at the sites designated below. The bats are entirely dependent on the shelter provided by these caves and mines during the winter. Their loss or subjection to excessive disturbance or modification would lead to the near or total extinction of the species.

With respect to the Florida Manatee, the areas delineated below contain the largest concentrations in the United States, and are the only areas that pres-

ently can be defined as having major dependent populations. The Crystal River and its King's Bay headwaters form one of the largest natural warm water resources for Manatees. Up to 60 Manatees possibly representing six to ten percent of the total population of the species in the United States, utilize this refugium during cold weather periods. The Little Manatee, Manatee, Myakka, and Peace rivers, and Charlotte Harbor all support large Manatee concentrations. Manatees also utilize the Caloosahatchee River and associated coastal areas. The warm water discharge of the Florida Power and Light Company Ft. Meyers power plant into the Orange River, on the south bank of the Caloosahatchee River at Tice, is known to attract as many as 75 Manatees during cold periods. The area off the coast of Collier and Monroe Counties, southwestern Florida, is the center of a large, but uncounted Manatee population. This population is at least partially resident and is dependent on the extensive local growths of *Thalassia* and *Diplanthera* as a primary food resource. Concentrations of as many as 75 Manatees are observed in Whitewater Bay. The waterway formed by Card, Barnes, Blackwater, and Buttonwood sounds may constitute the Manatee's essential thoroughfare between Miami-Biscayne Bay and the lower Keys and Florida Bay. Seaward movement along the upper Keys is very rare. Biscayne Bay, with its adjoining waterways is of central importance to the large Manatee populations of southeastern Florida. Abundant food resources exist in the area, and the warm water flow from the Florida Power and Light Company Miami River plant provides an important refugium. Lake Worth supports a large Manatee population year-round, and also serves as a warm water refugium for additional wintering Manatees. The outfall from the Florida Power and Light Company River plant supports up to 75 Manatees during cold weather. The Indian and Banana rivers may contain the largest Manatee population in Florida. These areas provide warm, quiet waters and abundant food resources. The St. Johns River also provides ample food resources to a significant Manatee population, and several of its spring-fed tributaries provide warm water refugia during cold spells. In Lake Monroe, two power plants provide warm water outfalls which are used by Manatees during cold periods. The Intracoastal Waterway from the St. Marys River to Highway A1A is a major concentration area and thoroughfare for Manatees.

It is emphasized that the areas delineated below may not represent the entire Critical Habitat of the species named. This Rulemaking in no way precludes the Service from at any time proposing additions or modifications to the designated Critical Habitat. It now seems likely that more Critical Habitat will be proposed for at least the California Condor, Indiana Bat, and Florida Manatee in the near future.

Effects of the Rulemaking

The effects of this determination are involved primarily with Section 7 of the Act, which states:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term "Critical Habitat" was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the Federal Register of April 22, 1975 (40 FR 17764–17765). Some of the major points of that interpretation are: (1) Critical Habitat could be the entire habitat of a species, or any portion thereof, if any constituent element is necessary to the normal needs or survival of that species; (2) actions by a Federal agency affecting Critical Habitat of a species would not conform with Section 7 if such actions might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable recovery of that species; and (3) there may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect that species.

This last point has not been well understood by some persons. There has been widespread and erroneous belief that a Critical Habitat designation is something akin to establishment of a wilderness area or wildlife refuge, and automatically closes an area to most human uses. Actually, a Critical Habitat designation applies only to Federal agencies, and is a notification to such agencies that their responsibilities pursuant to Section 7 of the Act are applicable in a certain area.

Final Rulemaking

The Director has considered all comments and data submitted in response to the proposed determination of Critical Habitat for the American Crocodile, California Condor, Indiana Bat, and Florida Manatee. The Director also has considered other information received by the Service both prior to and subsequent to the publication of the Proposal in the Federal Register of December 16, 1975. Based on this review, the areas delineated below are determined to be Critical Habitat for the American Crocodile, California Condor, Indiana Bat, and Florida Manatee. (Since the time when proposed Critical Habitat Regulations for these species were published in the Federal Register (December 16, 1975), additional Subparts have been proposed for Part 17. Accordingly, the Section numbers in the Final Regulations have been changed to those shown below.)

These Final Regulations will become effective on October 22, 1976.

Dated: September 14, 1976.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.

Accordingly, 50 CFR Part 17 is hereby amended as set forth below:

1. The Table of Sections for Subpart F of Part 17 is amended to read as follows:

Subpart F—Critical Habitat

Sec.
17.60 [Reserved]
17.61 Snail Darter.
17.62 American Crocodile.
17.63 [Reserved]
17.64 California Condor.
17.65 Indiana Bat.
17.66 Florida Manatee.

2. A new § 17.62 is added reading as follows:

§ 17.62 American crocodile.

(a) The following area (exclusive of those existing man-made structures or settlements which are not necessary to the normal needs or survival of the species) is critical habitat for the American crocodile (*Crocodylus acutus*): All land and water within the following boundary in Florida: beginning at the easternmost tip of Turkey Point, Dade County, on the coast of Biscayne Bay; thence southeastward along a straight line to Christmas Point at the southernmost tip of Elliott Key; thence southwestward along a line following the shores of the Atlantic Ocean side of Old Rhodes Key, Palo Alto Key, Anglefish Key, Key Largo, Plantation Key, Windley Key, Upper Matecumbe Key, Lower Matecumbe Key, and Long Key, to the westernmost tip of Long Key; thence northwestward along a straight line to the westernmost tip of Middle Cape; thence northward along the shore of the Gulf of Mexico to the north side of the mouth of Little Sable Creek; thence eastward along a straight line to the northernmost point of Nine-Mile Pond; thence northeastward along a straight line to the point of beginning.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.

3. A new § 17.63 is added and reserved as follows:

§ 17.63 [Reserved]

4. A new § 17.64 is added reading as follows:

§ 17.64 California condor.

(a) The following areas (exclusive of those existing man-made structures or

settlements which are not necessary to the normal needs or survival of the species) in California are critical habitat for the California condor (*Gymnogyps californianus*).

(1) *Sespe-Piru Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Los Angeles Counties, with the following components (San Bernardino Meridian): Sespe Condor Sanctuary, as delineated by Public Land Order 695 (January 1951); T4N R20W Sec. 2, 5–10, N½ Sec. 11; T4N R21W Sec. 1–3, 10–12, N¼ Sec. 13, N¼ Sec. 14, N¼ Sec. 15; T5N R18W Sec. 4–9, 18, 19, 30, 31, N½ Sec. 3, N½ Sec. 17; T5N R21W Sec. 1–4, 9–16, 21–28, 33–36; T6N R18W Sec. 7–11, 14–23, 26–35; T6N R19W Sec. 7–36; T6N R20W Sec. 8–36; T6N R21W Sec. 13–36; T6N R22W Sec. 3–26, 35, 36; T6N R23W Sec. 1–3, 10–14, 24, N½ Sec. 23; T7N R22W Sec. 31; T7N R23W Sec. 34–36.

(2) *Matilija Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Santa Barbara Counties, with the following components (San Bernardino Meridian): T5N R24W W½ Sec. 3, Sec. 4–11, 14, 15, N½ Sec. 16, N¼ Sec. 17; T5N R25W E½ Sec. 1, NE¼ Sec. 12; T5½N R24W Sec. 31–34; T6N R24W S½ Sec. 32, S½ Sec. 33, S½ Sec. 34.

(3) *Sisquoc-San Rafael Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, Santa Barbara County, with the following components (San Bernardino Meridian): T6N R26W Sec. 5, 6; T6N R27W Sec. 1, 2; T7N R26W Sec. 5–8, 17–20, 29–32; T7N R27W Sec. 1–14, 23–26, 35, 36; T7N R28W Sec. 1, 2, 11, 12; T8N R26W Sec. 19–22, 27–34; T8N R27W Sec. 19–36.

(4) *Hi Mountain-Beartrap Condor Areas:* areas of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain in San Luis Obispo County, with the following components (Mt. Diablo Meridian): T30S R16E Sec. 13, 14, 23–26, SE¼ Sec. 11, S½ Sec. 12; T30S R17E Sec. 17–20, 29, 30; T31S R14E Sec. 1, 2, 11, 12, E½ Sec. 3, E½ Sec. 10, N½ Sec. 14, N½ Sec. 13; T31S R15E W½ Sec. 6, W½ Sec. 7, NW¼ Sec. 18.

(5) *Mt. Pinos Condor Area:* An area of land, water, and airspace in Ventura and Kern Counties, with the following components (San Bernardino Meridian): T8N R21W W½ Sec. 5, Sec. 6 N½ Sec. 7, NW¼ Sec. 8; T8N R22W Sec. 1, 2, E½ Sec. 3, NE¼ Sec. 10, N½ Sec. 11, N½ Sec. 12; T9N R21W Sec. 31, 32, W½ Sec. 33; T9N R22 W E½ Sec. 35, Sec. 36.

(6) *Blue Ridge Condor Area:* An area of land, water, and airspace in Tulare County, with the following components (Mt. Diablo Meridian): T19S R29E Sec. 5–9, 15–22, 27–30.

(7) *Tejon Ranch:* an area of land, water, and airspace in Kern County, with the following components (San Bernardino Meridian): R16W T10N, R17W T10N, R17W T11N, R18W T9N, R18W T10N, R19W T10N.

(8) *Kern County rangelands:* an area of land, water, and airspace in Kern County between California State Highway 65 and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R29E T25S, R29E T26S, R30E T25S, R30E T26S.

(9) *Tulare County rangelands:* an area of land, water, and airspace in Tulare County between California State Highway 65, State Highway 198, and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R28E T18S (all sections); R28E T19S (all sections); R28E T20S (all sections); R28E T21S Sec. 1–18; R29E T20S (all sections); R29E T21S Sec. 1–18.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these critical habitat areas.

5. A new § 17.65 is added reading as follows:

§ 17.65 Indiana bat.

(a) The following areas (exclusive of those existing man-made structures or settlements which are not necessary to the normal needs or survival of the species) are critical habitat for the Indiana bat (*Myotis sodalis*):

(1) *Illinois.* The Blackball Mine, La Salle County.

(2) *Indiana.* Big Wyandotte Cave, Crawford County; Ray's Cave, Greene County.

(3) *Kentucky.* Bat Cave, Carter County; Coach Cave, Edmonson County.

(4) *Missouri.* Cave 021, Crawford County; Cave 009, Franklin County; Cave 017, Franklin County; Pilot Knob Mine, Iron County; Bat Cave, Shannon County; Cave 029, Washington County [numbers assigned by Division of Ecological Services, U.S. Fish and Wildlife Service, Region 6].

(5) *Tennessee.* White Oak Blowhole Cave, Blount County.

(6) *West Virginia.* Hellhole Cave, Pendleton County.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these critical habitat areas.

6. A new § 17.66 is added reading as follows:

§ 17.66 Florida manatee.

(a) The following areas (exclusive of those existing man-made structures or settlements which are not necessary to the normal needs or survival of the species) in Florida are critical habitat for the Florida manatee (*Trichechus manatus*): Crystal River and its headwaters known as King's Bay, Citrus County; the Little Manatee River downstream from the U.S. Highway 301 bridge, Hillsborough County; the Manatee River downstream from the Lake Manatee Dam, Manatee County; the Myakka River downstream from Myakka River State Park, Sarasota and Charlotte Counties; the Peace River downstream from the Florida State Highway 760 bridge, De Soto and Charlotte Counties; Charlotte Harbor north of the Charlotte-Lee county line, Charlotte County; Caloosahatchee River downstream from the Florida State Highway 31 bridge, Lee County; all U.S. territorial waters adjoining the coast and islands of Lee County; all U.S. territorial waters adjoining the coast and islands and all connected bays, estuaries, and rivers from Gordon's Pass, near Naples, Collier County, southward to and including Whitewater Bay, Monroe County; all waters of Card, Barnes, Blackwater, Little Blackwater, Manatee, and Buttonwood sounds between Key Largo, Monroe County, and the mainland of Dade County; Biscayne Bay, and all adjoining and connected lakes, rivers, canals, and waterways from the southern tip of Key Biscayne northward to and including Maule Lake, Dade County; all of Lake Worth, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway A1A southward to its southernmost point immediately north of the town of Boynton Beach, Palm Beach County; the Loxahatchee River and its headwaters, Martin and West Palm Beach Counties; that section of the intracoastal waterway from the town of Sewalls Point, Martin County to Jupiter Inlet, Palm Beach County; the entire inland section of water known as the Indian River, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway 3, Volusia County, southward to its southernmost point near the town of Sewalls Point, Martin County, and the entire inland section of water known as the Banana River and all waterways between the Indian and Banana rivers. Brevard County; the St. Johns River, including Lake George, and including Blue Springs and Silver Glen Springs from their points of origin to their confluences with the St. Johns River; that section of the Intracoastal Waterway from its confluence with the St. Marys River on the Georgia-Florida border to the Florida State Highway A1A bridge south of Coastal City, Nassau and Duval Counties.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the critical habitat area.

[FR Doc.76-28066 Filed 9-23-76;8:45 am]

PART 32—HUNTING

De Soto National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on September 24, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on DeSoto National Wildlife Refuge, Iowa, is permitted in accordance with the following special regulations:

1. *Species.* Only waterfowl species (ducks, geese, coots) may be taken.

2. *Seasons.* The open season on the refuge hunting area will be November 1–December 9, 1976. Shooting hours will be the same as for the respective state, with the exception that refuge hunting will stop at 12:00 noon each day.

3. *Bag Limits.* Bag limits for waterfowl species will be the same as the state bag limits.

4. *Methods of Hunting.* Hunters must hunt from refuge-constructed 3-man blinds only. Blinds will be assigned under an advance reservation system. Individuals will be allowed to hold only one reservation at any one time. When this is used, he may apply for an unfilled date. Hunters will be required to check in and out at the refuge check station. Hunters will be allowed the use of decoys (either personal or rented at check station) and retrieving dogs (one per hunter).

All hunting will be from blinds only, with the exception that crippled birds may be pursued and shot within the shooting zone only (within 40 yards of blind as posted). Crippled birds may be pursued beyond this point up to the retrieval zone line (as posted), but guns must remain inside the shooting zone.

Shotguns only will be permitted, capable of holding three shells or less. Steel shot loads will be required in the refuge hunting area. These may be purchased at the refuge check station and will be available in 12 gauge only. Lead loads will not be allowed. A maximum of 25 shells per hunter will be allowed per day.

5. *Open Area.* The area open to hunting is delineated on maps available at refuge headquarters. The location of the hunting area is on the periphery of refuge lands in the northeast portion of the refuge. This area comprises about 355 acres.

Permit holders must park in assigned parking lots within this area. The parking lot associated with the refuge wildlife observation tower adjacent to U.S. Highway 30 may be used by hunters participating in the refuge hunting program. No other hunter access will be allowed from this parking area.

6. *Other Provisions.* All hunting will be by permit only. Applications for a specific date will be accepted by mail or in person at refuge headquarters, DeSoto National Wildlife Refuge, R–1, Box 114, Missouri Valley, Iowa 51555, between the hours of 8:00 a.m.–5:00 p.m., Monday through Friday. Applications will be accepted through Saturday, September 25, 1976. A drawing to determine successful applicants will be held at refuge headquarters on Monday, September 27. Should openings remain following the drawing, reservations will be accepted on a first-come, first-serve basis on and after October 1, 1976. Reservations will not be accepted by phone.

Applicants for reservations must be at least 16 years of age or older. A $3.00 fee must accompany each request for a reservation, and this must be in the form of a check or money order. Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the 3-man blinds. Each person will be charged $1.00 when he registers to hunt. Goose decoys, up to 3 dozen per blind, may be rented at the refuge check station at a charge of $1.00 per dozen. Hunters will be responsible for decoys and will be charged for any decoys lost or damaged. Personal decoys may also be used.

Reservations are non-transferable and fees will not be refunded. No provisions will be made for "stand by" hunters. Blinds will be assigned only once each day. Vacated blinds will not be refilled.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1976.

Dated: September 7, 1976.

JAMES E. FRATES,
Refuge Manager, Desoto National Wildlife Refuge.

[FR Doc.76–27979 Filed 9–23–76;8:45 am]

PART 32—HUNTING

De Soto National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective on September 24, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

In FR Doc. 76–23460 appearing on page 34047 in the FEDERAL REGISTER of August 12, 1976, paragraph (2) contained the statement that specific deer hunting dates would be determined following the establishment of waterfowl hunting season dates. The muzzleloader deer hunting season dates will be December 18–22, 1976, both dates inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

Dated: September 7, 1976.

JAMES E. FRATES,
Refuge Manager, Desoto National Wildlife Refuge.

[FR Doc.76–27978 Filed 9–23–76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Pecans in the Shell

Correction

In FR Doc. 76–26886, appearing at page 39303, in the issue for Wednesday, September 15, 1976, in the twelfth line of the fourth paragraph change the word "required" to "requested".

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

[Lemon Regulation 57]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Minimum Size Requirements

This regulation continues the minimum size requirements currently in effect through September 25, 1976, during the period September 26, 1976, through September 24, 1977. The minimum size requirements for lemons are continued at 1.82 inches in diameter (size 235's in cartons). The requirements are those which have been found to provide consumers with lemons of acceptable size, maturity, and juice content.

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 Arizona and designated part of California, 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 recommendation of the Lemon Administrative Committee reflect its appraisal of the crop and current and prospective marketing conditions after consideration of factors having a bearing thereon as required by said marketing agreement and order. The committee estimates that the 1976–77 season crop of lemons will be 49,800 carlots, 14,357 more than the 1975–76 crop. It further estimates that regulated fresh market channels will require about 25 percent of this volume, and the remaining 75 percent will be available for utilization in processing, export, and other outlets. The volume and size composition of the crop is expected to be such that ample supplies will be available in a broad range of sizes to satisfy demand in regulated channels

and in other markets. The committee advises that lemons smaller than 235's have negligible sales opportunity in fresh form, because they are costly to prepare for market and have lower juice yield than larger lemons. The minimum size requirements are designed to assure consumers of ample supplies of fruit of acceptable sizes, maturity, and juice content and to improve returns to growers consistent with the declared policy of the act.

(3) It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). Shipments of lemons grown in the production area are currently being regulated as to size by the provisions of Lemon Regulation 11, which, unless continued, will expire on September 25, 1976. The minimum size requirements prescribed by this regulation are the same as those currently in effect, and to be of maximum benefit in the current season such requirements should be continued in effect during the period September 26, 1976, through September 24, 1977. Notice of rule making concerning this regulation, with an effective period as herein specified, was published in the FEDERAL REGISTER issue of August 27, 1976 (41 FR 36211) inviting written comments until September 13, 1976. No objection to either this regulation or such effective period was received. Compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

§ 910.357 Lemon Regulation 57.

Order. (a) From September 26, 1976, through September 24, 1977, no handler shall handle any lemons grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section "handle", "handler", and "District 1", "District 2", and "District 3" each shall 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).)

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated, September 22, 1976, to become effective September 26, 1976.

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

[FR Doc.76–28222 Filed 9–23–76;8:45 am]

[Lemon Regulation 59]

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 Sept. 26–Oct. 2, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.359 Lemon Regulation 59.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is improved this week. Average f.o.b. price was $6.05 per carton the week ended September 18, 1976, compared to $5.81 per carton the previous week. Track and rolling supplies at 100 cars were down 5 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 21, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period Sept. 26, 1976, through October 2, 1976, is hereby fixed at 200,000 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: September 22, 1976.

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

[FR Doc.76–28223 Filed 9–23–76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Rescission of Proposed Change in Customs Region I

A notice of proposed rulemaking to revoke the designation of Limestone, Maine, as a Customs port of entry in the Portland, Maine, Customs district (Region I) and to instead designate it as a Customs station under the supervision of the port of Fort Fairfield, Maine, was published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27972). Upon reconsideration of the proposal and a careful analysis of all of the comments received in response thereto, it has been determined that it would be in the best interests of the public and the Customs Service to rescind the proposal at this time.

Accordingly, the notice of proposed rulemaking published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27972), proposing to revoke the designation of Limestone, Maine, as a Customs port of entry in the Portland, Maine, Customs district (Region I) and to instead designate it as a Customs station under the supervision of the port of Fort Fairfield, Maine, is hereby rescinded.

Dated: September 16, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-28075 Filed 9-23-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 21]

CONTROL OF DEPREDATING MIGRATORY BIRDS

Proposed Revision of Permit Requirements

Notice is hereby given that the U.S. Fish and Wildlife Service proposes to amend 50 CFR Part 21 by revising the permit requirement for controlling depredating birds and by including the Rusty blackbird in the depredation order of § 21.43. These amendments are proposed under authority of section 3 of the Migratory Bird Treaty Act, 40 Stat. 755, as amended at 49 Stat. 1556 and 53 Stat. 1433 (16 U.S.C. 704).

BACKGROUND, DESCRIPTION, AND RATIONALE OF PROPOSED REGULATIONS

Under the Migratory Bird Treaty Act, the taking, possession, and transportation of migratory birds is prohibited except as permitted by regulations issued by the Secretary of the Interior. 40 Stat. 755, as amended at 49 Stat. 1556 and 88 Stat. 190 (16 U.S.C. 703); 50 CFR § 21.11 (1975). Current fish and Wildlife Service regulations allow the taking without a permit of depredating blackbirds, crows, purple gallinules, etc., 50 CFR 21.42–21.46 (1975), and allow the scaring, herding, and killing of other depredating migratory birds under a depredation permit, 50 CFR 21.41 (1975).

The regulations proposed herein would make the depredation permit available for taking, possession, and transportation. Extending the permit to all these activities would allow, for example, the live capture and release in an unaffected area of depredating birds. In addition, subject to the provisions of the Endangered Species Act of 1973, 87 Stat. 884 (16 U.S.C. 1531–1543), the Bald and Golden Eagles Protection Act, 54 Stat. 250, as amended at 73 Stat. 143, 76 Stat. 1246, and 86 Stat. 1064 (16 U.S.C. 668–668d), and the Fish and Wildlife Act of 1956, 70 Stat. 1119, as amended at 85 Stat. 480, and 86 Stat. 905 (16 U.S.C. 742j–1), specification that the permit is available for "taking" would make clear that no permit is needed for mere scaring. See definition of "take" in 50 CFR 10.12 (1975).

The proposed regulations would also include the Rusty blackbird in the depredation order of § 21.43. The Rusty blackbird causes the same serious depredation problems as the other named blackbirds, but was inadvertently omitted when § 21.43 was first issued.

PUBLIC PARTICIPATION

The Director desires that the final amendments clarify the control procedures for depredating migratory birds. The Director therefore invites the public, concerned private interests, and other government agencies to participate in this rulemaking by submitting written comments on the proposed regulations. Comments should contain file number REG 21–02–4, and should be addressed to the Director, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than October 26, 1976, will be considered in issuing the final regulations. Such comments and other information may cause the Director to issue final regulations differing from the proposed regulations.

The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. All comments timely received will be available for public inspection during normal business hours at Suite 600, 1612 K Street N.W., Washington, D.C.

Dated: September 16, 1976.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend 50 CFR Part 21:

1. By revising paragraph (a) of § 21.41 to read as follows:

§ 21.41 Depredation permits.

(a) *Permit requirement.* Except as provided in §§ 21.42 through 21.46, a depredation permit is required before any person may take, possess, or transport migratory birds for depredation control purposes.

* * * * *

2. By amending the introductory paragraph of § 21.43 to read as follows:

§ 21.43 Depredation order for blackbirds, cowbirds, grackles, crows, and magpies.

A Federal permit shall not be required to control yellow-headed red-winged, bicolored red-winged, tri-colored red-winged, Rusty and Brewer's blackbirds, cowbirds, all grackles, crows, and magpies, when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance: *Provided:*

* * * * *

[FR Doc.76-28065 Filed 9-23-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 301, 318, 320, 327 and 381]

CANNING OF MEAT AND POULTRY PRODUCTS

Updating of Inspection Requirements

Correction

In FR Doc. 76-27169 appearing at page 40156 in the FEDERAL REGISTER of Friday, September 17, 1976, § 381.149(u)(1) on page 40161, the third column should be corrected to read as follows:

§ 381.149 Canning; definition; facilities and equipment; processing procedures; employees; cleaning containers; closure; heat processing; identification; marking; monitoring instruments; container inspection; rework; and incubation.

* * * * *

(u) * * *

(1) Incubation test shall be made to the extent required by the circuit supervisor, but in no cases for periods of time less than those specified in paragraph (u)(3) of this section. The extent to which incubation tests shall be required

depends upon the conditions at the official establishment, such as the record of the official establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operation, the kind of equipment used, and the degree of efficiency with which such equipment is maintained.

Commodity Credit Corporation

[7 CFR Part 1464]

FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Grade Loan Rates for Price Support on 1976 Crop

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1976-crop fire-cured, dark air-cured and Virginia sun-cured tobacco.

Interested persons are invited to participate in establishing the grade loan rates to be applied by submitting views and recommendations in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To assure consideration, all submissions must be received by the Director not later than October 26, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1976-crop fire-cured, types 21 and 22–23; dark air-cured, types 35 and 36; and Virginia sun-cured, type 37, as set forth herein. These proposed rates, calculated to provide the level of support of 74.1 cents per pound for the fire-cured types and 65.9 cents per pound for the dark air-cured and Virginia sun-cured types, as determined under Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

§ 1464.17 1976 Crop—Virginia Fire-Cured Tobacco, Type 21—Grade Loan Schedule.[1]

Loan Rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length				
	47	46	45	44	43
A1F	98	98	98		
A2F	95	95	95		
A1D	98	98	98		
A2D	95	95	95		
B1F	96	96	97		
B2F	93	93	94	89	
B3F	87	87	88	86	77
B4F	81	81	82	79	72
B5F	69	69	71	69	64
B1D	95	95	95		
B2D	89	89	90	85	
B3D	81	81	81	80	75
B4D	76	76	77	76	71
B5D	66	66	67	66	63
B3M	76	76	78	74	72
B4M	73	73	76	73	70
B5M	63	63	65	63	60
B3G	74	74	76	74	70
B4G	72	72	75	73	69
B5G	63	63	65	63	60
C1L	102	102	102		
C2L	98	98	98	90	
C3L	89	89	89	87	
C4L	81	81	81	80	
C5L	71	71	72	69	
C1F	102	102	102		
C2F	98	98	98	90	
C3F	89	89	89	83	
C4F	82	82	82	81	
C5F	72	73	74	71	
C2D	69	69	70	68	
C3D	67	67	68	66	
C4D	64	64	65	64	
C5D	58	58	59	57	
C3M	75	75	76	75	
C4M	73	73	75	74	
C5M	62	62	63	62	
C3G	65	65	66	62	
C4G	60	60	62	61	
C5G	59	59	60	58	

Grade		Grade	
X1L	82	X3M 45	70
X2L	81	X4M	70
X3L	80	X4M 45	67
X4L	77	X5M	65
X5L	73	X5M 45	64
X1F	82	X3G	72
X2F	81	X3G 45	69
X3F	80	X4G	68
X4F	76	X4G 45	66
X5F	73	X5G	63
X1D	78	X5G 45	62
X2D	76	N1L	56
X3D	75	N1D	53
X4D	72	N1G	57
X5D	66	N2	37
X3M	72		

§ 1464.18 1976-Crop — Kentucky-Tennessee Fire-Cured Tobacco, Types 22 and 23—Grade Loan Schedule.[2]

Loan Rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length				
	47	46	45	44	43
A1F	107	107	107		
A2F	102	102	102		
A3F	94	94	94		
A1D	107	107	107		
A2D	102	102	102		
A3D	94	94	94		
B1F	92	92	92	87	
B2F	88	88	88	84	
B3F	84	84	84	81	75
B4F	77	77	77	74	67
B5F	73	73	73	70	64
B1D	91	91	91	86	
B2D	87	87	87	83	
B3D	84	84	84	80	74
B4D	76	76	76	73	66
B5D	71	71	71	67	61
B3M	76	76	76	72	67
B4 A	71	71	71	67	60
B5M	66	66	66	61	56
B3VF	76	76	76	72	65
B4VF	74	74	74	71	64
B5VF	70	70	70	67	60
B3G	76	76	76	72	64
B4G	71	71	71	67	59
B5G	66	66	66	61	56
C1L	93	93	93	89	
C2L	90	90	90	87	
C3L	86	86	86	82	76
C4L	82	82	82	79	73
C5L	79	79	79	77	70
C1F	91	91	91	87	
C2F	88	88	88	85	
C3F	85	85	85	82	75
C4F	80	80	80	77	70
C5F	78	78	78	74	67
C1D	94	94	94	89	
C2D	84	84	84	81	
C3D	79	79	79	76	70
C4D	72	72	72	70	64
C5D	69	69	69	67	60
C3M	77	77	77	74	68
C4M	72	72	72	71	65
C5M	70	70	70	68	59
C3VF	77	77	77	74	68
C4VF	74	74	74	72	66
C5VF	72	72	72	70	61
C3G	72	72	72	69	64
C4G	68	68	76	64	59
C5G	63	63	63	60	57

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
X1L	79	X5D	64
X2L	77	X3M	68
X3L	75	X4M	65
X4L	70	X5M	62
X5L	68	X3VF	70
X1F	78	X4VF	67
X2F	76	X5VF	63
X3F	74	X3G	66
X4F	70	X4G	60
X5F	68	X5G	57
X1D	76	N1L	60
X2D	73	N1D	54
X3D	69	N1G	52
X4D	67	N2	46

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), or scrap will not be accepted. The Association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

[2] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable.

§ 1464.19 1976-Crop—Dark Air-Cured Tobacco, Types 35 and 36—Grade Loan Schedule.[3]

Loan Rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	46	45	44
A1F	95	95	
A2F	91	91	
A3F	85	85	
A1R	95	95	
A2R	91	91	
A3R	85	85	
B1F	88	88	85
B2F	83	83	82
B3F	79	79	77
B4F	73	73	72
B5F	67	67	66
B1R	87	87	85
B2R	82	82	81
B3R	77	77	76
B4R	72	72	71
B5R	67	67	66
B1D	87	87	85
B2D	82	82	81
B3D	77	77	76
B4D	72	72	71
B5D	64	64	63
B3M	73	73	72
B4M	68	68	67
B5M	61	61	60
B3G	72	72	71
B4G	68	68	67
B5G	61	61	60
C1L	88	88	87
C2L	86	86	85
C3L	82	82	81
C4L	75	75	74
C5L	65	65	63
C1F	88	88	87
C2F	84	84	83
C3F	80	80	78
C4F	75	75	74
C5F	66	66	64
C1R	86	86	85
C2R	83	83	82
C3R	77	77	75
C4R	69	69	68
C5R	61	61	60
C3M	73	73	72
C4M	65	65	64
C5M	60	60	59
C3G	74	74	72
C4G	66	66	65
C5G	59	59	58

Grade		Grade	
T3F	66	X4F	72
T4F	61	X5F	66
T5F	52	X1R	79
T3R	66	X2R	76
T4R	61	X3R	70
T5R	53	X4R	65
T3D	66	X5R	60
T4D	61	X3D	71
T5D	53	X4D	65
T3M	64	X5D	60
T4M	58	X3M	68
T5M	51	X4M	64
T3G	64	X5M	58
T4G	59	X3G	66
T5G	51	X4G	61
X1L	79	X5G	52
X2L	77	N1L	59
X3L	75	N2L	51
X4L	73	N1R	51
X5L	66	N2R	47
X1F	79	N1G	48
X2F	77	N2G	45
X3F	73		

[3] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. The advance rates for grades in "47 length" shall be the same as those for such grades in "46 length".

§ 1464.20 1976-Crop—Virginia Sun-Cured Tobacco, Type 37—Grade Loan Schedule.[4]

Loan Rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	46	45	44
A1F	92	92	90
A2F	88	88	85
A3F	85	85	82
A1R	92	92	89
A2R	88	88	85
A3R	85	85	82
B1F	89	90	83
B2F	86	88	84
B3F	78	81	79
B4F	72	76	74
B5F	63	63	63
B1R	89	90	84
B2R	86	88	84
B3R	78	81	79
B4R	70	73	70
B5R	63	64	61
B1D	88	88	83
B2D	87	87	82
B3D	77	77	76
B4D	67	68	67
B5D	61	63	60
B3M	71	73	70
B4M	66	69	66
B5M	59	61	60
B3G	70	74	71
B4G	64	67	63
B5G	60	60	58
C1L	87	88	80
C2L	81	82	77
C3L	79	80	77
C4L	71	74	70
C5L	62	64	60
C1F	88	88	81
C2F	82	83	80
C3F	80	82	79
C4F	73	76	73
C5F	65	68	67
C1R	85	85	79
C2R	79	79	75
C3R	69	70	67
C4R	64	66	63
C5R	57	58	57
C3M	66	69	68
C4M	60	64	61
C5M	55	59	57
C3G	57	59	57
C4G	54	57	56
C5G	49	51	49

Grade	Advance rate	Grade	Advance rate
T3F	62	X4F	67
T4F	60	X5F	58
T5F	54	X1R	74
T3R	62	X2R	73
T4R	60	X3R	66
T5R	55	X4R	63
T3D	60	X5R	55
T4D	58	X3D	61
T5D	52	X4D	55
T3M	59	X5D	49
T4M	57	X3M	70
T5M	51	X4M	66
T3G	62	X5M	64
T4G	60	X3G	66
T5G	54	X4G	61
X1L	73	X5G	57
X2L	72	N1R	45
X3L	69	N2R	37
X4L	65	N1G	45
X5L	58	N2G	32
X1F	74	N1L	43
X2F	73	N2L	36
X3F	70		

[4] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), or scrap will not be accepted. The association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

Signed at Washington, D.C., on September 17, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-27943 Filed 9-23-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2280]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for City of Bellbrook, Greene County, Ohio

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Bellbrook, Greene County, Ohio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Building, 15 East Franklin Street, Bellbrook, Ohio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify John W. Donahue, Mayor of Bellbrook, P.O. Box 285, Bellbrook, Ohio 45305. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Sugar Creek	Periwinkle Dr. (extended)	789	190	(1)
	Corporate limits	777	130	(1)
	do	776	480	(1)
Little Sugar Creek	Corporate limits (north)	812	85	350
	State Highway 725	785	70	60
	Maple Street (extended)	782	80	140
	Corporate limits (south)	775	(1)	210
Possum Run	Corporate limits (west)	910	230	15
	Belleview Dr	894	80	20
	Little Sugar Creek Rd	808	80	130
Brewster's Run	Corporate limits (west)	883	205	120
	Plantation Trail	878	140	5
	Lakeman Dr	863	170	370
	Portage Path	848	120	125
	Marcia Dr	833	100	210
	Barnett Dr	827	110	145
Little Miami River bypass (outside corporate limits).	Brookwood St	774	(1)	2,210
	State Highway 725	774	(1)	430
	Hess Rd. (extended)	774	(1)	700
	(North) Belair Circle (extended)	775	(1)	300

[1] Corporate limits.

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

Issued: August 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-27871 Filed 9-23-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2278]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for City of Binghamton, Broome County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Binghamton, Broome County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board in the Hallways of City Hall, 38 Hawley Street, Binghamton.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Alfred J. Libous, City Hall, 38 Hawley Street, Binghamton, New York 13901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limit	850	(1)	160
	Moeller Street (extended)	848	40	280
	Conklin Ave. bridge	846	20	20
	Washington St. bridge	844	20	10
	Vermont Ave. (extended)	841	80	40
	Jutland Rd. (extended)	840	40	470
	Downstream corporate Limit	839	90	210
Chenango River	Upstream corporate limit	850	350	(1)
	Eldredge St. (extended)	848	40	70
	Henry St. (extended)	846	40	10
	Main St	845	20	20
	Leroy St. (extended)	844	50	240

[1] Corporate limit.

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

Issued: August 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-27867 Filed 9-23-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2269]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Overland Park, Kansas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Overland Park, Kansas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Overland Park must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 8500 Santa Fe Drive, Overland Park, Kansas 66212.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Jack D. Walker, 8500 Santa Fe Drive, Overland Park, Kansas 66212. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Tomahawk Circle	Pflumm Rd	1,005	100	50
	Quirva Rd	974	50	350
	Switzer Rd	943	400	400
	Antioch Rd	926	400	450
	Metcalf Ave	901	50	1,200
	Nall Ave	877	400	700
	Roe Ave	867	(1)	400
Indian Circle	Pflamm Rd	947	200	600
	Quirva Rd	935	600	750
	Switzer Rd	918	1,450	600
	College Blvd	905	200	1,000
	U.S. 435	896	1,300	500
	Antioch Ave	891	100	900
	69	871	100	50
	Nall Ave	860	250	600
	Roe Ave	856	100	400
	U.S. 435	851	400	(1)
North Branch Indian Circle	do	934	150	200
	Overland Pkwy	910	50	50
North Branch Tributary 1	No physical features			
Turkey Circle	Expressway	972	2,000	(1)
	RR	969	(1)	150
	Metcalf Ave	868	500	1,100

[1] Extends to corporate limits.

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

Issued: August 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-27866 Filed 9-23-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2281]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for City of Sylvania, Lucas County, Ohio

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Sylvania, Lucas County, Ohio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Office of the Clerk-Auditor, City Hall, 6635 Maplewood Avenue, Sylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Warren A. Schuster, City Hall, 6635 Maplewood Avenue, Sylvania, Ohio 43560. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Ottawa River	South corporate limits	612	(1)	25
	Sylvania Country Club bridge	615	70	130
	800 ft downstream from U.S. Route 23 exit ramp.	617	550	700
	50 ft downstream from Harroun Rd	624	10	550
Ten Mile Creek	South Main St	631	10	10
	100 ft upstream from Silica Dr	638	145	280
	Olde Post Rd	645	25	40
	100 ft downstream of Bonniebrook Rd	651	85	150
	90° from Radcliffe at Westbourne	645	255	70
	Bonniebrook Rd. (extended)	655	440	420
	South corporate limits, (extended)	656	460	150
McPeak Drain	Granville Dr. (extended)	650	90	55
	Winding Way	662	200	200
	Grenlock (extended)	670	125	810
	North corporate limits	670	130	150
Schrieber Ditch	500 ft upstream of junction with Tenmile Creek.	655	215	20
	Little Rd. (extended)	660	15	125
	100 ft downstream from Centennial Rd	675	115	45
	Centennial Rd. (corporate limits)	676	850	310
North Branch Tenmile Creek.	Monroe St	631	15	15
	Maplewood Ave. (extended)	639	65	20
	Erie St. (extended)	643	25	115
	North corporate limits	648	15	185

[1] Corporate limits.

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

Issued: August 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-27872 Filed 9-23-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2283]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Town of Owego, Tioga County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Owego, Tioga County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-

prone areas and the proposed flood elevations are available for review at the Town Clerk's Office, 20 Court Street, Owego.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William Engelhard, Town Supervisor, 23 Lake Street, Owego, New York 13827. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Appalachian Creek	Upstream corporate limit	1,011	110	730
	Harnick Rd.	998	330	80
	Lillie Hill Rd.	945	100	110
	Rhodes Rd.	910	350	60
	Chestnut Ridge Rd. (extended)	875	350	330
	West Main St.	824	50	1,050
Susquehanna River	Upstream corporate limit	827	1,720	60
	Shady Hill Dr. (extended)	825	710	700
	Pennsylvania Ave. (extended)	824	140	800
	Short Rd. (extended)	820	100	230
	Day Hollow Rd. (extended)	819	80	3,150
	Upstream corporate limit and Village of Owego.	818	20	1,950
	Downstream corporate limit and Village of Owego.	816	1,800	(1)
	Downstream corporate limit	816	1,580	(1)
East branch, Owego Creek.	Upstream corporate limit	907	240	70
	Gaskill Rd. (extended)	901	10	130
	West Creek Rd.	886	30	90
West branch, Owego Creek.	Upstream corporate limit	892	270	(1)
	Park Settlement Rd.	888	20	(1)
Owego Creek	East and west branch Owego Creek Confluence.	881	240	(1)
	Park Settlement Rd.	858	200	(1)
	Conrail	825	60	(1)
	Downstream corporate limit and Village of Owego.	822	10	(1)

[1] Corporate limit.

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

Issued: August 20, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-27870 Filed 9-23-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2284]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Village of Cayuga, Cayuga County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Village of Cayuga, Cayuga County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in Village Hall, Cayuga.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Orville Mills, Village Hall, Cayuga, New York 13034. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Cayuga Lake	Wheat St	388	20
	Cadet Lane	388	80
	Genesee	386	40
	"B"	386	100
	"A"	388	70
	Intersection of Court and Water St	388	70

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

Issued: August 20, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-27868 Filed 9-23-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2279]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Village of Gowanda, Erie and Cattaraugus Counties, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Village of Gowanda, Erie and Cattaraugus Counties, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review in the office of the Village Clerk-Treasurer, 27 East Main Street, Gowanda.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Donald N. Lazar, Town Hall, 27 East Main Street, Gowanda, New York 14070. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Cattaraugus Creek	Aldrich St	750	600	110
	West Main St	759	10	10
	Conrail	766	30	10
	Corporate limits	798	200	
Grannis Creek	Buffalo St	769	320	50
	Conrail	786	30	35
	Cemetery Rd	792	20	45
	Corporate limits	801	20	30
Thatcher Brook	North Water St	750	40	150
	Corporate limits	750	130	120
	do	753	20	15
	West Main St	756	40	0
	Johnson St	760	40	20
	South Chapel St	765	80	30
	Dam	782	35	140
	Hill St	786	200	10
	Conrail	790	110	35

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

Issued: August 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-27869 Filed 9-23-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 372a, 373, 378, 378a]

[EDR-304/SPDR-49; Docket 29806; Dated: September 21, 1976.]

CHARTER TRIPS AND SPECIAL SERVICES

Amendment of Minimum Seat Size for "Split" Charters

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to the 40-seat minimum presently prescribed for groups participating in "split" charters (i.e., passenger charters for less the entire capacity of an aircraft), as set forth in Parts 207, 208, 212 and 214 of its Economic Regulations, and in Parts 372a, 373, 378 and 378a of its Special Regulations (14 CFR Parts 207, 208, 212, 214, 372a, 373, 378 and 378a). As more fully discussed in the Explanatory Statement, the proposed amendments would reduce to 20 seats the minimum size for "split" charters transported on aircraft with fewer than 80 seats, if there are no more than two charter contracts for the entire capacity of the aircraft. The amendments are proposed under the authority of sections 101, 204, 401, 402, 407, 416, and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views or arguments pertaining thereto, addressed to Docket 29806, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in comments received on or before November 8, 1976, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

By SPR-110, issued September 1, 1976,[1] the Board adopted a final rule establishing a new Part 371 to authorize and govern the operation of Advance Booking Charters (ABC's). Upon consideration of the comments regarding the proposed minimum ABC group size, the Board

[1] 41 FR 37763, September 8, 1976.

found that no comment advanced any persuasive reason for generally abandoning the traditional 40-seat minimum for "split" charters. However, the Board did determine to make an exception to that minimum for ABC's being transported on small aircraft. The ABC rule thus allows the transportation of no more than two ABC groups on an aircraft having a capacity of less than 80 seats, provided that each group charters at least 20 seats.

The Board has tentatively concluded that a similar exception should now be provided for all types of "split" charters utilizing relatively small aircraft.

The proposed amendments would thus allow no more than two "split" charter groups of any type to be carried on aircraft having fewer than 80 seats, provided that each group charters at least 20 seats. The proposals would therefore amend all of our charter rules which presently include the 40-seat minimum for "split" charters.[2] Considering the small size of the aircraft affected by this proposed reduction in the minimum size of charter groups sharing its entire capacity, we believe that the proposed amendments would adequately maintain the distinction between charter and individually ticketed service, and would not bring about undue diversion from scheduled service.

PROPOSED RULES

The Board proposes to amend Parts 207, 208, 212, and 214 of its Economic Regulations, and Parts 372a, 373, and 378a of its Special Regulations (14 CFR Parts 207, 208, 212, 214, 372a, 373, 378, and 378a) as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. In § 207.11, Charter flight limitations, the proviso at the end of paragraph (c) would be amended by changing the phrase "subparagraph (8)" to "paragraph (c)", so that the proviso would read as follows:

§ 207.11 Charter flight limitations.

* * * * *

(c) * * *

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having less than 80 seats is engaged by no more than two persons described in paragraph (c), then either one of such persons may contract and pay for a minimum of 20 seats: *And provided further*, That paragraph (c) shall not be construed to apply to movements of property.

[2] While these proposed amendments to the special charter rules would—like the ABC rule—limit 20-seat "splits" to charters of the same type, the Board specifically invites comments as to whether this limitation should be removed. If, upon consideration of such comments, we decide to remove the limitation, we would appropriately amend the ABC rule without further notice.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

2. In § 208.6, Charter flight limitations, the proviso at the end of paragraph (c) would be amended by changing the phrase "subparagraph (8)" to "paragraph (c)", so that the proviso would read is follows:

§ 208.6 Charter flight limitations.

* * * * *

(c) * * *

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having less than 80 seats is engaged by no more than two persons described in paragraph (c), then either one of such persons may contract and pay for a minimum of 20 seats: *And provided further*, That paragraph (c) shall not be construed to apply to movements of property.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

3. In § 212.8, Charter flight limitations, the proviso at the end of § 212.8(b) would be amended by changing the phrase "subparagraph (8)" to "paragraph (b)", so that the proviso would read as follows:

§ 212.8 Charter flight limitations.

* * * * *

(b) * * *

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having less than 80 seats is engaged by no more than two persons described in paragraph (b), then either one of such persons may contract and pay for a minimum of 20 seats: *And provided further*, That paragraph (b) shall not be construed to apply to movements of property.

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

4. In § 214.7, Charter flight limitations, the proviso at the end of paragraph (b) would be amended by changing the phrase "subparagraph (7)" to "paragraph (b)", so that the proviso would read as follows:

§ 214.7 Charter flight limitations.

* * * * *

(b) * * *

Provided, That paragraph (b) of this section shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons:

Provided, however, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except that, if the entire capacity of an aircraft having less than 80 seats is engaged by no more than two persons described in paragraph (b), then either one of such persons may contract and pay for a minimum of 20 seats.

PART 372a—TRAVEL GROUP CHARTERS

5. Section 372a.10. *Travel group charter general requirements*, would be amended by adding a proviso at the end of paragraph (b), so that the paragraph would read as follows:

§ 372a.10 Travel group charter general requirements.

* * * * *

(b) The charter contract must be for 40 or more seats: *Provided*, That where an aircraft having fewer than 80 seats is utilized the charter contract may be for not more than two TGC groups having not less than 20 seats each.

* * * * *

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERS

6. Section 373.2, Definitions, would be amended by adding a second proviso to subparagraph (3) of the definition of "study group charter," so that the paragraph would read as follows:

§ 373.2 Definitions.

* * * * *

"Study group charter" means * * *

(3) An aircraft under charter to one study group charterer may carry any number of study groups: *Provided*, That if more than one group is carried, the charter contract for each of the groups shall be for 40 or more seats: *Provided, however*, That where an aircraft having fewer than 80 seats is utilized, the charter contract may be for not more than two SGC groups having not less than 20 seats each.

* * * * *

PART 378—INCLUSIVE TOUR CHARTERS

7. Section 378.2, *Definitions*, would be amended by adding a proviso to subparagraph (5) of paragraph (b), which sets forth the definition of "inclusive tour", so that the paragraph would read as follows:

§ 378.2 Definitions.

(b) "Inclusive tour" means * * *

* * * * *

(5) An aircraft under charter to one tour operator or foreign tour operator may carry any number of tour groups: *Provided*, That if more than one group is carried, the charter contract for each of the groups shall be for 40 or more seats: *Provided, however*, That where an aircraft having fewer than 80 seats is utilized, the charter contract may be for not more than two ITC groups having not less than 20 seats each.

* * * * *

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTER

8. Section 378a.10, One-stop-inclusive tour charter general requirements, would be amended by adding a proviso to paragraph (b), so that the paragraph would read as follows:

§ 378a.10 One-stop-inclusive tour charter general requirements.

* * * * *

(b) The charter contract must be for 40 or more seats: *Provided*, That where an aircraft having fewer than 80 seats is utilized, the charter contract may be for not more than two OTC groups having not less than 20 seats each.

* * * * *

[FR Doc.76-28125 Filed 9-23-76;8:45 am]

[14 CFR Part 221]

[EDR-305, Docket No. 29421, Dated September 21, 1976]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Service of Charter Tariff Publications on Charterers

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 221 of its Economic Regulations (14 CFR Part 221) which would require the issuing carrier or its agent, at the time it transmits a charter tariff publication to the Board, to send one copy of the publication and letter of transmittal to each person with whom the carrier has contracted to provide charter service when such tariff publication will or may affect the rates, charges, terms, conditions, rules, or regulations applicable to one or more of the flights operated pursuant to such contract.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the text of the proposed amendment is also attached. This amendment is proposed under authority of sections 204 and 403 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758; 49 U.S.C. 1324, 1373).

Interested persons may participate in the proposed rulemaking through the submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Docket 29421, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before October 25, 1976, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

Vacation Ventures/Carefree Travel, Inc. (VV/CTI), a part 378 tour operator, has petitioned the Board to amend Subpart M, Part 221 of its Economic Regulations (14 CFR Part 221) by adding a new section 221.169 thereto which would require an air carrier or its agent, at the time it transmits a passenger charter tariff to the Board, to simultaneously send one copy of said tariff and the accompanying letter of transmittal to each person with whom the carrier has contracted to provide charter service when such tariff will or may affect the rates, charges, terms, conditions, rules, or regulations applicable to one or more of the flights operated pursuant to such contract.

In support of its petition, VV/CTI asserts that the price of a charter flight is determined by the applicable tariff of the chartered air carrier on file and in effect at the time of departure of the charter flight(s); that, while charter contracts provide for modification of the charter flight price to conform to the effective tariff, the tour operators are very often not informed of any proposed changes in the contracted tour until after the tariff becomes effective, in which case the tour operator is faced with the choice of either canceling the tour program, rearranging the tour to conform to any changes in the rules or regulations, or accepting the tariff increase and thereby being forced to raise the charter price to the customer or lower its profit margin; and that, as large consumers of air transportation whose business judgments are often predicated on the charter costs per contract, a tour operator under contract with a particular carrier should at least be afforded notice of any proposed tariff that may affect such contract and be given the opportunity to express its views to the Board.

An answer in support of VV/CTI's petition has been filed by Pathfinder Corporation, also a tour operator. In addition to agreeing with VV/CTI's assertion that the lack of notice of a tariff filing effectively precludes the tour operators from protesting any proposed changes, Pathfinder further contends that the "posting" requirements now imposed by the Board (See 14 CFR 221.3 (a)) are designed to inform the general public of any changes in the scheduled service tariffs and should not be used as the means of leaving the relatively few number of charter purchasers in the dark when it comes to any modification in the negotiated charter price or the conditions of the contract.

Answers in opposition to the petition have been filed jointly by Certain Trunkline Carriers[1] and individually by United Air Lines, Inc. The Trunkline Carriers argue that the tour operators are in no different position than all other users of air transportation and that it is well recognized and legally accepted that the actual cost of the transportation may change from the time the ticket is bought or the shipment planned and the time the transportation actually occurs. It is further alleged that, if based on this petition, the carriers were forced to inform all users of air transportation of proposed rate and fare changes, the cost burden on the carriers would be enormous. These carriers also claim that all tariffs filed with the Board are a matter of public record and that these tour operators could either subscribe to the tariff filing service offered by certain airlines or employ a tariff monitoring service. In all cases, according to these carriers, it makes no sense to burden the carriers with the cost of providing information when the charterers can readily obtain it for themselves.

United questions the mandatory nature of the tariff notice requirement sought by the petition. While acknowledging that it voluntarily notifies all of its charter customers of any tariff filing and the effect thereof on the charterer's contract, it submits that a requirement of this type for charter flights could give rise to a similar proposal for scheduled transportation. In United's view, a proposal of this far-reaching implication has not been adequately supported in the context of VV/CTI's petition herein. As an alternative, United claims that the tour operators could obtain the same results without Board action by negotiating such a provision into the charter contract.

No other answers have been filed.[2]

Upon consideration of the matters raised in VV/CTI's petition and the answer thereto, we have tentatively decided to amend Subpart N of Part 221 of the Board's Economic Regulations by adding a new section 221.178 thereto.[3] This new section will require the issuing air carrier or its agent, at the time it transmits a passenger or freight charter tariff to the Board, to simultaneously send, by first class mail, air mail or equivalent service, one copy of said tariff and the accompanying letter of transmittal to each person with whom the carrier has contracted to provide charter service when such tariff will or may affect the rates, charges, terms, conditions, rules, or regulations applicable to one or more of the flights operated pursuant to such contract.

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[1] American, Delta, Pan American, TWA, and Western.

[2] VV/CTI filed a motion for leave to file a reply to the answer of the Certain Trunkline carriers. Since the justification submitted by VV/CTI for leave to file the motion is a matter which has already been brought to the Board's attention, we do not believe that good cause has been shown to warrant granting the motion (See, 14 CFR Part 302.4(f)). The motion will therefore be denied.

[3] In the Board's view the proposed regulation more properly belongs in Subpart N of Part 221 which relates to the public dissemination of tariffs as compared to filings with the Board under Subpart M.

Under section 403(a) of the Act, the carriers are required to keep their tariffs, open to public inspection, and to file, post, and publish their tariffs in such form and manner "as the Board shall by regulation prescribe." Consistent with this statutory intent of keeping the general public, as consumers of air transportation, informed of any proposed changes in the fare levels or conditions of service, the Board has adopted regulations providing for the posting of tariff publications at various air carrier facilities.[4] It is our tentative view that we can continue to further this statutory intent by adoption of the regulation proposed herein. Given the substantial financial stake which charterers have in the flights for which they have contracted, we believe it is reasonable to go beyond the normal posting requirements, as we have in other situations,[5] and require prompt actual notice of material changes in the tariffs proposed by the carrier.

In this connection, we are unpersuaded by the Trunkline Carriers' argument that adoption of this regulation would impose an "enormous" burden. Since the carriers currently have to identify each of the charterers after a tariff becomes effective in order to revise the charter agreement, it is hard to appreciate how the identification of these persons beforehand in order to provide them with service of the proposed tariff filing would represent such an undue burden for the carriers. Also, along these same lines, it appears from this proceeding and other records on file with the Board that very often a single charter organization has a charter contract with a particular carrier covering a number of flights. Under the proposed regulation, only if the tariff affected the rate or conditions of service under this contract would the carrier have to serve its tariff filing on this single charter organization. Once again, we cannot envision this effort resulting in such an undue burden. Finally, we find it particularly noteworthy that United—one of the major operators of charter flights—voluntarily notifies each of its charter customers of any proposed tariff change and the effect on the charterer's contract. If United does not find the notification to be an undue burden, we are unpersuaded that it would be such for other affected carriers. Therefore, we tentatively believe that the public benefits to be achieved by the Board having access to the views of all affected parties outweigh any limited burden that may be incurred by the carriers under this proposed regulation.

It is proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221) as follows:

1. Amend the Table of Contents of Part 221, by adding a § 221.178 to read as follows:

Sec.

* * * * *

221.178 Service of charter tariff publications on charterers.

* * * * *

2. Add a new § 221.178 to read as follows:

§ 221.178 Service of charter tariff publications on charterers.

At the same time that a charter tariff publication is transmitted to the Board, the issuing carrier or its agent shall send, by first class mail, air mail or equivalent service, one copy of the tariff publication and letter of transmittal to each person with whom the carrier has contracted to provide charter service when such tariff will or may affect the rates, charges, terms, conditions, rules, or regulations applicable to one or more flights operated under such contract.

[FR Doc.76-28085 Filed 9-23-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 622-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

State of Oregon; Extension of Comment Period

This notice extends, until October 8, 1976, the public comment period relating to the August 24, 1976 (41 FR 35725) proposal of revisions to the State of Oregon Implementation Plan. The revisions are to the open field burning portions of the State plan which were submitted to EPA on August 1, 1976 and February 1, 1976 by the Oregon Department of Environmental Quality.

Several requests have been received by EPA for an extension of the time for submittal of comments. In view of the number of such requests and the importance of this revision, EPA is extending the comment period to October 8, 1976.

Comments should be addressed to the Regional Administrator, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Ms. K. Higley. Copies of the comments will be made available for public inspection at the EPA Regional Office, the EPA Public Information Reference Unit, 401 M Street SW, Washington, D.C. 20460 and the State of Oregon Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97205.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1957c-5).)

Dated: September 17, 1976.

L. EDWIN COATE,
Acting Regional Administrator.

[FR Doc.76-28126 Filed 9-22-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20920; RM-2514, 2561]

TELEVISION BROADCAST STATIONS, COLUMBIA AND JEFFERSON CITY, MISSOURI

Memorandum Opinion and Order and Notice of Proposed Rule Making

Adopted: September 17, 1976.
Released: September 22, 1976.

1. The Commission, by the Chief, Broadcast Bureau, has before it for joint consideration two petitions for rule making—(1) to change the designation of Channel 8 at Columbia, Missouri, from commercial to noncommercial, and to delete reserved Channel *36 from Jefferson City, Missouri, and reassign it on a commercial basis to Columbia, Missouri, filed by Channel Seventeen, Inc., licensee of Station KCBJ-TV (Channel 17) Columbia, Missouri; and (2) to assign Channel *23+ to Columbia, Missouri, as a reserved noncommercial educational channel and to delete Channel 25 from Jefferson City, Missouri, filed by New Wave Corp., licensee of educational FM Station KOPN, Columbia. Comments have been received from the Curators of the University of Missouri, licensee of Stations KOMU-TV (Channel 8) and KBIA (FM) (Channel 217), Columbia; the Devney Organization, Inc., Evelyne E. Gaddis; Kenneth C. Mallory; the Conley-Myers Insurance Agency, Inc., and Triton Production, Inc.

2. Columbia (pop. 58,804)[1] is the seat of Boone County (pop. 80,935) and Jefferson City (pop. 32,405), located in Callaway (pop. 25,991) and Cole (pop. 46,228) counties, is the capital of the State of Missouri. Columbia is located 27 miles north of Jefferson City in the central portion of the state. Columbia is assigned Channels 8 (KOMU-TV, licensed to the Curators of the University of Missouri, NBC affiliate) and 17 (KCBJ-TV, licensed to Channel Seventeen, Inc., ABC affiliate). Jefferson City is assigned Channels 13, 25 and *36. Only Channel 13 is occupied (KRCG(TV) licensed to Mid America Television Co., CBS affiliate). Station KMOS-TV on Channel 6 in Sedalia, Missouri, is a co-owned satellite station of KRCG(TV), Jefferson City.[2] These stations make up the Columbia-Jefferson City, Missouri, market Arbitron's ADI No. 125.

3. In its petition for rule making (RM-2561), Channel Seventeen, Inc. contends that implementation of its proposal would benefit the public by quickly bringing educational television service to residents and students throughout Missouri and by the activation of another commercial TV station on Channel 36 with a possible network affiliation available.

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[4] 14 CFR sec. 221.170-221.175.

[5] See e.g., sec. 221.176 of the Board's Economic Regulations which require that baggage liability notices be conspicuously displayed on airline ticket and baggage check-in counters.

[1] Population data is taken from the 1970 U.S. Census.

[2] Sedalia (pop. 22,847) is located approximately 50 miles to the west.

In this way, the public would obtain full benefit of the tax-supported facilities of Station KOMU–TV. Further the public would be assured that an entity less qualified than the University of Missouri would not assume the role for providing educational television service in Missouri which is the domain of the University. By redesignating Channel 8 as requested (and modifying the University's license), the real purpose of the University of Missouri, to train its students and utilize their product for the education of the students and residents of the state would be accomplished, according to the petitioner. Benefits would also accrue to the state, in petitioner's opinion, by a sharing of revenues and an increase in funds from other sources and a concomitant lessening of state support through tax revenues. The inequity of the current competition between stations in the market is noted by petitioner as an economic hardship upon Station KCBJ–TV that should be eliminated. Regarding the addition of Channel 36 for commercial use in Columbia, Channel Seventeen notes that UHF broadcasting in this area has proven to be of good service technically and on a par with VHF performance.

4. In its opposition, the Curators of the University of Missouri argue that the subject petition is totally without merit and should be dismissed because it depends upon the Curators' willingness to operate on a noncommercial basis, which it does not wish to do. It states that no tax revenues of the state have ever been used to finance either capital expenditures or operating expenses of its commercial operation. It asserts that the station is operated as an auxiliary enterprise of the University on an independent, self-sustaining basis and has been operating this way since December 21, 1953, as the original licensee of this channel. The Curators note that there are certain other fallacies in petitioner's argument: its license could not be modified to specify noncommercial operation on Channel 8 without an opportunity for other interested persons to apply; [3] the alleged benefits to the University are without basis since all divisions of the school already have facilities to allow participation in the station operation; and additional revenue would be needed for it to operate on a noncommercial basis. The Curators believe that petitioner's real complaints about unfair competition are based upon the respective network affiliations of the stations involved. As a result of its ABC affiliation, Station KCBJ–TV has a lower weekly circulation than the other two network affiliated stations in the market according to the Curators, who also point out that its base hourly advertising rate is substantially higher than that of Station KCBJ–TV.[4] Finally the Curators argue that since its qualifications to operate a commercial TV station are not inconsistent with the public interest, the petition should be denied.

5. Other commenting parties urge favorable action on the petition to eliminate the allegedly unfair competition between a state-supported commercial VHF–TV station and a privately owned commercial UHF–TV station.

6. In its Answer to the Opposition, Channel Seventeen replies that its proposal would serve the students, the public and the University better by allowing it to fulfill its educational purposes. It further states that the Curators' unwillingness to operate on a noncommercial basis indicates that it shows less concern for the taxpaying public than others who furnish educational TV service in the state. Also it avers that the media would benefit from a redistribution of advertising revenues. Finally petitioner insists that Station KOMU–TV is financed from the University's treasury and on occasion from the state treasury.

7. In its petition (RM–2514), New Wave Corp., urges the assignment of Channel *23+ to Columbia as a noncommercial educational TV channel. In support it notes that there are presently no educational TV stations operating in the area and that due to Columbia's substantial growth in recent years and "educational atmosphere" the assignment would be appropriate. To comply with our mileage separation requirements, it also requests that Channel 25, assigned to Jefferson City, be deleted.

8. It appears to us that the thrust of Channel Seventeen's petition to utilize rule making as the means to eliminate an allegedly inequitable competitive situation is improper. Economic injury to a rival station is not, in and of itself, and apart from considerations of public convenience, interest, or necessity, an element the Commission must weigh in assigning channels for broadcast use. *F.C.C.* v. *Sanders Bros. Radio Station*, 309 U.S. 470 (1940); *Carroll Broadcasting Co.* v. *F.C.C.*, 258 F. 2d 440 (D.C. Cir. 1958). The rationale as expressed in Sanders, supra, is that it is not the purpose of the Communications Act to protect licensees from competition but to protect the public, and unless it can be shown that the public will be left without adequate service as a result, it is not proper for the Commission to take steps towards making the relationship between the stations more competitive. The Curators have operated on Channel 8 since 1953 and its qualifications as a licensee have been uncontroverted. The validity of its present license to continue a commercial operation has not been challenged and without a willingness on its part to convert to a noncommercial operation, we have no basis for ordering the suggested reassignment and modification. Petitioner has not shown that by virtue of the existing competition in Columbia, the residents of that community would be left without adequate service. We see no reason therefore to take the drastic step suggested by Channel Seventeen, Inc. within the rule making context. However, we are, in this proceeding, proposing to make a noncommercial channel (Channel *23+) available to Columbia for which the University may apply if they wish to operate noncommercially.

9. In addition we note that Channel Seventeen has stated that the quality of reception for UHF–TV in this area is on a par with VHF–TV. For that reason alone steps toward deitermixture of the Columbia-Jefferson City market do not seem necessary. Also we might mention that to the extent that ABC has had recent success in the ratings, Channel Seventeen, Inc. may no longer have quite the same competitive disadvantage with respect to network affiliation in its market as it claimed in its original filings.

10. With regard to the other petition to assign Channel *23+ to Columbia as a noncommercial educational assignment, we believe that comments should be elicited on that proposal. The assignment would provide a first local educational service in this sizable market when operational. However, since the assignment may be made in full compliance with our technical requirements and pursuant to our mileage separation rules, Channel 25 at Jefferson City need not be deleted as proposed by New Wave Corp. The distance between Columbia and Jefferson City is 27 miles and our spacing requirements protect a second adjacent UHF channel only to 20 miles.

11. Accordingly pursuant to authority found 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(b)(6) of the Commission's Rules, it is proposed to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules and Regulations) as follows:

City	Channel No.	
	Present	Proposed
Columbia, Mo.	8+, 17–	8+, 17–, *23+

12. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

13. Interested parties may file comments on or before November 1, 1976,

[3] By virtue of its petition herein, we would assume that New Wave Corp. would be interested in noncommercial operation on Channel 8.

[4] According to the 1976 Broadcasting Yearbook, Station KOMU–TV charges the following advertising rates: $80 (prime time), $50 (early fringe) and $20 (daytime) for 30-second spots. While Station KCBJ–TV charges $40 (prime time), $20 (early fringe), and $15 (daytime). By comparison, Station KRCG(TV), Jefferson City, charges $115 (prime time), $40 (early-fringe) and $25 (daytime).

and reply comments on or before November 22, 1976.

14. *And it is ordered,* That the petition filed by New Wave Corp., to the extent it proposes the deletion of Channel 25 from Jefferson City, Missouri, is denied.

15. *It is further ordered,* That the petition filed by Channel Seventeen, Inc., is denied.

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

1. Pursuant to authority found 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(b)(6) of the Commission's Rules, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-28073 Filed 9-23-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 50, 51]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES; LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Use of Mixed Uranium-Plutonium Oxide Fuels in Light-Water Nuclear Power Reactors

Correction

In FR Doc. 76-27504, appearing at page 40506 in the FEDERAL REGISTER of Monday, September 20, 1976, make the following changes:

1. The fourth word in line three of the center column on page 40507 should read "nonfissile".

2. The sixth line of paragraph (d)(5) in § 51.5 on page 40508, third column, should read, "uranium oxide fuel, provided the as-fabricated".

3. In the table on page 40509, the last word in the seventh line of the left hand column should read "gallons", the 21st from last line of the left hand column should read "Fluoride", the fourth line of the right hand column should read, "cooling tower", and the 18th from last line in the right hand column should read, "Fluoride-70 cfs.".

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 DEFENSE

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee will meet on October 14 and 15, 1976, at the facilities of the Naval Air Test Center, Patuxent, Maryland. The meeting will be closed to the public. The topic of the meeting will be "In-House Laboratories."

The agenda will consist of matters pertaining to the Committee's general mission to advise on whether research and development efforts being conducted by the Department of the Navy are adequate in relation to the problems to be solved. All sessions of the meeting will concern matters which are classified and required to be kept secret in the interest of national defense. The Secretary of the Navy has therefore determined in writing that the public interest requires the meeting to be closed to the public because it will be concerned with matters listed in section 552(b)(1) of title 5, United States Code.

Dated: September 20, 1976.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.76-28034 Filed 9-23-76;8:45 am]

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG)

Closed Meetings

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group will be held at 0830 on Thursday and Friday, October 14 and 15, 1976 in Arlington, Virginia. The purpose is to review matters pertaining to the Department of Defense high energy laser program.

The entire meeting will be devoted to a discussion of classified information as defined in subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code, and therefore will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 21, 1976.

[FR Doc.76-28078 Filed 9-23-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-11]

MORTON I. GERSHENFELD
MEDIA, PENNSYLVANIA

Notice of Hearing

Notice is hereby given that on March 2, 1976, the Drug Enforcement Administration, Department of Justice issued to Morton I. Gershenfeld, owner of School Pharmacy, Media, Pennsylvania, an Order to Show Cause as to why the Drug Enforcement Administration Registration No. AS5852783 issued to the Respondent pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. Tuesday, September 30, 1976 in Room 1210, Drug Enforcement Administration, Washington, D.C.

Dated: September 13, 1976.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.76-28033 Filed 9-23-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Approval

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the date indicated, are available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area they represent.

OUTER CONTINENTAL SHELF PROTRACTION DIAGRAM

Description:	*Approval date*
NR 4-2 Barrow	Aug. 23, 1976
NR 4-4 Meade River	Do.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

EDWARD J. HOFFMANN,
Manager, Alaska Outer Continental Shelf Office.

[FR Doc.76-27977 Filed 9-23-76;8:45 am]

WYOMING

Modification of Grazing Districts Jurisdiction

Under and pursuant to the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; 43 USC 315 et seq.), as amended, known as the Taylor Grazing Act, and in accordance with the authority delegated in 235 DM 1.1, it is ordered as follows:

The exterior administrative area boundaries of Worland District No. 1 established by Departmental Order approved March 23, 1935, are hereby extended to include the following described lands, which are hereby excluded by the administrative boundary of Casper District No. 6, established by BLM Order 623 November 5, 1956.

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 86 W.,
Secs. 1 to 24 inclusive.
T. 42 N., R. 86 W.,
Secs. 1 to 36 inclusive.
T. 43 N., R. 86 W.,
Secs. 1 to 3 inclusive;
Secs. 10 to 16 inclusive;
Secs. 19 to 36 inclusive.
T. 44 N., R. 86 W.,
Secs. 1 to 36 inclusive.
T. 45 N., R. 86 W.,
Secs. 1 to 36 inclusive.

This administrative boundary modification will become effective upon publication in the FEDERAL REGISTER. National resource lands within these boundaries will continue to be administered under Sec. 15 of the Taylor Grazing Act for grazing purposes.

GEORGE L. TURCOTT,
Associate Director.

SEPTEMBER 16, 1976.

[FR Doc.76-27980 Filed 9-23-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Suncoast Seabird Sanctuary, 18323 Sunset Boulevard, Redington Shores, St. Petersburg, Florida 33708, Ralph T. Heath, Jr., President.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Obtain 2 pairs Brown Pelicans for public display & breeding programme.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Ralph T. Heath, Jr., 18323 Sunset Blvd., Redington Shores, St. Pete Fla., 33708 for Bermuda Aquarium, Museum & Zoo, The Flatts, Hamilton Parish, Bermuda tel. 809-(29)+30104

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5' 11" WEIGHT: 155 lb.
DATE OF BIRTH: July 24,1945 COLOR HAIR: Brn. COLOR EYES: Brn.
PHONE NUMBER WHERE EMPLOYED: 813-391-6211 SOCIAL SECURITY NUMBER: 263-80-1862
OCCUPATION: President, Suncoast Seabird Sanct.
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Government run, Aquarium, Museum & Zoo. Open to the public as an educational facility & conducts research & teaching programmes on local natural history.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. tel. 809-(29)+30104
David D. Lonsdale, Curator
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Not Applicable

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
The injured brown Pelicans were collected in Pinellos County, St. Petersburg, Fla. The birds would be transported by air from Tampa, Fla. to Bermuda.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)
(Bermuda Government Aquarium)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
1. Import permit which states health requirements
2. Must demonstrate adequate knowledge PTO.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE: As soon as possible.

11. DURATION NEEDED: two weeks or length of time takes to ship birds.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR Subpart D S17.32 (a) (1) (2) (3) (4) (5) (6) (i) (ii) (iii) (iv).

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Ralph T. Heath, Jr. (President Suncoast Seabird Sanctuary) DATE July 8, 1976

3-200 (8/74)

ATTACHMENTS FOR PERMIT

50 C.F.R. Subpart D—§ 17.32a.

(1) Brown Pelican *Pelecanus occidentalis*. 4 (2 females and 2 males) to be exported to the Bermuda Government Aquarium, Museum and Zoo. These birds will be used for public display and captive breeding will be attempted.

(2) The Suncoast Seabird Sanctuary obtained these birds as injured birds, thus these birds have already been removed from the wild. The injuries sustained by the birds offered to the Bermuda Government Aquarium are of a permanent nature and release back into the wild would probably result in their demise. The disposal of birds to such institutions as the Bermuda Government Aquarium where captive breeding will be attempted, seemed an ideal solution.

(3) We would not take healthy birds from the wild.

(5) Enclosed: Brochure of Bermuda Government Aquarium, located at Flatts Inlet, Hamilton Parish, Bermuda. Postal address: P.O. Box 145, Flatts, Smith's 3, Bermuda.

The major goal of the institution is to provide a quality recreational facility that is also educational. These goals are accomplished by the display of local natural history specimens supplemented with a few selected examples of non-indigenous species (primarily birds, primates and reptiles). Displays are being developed as funds permit to conform with the natural habitat theme. Staff are presently conducting research on the life history of the green turtle. The staff are also spending much time presenting educational material to local schools, visiting groups and local conservation organizations.

(6) (i) Photographs enclosed.

Physical description

Pool:

Partially covered.	Slatted redwood roof.
Length	40 ft.
Width	12 ft.
Depth	4 ft.
Water supply	Constant change, pumped directly from the ocean.
Ramp way	Concrete ramp 6 ft. in length allows easy access from pool to beach and garden area.

Garden area:

Size	Approximately equal to pool size.
Plantings	Elevated 2 ft. above beach level. Several typical shoreline plants are at the level of sand. The plants are basically of local shoreline origin. Decorative tropical type foliage plants are added for effect. The perimeter of the area is planted with thorny type foliage to protect animals from inquisitive visitors.

(ii) David D. Lonsdale, Curator, Bermuda Government Aquarium, Museum and Zoo; B.S. General Agriculture (Major interest-animal science), Cornell University, N.Y. M.S. Ruminant nutrition and physiology—Purdue University, Indiana.

Experience: 6 years associated with institution above, where a successful breeding flock of Flamingos are kept.

Additional breeding success since I joined staff are:

Galapagos tortoise
Red Eared Terrapin
Peruvian Penguin
Scarlet Ibis
Regent Parrots
Cockatiels
Canary-winged parakeets
Red-rumped parakeets
Domestic and wild ducks

(iii) I David Lonsdale agree to participate in any cooperative breeding programme and to maintain or contribute data to studybooks.

(iv) We will provide all mortality information on the species covered by the permit and any related species we have in our possession.

(i) Public Display: in pool and garden area previously outlined.

(ii) Improvements to facilitate keeping of Pelicans will be done including perching tree.

Breeding will be attempted along lines suggested in the literature and contact with other zoos. Also Mr. Heath will probably accompany shipment to advise on housing & breeding programmes.

(iii) We hope our program will increase the number of captive-bred animals.

(iv) Animals in excess of requirements will be traded or provided gratis to zoos requesting same. These zoos would be approved by yourselves and the A.A.Z.P.A.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-167-07; please refer to

this number when submitting comments. All relevant comments received on or before October 26, 1976 will be considered.

Dated: September 20, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-28006 Filed 9-23-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: L and J Game Bird Ranch, 4850 Alcorn Road, Fallon, Nevada 89406, Mr. C. J. Chamberlain.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
IMPORT [X] PERMIT
"one time only"

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
The importation of one pair of White Eared and 2 pair of Brown Eared pheasants from Canada. For propagation and the enhancement of the speci. Also, for new blood in the case of the Brown Eared, for my existing flock.
Birds to be shipped from Canada to the Reno International Airport (a non-designated port).

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
C. J. (Jim) Chamberlain
4850 Alcorn Road
Fallon, Nevada 89406
Ph. (702) 867-2237

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[X] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT: 5-7-1/2 WEIGHT: 140
DATE OF BIRTH: 18 February 1911
COLOR HAIR: Brown COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: As above
SOCIAL SECURITY NUMBER: 530-30-0581
OCCUPATION: Retired - Civil Service - Navy Dept.
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: None

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: None
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: N.A.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: N. A.

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
As above:
4850 Alcorn Road
Fallon, Nevada 89406

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [ ] YES [X] NO
(*If yes, list license or permit numbers*)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(*If yes, list jurisdictions and type of documents*)
Nevada Game Bird Farm License #1 (commercial)
(Copy enclosed [Encl #4])

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ N.A.

10. DESIRED EFFECTIVE DATE: ASAP 15 Oct, '76

11. DURATION NEEDED: 2 months, or until shipment has been completed.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Title 50 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): C. J. Chamberlain
DATE: 16 August 1976

3-200
(8/74)
GPO 895-042

IMPORT PERMIT—TITLE 50, 17:22

ATTACHMENT TO FORM 3-200

(1) Common & Scientific names:

1—Pair White Eared Manchurian Pheasants: (Crossoptilon—crossoptilon).

2—Pair Brown Eared Manchurian Pheasants: (Crossoptilon—mantchuricum).

All six (6) birds are of 1975 hatch 3 male and 3 females. Birds are to imported from Canada and forwarded to C. J. Chamberlain, 4850 Alcorn road, Fallon, Nevada for purposes for the enhancement of propagation and survival.

(2) The above birds were bred and hatched in captivity by Mr. Jack Schuiteman, of Devlin, Ontario, Canada during 1975.

(3) No attempt has ever been made, nor is one contemplated by the applicant to obtain birds from the wild or in any other manner that would cause injury or death to this species.

(4) As in (2) above, the birds covered under this application were raised in captivity by Mr. Jack Schuitemen of Devlin, Ontario, Canada during 1975.

(5) The birds covered by this application will be housed at 4850 Alcorn Road, Fallon, Nevada, located on a 5 acre parcel of land 5 miles from Fallon in a rural farming area.

(6)_(6i) Pens for the White Eared Manchurians will be 10' x 50' x 6' high with an adjacent pen the same size alongside for use if deemed necessary for any reason. The Brown Eared pens will be 10' x 30' x 6' high. See enclosures (1), (2), & (3), for diagrams and pictures of interior and exterior of facilities.

(6) (ii) I have been raising the Manchurian pheasants for the past nine (9) years and have been very successful in the propagation of this species. I hold the Master Breeder Award, the Star Breeder Award, and Outstanding Propagation Awards for each year since 1970, issued by the American Game Bird Breeder's Cooperative Federation. In 1973 I was awarded the "Pheasant Trophy" by the Canadian Ornamental Pheasant and Game Bird Association as the outstanding pheasant breeder of that year. That particular year I raised thirty (30) Brown Eared Manchurians. This year, 1976, I have successfully raised 24 of these fine birds from one single pair.

(6) (iii) I shall be very happy to participate in any cooperative breeding program and maintain or contribute data to a "Stud Book" as desired or directed by the U.S. Fish and Wildlife Service.

(6) (iv) Any and all birds shipped will be in unused wire bound crates, suitably padded to prevent any scalping or injury. Food and water containers will be securley wired to the corners of the shipping crate which will be of sufficient size for birds to stand and turn around in, approximately 18" x 24" x 14" high for yearling Manchurians.

(6) (v) During the past five (5) years the only loss of birds, by any cause, was the loss of 4 Blue Eared Manchurians and 1 Brown Eared. A skunk dug under the back fence and did his thing. The following day an electric fence (two wire) was installed around the perimeter of the pens. No loss to predators or disease has occurred since.

(7) There are no contracts or agreements with Mr. Schuiteman except for the purchase price of the birds. $125.00 per pair for the Brown Eared and $1,000.00 for the White Eared. Birds will be sold by Mr. Jack Schuiteman of Devlin, Ontario, Canada to the above applicant—there are no other participants in this transaction.

(8) It is hopefully and sincerely believed that the statements in (6) (ii) and (6) (v), above, will justify the issuance of the requested Import Permit.

(8) (i) It is firmly believed that the requested Permit will enable me to establish a stronger blood line in the Brown Eared and will truely enhance the propagation and survival of the White Eared based on my past performance with the Manchurian species.

(8) (ii) If the requested Import Permit is granted I plan to cross the imported Canadian birds with the excellent breeding stock I now possess (Brown Eared), this new blood I am certain will greatly enhance the propagation success I have had in the past—I have every confidence I can do the same with the White Eared.

(8) (iii) It is my feeling that no endangered species of animal, or bird should be quartered in one central location. Endangered species should be spread out to many and various locations. In the event of a serious disease outbreak in one location birds or animals in another would tend to enhance the survival of that species.

(8) (iv) It is certainly my hope that the termination of the activity covered by the requested Permit will be a long way in the future. However, at the time when a surplus does occur in the above mentioned birds, these will be disposed of to qualified aviculturst as directed by the latest regulations of the U.S. Fish and Wildlife Service.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-352-07; please refer to this number when submitting comments. All relevant comments received on or before October 26, 1976 will be considered.

Dated: September 20, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.

[FR Doc.76-28007 Filed 9-23-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-207]

BIG HILL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Big Hill Coal Company has filed a petition to modify the application of 20 CFR 75.1710 to its Mine No. 1, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner's Mine No. 1 is in the Thacker seam which varies from 38 to 50 inches in height at the site being mined.

2. Petitioner's equipment consists of two 65C shuttle cars which are 38 inches high, one 11 RU cutting machine which is 38 inches high, one 14-7 loader which is 38 inches high, and two 86 S & S scoops which are 38 inches high.

3. Petitioner feels that it is impossible in low coal to have canopies on up-to-date modern equipment because the coal seam is just not high enough. The canopies cause the equipment to strike the top, loosening it and causing roof falls. The canopies shear off roof bolts, also causing the top to fall in. The canopies also block the vision of the equipment operators, prohibit the lifting of the equipment to move it at an angle, and cramp the men in the operation of the equipment by not allowing them sufficient arm movement.

4. Petitioner would appear before a hearing to show that the safety method used is absolutely safe. Petitioner requests relief from this regulation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 26, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 16, 1976.

[FR Doc.76-27982 Filed 9-23-76;8:45 am]

[Docket No. M 76-50]

BLANKENSHIP & RIFE, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Blankenship and Rife, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine, located in Buchanan County, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The substance of Petitioner's statement is as follows:

1. Petitioner states that the alternate method outlined below will at all times guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard. Petitioner has approximately .7 mile of roadway.

2. The alternate method which Petitioner proposes pursuant to section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, to establish in lieu of the mandatory standard is as follows:

(a) A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

(b) Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

(c) A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

(d) Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

(e) All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

(f) All haulage vehicles shall have:

(1) Original manufacturers' brakes

(2) Engine or Jacobs brakes

(3) Emergency (parking) braking system.

(g) Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

(h) A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

(i) On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other material, passing points shall not be more than 500 feet apart.

(j) Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

(k) All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 26,

1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 16, 1976.

[FR Doc.76-27983 Filed 9-23-76;8:45 am]

[Docket No. M 76-45]

CAROL COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Carol Coal Company, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine, located in Buchanan County, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The substance of Petitioner's statement is as follows:

1. Petitioner states that the alternate method outlined below will at all times guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard. Petitioner has approximately 3 miles of roadway.

2. The alternate method which Petitioner proposed pursuant to section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, to establish in lieu of the mandatory standard is as follows:

(a) A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

(b) Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

(c) A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

(d) Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

(e) All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

(f) All haulage vehicles shall have:
(1) Original manufacturers' brakes
(2) Engine or Jacobs brakes
(3) Emergency (parking) braking system.

(g) Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

(h) A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

(i) On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

(j) Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

(k) All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 26, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 16, 1975.

[FR Doc.76-27984 Filed 9-23-76;8:45 am]

[Docket No. M 76-2]

GIBSON COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Gibson Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Mingo County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The equipment in this mine consists of one 14BU Joy loading machine, two 6SC shuttle cars, one 11RU cutting machine, one Long Airdox coal drill, and one Galis 300 roof bolting machine.

2. The seam being mined is the Alma seam which averages 38 inches in height.

3. The men have to sit down flat in the decks with their heads held over in order to ride in this equipment. Petitioner and its miners feel that it would be more of a hazard to have canopies on the equipment than it would be to leave them off.

4. Petitioner asks for a waiver of section 75.1710 for as long as this particular boundary of coal is being mined.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 26, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 16, 1976.

[FR Doc.76-27981 Filed 9-23-76;8:45 am]

[Docket No. M 76-200]

K & F COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c)

(1970), K and F Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 14 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner operates this mine in the No. 1 Elkhorn seam which averages 39 to 49 inches in height at the site being mined.

2. The equipment used in this mine for which Petitioner seeks a modification consists of one Long Airdox 188 loading machine, one S & S tractor, one Mescher tractor, one Kersey tractor, one 11 RU Joy cutting machine, and one Long Airdox coal drill.

3. Due to the height of the coal, Petitioner is unable to use canopies on this equipment. The use of canopies causes the equipment to strike the roof and also limits the vision of the equipment operators causing a dangerous condition. The employees refuse to operate the equipment with the canopies installed because of the cramped position that is required, and because they are afraid they will be injured or will run over another employee.

4. Due to the problems involved with the height of the coal and with this equipment, Petitioner would like to be exempted from this section or would like to have a hearing on this matter.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 26, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 16, 1976.

[FR Doc.76–27985 Filed 9–23–76;8:45 am]

[Docket No. M 76–160]

McCLURE RIVER COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), McClure River Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine, located in Dickenson County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time sepicfied in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The equipment for which the section 301(c) modification is being sought consists of the following:

No.	Name	Height	Length	Width
		Inch	*Feet*	*Feet*
2	265 Lee Norse miners	32	35	10½
4	6 SC shuttle cars	32	25	7
2	300 FMC roof bolters	28	14	6
3	D1 Acme roof bolters	27	12	12
2	AR 4 Elkhorn scoops	28	30	8

2. The roof and floor in the mine is uneven. The average height of the Lower Banner coal seam at the point this equipment is being used is 38 inches.

3. The projected life of the mine is 5 years. This is the period for which Petitioner seeks the modification.

4. Petitioner feels that cabs or canopies would obstruct the view of the equipment operators. Petitioner also feels that due to the height of the coal and the uneven bottom in the mine, the use of cabs or canopies would be hazardous.

5. Petitioner uses a roof bolting system with timbers where needed to prevent roof falls. Petitioner proposes to continue with this system as a proposed alternate method. The employees have already been trained to use this system.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 26, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

September 16, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76–27989 Filed 9–23–76;8:45 am]

[Docket No. M 76–147]

R. L. COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), R. L. Coal Company, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Strip Mine, located in Buchanan County, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The substance of Petitioner's statement is as follows:

1. Petitioner states that the alternate method outlined below will at all times guarantee no less than the same measure of protection afforded the miners at the Petitoner's mine by the mandatory standard. Petitioner has 3 miles of roadway.

2. The alternate method which petitioner proposes pursuant to section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, to establish in lieu of the mandatory standard is as follows:

(a) A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

(b) Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

(c) A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

(d) Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

(e) All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

(f) All haulage vehicles shall have: (1) Original manufacturers' brakes, (2) Engine or Jacob brakes, (3) Emergency (parking) braking system.

(g) Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

(h) A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

(i) On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other material, passing points shall not be more than 500 feet apart.

(j) Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

(k) All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 26, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 16, 1976

[FR Doc.76-27987 Filed 9-23-76;8:45 am]

[Docket No. M 76-175]

SMALLWOOD COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Heath and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Smallwood Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 16 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to prtect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in acordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two (2) Epling tractors and three (3) Porter shuttle cars. Unlike cars made today, these cars were not designed to have canopies installed on them. Petitioner also has two (2) bolting machines, one (1) Epling spinner, and one (1) 8 BU Joy loading machine.

3. The Smallwood No. 16 Mine is in the No. 1 Elkhorn seam which ranges from 42 to 52 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the tractors limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. Petitioner has tried canopies on the shuttle cars and could not keep them from the electric wires. The mine has a damp bottom and this leads to a danger of someone being electrocuted.

6. The employees at the mine have refused to operate equipment with canopies installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 26, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARD,
Director,
Office of Hearings and Appeals.

SEPTEMBER 16, 1976.

[FR Doc. 76-27988 Filed 9-23-76;8:45 am]

[Docket No. M 76-63]

STEVEN T. JUSTUS COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Steven T. Justus Coal Corp., has filed a peition to modify the application of 30 CFR 77.1605(k) to its No. 3 Mine, located in Buchanan County, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The substance of Petitioner's statement is as follows:

1. Petitioner states that the alternate method outlined below will at all times guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard. Petitioner has approximately .7 mile of roadway.

2. The alternate method which Petitioner proposes pursuant to section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, to establish in lieu of the mandatory standard is as follows:

(a) A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

(b) Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

(c) A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

(d) Warning signs shall be posted designating curves, steep grades where truck should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

(e) All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

(f) All haulage vehicles shall have: (1) Original manufacturers' brakes. (2) Engine or Jacobs brakes. (3) Emergency (parking) braking system.

(g) Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

(h) A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

(i) On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other material, passing points shall not be more than 500 feet apart.

(j) Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

(k) All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 26, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 16, 1976.

[FR Doc.76-27989 Filed 9-23-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ADVISORY COMMITTEE ON REGULATORY PROGRAMS

Notice of Meeting

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Advisory Committee on Regulatory Programs. The committee will meet at the U.S. Department of Agriculture, Washington, D.C. on October 20 and 21, 1976. The meeting will begin at 9 a.m. on October 20 in Room 218-A, Administration Building, 14th St. and Independence Avenue, S.W. and is scheduled to end by 4:15 p.m. on October 21.

The purpose of the meeting is to review the operation and effect of fruit and vegetable marketing orders and milk marketing orders.

The meeting will be open to the public and a brief period will be set aside each day for public comments and questions. Persons, other than members, who wish to address the committee at the meeting should contact Mr. Donald E. Wilkinson, Administrator, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-5115. Written statements may be submitted to the committee either before or after the meeting.

Anyone wishing further information should contact Mr. Wilkinson at the above address.

Dated: September 12, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-28094 Filed 9-23-76;8:45 am]

Forest Service

OTTAWA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Meeting

The Ottawa National Forest Multiple Use Advisory Committee will meet 1:00 P.M. thru 5:00 P.M. (CST), October 21, 1976 and 8:00 A.M. thru Noon (CST), October 22, 1976 at the Sylvania Visitor Center, located at the junction of US-2 and US-45, Watersmeet, Michigan. The purpose of the meeting is to discuss forest management.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Ottawa National Forest, Ironwood, Michigan 49938, phone number: (906) 932-1330. A copy of the agenda may also be obtained from the Forest Supervisor. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public participation will be limited to a period designated for open discussion. To the extent time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

Dated: September 16, 1976.

M. K. LAURITSEN,
Forest Supervisor.

[FR Doc.76-28087 Filed 9-23-76;8:45 am]

Rural Electrification Administration

OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has adopted the Final Environmental Statement prepared by the Atomic Energy Commission (AEC) (presently the Nuclear Regulatory Commission), for the Alvin W. Vogtle nuclear generating plant under construction in Burke County, Georgia. The adoption of AEC's statement together with independent determinations made by REA constitute REA's Final Environmental Impact Statement. This action on the part of REA is in accordance with section 102(2)(C) of the National Environmental Policy Act and is in connection with the review of an application for a loan guarantee commitment from Oglethorpe Electric Membership Corporation, 3951 Snapfinger Parkway, Decatur, Georgia 30035, to finance a 30 percent ownership interest in the Vogtle Plant. REA has reached satisfactory conclusions with respect to the environmental effects of any loan guarantee commitment which may be made pursuant to this request as required by the National Environmental Policy Act.

Dated at Washington, D.C., this 17th day of September 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76-27770 Filed 9-23-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON HOG CHOLERA ERADICATION

Meeting

A meeting of the Advisory Committee on Hog Cholera Eradication will be held at 1:30 p.m., on November 8, 1976, at the Americana Hotel in the Westward II Room, 9701 Collins Avenue, Miami Beach, Florida.

The purpose of the committee is to advise and counsel the Secretary of Agriculture regarding program operations or measures to eradicate hog cholera from this country.

The purpose of this meeting is to review program progress, problems, and recommended actions.

The meeting is open to the public; however, space and facilities are limited. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316E, Washington, D.C. 20250, telephone number (202) 447-3668.

Dated: September 16, 1976.

F. J. MULHERN,
Vice Chairman.

[FR Doc.76-27991 Filed 9-23-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0239; DESI 5378]

CERTAIN COMBINATION ANORECTIC DRUGS; DEXAMYL SPANSULE CAPSULES, TABLETS, AND ELIXIR

Final Order on Objections and Request for Hearing on Refusal To Approve New Drug Applications

Correction

In FR Doc. 76-24717 appearing at page 35741 in the FEDERAL REGISTER of Tuesday, August 24, 1976, on page 35751 in the second column, under "IV. SUMMARY," the sixth line is corrected to read "that there is no genuine and substantial."

Dated: September 17, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-27973 Filed 9-23-76;8:45 am]

[Docket No. 76F-0370]

GOODYEAR TIRE & RUBBER CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3228) has been filed by the Goodyear Tire & Rubber Co., Akron, OH 44316, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of the butylated reaction product of *p*-cresol and dicylopentadiene as an antioxidant and/or stabilizer in adhesives and rubber articles intended for repeated use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 17, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-27969 Filed 9-23-76;8:45 am]

Office of Education

HANDICAPPED PERSONNEL PREPARATION

Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in sections 631, 632, and 634 of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, and 1434), the U.S. Commissioner of Education has established a closing date of November 12, 1976 for receipt of applications for new and continuation training grants under Part D of the Act.

Applications must be received by the U.S. Office of Education Application Control Center on or before the aforementioned date.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grants and Procurement Management Division, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.451. 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 November 8, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be delivered 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 by the Application Control Center after 4:00 p.m., Washington, D.C. time on the closing date.

C. *Program information and forms.* Information and applications may be obtained from the Division of Personnel Preparation, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

D. *Applicable regulations.* Proposed regulations for the Handicapped Personnel Preparation program were published in the FEDERAL REGISTER on September 1, 1976. Subject to revision, when these proposed regulations are published as a final rule, they will govern operations of the program, including grants made under the above noted closing date. If substantive changes are made in the final regulation affecting the preparation of applications, applicants will be afforded additional time to respond to such changes.

In addition, awards under the Handicapped Personnel Preparation program will be governed by the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a) and other applicable regulations (45 CFR Parts 121, 121f).

(20 U.S.C. 1431, 1432, and 1434.)

(Catalog of Federal Domestic Assistance No. 13.451, Handicapped Personnel Preparation.)

Dated: August 19, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.76-27975 Filed 9-23-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities Administration

[Docket No. N-76-631]

GANANDA NEW COMMUNITY PROJECT

Intent To Supplement Environmental Impact Statement

Correction

In FR Doc. 76-26980 appearing at page 39053, in the issue for Tuesday, September 14, 1976 make the following corrections:

1. In the fourth line of the third paragraph insert the number "7" in front of the word "project".

2. In the seventh line of the third paragraph, insert the word "disposition" between the words "and" and "of".

CIVIL AERONAUTICS BOARD

[Docket No. 29759]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Fuel Surcharge Procedures

Correction

FR Doc. 76-26880 was inadvertently published on page 39045 of the proposed rules section, of the issue for Tuesday, September 14, 1976. It should have appeared in the notices section of that isue.

[Docket No. 29759]

CHANGE IN FUEL SURCHARGE PROCEDURES

Exemption of Air Carriers for Military Transportation; Supplemental Notice

SEPTEMBER 21, 1976.

By Notice dated September 8, 1976, and published at 41 FR 39045, the Board gave notice of its intent: (1) To change the method for developing the fuel surcharge amendments applicable to the Part 288 minimum rates; and (2) to eliminate the special monthly station fuel-price and quarterly fuel-consumption and cost reports which are currently submitted to the Bureau of Economics by participating MAC carriers.

By letter dated September 13, 1976, counsel for World Airways, Inc. (World) has requested a 4-day extension of the time for filing comments on the Notice. The request states that the Board's Notice did not reach most of the MAC carriers until September 13, 1976, and argues that, because of this delay, the carriers need a short extension of time to finalize their positions and file comments. Counsel represents that the other MAC carriers, as well as MAC itself, have no objection to the requested extension of time.

The undersigned finds that good cause has been shown for the relief requested. It is noted that the amount of extension will be roughly equal to the amount of time delay between the date of the Notice and the date of its receipt by most of the interested persons.

Accordingly, pursuant to the authority delegated in the Board's Regulations contained in 14 CFR 385.20(d), the undersigned hereby extends the time for submitting comments in this proceeding to September 24, 1976.

Procedures for seeking review of this action are set forth in the Board's Regulations contained in 14 CFR 385.50 through 385.54.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 9324.)

SIMON J. EILENBERG,
Associate General Counsel.

[FR Doc.76-28082 Filed 9-23-76;8:45 am]

[Docket No. 27573; Order 76-9-94; Agreement CAB 26095, R-1-R-12]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to North Atlantic Cargo Rates

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, to establish North Atlantic cargo rates from October 18, 1976 through September 30, 1977, was adopted at a conference held in Miami on August 12-18, 1976, and filed with the Board September 7, 1976. The agreement excludes rates to/from the United Kingdom and Ireland.

The subject agreement is similar in many respects to the previous Nice Agreement which was generally approved by the Board in Order 75-12-147, December 30, 1975, but which never became effective.[1] Minimum charges per consignment would be increased by $2.00 to a level of $31. U.S.-Europe general cargo rates at the 100 and 300 kg. weightbreaks would be increased three cents per kg. while the 500 kg. weightbreak rates would be increased by five cents per kg. With some exceptions specific commodity rates would be increased ten cents per kg.

Present pivot rates and minimum charges for containerized shipments are proposed to be adjusted upwards resulting in rate increases at the pivot point ranging up to five percent, while over pivot rates would be decreased approximately eight percent. The agreement would introduce new high weightbreak specific commodity rates at weightbreaks of 34,000 kgs. (eastbound only) and 10,000 kgs (both directions),[2] and would also readopt minimum cargo charter rates based on $7.25 per aircraft mile for standard B-707 or DC-8 freighters, as well as Resolution 045a encompassing the governing rules for cargo charters.

The purpose of this order is to establish procedural dates for the submission of carrier justification in support of the agreement and comments from interested persons. The carriers' justifications should be set out in the tabular format suggested in Order 75-7-88, July 17, 1975, with historical data as reported to the Board in Form 41 reports by functional account for total Atlantic services for the 12 month period ended June 30, 1976, adjusted to exclude market areas not covered by the agreement, e.g., Mid Atlantic, intra-Europe and all passenger operations pertaining to the North Atlantic market so as to establish the present economic status of cargo services in the North Atlantic market area covered by the agreement. The carriers will also be expected to include a forecast for the year ending October 31, 1977, both including and excluding the increased rates for which approval is sought. The carriers are expected to allocate costs between the passenger and cargo compartments of scheduled passenger aircraft by the "space method" stipulated by the Board in its April 2, 1970 decision in Docket 18381, Nonpriority Mail Rates, Orders 70-4-9 and 70-4-10.[3] In addition the carriers are required to submit detailed traffic data showing revenue ton-miles and revenue by specific rate category as well as capacity and load-factor information both for the historical period and for the forecast period and including and excluding the increased rates for which approval is sought. Capacity, traffic and financial results in cargo operations must be separated into scheduled and nonscheduled services.

Seaboard World Airlines, Inc., a non-IATA carrier, will be required to file data similar to that required of the IATA carriers so that a full economic picture of U.S. carrier operations in the area under consideration may be obtained in order that the Board may be in a position to make a meaningful evaluation in its disposition of the agreement.

Accordingly, *It is ordered*, That:

1. All United States air carrier members of the International Air Transport Association providing North Atlantic service shall, file, within 15 calendar days after the date of service of this order, full documentation and economic justification for the rates and related conditions embodied in the subject agreement;

2. Seaboard World Airlines, Inc. shall file within 15 calendar days after the date of service of this order, data similar to that required of the IATA carriers;

3. Comments and objections from interested persons and parties shall be submitted within 15 calendar days after the date of service of this order;

4. Replies to submissions received in response to ordering paragraphs 1 and 2 above and replies to comments received pursuant to ordering paragraph 3 above shall be submitted within 25 calendar days after the date of service of this order; and

5. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement shall not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28084 Filed 9-23-76;8:45 am]

[1] The Board conditioned its approval of general cargo rate increases upon continuation of non-IATA high weightbreak freight-all-kinds (FAK) rates which the IATA carriers contemplated would be cancelled by foreign government action. Subsequently, British Airways by a notice to IATA dated January 23, 1976, rescinded its approval of the Nice agreement which was therefore rendered defunct. North Atlantic cargo rates have since been in an open-rate situation.

[2] The proposed high weightbreak rates are set forth in the Appendix which is filed as a part of the original document.

[3] In furnishing the date requested, each carrier should provide complete explanatory notes and supporting detail including statistical data to describe the methods used in making the allocations.

[Docket No. 29654]

SITMAR CRUISES, INC.; INDIRECT FOREIGN AIR CARRIER (LIBERIA)

Notice of Postponement of Prehearing Conference

Upon request of counsel for Sitmar Cruises, Inc., and with the concurrence of counsel for the Bureau of Operating Rights, notice is hereby given that the

prehearing conference in the above-entitled matter, now assigned to be held on September 21, 1976, (41 F.R. 37840), is postponed to October 1, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., September 20, 1976.

GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.76-28083 Filed 9-23-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE ARMY

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 the Army to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary of the Army, Office, Under Secretary of the Army, Office, Secretary of the Army.

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

[FR Doc.76-28000 Filed 9-23-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Office of Planning and Evaluation, Office of the Secretary.

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

[FR Doc.76-28004 Filed 9-23-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Associate Administrator for Policy Control and Coordination, Social and Rehabilitation Service.

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

[FR Doc.76-28002 Filed 9-23-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Title Change in Noncareer Executive Assignment

By notice of November 11, 1974, FR Doc. 74-26328 the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by noncareer executive assignment the position of Deputy Administrator, SRS/Commissioner, Assistance Payments Administration. This is notice that the title of this position is now being changed to Deputy Administrator, SRS.

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

[FR Doc.76-28003 Filed 9-23-76;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

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 Export-Import Bank of the United States to fill by noncareer executive assignment in the excepted service the position of Vice President for Exporter Credits, Guarantees and Insurance.

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

[FR Doc.76-28001 Filed 9-23-76;8:45 am]

VOLUNTARY HEALTH AND WELFARE AGENCIES

Change in Manual on Fund-Raising Within the Federal Service

Notice is hereby given of a revision in Section 5.43 of the Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies. The revision changes the deadline date for the filing of applications by voluntary organizations for participation in the Federal fund-raising program from February 1 to December 1, This change will allow decisions on eligibility to be completed at an earlier date in order to provide needed lead time for the printing of campaign materials. Voluntary organizations which currently participate in the Federal fund-raising program have been consulted in this change.

This revision is effective with applications for participation in the fall 1977 and spring 1978 campaigns, which must be postmarked no later than December 1, 1976.

GEORGE J. MCQUOID,
Assistant to the Chairman.

SEPTEMBER 20, 1976.

[FR Doc.76-27999 Filed 9-23-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS FROM MALAYSIA

Adjustment of Import Levels

SEPTEMBER 21, 1976.

On December 31, 1975, there was published in the FEDERAL REGISTER (40 FR 60108) a letter dated December 22, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1975, between the Governments of the United States and Malaysia, which establish specific export limitations on certain cotton and man-made fiber textile products, produced or manufactured in Malaysia and exported to the United States during the twelve-month period which began on January 1, 1976. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 5 which provides that within the aggregate and applicable group limits, specific levels of restraint in Group I (Categories 1-38, 64, 200-213 and 241-243) may be exceeded by 10 percent.

Accordingly, pursuant to paragraph 5 of the bilateral agreement, there is published below a letter of September 21, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textile products in Categories 22/23 and 26 for the twelve-month period which began on January 1, 1976.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS, DEPARTMENT OF THE TREASURY, WASHINGTON, D.C.

SEPTEMBER 21, 1976.

DEAR MR. COMMISSIONER: On December 22, 1975, the Chairman, Committee for the

Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1976 and extending through December 31, 1976 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Malaysia, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 5 of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of January 8 and May 16, 1975, between the Governments of the United States and Malaysia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on September 24, 1976 and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, to amend the levels of restraint established for Categories 22/23 and 26 to the following amounts:

Category:	*Amended 12-mo level of restraint* [1]
22/23	2,824,800 yd [2]
26	6,474,600 yd [2]

[1] The levels of restraint have not been adjusted to reflect any entries made after Dec. 31, 1975.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-28051 Filed 9-23-76;8:45 am]

[2] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1976, between the Governments of the United States and Malaysia which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 FR 54742) of the services and military resale item listed below were published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30380), April 30, 1976 (41 FR 18136), July 30, 1976 (41 FR 31933), July 16, 1976 (41 FR 29473), July 30, 1976 (41 FR 31933).

After consideration of all the relevant data presented, the Committee has determined that the services and military resale item listed below are suitable for procurement by the Government under Public Law 92-28, 85 Stat. 77. Accordingly, it is hereby added to the Procurement List.

SIC 7699

Mattress & Box Spring Rehabilitation (GSA Region 2) (IB).

SIC 0782

Grounds Maintenance (IB), Edwards Air Force Base, California, for the following locations:
Chapels Nos. 2700 and 6447, Hospital Areas Nos. 5500, 5510 and 5550, Recreation Fields Nos. 2201, 5201, 5208 and 5213, Housing Area "D".

SIC 7218

Laundry Services (IB), Naval Training Center, Great Lakes, Illinois.

SIC 7349

Janitorial Service (IB), Federal Building, Manchester, New Hampshire.

Military Resale Item Number and Description

907—Broom, Plastic, Angle-cut (IB).

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-28048 Filed 9-23-76;8:45 am]

PROCUREMENT LIST 1976

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 77, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742).

Class 7510

File Backer, Paper, 7510-00-285-2567.
Portfolio, Double Pocket Presentation, 7510-00-584-2489, 7510-00-584-2490, 7510-00-584-2491, 7510-00-584-2492.

Comments and views regarding the proposed additions may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

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 and other severely handicapped.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-28049 Filed 9-23-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from September 13 through September 17, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (November 8, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Burnett Non-Profit Fish Hatchery, Alaska, September 13: The proposed action is the construction of non-profit hatchery structures on National Forest lands in Burnett Inlet, southeast Alaska. The project is designed to contribute to the restoration of the depleted salmon fishery by constructing a hatchery building and support facilities such as pipelines, generating structures, residence buildings, a boat landing, and access trails. Approximately ten million salmon fry will be incubated and reared. Adverse impacts include the discharge of metabolic and human wastes into the water during construction, and the loss of the wilderness character of the project area (68 pages). (ELR Order No. 61348.)

Chugach, National Forest Timber Sale, Alaska, September 13: Proposed is a timber sale on the Alaskan mainland located between Olsen Bay and St. Matthews Bay, Prince William Sound, Chugach National Forest. The sale, to be located 22 air miles north of Cordova, consists of 9 clearcut units totalling approximately 330 acres. The gross sale area is 500 acres with a total estimated volume of 14.1 MMBG. The project would result in alteration of the scenery of the area over the next 40 years as well as loss of its undeveloped character, and destruction of any presently undiscovered archeological or historic materials (61 pages). (ELR Order No. 61354.)

Dolores Unit Plan, San Juan National Forest, Puerto Rico, September 15: The proposed action is the implementation of a Land Use Plan for the 282,000-acre Dolores Planning Unit, Dolores and Mancos Ranger Districts, San Juan N.F. The unit will be divided into

5 management units in order to develop certain areas with roads while protecting the underdeveloped character of other areas. A key big game winter range, an avalanche hazard area, and a mineralized area have been recommended for inclusion in the plan. Adverse effects include temporary reductions in air and water quality, soil erosion, modification of scenic values, and disturbance of wildlife (110 pages). (ELR Order No. 61358.)

Final

Porter Creek Unit Plan, Homochitto National Forest, Franklin and Amite Counties, Miss., September 13: The proposed action is the implementation of a management plan for the 29,505 acre Porter Creek Unit, Homochitto National Forest. Major actions proposed for the 10-year period include timber harvesting and site preparation, increasing the diversity of the wildlife habitat, improving the potential for developing a lake and recreational facilities on Porter Creek, administration of oil and gas activities, and road reconstruction. Adverse effects include temporary soil movement and associated increases in steam turbidity. Land will be removed from timber production for mineral development activities (192 pages). Comments made by: HEW, ERDA, USDA, DOI, EPA, COE, State agencies, and concerned groups and persons. (ELR Order No. 61344.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Alaska 6 Golden Valley, two 60-megawatt turbines, Alaska, September 13: Proposed is the construction of two 60-megawatt combustion turbines and associated transmission lines and substations at North Pole, Alaska, in the Fairbanks North Star Borough. A 69 kV transmission line to the Highway Park Substation (approximately 3 miles) and a 138 kV line to the proposed Bently Substation (approximately 17 miles) will be associated with the turbines. Operation of the units will result in the emission of nitrogen and sulfur oxides and an insignificant quantity of particulates (230 pages). (ELR Order No. 61343.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney P. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

California Coastal Zone Management Program, California, September 17: Proposed is the approval of the Coastal Zone Management Program application of the State of California pursuant to Pub. L. 92-583. Approval would permit implementation of the proposed program, allowing program administrative grants to be awarded to the State, and require that Federal actions be consistent with the program. Approval and implementation of the program will restrict or prohibit land and water uses in certain parts of the California coast, while promoting and encouraging the development and use activities in other parts (300 pages). (ELR Order No. 61377.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-OX 7-9297.

Draft

Craig AFB and Webb AFB, closure, Alabama and Texas, September 15: This statement proposes two major actions: to close Craig AFB, Selma, Alabama and Webb AFB, Big Spring, Texas. The Flying Training Wing at each base would be inactivated and the pilot training mission would be redistributed among the five remaining Undergraduate Pilot Training bases (Williams AFB, AZ Laughlin AFB, TX, Vance AFB, OK, Reese AFB, TX, and Columbus AFB, MS) during FY 1977. Concurrent with the termination of the flying training mission, a caretaker force of approximately 320 military and civilian positions would be established at Craig and Webb AFBs. Severe socio-economic impacts will result (575 pages). (ELR Order No. 61364.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Draft

Patchogue River Maintenance Dredging, Middlesex County, Conn., September 13: The proposed action is to conduct maintenance dredging on the Patchogue River Federal Navigation Project in Westbrook, Connecticut. A hydraulic dredge will remove approximately 17,600 cubic yards of sediment to a land disposal area in the mouth of the Patchogue River. Future maintenance will utilize ocean disposal at the Cornfield Shoals dumping ground. Adverse impacts include the continued disruption of benthic communities, increase of solids, nutrients, and chemicals in the water column, and temporary runoff of drainage at the disposal site (New England District) (63 pages). (ELR Order No. 61352.)

South Platte River Flood Control, Chatfield Dam, Arapahoe, Adams, and Douglas Counties, Neb., September 14: Proposed is a combination of structural and non-structural features for flood control for 8 miles of the South Platte River, Nebraska. The project area extends from Chatfield Dam to West Hampden Avenue, and plans call for acquisition of a flood plain area for recreational use and enlargement of segments of the existing channel. Safe evacuation of flood waters and erosion protection will be provided, as well as protection of overbank areas from flood waters. Adverse impacts include some alteration of wildlife and relocation of certain public utilities and bridges (Omaha District) (50 pages). (ELR Order No. 61357.)

Final

Elk City, Fall River, and Toronto Lakes, Montgomery, Greenwood, and Woodson Counties, Kans., September 16: The statement concerns operation and maintenance activities at Elk City, Fall River, and Toronto Lakes consisting of reservoir regulation, flood control, management of leases, and project management and maintenance activities. Adverse impacts include erosion and/or compaction due to heavy recreational use, traffic in unauthorized areas, and alteration of the natural environment through recreational development and other minor construction activities (Tulsa District) (158 pages). Comments made by: EPA, HUD, DOI, DOT, AHP, HEW, USDA, FPC, State agencies, and conservation interests. (ELR Order No. 61365.)

Tensas Basin, Flood Control, Concordia County, La., September 17: The statement proposes the construction of a 3,000 cubic feet per second pumping plant, inlet and outlet channels, channel enlargement, a cutoff, and installation of four weirs in the lower 22 miles of Bayou Cocodrie, and the installation of water control levees and structures and public access facilities on the Red River Wildlife Management Area and Bayou Cocodrie. Adverse impacts include the clearing of bottomland hardwood forest, reduction of fish and wildlife habitat, physical alteration of lower 22 miles of Bayou Cocodrie, and some local air and noise pollution (Vicksburg District) (170 pages). Comments made by: EPA, USDA, HEW, AHP, FPC, State and local agencies, and concerned groups and citizens. (ELR Order No. 61372.)

Monroe Harbor Federal Navigation Channel, Monroe County, Mich., September 17: Proposed is the 1977 maintenance dredging of 230,000 cubic yards of sediment from Monroe Harbor, Michigan. This material has been classified as polluted and will be placed in a confined disposal facility to prevent the reentry of contaminants into the aquatic system. The material is removed from a navigation channel and turning basin that is approximately 5.5 miles in length, extending from the 21-foot water depth in Lake Erie to a point about 1.6 miles upstream of the mouth of the River Basin. Adverse effects include increased turbidity and other short-term water quality degradations (Detroit District) (255 pages). Comments made by: USDA, DOC, DOI, EPA, DOT, and State and local agencies. (ELR Order No. 61379.)

Morehead City Harbor Navigation Project, Carteret County, N.C., September 17: The proposed project calls for the deepening of a portion of Morehead City Harbor from 35 feet mean low water (MLW) to 40 feet MLW, with a 42-foot-deep channel across the ocean bar. Material will be removed by both pipeline and hopper dredge. In addition to these improvements, maintenance will continue for the rest of Morehead City Harbor which includes the west leg of the turning basin and the side channels and basin in front of Morehead City. There will be some loss of organisms in the disposal areas (Wilmington District) (132 pages). Comments made by: EPA, USDA, DOI, HEW, DOC, State and local agencies, and interested citizens. (ELR Order No. 61378.)

Lake Operation and Maintenance, Oklahoma, September 16: The statement proposes operation and maintenance activities at Great Salt Plains, Canton and Fort Supply Lakes, Oklahoma. The project consists of reservoir regulation for flood control and water supply; management of land resources and facilities; management of leases, easements and other outgrants; and project management and maintenance activities. Adverse effects include soil erosion, loss of vegetation and minor construction impacts (Tulsa District) (112 pages). Comments made by: EPA, HUD, DOI, DOT, USDA, AHP, DOC, HEW, State agencies, and concerned individuals. (ELR Order No. 61366.)

McNary Project, Columbia River, Oregon and Washington, September 16: The statement discusses the impacts of continued operation and maintenance of the McNary Lake and Dam Project, a navigation and power production project on the Columbia River. Adverse impacts include the impairment of salmonid migration; the causing of sedimentation problems in the lower Walla Walla River; the effects resulting from the fluctuation of the lake (Walla Walla District) (360 pages). Comments made by: DOI, USCG, EPA, DOC, FPC, USDA, AEC, State and local agencies, and interested groups. (ELR Order No. 61369.)

Supplement

Warm Springs Dam/Lake Sonoma (S–1), Sonoma County, Calif., September 17: This statement supplements the final EIS on the Warm Springs Dam and Lake Sonoma Project, Russian River Basin, California. Proposed is the construction of an earthfill dam 319 feet high on Dry Creek which would impound a reservoir having a capacity of 381-,000 acre-feet. The project would also include recreation facilities, a fish hatchery, channel improvements downstream on Dry Creek, and a program for the mitigation and interpretation of cultural resources. A total of 19,966 acres of land would be acquired (115 pages). (ELR Order No. 61375.)

Tyrone Flood Protection Project (S–2), Blair County, Pa., September 17: The proposed project involves a flood protection project, an associated highway relocation and improvement, and the construction of the new regional sewage treatment facility. The project includes channel modifications to the Little Juaniata River and Bald Eagle Creek with levees and walls and interior drainage facilities. The project will result in the destruction of benthic organisms and a temporary increase in turbidity. The straightening of the river will lead to increased water velocities resulting in streambed erosion downstream. Levee and dike construction will destroy riparian habitats. The project will require the moving of 16 families (Baltimore District) (197 pages). (ELR Order No. 61371.)

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202–755–6308.

Draft

Los Caobos Development, Ponce, Puerto Rico, September 17: Proposed is the Los Caobos Development, Ponce, Puerto Rico. This project involves the residential development of a 138.34 acre tract of land over approximately six years. Land is being reserved for development of public space and school areas. Adverse effects include the conversion of potential agricultural land to urban use, temporary increases in air pollution, increased storm water runoff, and increased solid waste collection and disposal activities (85 pages). (ELR Order No. 61374.)

Trailwood Addition Subdivision, Grand Prairie, Dallas County, Tex., September 15: The proposed action is construction of the Trailwood Addition Subdivision in Grand Prairie, Texas, a community of 63,900 inhabitants. The 548-acres project consists of the construction of 1,408 homes with acreage allocated for apartments, small commercial enterprises, parks, schools, and office buildings. This development would result in greater demand for fossil fuels for transportation, loss of good agricultural land, and strain on existing local facilities (115 pages). (ELR Order No. 61360.)

Final

The Brown Farm, Fort Collins, Larimer County, Colo., The developers of the Brown Farm subdivision development are proposing to build 1,590 multi-family and single family housing units in Fort Collins and have requested Federal Housing Administration feasibility analysis for mortgage insurance on the third filing of this development. Adverse impacts of the project include minor disruption of the existing vegetation, the increased need for public safety, educational, and social services, and an increase in automobile generated pollutants (125 pages). Comments made by: AHP, DOT, DOI, EPA, HEW, FEA, COE, State and local agencies, and concerned groups and persons. (ELR Order No. 61361.)

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Draft

Great Alamance Creek Water Supply Project, Alamance and Guilford Counties, N.C., September 13: Proposed is the Great Alamance Creek Water Supply Project, which represents a complete new water supply source and treatment facility for the city of Burlington. The project includes an impoundment dam, a raw water intake and pump station, a water filter plant, finished water storage facilities and pump station, a finished water transmission main, reservoir construction, and highway and bridge relocation. The major impact will result from the inundation of 1,060 acres of land presently used for agricultural purposes, forest resources, wildlife habitat, and residential development (250 pages). (ELR Order No. 61345.)

Final

Opelika Wastewater Facilities Project, Lee County, Ala., September 17: This project proposes the provisions of 8,200 feet of outfall sewer lines into the Long Street area (Central Optlika) and 11,700 feet of outfall sewer line, 9,100 feet of force main, and two pump stations into the Highway 37/169 area (southeast Opelika) for the City of Opelika, Alabama. Adverse effects include short-term soil erosion and stream siltation, disruption of vegetation and wildlife, and short-term increases in dust, vehicular, and noise pollution (316 pages). Comments made by: HEW, EPA, USDA, State and local agencies, and concerned citizens. (ELR Order No. 61376.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BONNEVILLE POWER ADMINISTRATION

Supplement

FY 1977 Program, Supplementary Appendix (S–1), September 16: The statement supplements a final EIS filed with CEQ in June 1976. It is submitted as a "Supplementary Appendix" and contains final facility location alternatives for major projects included as part of the Bonneville Power Administration's Fiscal Year 1975 and 1977 Proposed Programs. Locations are identified for the Haymill Service, and the West Burley Service. The facility and route selections were made after review of public and agency comments, cost assessments, and engineering, environmental and construction factors. The adverse impacts vary from facility to facility (140 pages). (ELR Order No. 61368.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 50, Jackson/Lawrence County Line—I–65, Jackson County, Ind., September 16: Proposed is the improvement of U.S. Route 50 through Jackson County, Indiana. The project will begin at the Lawrence-Jackson County Line, bypassing Brownstown and Seymour, and terminate at the Jennings-Jackson County Line. Alternatives include project construction on new alignment, improvemet of the existing facility, and "Do Nothing." Project length ranges from 27.6 to 29.4 miles. Adverse effects vary subject to the alternative selected and include possible land acquisition from the Seymour Community School Corporation and Freeman Municipal Airport (Region 5) (150 pages). (ELR Order No. 61367.)

U.S. 50, Bryantsville to Lawrence-Jackson County Line, Lawrence County, Ind., September 16: Proposed is the relocation of U.S. 50 extending 22 miles east from Bryantsville to the Lawrence-Jackson County Line, Indiana. Beginning at the West terminus this project will connect with a corridor (studied in 1971) extending from Loogootee to Bryantsville. The east terminus has been coordinated with a concurrent corridor study extending from the Lawrence-Jackson County Line to the Jackson-Jennings County Line. The proposed facility consists of a four lane divided highway with a 600 foot median and a 290 foot minimum right of way. Between 10 and 30 families and 1 to 4 business will be displaced (Region 5) (140 pages). (ELR Order No. 61370.)

U.S. 74, Laurinburg Pass to Alma Intersection, Scotland and Robeson Counties, N.C., September 13: Proposed is the improvement of a section of U.S. 74 in Scotland and Robeson Counties. The project begins at the eastern terminal of the Laurinburg Bypass and ends in the vicinity of the U.S. 74-S.R. 1362 intersection (Alma), approximately 3.0 miles east of Maxton. The length of the proposed alternatives varies from 7.4 to 9.2 miles. Adverse effects include acquisition of from 100 to 450 acres, displacement of 1 to 52 families and 1 to 6 businesses, soil erosion, siltation, and increases in water and air pollution (Region 4) (115 pages). (ELR Order No. 61346.)

N.C. 127, 2nd Ave. N.E. to SR 1400, Catawba County, N.C., September 15: Proposed is the improvement of N.C. 127 in Hickory, North Carolina. The 4.6-mile project begins at 2nd Avenue N.E. and terminates at SR 1400 (Cloninger Mill Road). Various alternatives ranging from 4 to 6 lanes are considered for relieving the existing traffic problems. Subject to the alternative selected the adverse effects include the displacement of from 1 to 4 families and from 1 to 6 businesses, as well as an increase in noise and general highway construction impacts (Region 4) (125 pages). (ELR Order No. 61359.)

Route 76—Powhite Parkway Extension, Chesterfield County, Va., September 13: Proposed is the construction of the Powhite Extension, located in the northeastern portion of Chesterfield Co. The project begins 1.2 miles west of proposed Rte. 288 at Rte. 604 and ends at the intersection of Rte. 150 and existing Powhite Parkway. The corridor will vary from 2 to 6 lanes. The various alternatives range in length from 9.02 to 10.02 miles. Adverse impacts include relocation of from 19 to 34 families, 76 to 136 individuals, and 4 businesses; and the crossing of several important creeks that would cause extensive siltation and necessitate erosion control measures (Region 3) (154 pages). (ELR Order No. 61347.)

I–20 and I–820, Parker and Tarrant Counties, Tex., September 13: Proposed are highway improvements on Interstate Highway 20, from proposed I–20—I–30 Junction to the Junction of I–20 and I–820 southeast of Fort Worth, and I–820 from I–30 west of Fort Worth S. to Proposed I–20. The proposed project will be an approximately 22 mile, 6

lane freeway section all on new location or possibly utilizing an existing 8 mile section of I–20 (I–820) in south Fort Worth. Adverse effects include a slight displacement of wildlife, and a substantial conversion of grazing lands to permanently paved roadways (Region 6) (250 pages). Comments made by: COE, DOT, HEW, USDA, EPA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 61350.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, S.W., Washington, D.C. 20460, 202–755–0780 (stop 460).

Draft

Chlordane and Heptachlor, cancellation of use, September 13: The statement refers to the Environmental Protection Agency's notice of intent to cancel all registered uses of pesticide products containing chlordane and heptachlor, except subsurface applications. The effects of the cancellation will particularly impact Ohio, Indiana, Illinois, Iowa, and Missouri where, in corn production, these chemicals receive their greatest agricultural use. The cancellation will lead to substantial reduction in environmental residues but will also have some adverse effects. Continued use for subsurface ground insertion to control termites will permit continuation of what is considered a long-term human health risk (491 pages). (ELR Order No. 61349.)

LVMWD–TCSD Area Wide Facilities Plan, Triunfo, Ventura, and Tuna Counties, Calif., September 15: Proposed is an Area Wide Facilities Plan for the Las Virgenes Municipal Water District (LVMWD)—Triunfo County Sanitation District (TCSD), California. The purpose of the plan is to assess a regional wastewater treatment and disposal system to eliminate the existing water quality problems in the various systems and prevent future problems. The selection of an alternative will be deferred pending the completion of the comment portion of the EIS process. All proposed alternative projects would involve construction and its associated environmental impacts (Region IX) (510 pages). (ELR Order No. 61362.)

Aspen/Snowmass 201 Wastewater Facilities, Aspen County, Colo., September 14: Proposed is a regional wastewater treatment plant in the combined Aspen and Snowmass resort areas, Colorado. The principal river drainage for the area is the Roaring Fork River which is threatened by increased future discharges from point (sewage plant) and nonpoint (runoff) sources. In Aspen the closing of the older of the 2 existing plants is recommended and in Snowmass capacity will be increased in 1977 from 0.8 to 1.6 mgd. Because the 201 project is not considered a growth stimulant, adverse impacts will be minimal (Region VIII) (165 pages). (ELR Order No. 61356.)

Final

Cuyahoga Valley Interceptor, Phase I, Cuyahoga County, Ohio, September 14: An analysis of alternatives indicates that the overall needs of the Cuyahoga River corridor from Boston Township to Cleveland would most adequately be met by a three-phase interceptor adequate for 2020 population of the service area. This statement is for Phase I, a 7-mile, 90-inch maximum diameter interceptor sewer running from the Brecksville Sewage Treatment Plant to the Cleveland Southerly Sewage Treatment Plant, with eleven trunk sewers and lift station. Construction of this phase will result in the abandonment of several existing treatment plants, as well as thousands of septic tank filter fields (Region V) (367 pages). Comments made by: EPA, DOI, HEW, State and local agencies, and concerned groups and persons. (ELR Order No. 61355.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–275–4791.

Supplement

Alaska Natural Gas Transportation Systems (S–1), Alaska, September 15: The statement supplements a final EIS filed with CEQ in April 1976. The proposed action is to transport natural gas from Prudhoe Bay Field, Alaska and from the Mackenzie Delta region of Canada, to market areas in the lower 48 States. Three separate natural gas transportation systems have been proposed. The Arctic Gas Pipeline System and the Alcan Pipeline Co. would both utilize land routes through Canada whereas the El Paso Alaska Co. System would utilize a land-sea route. These systems would effect man, wildlife, vegetation, soil, air and water quality, and noise levels (305 pages). (ELR Order No. 61363.)

GENERAL SERVICES ADMINISTRATION

Contract: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, 202–343–4161.

Final

Government Printing Office Relocation, District of Columbia, September 17: The action consists of the construction of a new printing plant, documents warehouse and distribution facility, and administrative center for the Government Printing Office (GPO). The new 33 acre site is located at Brentwood Road and T Street in Northeast Washington, D.C. The new plant would provide for the consolidation of GPO functions now operating separately around the Metropolitan area. Impacts of the project include the increase in traffic in the area which is already operating at over peak volume capacity, and the vacating of existing GPO office buildings (577 pages). Comments made by: AHP, COE, HUD, DOT, EPA, NCPC, D.C. agencies, and concerned groups and persons. (ELR Order No. 61373.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Nathaniel Cohen, Director, Office of Policy Analysis, National Aeronautics and Space Administration, 400 Maryland Avenue, Washington, D.C. 20546.

Supplement

Langley Research Center (S–1), Virginia, September 13: The statement supplements a final EIS filed with CEQ in August 1971. Proposed is the construction at Langley Research Center, Virginia, of the National Transonic Facility (NTF) for testing a broad spectrum of commercial and military aircraft and space vehicles up to full-scale Reynolds numbers. The facility will incorporate a cryogenic approach to achieve high Reynolds numbers by using the evaporation of liquid nitrogen to obtain a low temperature test medium. Adverse effects include discharge of cold gaseous nitrogen and increase in noise due to the nitrogen vent system and tunnel drive fan (160 pages). ELR Order No. 61353.)

U.S. POSTAL SERVICE

Contact: Emerson Smith, Director, Office of Buildings Analysis and Design, Real Estate and Buildings Department, U.S. Postal Service, Washington, D.C. 20260, 202–245–4242.

Draft

U.S. Post Office and Vehicle Maintenance, Atlanta, Fulton County, Ga., September 13: Proposed is the construction of a U.S. Post Office General Mail and Vehicle Maintenance Facility in Atlanta, Georgia for 2,833 employees. The 38-acre project site is the vacant Crown Cork and Seal building in the northeast corner of Browns Mill and Crown Roads. The existing building will be expanded for use as a U.S. Post Office and will contain a gross floor area of 500,000 sq. ft. The Vehicle Maintenance Facility will occupy 38,000 sq. ft. Adverse effects include increases in noise and dust due to construction and traffic impacts on adjacent roads (139 pages). (ELR Order No. 61351.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–28010 Filed 9–23–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 622–3; PF48]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

Union Carbide Corp., 1730 Pennsylvania Ave. NW., Washington, D.C. 20006, has submitted a petition (PP 6F1849) to the Environmental Protection Agency which proposes that 40 CFR 180.269 be amended by establishing tolerances for combined residues of the insecticide aldicarb (2-methyl-2-(methylthio)-propionaldelyde 0-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites, 2-methyl-2-(methylsulfinyl) propional-dehyde *0*-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl)-propionaldehyde *0*-(methylcarbamoyl) oxime, in or on the raw agricultural commodities soybeans (succulent) at 0.02 part per million (ppm), soybeans (dry) at 0.1 ppm, and soybean straw at 0.4 ppm. The proposed analytical method for determining residues is by gas chromatography utilizing a flamephotometric detector. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone at 202/755–9315. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the

Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 16, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-28128 Filed 9-23-76;8:45 am]

[FRL 622-4; OPP-33000/463]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additonal 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, DC 20460. In the case of application 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 DC 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 the telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/755-7012
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before November 23, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: September 16, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/463)

EPA Reg. No. 201-276. Shell Chemical Co., 2401 Crow Canyon Rd., San Ramon CA 94583. PLANAVIN 75 HERBICIDE WETTABLE POWDER FOR PROFESSIONAL USE ONLY. Active Ingredients: 4-(methylsulfonyl) - 2,6 - dinitro - N,N-dipropylaniline 75%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 334-UGR. Hysan Corp., Chicago IL 60609. DSF 100. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 464-205. The Dow Chemical Co., PO Box 1706, Midland MI 48640. ESTERON 245 HERBICIDE. Active Ingredients: 2,4,5-Trichlorophenoxyacetic Acid, Propylene Glycol Butyl Ether Esters 69.2%; 2,4,5-Trichlorophenoxyacetic Acid Equivalent 45.0%. Method of support: Application proceeds under 2(a) of interim policy. Amendment. PM23

EPA Reg. No. 464-394. The Dow Chemical Co. MCP AMINE HERBICIDE. Active Ingredients: 2-methyl-4-chlorophenoxyacetic acid, dimethylamine salt 52.1%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 471-23. Henry Field Seed & Nursery Co., 407 Sycamore St., Shenandoah IA 51601. HENRY FIELD'S GARDEN WEEDER. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 5.0%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 476-2154. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. EPTAM 7-E. Active Ingredients: S-Ethyl Dipropylthiocarbamate 87.8%. Method of support: Application proceeds under 2(a) of interim policy. Republished: New use. PM25

EPA Reg. No. 476-2155. Stauffer Chemical Co. VERNAM 7-E. Active Ingredients: S-propyl Dipropylthiocarbamate 88.5%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Added use and revised method of support. PM25

EPA Reg. No. 746-100. MFA Oil, PO Box 519, Columbia MO 65201. NEW BROADLEAF LAWN WEED KILLER. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 13.52%; Dimethlamine Salt of Dicamba (3,6-Dichloro-o-anisic acid) 6.76%; Dimethylamine Salts of related acids 1.19%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 852-RR. Abbott Chemical Corp., Chemical Specialties for Industry, 701 E. Saratoga, Ferndale MI 48220. HOSPI-QUAT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylene-diamine tetraacetate 1.00%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 876-45. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. VELSICOL MONDAK HERBICIDE. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid 60%; Dimethylamine salt of related acids 28%; Dimethylamine salt of 2-methyl-4-chlorophenoxy acetic acid 3.17%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 1730-UG. American Cyanamid Co., Industrial Chemicals and Plastics Div., Wayne NJ 07470. CYTOX 2410 INDUSTRIAL MICROBIOCIDE. Active Ingredients: Dodecylguanidine acetate (dodine) 95%. Method of support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 2224-37. Mobil Chemical Co., PO Box 26683, Richmond CA 23261. MOCAP 10% GRANULAR NEMATICIDE-INSECTICIDE. Active Ingredients: Ethoprop, 0-ethyl S,S-Dipropyl Phosphorodithioate 10%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted and additional use. PM16

EPA Reg. No. 2749–185. Aceto Agricultural Chemical Co., Inc., 126–02 Northern Blvd., Flushing NY 11368. MALATHION 25–WP. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 25%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 2831–AU. Napasco International, PO Drawer 1219, Thibodaux LA 70301. NAPASCO CWT-500. Active Ingredients: Alkyl (C12 61%, C14 23%, C16 11%, C8 & C10 2.5%, C18 2.5%) dimethyl benzyl ammonium chloride 9.0%; Tributyltin neodecanoate 5.0%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.5%; Alkyl (C14 90%, C16 5%, C12 5%) dimethyl ethyl ammonium bromide 1.5%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 3125–119. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. DI-SYSTON LIQUID CONCENTRATE SYSTEMIC INSECTICIDE. Active Ingredients: O,O-Diethyl S-[2-ethylthio)ethyl] phosphorodithioate 65%; Aromatic Petroleum Distillate 27%. Method of support: Application proceeds under 2(a) of interim policy. Republished: New use claim. PM15

EPA Reg. No. 3125–277. Chemagro Agricultural Div., Mobay Chemical Corp. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 3125–307. Chemagro Agricultural Div., Mobay Chemical Corp. DI-SYSTON 8 EMULSIFIABLE SYSTEMIC INSECTICIDE. Active Ingredients: O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate 85%; Aromatic Petroleum Distillate 3%. Method of support: Application proceeds under 2(a) of interim policy. Republished: New use claim. PM15

EPA Reg. No. 3743–90. Southern Agricultural Chemicals, Inc., Box 527, Kingstree SC. ROYAL BRAND 2% PHOSDRIN INSECTICIDE DUST. Active Ingredients: Alpha Isomer of 2-Carbomethoxymethylvinyl Dimethyl Phosphate 1.2%; Related Compounds 0.8%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 4643–GE. Dearborn Chemical Div., Chemed Corp., 330 Genesse St., Lake Zurich IL 60047. DEARCIDE 710 MICROBICIDE. Active Ingredients: n-Alkyl (60% C14, 5% C12, 30% C16, 5% C18) Dimethyl Benzyl Ammonium Chloride 36.25%; Bis (Tri-n-Butyltin) Oxide 6.52%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 4643–GG. Dearborn Chemical Div. DEARCIDE 702. Active Ingredients: n-Alkyl (60% C14, 5% C12, 30% C16, 5% C18) Dimethyl Benzyl Ammonium Chloride and n-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chloride 10.0%; Copper Naphthenate 0.8%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 4981–42. Redwood Chemical Inc., 1215 Jackson St., Houston TX 77003. CLEAR POOL NF. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 20.0%. Method of support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 5204–59. M&T Chemicals, Inc., Subsidiary of American Can Co., PO Box 1104, Rahway NJ 07065. BIOMET 510 MILDEW CONTROL AGENT. Active Ingredients: Tributyltin fluoride 66.5%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 5298–16. Old Fox Chemical, Inc., 66 Volley St., East Providence RI 02914. OLD FOX DACTHAL 5G. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 5%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5481–145. Amvac Chemical Corp., 400 E. Washington Blvd., Los Angeles CA 90023. ALCO CITRUS FIX. Active Ingredients: Isopropyl ester of 2,4-dichlorophenoxyacetic acid 45%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5584–18. Pacific Agro Co., 903 Houser Way North, Renton WA 98055. WEED & FEED 8–2–4 FERTILIZER. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid 0.45%; 2-(2-Methyl-4-Chlorophenoxy) Propionic Acid 0.30%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 5719–TN. Chacon Chemical Corp., 2600 Yates Ave., A Subsidiary of Leisure Enterprises, Inc., City of Commerce CA 90040. CHACON HOUSE AND PATIO PEST CONTROL. Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 1.00%; Petroleum Distillate 83.90%. Method of support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 6466–RE. Fitzpatrick Bros., Inc., Suite 501, 1301 W. 22nd St., Oak Brook IL 60521. NEW SUPER KITCHEN KLENZER. Active Ingredients: Sodium Carbonate 11.0%; Sodium Dodecyl Benzene Sulfonate 1.9%; Trichloro-S-Triazinetrione 0.8%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 7116–T. U.N.X. Chemicals, Inc., 543 Evans St., Greenville NC 27834. TARGET DETERGENT-SANITIZER. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 7116–0. U.N.X. Chemicals, Inc. PROOF DETERGENT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7116–RN. U.N.X. Chemicals, Inc. CONTROL DETERGENT-SANITIZER. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 9313–EE. Rose Chemical Products, Inc., 545 Stimmel Rd., Columbus OH 43223. CHLOR–DET. Active Ingredients: Sodium dichloro-s-triazinetrione, dihydrate 5.60%; Sodium metasilicate 5.00%; Sodium dodecylbenzenesulfonate 4.25%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 10349–RU. Nalco Chemical Co., PO Box 87, Sugar Land TX 77478. VISCO 1151 OIL AND WATERFLOOD OR SALT-WATER DISPOSAL SYSTEM BACTERIA CONTROL CHEMICAL AND CORROSION INHIBITOR. Active Ingredients: 1-Alkyl (C6–C18) amino-3-amino propane-adapate 50%. Method of support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 10485–EO. United Chemical Corp., PO Box 1499, Hobbs NM 88240. ALPHA 570 ALGICIDE. Active Ingredients: Alkyl (C12 61%, C14 23%, C16 11%, C8 & C10 2.5%, C18 2.5%) dimethyl benzyl ammonium chloride 9.0%; Tributyltin neodecanoate 5.0%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.5%; Alkyl (C14 90%, C16 5%, C12 5%) dimethyl ethyl ammonium bromide 1.5%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1197–E. Southern Chemical Products, Co., 2001 Summerville Ave., Charleston SC 29405. CHEMCO ALGICIDE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 12228–R. Daycon Products Co., Inc., PO Box 348, Bladensburg MD 20710. DAYCON LEMON DISINFECTANT CLEANER. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12228–E. Daycon Products Co., Inc. DAYCON PINE ODOR DISINFECTANT CLEANER. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12228–G. Daycon Products Co., Inc. DAYCON SPEARMINT DISINFECTANT CLEANER. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12598–I. Cherryville Distributing Co., 322 E. Main St., Cherryville NC 28021. NDC 9.0. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 20276–U. Engineered Chemical of Florida, PO Box 11605, Tampa FL 33607. CIGO QT–10 ALGICIDE. Active Ingredients: Alkyl (C12 61%, C14 23%, C16 11%, C8 & C10 2.5%, C18 2.5%) dimethyl benzyl ammonium chloride 9.0%; Tributyltin neodecanoate 5.0%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.5%; Alkyl (C14 90%, C16 5%, C12 5%) dimethyl ethyl ammonium bromide 1.5%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 20276-L. Engineered Chemicals. CIGO DQ-10 ALGICIDE. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 21578-R. Dixie Livestock Mill, PO Box 739, Canton GA 30114. DIXIE ORAL LARVICIDE. 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. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 33189-E. Envirochem, Inc., 317 St. Paul's Ave., Jersey City, NJ 07306. ARREX. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39243-G. Tropical Chemical Manufacturing Co., 4618 W. Buffalo Ave., Tampa FL 33614. TROPIC PINE ODOR DISINFECTANT COEF. 6. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 39245-R. BioSol Corp., 1301 W. 22nd St., Suite 415, Oak Brook IL 60521. BISOL 600. Active Ingredients: tributyltin isopropyl succinate 0.024%; tributyltin benzoate 0.036%; tributyltin linoleate 0.012%; n-alkyl (60% C14, 30% C16, 5% C12, C18) dimethyl benzyl ammonium chloride 0.389%; Isopropyl alcohol 39.025%. Method of support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.76-28127 Filed 9-23-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SPENT FUELS

Chemical Processing and Conversion; Correction

In FR Doc. 76-25278 appearing at page 36244 in the issue of Friday, August 27, 1976, the following correction should be made: In the 7th line of the paragraph immediately following the paragraph numbered 5, the figure "$255" should read "225."

Dated: September 17, 1976.

EDMUND F. O'CONNOR,
Deputy Assistant Administrator for Nuclear Energy.

[FR Doc.76-28080 Filed 9-23-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

BROADCAST SERVICE WORKING GROUP 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Schedule of Meeting

SEPTEMBER 21, 1976.

Pursuant to Pub. L. 92-463, notice is hereby given of the following meeting for October 1976.

WARC-79 AM BROADCASTING SERVICE GROUP

Thursday, October 14, 1976—10:30 AM to 12:30 PM, Room 8210—2025 "M" Street, N.W., Washington, D.C.

Chairman: D. C. Everist.
FCC Liaison: Dennis Williams.

The Agenda for the meeting is as follows:

1. Call to order by the Chairman.
2. Approval of Minutes of the previous meeting.
3. Further discussion: a. ITU Regulations, b. Channel Separation.
4. Setting next meeting date and adjournment.

The above meeting is open to broadcast industry representatives and interested members of the public.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-28071 Filed 9-23-76;8:45 am]

[Report No. I-273]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

SEPTEMBER 20, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations, or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

488-DSE-P/L-76, Napa Valley Cablevision, Inc., Napa, California. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 38°13' 51", Long. 122°11'44.5". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

489-DSE-P/L-76, Vision Cable of South Carolina, Florence, South Carolina. For authority to construct, own and operate a domestic communications Satellite Receive-Only earth station at this location. Lat. 34°0' 38", Long. 79°50'13". Rec. freq: 3700-4200 MHz. Emission (none listed). With a 10 meter antenna.

490-DSE-P/L-76, Cable Television Company, Wilmington, North Carolina. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 34°13' 36", Long. 77°55'14". Rec. freq: 3700-4200 MHz. Emission (none listed). With a 10 meter antenna.

[FR Doc.76-28070 Filed 9-23-76;8:45 am]

[Docket No. 19528; 41 FR 37105]

INTERSTATE AND FOREIGN MESSAGE TOLL TELEPHONE SERVICE

Proposals for New or Revised Classes

Adopted: September 17, 1976.

Released: September 20, 1976.

1. We have before us a petition dated August 27, 1976, filed jointly by the Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO) and the National Telephone Cooperative Association (NTCA), both organizations of small Independent telephone companies, which requests an interpretation of our April 28, 1976 Memorandum Opinion and Order in this proceeding, FCC 76-377, 41 FR 18416, which requires, inter alia, that telephone companies provide to the Commission a list of telephone equipment connected to the national telephone network in their service area as of May 1, 1976. This list was required by the Commission to establish a list of equipment eligible for grandfathering and short-form registration.

2. Asserting that preparation of such lists is difficult for the smaller telephone companies typified by OPASTCO and NTCA's members, they request that a unified list prepared by the Rural Electrification Administration (REA), appended to the petition, be accepted by the Commission in lieu of individual lists for all independent telephone companies with less than 25,000 stations. Those small companies which might wish to file their own lists would remain free to do so.

3. We shall accept the unified REA list (including items in REA Bulletin 344-2) as compliance by all independent telephone companies with less than 25,000 stations. Each item on this unified REA list shall be considered as having been connected to the national telephone network as of May 1, 1976, and shall therefore be eligible both for grandfathering treatment and short-form registration. Accordingly, and to the extent herein stated, our April 28, 1976 Memorandum Opinion and Order in Docket No. 19528 is hereby modified.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-28069 Filed 9-23-76;8:45 am]

[REPORT NO. 1004]

RULEMAKING PROCEEDINGS

Petitions for Reconsideration of Actions

SEPTEMBER 21, 1976.

Docket or RM No.	Rule No.	Subject	Date received
19161	Sec. 73.202(b)	In the matter of: Amendment of sec. 73.202(b) of the Commissions rules, the FM Table of Assignments. (Anamosa and Iowa City; et al.) Filed by Thomas H. Wall, L. Adrian Roberts and Ralph W. Hardy, Jr., attorneys for Communicators, Inc. (KRNA).	Aug. 12, 1976

NOTE.—Oppositions to petitions for reconsideration must be filed on or before Oct. 12, 1976. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-28072 Filed 9-23-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V. 1975), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Thursday, October 14, 1976, at 10:00 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committe for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Discussion of work program of the Committee.
(4) Reports of Subcommittees:
(a) New Technology,
(b) Foreign availability,
(c) Definitions.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57817) and amended on February 19, 1976 (41 FR 7536).

Dated: September 20, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-28052 Filed 9-23-76;8:45 am]

Economic Development Administration

NATIONAL PUBLIC ADVISORY COMMITTEE ON REGIONAL ECONOMIC DEVELOPMENT SUBCOMMITTEE ON POLICY AND PROGRAM CONFLICTS BETWEEN PUBLIC DEVELOPMENT PROGRAMS

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and section 8(b)(1) of OMB Circular No. A-63, announcement is made of the following Subcommittee Meeting:

Name: National Public Advisory Committee on Regional Economic Development Subcommittee on Policy and Program Conflicts Between Public Development Programs.
Date: October 13, 1976.
Place: The Coronado Hotel, San Diego, California.
Time: 10:00 A.M.
Purpose of meeting: The Subcommittee will arrive at final draft recommendations following review and discussion of the studies on "Relationship of Environmental Improvement Efforts on Development in Economically Distressed Areas" and "Conflicts in Federal Subnational Development Programs."

The meeting of the subcommittee is open to the public. Any member of the public is permitted to file a written statement with the Subcommittee, before or after the meeting. To the extent that time permits, the Subcommittee Chairman or the Subcommittee may permit oral statements by members of the public to be presented at the meeting.

All comunications in regard to this meeting of the Subcomittee should be addressed to Miss Marina Gentilini, NPAC Committee Liaison Officer, Economic Development Administration, Department of Commerce, Room 6018, 14th Street and Constitution Avenue, Washington, D.C. 20230.

Dated: September 20, 1976.

JOHN W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.76-28050 Filed 9-23-76;8:45 am]

Maritime Administration

DETERMINATION OF OPERATING-DIFFERENTIAL SUBSIDIES

Proposed Amendments to the Manual of Procedures

Notice is hereby given that the Assistant Secretary of Commerce for Mari-

time Affairs and the Maritime Subsidy Board are considering minor changes to Part Three (Maintenance and Repairs), Part Four (Hull and Machinery Insurance) and Part Five, (Protection and Indemnity Insurance) of the Manual of General Procedures for Determining Operating-Differential Subsidy (Manual). The amendments would institute procedural changes in the calculation of the related 1975 operating-differential subsidy rates as well as incorporating in separate appendices the reporting requirements that had been issued by the Maritime Administration in the form of guidelines for preparing required reports.

Copies of the proposed revisions to the Manual may be obtained from the Secretary, Maritime Subsidy Board, Maritime Administration, Washington, D.C. 20230. Interested parties are invited to file written comments on the proposed changes with the Secretary not later than October 29, 1976.

Dated: September 21, 1976.

By order of the Maritime Subsidy Board and Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-28124 Filed 9-23-76;8:45 am]

National Oceanic and Atmospheric Administration

CALIFORNIA

Draft Environmental Impact Statement; Public Hearing

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold two public hearings for the purpose of receiving comments on the draft environmental impact statement for the Coastal Zone Management Program of the State of California.

The first hearing will be held in the Regional Planning Hearing Room in the Hall of Records, 320 West Temple Street, Los Angeles, California at 7:30 p.m. to 10:30 p.m., Tuesday, October 26, 1976. The second hearing will be held in the Ceremonial Courtroom, Room 19415 in the Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, San Francisco, California at 7:30 p.m. to 10:30 p.m., Wednesday, October 27, 1976.

The views of interested persons and organizations are solicited. These may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-served basis, but may be limited to a maximum of ten minutes or as otherwise appropriate. Priority will be given to those with written statements. Time will be available at the end of the meeting for persons without statements to present their views orally. The Office of Coastal Zone Management staff may question any speaker following presentation of his statement. No verbatum transcript of the hearing will be maintained; but staff present will record the general thrust of remarks.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible so that an appearance schedule may be drawn up and definite times established for presentations. Please contact:

Grant Dehart, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (phone: 202/634-4235).

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments should be received before November 15, 1976, to assure adequate consideration for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained by contacting the Office of Coastal Zone Management or:

California Coastal Zone Conservation Commission, 1540 Market Street, 2nd Floor, San Francisco, California 94102 (phone: 415/557-1001).

The statement is also available for inspection by the public, both at the Office of Coastal Zone Management and at the following locations:

State Coastal Commission, 1540 Market Street, San Francisco, California 94102 (phone: 415/557-1001).

North Coast Regional Commission, 1656 Union Street, Room 150, (P.O. Box 4946), Eureka, California 95501 (phone: 707/443-1623).

North Central Coast Regional Commission, Holiday Plaza Office Building, Suite 130, 1050 Northgate Drive, San Rafael, California 94903 (phone: 415/472-4321).

Central Coast Regional Commission, 701 Ocean Street, Room 300, Santa Cruz, California 95060 (phone: 408/426-7390).

South Central Coast Regional Commission, 120 East De La Guerra, Santa Barbara, California 93101 (phone: 805/965-6525).

South Coast Regional Commission, 666 East Ocean Boulevard, Suite 3107 (P.O. Box 1450), Long Beach, CA 90801 (phone: 213/590-5071).

San Diego Coast Regional Commission, 6154 Mission Gorge Road, Suite 220, San Diego, CA 92120 (phone: 714/280-6992).

COASTAL COUNTY LIBRARIES

County Library, 127 Bridge Street, Arroyo Grande, CA 93420.

County Library, Veterans Building, Atacadero, CA 93422.

San Mateo County Library, Central Branch, 25 Tower Road, Belmont, California 94002.

Katherine P. Shore, Librarian, Monterey County Library, Big Sur Ranch, Big Sur, California 92920.

County Library, Bridge Street, Box 638, Cambria, California 93428.

San Diego County Library, Cardiff Beach, 2143 Newcastle, Cardiff, California 92007.

County Library, 684 Ocean, Cyucos, California 93430.

San Diego County Library, Castle Park Branch, 1592 Third Avenue, Chula Vista, California 92012.

Del Norte County Library, Courthouse, Crescent City, California 95531.

County Library, P.O. Box 668, Creston, California 93432.

San Diego County Library, Del Mar Branch, 326 25th Street, Del Mar, California 92014.

San Diego County Library, Encinitas Branch, 540 Cornish Drive, Encinitas, CA 94566.

Mendocino County Library, 353 North Main Street, Fort Bragg, California 96437.

Fresno County Library, 2420 Mariposa Street, Fresno, California 93721. Attn: Sam Suhler.

County Library, 111 South Ninth Street, Box 424, Grover City, California 93433.

County Library, Box 518, Halcyon, California 93420.

Los Angeles County Library, 550 Pier Avenue, Hermosa Beach, California 90254.

San Diego County Library, Imperial Beach Branch, 810 Coronado Avenue, Imperial Beach, California 92032.

Los Angeles County Public Library, 23519 West Civic Center Way, Malibu, California 90265.

Los Angeles County Library, 425 15th Street, Manhattan Beach, California 90266.

Santa Barbara County Library, 1482 East Valley Road, Montecito, California 93103.

County Library, 410 Morro Bay Boulevard, Morro Bay, California 93442.

San Diego County Library, Lincoln Acres Branch, 2725 Granger, National City, California 92050.

County Library, Price Street School Building, Box 38, Nipomo, California 93444.

County Library, Box 666, Oceano, California 93445.

Contra Costa County Library, 1750 Oak Park Boulevard, Pleasant Hill, California 94523.

County Library, 250 Pomeroy Street, Pismo Beach, California 93449.

Reference Department, Sacramento City-County Library, 828 "I" Street, Sacramento, California 95814.

County Public Library, 26 Central Avenue, Salinas, California 93901.

Orange County Library, 233 Granada, San Clemente, California 92672.

County Library, 1354 Bishop Street, San Luis Obispo, California 93401.

County Library, Box 136, San Miguel, California 93451.

Los Angeles County Public Library, 931 South Gaffey, San Pedro, California 90731.

Marin County Free Library, Reference Department, Civic Center Administration Building, San Rafael, California 94901.

County Library, Box 395, Santa Margarita, California 93453.

Santa Rosa-Sonoma County Public Library, Third & E Streets, Santa Rosa, California 95404.

County Library, Veterans Building, Shell Beach, California 93449.

County Library, Box 110A, Templeton, California 93465.

Mendocino County Library, 105 North Main Street, Ukiah, California.

Los Angeles County Library, 610 California Avenue, Venice, California 90291.

Avalon County Library, P.O. Box 585, Avalon, California 90704.

Business & Government Library, Alameda County Library System, 22505 Montgomery Street, Hayward, California 94541.

Contra Costa County Library, Documents Librarian, 1750 Oak Park Blvd., Pleasant Hill, California 94523.

Comments may address the adequacy of the impact statement and/or the nature of the California Coastal Zone Management Program.

Following consideration of the comments received at this hearing, as well as written comments submitted, the Office of Coastal Zone Management will prepare the final environmental impact

statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

T. P. GLEITER,
Assistant
Administrator for Administration.

[FR Doc.76-27864 Filed 9-23-76;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement and the statement of justification 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 October 18, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Agreement No. 10264, among the above named carriers, establishes the Iberia/U.S. Atlantic Discussion Agreement, whereby the signatories agree to cooperate in the exchange of inforamtion and proposals relating to cargo movements, shipper requirements, costs, rates, rules and receipt and delivery practices including interchange with land carriers and other intermodal activities in the trade between the Iberian Peninsula and the U.S. Atlantic. Procedures are to be established for consulting with shipper and port interests, and no substantive agreement is to be carried out without securing the prior approval of the Federal Maritime Commission.

By Order of the Federal Maritime Commission.

Dated: September 21, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-28088 Filed 9-23-76;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Applications

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reasons why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Sherman K. Robbins, Route 3, Box 215, Columbia, MS 39429.

Ramasi Services Inc., 97-30 57th Avenue, Corona, NY 11368. Officer: David P. Simard, President.

Staten Overseas Operations Corporation, c/o Herman Goldberg, Esquire, 30 Vesey Street, New York, NY 10007. Officers: Nils Frihlof Gronberger, President; Carlos Alberto Mellini, Vice President; John Manuel Saiz, Secretary.

Aroundworld Shipping & Chartering, Inc., One World Trade Center, Rm. 2300, New York, NY 10048. Officers: Reginald H. Slocombe, President/Director; Alan F. Elwood, Sec./Treas./Director.

J. E. Conner Freight Forwarder (J. Elizabeth Conner, dba), 4855 Elmwood Avenue, No. 6, Los Angeles, CA 90004.

United American Freight, Inc., 9324 Harrison Road, Romulus, MI 48174. Officers: Gordon Y. Disley, President; William B. Larkin, Vice President; Bernadette Kochoian, Secretary/Treasurer; Albin K. Schneider, Vice President.

By the Federal Maritime Commission.

Dated: September 21, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-28092 Filed 9-23-76;8:45 am]

JOHN T. CLARK AND SON OF BOSTON, INC. AND TERMINAL SERVICES (BOSTON) INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 18, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Thomas D. Wilcox, Esquire, 919 Eighteenth Street, NW., Washington, D.C. 20006.

Agreement No. T-3356, between John T. Clark and Son of Boston, Inc., I.T.O. Corporation of New England and Terminal Services (Boston) Inc., provides for a cooperative working arrangement among the parties. The parties are jointly engaging in a business, to be known as Massachusetts Terminal Management Services, which will provide marine terminal, stevedore and related operations in connection with common carriers by water.

By Order of the Federal Maritime Commission.

Dated: September 21, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-28091 Filed 9-23-76;8:45 am]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814)

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washingon office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement and the statement of justification 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 October 18, 1976. Any person desiring a hearing on the proposed agree-

ment shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Arnold P. Lav, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Agreement No. 5660–21, among the members of the above-named conference permits the conference to consult and agree with other conferences concerning inland European rates and practices including the filing of common inland tariffs.

By Order of the Federal Maritime Commission.

Dated: September 21, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–28089 Filed 9–23–76;8:45 am]

NACIREMA OPERATING CO., INC. AND JAPAN LINE, LTD. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 4, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

John Cunningham, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, N.W., Washington, D.C. 20006.

Agreement No. T–2693–2, between Nacirema Operating Company, Inc., and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha and Yamashita-Shinnihon Steamship Co., Ltd., amends the parties' basic container terminal service agreement. The purpose of the modification is to amend section X(2) of the basic agreement by extending the agreement for one year from October 23, 1976, thereafter, renewing the agreement on a year-to-year basis with notice being given as set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: September 21, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–28090 Filed 9–23–76;8:45 am]

[DOCKET NO. 76–52]

NORTH EUROPE/U.S. PACIFIC FREIGHT CONFERENCE

Agreement No. 93 DR–1 Modification of the Merchant's Rate Agreement; Investigation and Hearing

On April 9, 1976 the North Europe/U.S. Pacific Freight Conference (NE/USPFC)[1] filed Agreement 93 DR–1 requesting an extension of its Merchant's Rate Agreement (Agreement) for the period up to and including August 15, 1979.

Notice of the filing of the Agreement appeared in the FEDERAL REGISTER on April 26, 1976 (41 FR 17421) and, in response, comments were received from the Wine and Beverage Wholesalers of California and the National Association of Alcoholic Beverage Importers (NAABI).

Initially, on August 15, 1973 the Commission approved NE/USPFC's dual rate contract system for general cargo, and wines and spirits for a three year period. Justification for this approval was based primarily on inroads made in the trade by the competitive efforts of Star Shipping.[2]

The conference, which never implemented its Merchant's Rate Agreement for general cargo or wines and spirits, now seeks to extend approval of that Agreement for three more years. NE/USPFC suggests that its Agreement was not implemented due to the fact that although various non-conference minibridge carriers became established in the trade, they could not participate in or publish dual rate tariffs. However, by reason of the final decision of the ICC in Ex Parte 261, it is the conference's position that the obstacle of minilandbridge carriers publishing dual rate tariffs has been "completely removed". As a result, the conference now believes it would be possible to develop a dual rate contract system to be practically and legally applied in the North Europe/U.S. Pacific Coast trade, implying a potential competitive threat to the conference's all water port-to-port service.[3] Additionally, the conference points out, it does not wish to lose the invested time and effort put into Agreement 93–DR now that there is a good chance that the dual rate contract system will be implemented.

As further support for renewal, the conference argues that its Merchant's Rate Agreement conforms to the requirements of section 14(b) of the Shipping Act, 1916, and the standard form of Commission G.O. 19, and that it was unaware that section 14(b) legislative history or G.O. 19 required dual rate contract systems to be justified from time to time based on current competitive need. Moreover, NE/USPFC submits that the leading reason for its dual rate application was and remains the need for exclusive patronage contracts with shippers in order to preserve uniform rates in the trade and to meet all non-conference rate cutting.

In response to NE/USPFC's application, protests were received from the Wine and Beverage Wholesalers of California and NAABI. The Wine and Beverage Wholesalers of California feel that a dual rate system for wines and spirits would preclude their shipping at water-rail combination rates, and eliminate a healthy competitive situation whereby they can route their freight via a Gulf conference carrier, and "rebill" to the Pacific Coast via a rail carrier.

NAABI opposes the conference's application for the reason that establishment of a dual rate system in the North Europe/U.S. Pacific Coast trade is "* * * contrary to the public interest in general and to the interest of importers and distributors of alcoholic beverages in particular.". NAABI also asserts that under FMC Agreement 10023,[4] the West Coast trade is already controlled by the parties to that agreement and approval of the conference's dual rate agreement would further lock-up the trade.

In reply to NAABI's comments, the conference contends that the protest's substance is essentially a desire to en-

[1] Under the organic Agreement 93, as amended, the North Europe/U.S. Pacific Freight Conference encompasses the trade from ports in continental Europe, Scandanavia, Finland, and from ports and points in the United Kingdom and Northern Ireland to ports on the U.S. Pacific Coast.

[2] A non-conference bulk carrier formed pursuant to Agreement No. 9955.

[3] Under Agreement 93–11 the conference has intermodal authority from inland points in Europe and the British Isles to the U.S. Pacific Coast.

[4] Agreement 10023, approved June 7, 1973, permits the parties to the Agreement to discuss and agree upon such matters as rates, charges, classifications, practices and tariff matters, reserving the right to any party to make any changes in its own tariff after giving 48 hours notice to all other parties.

courage non-conference rate cutting as a lever to force conference rates to lower levels.

It is the opinion of the Commission that NE/USPFC's application to extend its Merchant's Rate Agreement for three years, and the comments received as a result thereof, raise several important issues which should be made the subject of an investigation.

In view of the fact that NE/USPFC's initial Merchant's Rate Agreement was approved for only a three year period, and due to changes in the nature of competition in the trade since 1973, it should be determined whether sufficient justification exists in support of continuation of NE/USPFC's dual rate system. In this regard, consideration should be given to what effect, if any, Agreement 10023 will have in relation to establishment of a dual rate system in the trade. Further, the conference's argument with respect to Ex Parte 261 permitting minibridge carriers to publish dual rate tariffs raises an important question already being litigated in FMC Docket No. 76–11[6] and therefore should also be made an issue in this investigation.

It is therefore ordered, That pursuant to sections 14(b) and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 93 DR–1 is unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States or contrary to the public interest, and, therefore, whether it should be approved, disapproved or modified.

It is further ordered, That the North Europe/U.S. Pacific Freight Conference and its member lines named in Appendix A are hereby made respondents in this proceeding.

It is further ordered, That this proceeding be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge, but in any event shall commence no later than March 16, 1977.

It is further ordered, That (1) a copy of this Order be served upon respondents and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) that Respondents and Hearing Counsel be duly served with notice of the date and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, shall notify the Secretary of the Federal Maritime Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

And it is further ordered, That all future notices issued by or on behalf of the Commission be mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX A

RESPONDENTS

North Europe/U.S. Pacific Freight Conference, Westplein 14, P.O. Box 341, Rotterdam, The Netherlands.

ATTORNEYS FOR THE CONFERENCE

Graham & Jones, One Maritime Plaza, San Francisco, California 94111.

MEMBER LINES

Blue Star Line, Ltd., Albion House, Leadenhall Street, London EC 3A 1AR, England.
East Asiatic Line, 2 Holbergsgade DK–1099, Copenhagen K., Denmark.
French Line, Compagnie Generale Transatlantique, Cedex 6, 92 Paris La Oefense, France.
Hapag-Lloyd Aktiengesellschaft, c/o U.S. Navigation Inc., 17 Battery Place, New York, New York 10004.
Johnson Line, Stureplan 3, Fack, 103 80, Stockholm 7, Sweden.
Sea-Land Service, Inc., 75 Route 27, Iselin, New Jersey 08850.
United States Lines, Inc., One Broadway, New York, New York 10004.

[FR Doc.76–28093 Filed 9–23–76;8:45 am]

[6] Docket No. 76–11, Agreements Nos. 150 DR–7 and 3103 DR–7.

FEDERAL POWER COMMISSION

[Docket Nos. RP75–88, CP69–41, et al.]

ALGONQUIN GAS TRANSMISSION COMPANY, ET AL.

Order Approving and Adopting Settlement, Etc.

SEPTEMBER 17, 1976.

On April 20, 1976, Algonquin Gas Transmission Company (Algonquin Gas) filed an offer of settlement (Settlement) proposing a basis for resolving all issues in Docket Nos. CP69–41, et al. except a limited issue respecting a transportation charge proposed by Transcontinental Gas Pipe Line Corporation (Transco) in Docket No. CP76–134. In addition, the Settlement will dispose of four cases before the United States Court of Appeals for the District of Columbia Circuit. The Settlement is concurred in and supported by the Staff of the Commission and by Bay State Gas Company, et al. (Regular Customers), customers which purchase more than 90 percent of the synthetic natural gas (SNG) service rendered by Algonquin Gas. No party has opposed the Settlement. We find that the Settlement, which was certified to us by the Administrative Law Judge on May 3, 1976, is in the public interest and should be adopted as hereinafter ordered.

Algonquin Gas owns and operates an interstate natural gas pipeline transmission system extending from Lambertville, New Jersey, through the states of New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, where it terminates near Boston. Algonquin Gas receives pipeline supplies of gas from Texas Eastern Transmission Corporation (Texas Eastern) near Lambertville, and transports, sells, and delivers such gas to its Regular Customers, among others, for distribution and resale to ultimate consumers.

When it appeared that gas deliveries from Texas Eastern would be curtailed, Algonquin Gas, through its wholly-owned subsidiary, Algonquin SNG, Inc. (Algonquin SNG), began constructing a synthetic natural gas plant (SNG plant) at Freetown, Massachusetts. The SNG plant, which was completed in early December 1973, is designed to manufacture up to 118,200 MMBtu per day of SNG from naphtha feedstock enriched, if possible, by propane. Actual experience in operating the SNG plant has shown that, while the plant operates at design capacity on many days, it has not to date operated at design capacity each and every day of the SNG–1 seasons; on the other hand, actual experience also indicates that the SNG plant is capable of producing volumes in excess of design capacity on a number of days during the SNG–1 season.

By its Opinion Nos. 637 and 637–A, issued on December 7, 1972, and February 6, 1973 (Algonquin SNG, Inc., et al., 48 FPC 1216 and 49 FPC 345, respectively), the Commission authorized Algonquin Gas to render service to its "sale-for-resale customers" up to the 118, 200 MMBtu per day design plant capacity pursuant to Rate Schedule SNG–1. However, the Regular Customers at that time had contracted for only 48% of said capacity. Since at the beginning of the SNG–1 season in 1974 the Regular Customers still had not contracted for full SNG plant capacity (they had by that time increased their contracted share of the capacity to 89%), Algonquin Gas found "off-system" customers willing to purchase the uncontracted capacity and to receive firm service, including pro rata curtailments if curtailments became necessary, pursuant to Rate Schedule SNG–1 along with all other SNG–1 customers (i.e., the Regular Customers). By orders issued December 27, 1974, February 5, 1975, and March 10, 1975, the Commission authorized service to these off-system customers in Docket No. CP69–41, but conditioned upon their receiving curtailments ahead of the Regular Customers. Algonquin Gas petitioned for judicial review of these orders (*Algonquin Gas Transmission Company* v. *Federal Power Commission*, D.C. Cir. No. 75–1460).

As the 1975–76 SNG–1 season approached, Algonquin Gas once more found itself without contracts for full SNG plant capacity with the Regular Customers. Accordingly, it again contracted with off-system customers for such capacity, and again sought authority on August 15, 1975, to render firm service to such customers pursuant to Rate Schedule SNG–1 (i.e., pro rata cur-

tailments, when curtailments become necessary). The Commission, by orders issued November 13, 1975, and January 9, 1976, authorized Algonquin Gas to render service to the off-system customers, but again subject to condition. In addition to the same condition requiring curtailments to the off-system customers ahead of the Regular Customers, the Commission also required Algonquin Gas to waive its Demand Charge to such customers whenever and to the extent that Algonquin Gas found it necessary to curtail deliveries of gas to such customers. Algonquin Gas petitioned for review of these orders as well (*Algonquin Gas Transmission Company* v. *Federal Power Commission*, D.C. Cir. No. 76-1043).

Meanwhile, during 1975 Algonquin Gas filed a rate increase, thus instituting Docket No. RP75-88. That filing, made on April 8, 1975, pursuant to the 45-day rule of the Commission, proposed a $1.489 per MMBtu Demand Charge component of Rate Schedule SNG-1 calculated on the basis of billing demands related to the contracts which it then had—billing demands related to Regular Customer contracts aggregating 107,395 MMBtu per day of SNG plant capacity—rather than on the basis of the 118,200 MMBtu per day full design capacity of the plant. By order issued May 19, 1975, the Commission suspended the proposed rate increase until October 23, 1975, but still accepted it for filing, noting that the filing departed from the use of plant capacity for rate design billing determinants and that the matter should be set for hearing. However, on November 10, 1975, after Algonquin Gas had placed its rates into effect (following suspension) on October 23, 1975, the Commission granted a motion filed by the Regular Customers and summarily rejected so much of the proposed rate increase as was predicated on the use of billing demand units which did not reflect full capacity of the SNG plant of 118,200 MMBtu per day. Rehearing of this order was denied on January 9, 1976, and a petition for judicial review followed (*Algonquin Gas Transmission Company* v. *Federal Power Commission*, No. 76-1116).

On December 9, 1975, following the November 13, 1975, authorization of service to the off-system customers, Algonquin Gas filed a proposed reduction in the SNG-1 Demand Charge from the filed $1.489 per MMBtu to $1.402 per MMBtu, together with related refunds. Algonquin Gas proposed that any further determination of refunds should await resolution of the merits of Docket No. RP75-99. This filing was rejected, however, by orders issued January 9, 1976, and March 5, 1976. Algonquin Gas filed a petition for review of these orders also (*Algonquin Gas Transmission Company* v. *Federal Power Commission*, D.C. Cir. No. 76-1220).

On February 8, 1976, Algonquin Gas tendered another proposal to reduce the Demand Charge component of Rate Schedule SNG-1 to $1.402 per MMBtu, but this was rejected by the Commission on March 5, 1976, and Algonquin Gas was ordered to file a Demand Charge of $1.353.

On January 16, 1976, the Commission, on its own motion, issued an order reopening Algonquin Gas' original certificate proceedings in Docket Nos. CP69-41, et al. Said order, among other things, noted that Algonquin Gas had increasingly questioned the applicability of "Condition 6(iv)" of the original SNG certificate.[1] In this regard, the Commission had relied on such condition as one basis for its November 10, 1975, rate reduction order in Docket No. RP75-88. Such reopened proceedings, which were heard before Presiding Judge Benkin on February 23, 24, 25, 1976, and April 20, 1976, concern (1) "* * * whether the conditions imposed on the [November 13, 1975] temporary certificate shall be continued in any permanent certificate which may be issued * * *" and (2) whether the original SNG certificate issued in Opinion No. 637, as amended, should now be modified in any way. Such proceedings also involve review of a proposed charge by Transco, in Docket No. CP76-134, for the delivery of SNG to the off-system customers of Algonquin Gas.

On March 29, 1976, the Court issued an opinion in *Algonquin Gas Tran mission Company* v. *Federal Power Commission*, 534 F. 2d 952 (D.C. Cir. Nos. 75-1460 and 76-1043).[2] Noting the "confused status of this case," the Court ordered that the record, rather than the case, be remanded to allow the Commission an opportunity to grant appropriate interim relief to Algonquin.[3]

In light of the various aspects of this case, Algonquin Gas, the Staff, and the Regular Customers agreed upon certain principles of settlement to dispose of all issues other than the Transco issue following discussions at the offices of the Commission on March 23 and 31, 1976.[4] The Settlement was thereafter served on all parties to Docket Nos. CP69-41, et al. Additionally, it was served on all parties to Algonquin Gas' rate proceedings in Docket No. RP75-88 inasmuch as the Settlement requests the Commission to supersede outstanding orders in said docket to the extent that the Settlement is inconsistent with such orders.

The offer of settlement was received into the record on April 20, 1976 (Exh. 8, Tr. 440). The pertinent terms of settlement are as follows:

TERMS OF SETTLEMENT

In settlement of the issues in this proceeding, as well as many of the issues surrounding Algonquin Gas' SNG service and rates, Algonquin Gas proposes that the Commission adopt and implement the following Settlement provisions:

1. The original SNG certificate (Commission Opinion Nos. 637 and 637-A, 48 FPC 1216 (1972) and 49 FPC 345 (1973)) shall be amended to delete Condition 6 (iv) thereof and to add the following conditions to Finding Paragraph (6) (48 FPC at 1252):

(vi). For the SNG-1 seasons during the winters of 1976-77, 1977-78, and 1978-79, any rate increase filings of Algonquin Gas under Rate Schedule SNG-1 shall be on the basis of billing demand units which reflect Contract Demands of 118,200 MMBtu per day times the number of demand billing periods in a contract year for determination of any unit Demand Charge contained in such filings.

(vii). Algonquin Gas is hereby authorized to sell any SNG plant capacity offered to but not contracted for by its "regular" customers, and to render related service during the winters of 1976-77, 1977-78, and 1978-79 to off-system customers on a firm pro rata basis and pursuant to the same provisions of Rate Schedule SNG-1 as are applicable to Algonquin Gas' "regular" on-system customers; provided, however, that the off-system Contract Demands may not exceed 8,575 MMBtu for the 1976-77 winter season; 5,365 MMBtu for the 1977-78 winter season; and 2,345 MMBtu for the 1978-79 winter season.

The sale of such capacity to off-system customers and the rendering of related SNG-1 service to such customers may be undertaken by Algonquin Gas without further authorization from the Commission, except that Algonquin Gas shall file with the Commission all executed service agreements related to such service.

(viii). Algonquin Gas is hereby authorized to modify Rate Schedule SNG-1 and to render SNG-1 service consistent with the daily and seasonal make-up flexibility provisions reflected in Second Revised Sheet No. 19, Original Sheet No. 19-A, and Second Revised Sheet No. 20 to Algonquin Gas' FPC Gas Tariff, First Revised Volume No. 1. Such tariff sheets, which were attached as Appendix B to the Settlement filed in this proceeding on April 20, 1976, are hereby accepted for filing effective as of the effective date of such Settlement.

2. Algonquin Gas shall have the right to file changes in the flexibility provisions in Rate Schedule SNG-1 under Section 4 of the Natural Gas Act as it may deem necessary, particularly if the Commission should require Algonquin Gas to modify its presently constituted demand-commodity form of rate under

[1] Condition 6(iv) reads as follows (48 FPC at 1252): * * * notwithstanding the provisions of any rate schedule or applicable service agreement, said applicant shall not, without prior Commission approval, file any rate schedule providing for any increase in rates based in any part, directly or indirectly, upon any fixed unit costs calculated upon the basis of a total volume of production of synthetic gas by the aforesaid reforming plant, during any period from October 16 through April 15 in any year, less than the equivalent of 151 days' production at the rate of 120,000 Mcf/d; * * *.

[2] The mandate of the Court was also issued March 29, 1976.

[3] See Conclusion of the Court at page 958 of its aforementioned opinion.

[4] On April 8, 1976, Algonquin Gas and the Commission, through its Solicitor, filed joint motions with the Court in Nos. 76-1116 and 76-1220 so that the records in such review proceedings could be before the Commission when it acts on this Settlement. Such action was deemed desirable in light of the interrelationship of all of the orders on review before the Court.

said rate schedule.[5] The SNG–1 customers shall have the right to take such position as they deem appropriate with respect to any such Section 4 filing.

3.1. Algonquin Gas shall file, subject to refund in Docket No. RP75–88, a Demand Charge of $1.353 under Rate Schedule SNG–1.[6] Refunds of Demand Charges for SNG–1 service during the 1975–76 season will be made as follows:

(a) On or before May 1, 1976, Algonquin Gas will, without regard to whether this Settlement is approved, refund to its SNG–1 customers the difference between the Demand Charges actually collected during the 1975–76 SNG–1 season and the Demand Charges computed at a unit Demand Charge rate of $1,363, together with simple interest at 9 percent per annum.

(b) Within 35 days after Commission approval of the Settlement, Algonquin Gas will make further refunds reflecting the difference between Demand Charges computed at a unit Demand Charge rate of $1.363 and a unit Demand Charge rate of $1.353, together with simple interest at 9 percent per annum.

3.2 All outstanding refund orders in CP69–41 and/or RP75–88 requiring Algonquin Gas to refund Demand Charge revenues in excess of $1.353 per MMBtu under Rate Schedule SNG–1 are superseded by the provisions of this Settlement, but the collection of $1.353 Demand Charge revenues shall continue to remain subject to Algonquin Gas' refund obligation in Docket No. RP75–88.

4. The Commission's temporary certificate order issued November 13, 1975, shall govern the past period limited-term service to off-system customers beginning November 14, 1975, and ending April 15, 1976.

5. Compliance with the requirements of the Commission's Regulations under the Natural Gas Act shall be waived to the extent necessary to effectuate all of the provisions of this Settlement.

6. Once this Settlement is approved by a final and non-appealable Commission order, Algonquin Gas shall take appropriate action to withdraw and/or terminate the following cases pending before the United States Court of Appeals for the District of Columbia Circuit: Nos. 75–1460; 76–1043; 76–1116; and 76–1220.

In summary, the Settlement provides for the amendment of Opinion Nos. 637 and 637–A to delete Condition 6(iv) thereof and to add new conditions (vi), (vii), and (viii) to Finding Paragraph 6 (48 FPC at 1252). The effect of these amendments is to clearly state the billing demand units for SNG–1 service which must be employed in rate increase filings of Algonquin Gas relating to service through the 1978–79 SNG–1 season; to issue certificate authorization for Algonquin Gas to render SNG–1 service to off-system customers, on a non-discriminatory basis pursuant to Rate Schedule SNG–1, to the extent that there is any capacity which has been offered to but not contracted for by Algonquin Gas' Regular Customers; and to authorize modification of Rate Schedule SNG–1 to include additional flexibility in the terms of service under said Rate Schedule. In addition, the Settlement reserves Algonquin Gas' right to file changes in the flexibility provisions in Rate Schedule SNG–1 under Section 4 of the Natural Gas Act.

With respect to the SNG–1 rate collected subject to refund in Docket No. RP75–88, the Settlement provides for Algonquin Gas to make refunds in Demand Charge revenues down to the $1.353 level specified in our orders of November 10, 1975, and other related orders, but on the new schedule set forth in the Settlement. With respect to SNG–1 service rendered to off-system customers beginning November 14, 1975, and ending April 15, 1976, the Settlement provides that the terms of service shall be governed by the temporary certificate order issued November 13, 1975.

The Settlement also provides that after it is accepted by a final and non-appealable order of the Commission, Algonquin Gas shall take appropriate action to withdraw and/or terminate the four cases before the Court discussed above. Finally, the Settlement contains certain reservations.

The Commission will approve the aforementioned offer of settlement which it finds to be supported by the record developed in the hearings convened in these proceedings including the April 20, 1976, hearing in which the offer of settlement was incorporated into the record with supporting testimony.

The Commission finds: (1) The Settlement submitted by the parties on April 20, 1976, is in the public interest and provides a reasonable basis for disposing of all issues in Docket Nos. CP69–41, et al., except the Transco rate issue described above.

(2) Opinion Nos. 637 and 637–A should be amended as hereinafter ordered.

(3) The proceedings in Docket No. RP75–88 should be consolidated herein for the limited purpose of amending and superseding our order of November 10, 1975, as well as related orders, respecting refunds of SNG–1 Demand Charge revenues collected during the 1975–76 SNG–1 season, all as ordered below.

(4) The proceedings in Docket Nos. CP69–41, et al., should be terminated except with respect to the Transco transportation charge issue in Docket No. CP76–134.

The Commission orders: (A) The Settlement is approved: The original SNG certificate [Commission Opinion Nos. 637 and 637–A, 48 FPC 1216 (1972) and 49 FPC 345 (1973)] shall be amended to delete Condition 6(iv) therefrom and to add the conditions, specified under paragraph No. 1 of the Terms of Settlement set forth in the body of this order to the aforementioned Finding Paragraph 6 (48 FPC at 1252).

(B) Algonquin Gas shall have the right to file changes in the flexibility provisions in Rate Schedule SNG–1 under Section 4 of the Natural Gas Act as it may deem necessary and the SNG–1 customers shall have the right to take such position as they deem appropriate with respect to any such Section 4 filing as provided for under paragraph No. 2 of the terms of Settlement set forth in the text of this order.

(C) Algonquin Gas shall file, subject to refund in Docket No. RP75–88, a Demand Charge of $1.353 under Rate Schedule SNG–1. Refunds of Demand Charges for SNG–1 service during the 1975–76 season will be made pursuant to subparagraphs 3.1(a) and 3.1(b) of the Terms of settlement set forth in the text of this order. Further, the proceedings in Docket No. RP75–88 are consolidated herein for the limited purpose of amending and superseding the order of November 10, 1975, together with any other outstanding order in that docket or in these consolidated proceedings, which requires Algonquin Gas to refund Demand Charge revenues under Rate Schedule SNG–1 in excess of $1.353 per MMBtu for the 1975–76 SNG–1 delivery season. Algonquin Gas' Demand Charge refund obligation under said Rate Schedule SNG–1 shall be as set forth in this Ordering Paragraph (C): *Provided, however,* That collection of the $1.353 Demand Charge revenues shall remain subject to Algonquin Gas' obligation to make further refund of Demand Charge revenues upon issuance of the Commission's final order determining rates and/or refunds in Docket No. RP75–88.

(D) The Commission's temporary certificate order issued November 13, 1975, shall govern the past period limited-term service to off-system customers beginning November 14, 1975, and ending April 15, 1976.

(E) Compliance with the requirements of the Commission's Regulations under the Natural Gas Act are hereby waived to the extent necessary to effectuate all of the provisions of this Settlement.

(F) Once this order becomes final and non-appealable, Algonquin Gas shall take appropriate action to withdraw and/or terminate the following cases pending before the United States Court of Appeals for the District of Columbia Circuit: Nos. 75–1460; 76–1043; 76–1116; and 76–1220.

(G) Except for the Transco transportation charge issue in Docket No. CP76–134, the proceedings in Docket

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[5] The seasonal make-up flexibility provision included in this Settlement is not intended to affect the currently effective right of Algonquin Gas to tender for delivery 50% of the Contract Demands as make-up gas during the first 15 days of April. Algonquin Gas agrees to use its best efforts to extend to its customers the daily flexibility provided for in this Settlement.

[6] Current billings for March and April 1976 are to reflect unit Demand Charges of $1.402 and $1.363, respectively, with the difference between such Demand Charges and $1.353 to be refunded as provided in subparagraphs 3.1(a) and 3.1(b).

Nos. CP69-41, et al., are hereby terminated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28031 Filed 9-23-76;8:45 am]

[Docket No. CP76-500]

CITIES SERVICE GAS CO.

Application

SEPTEMBER 17, 1976.

Take notice that on August 26, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-500 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase, conversion, construction, and operation of certain facilities necessary to provide Applicant with direct access to new gas reserves from acreage committed to it in the southern portion of Wyoming's Greater Green River Basin, 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 contracted to receive much needed gas supplies from producing reservoirs located in the highly gas-prone Greater Green River Basin of southern Wyoming. It is asserted that since this producing area is remote from Applicant's transmission system, Applicant has agreed to purchase from Arapahoe Pipe Line Company (Arapahoe) an existing modern oil pipeline and proposes to convert a substantial portion thereof to natural gas transmission service, reclaim and relay an additional 112 miles of the purchased oil pipeline, and to construct the additional new pipe segments to form a 611-mile natural gas transmission pipeline extending from Rawlines, Wyoming, to a point near Hesston, Kansas, on Applicant's existing system. It is said that the proposed Rawlins-Hesston pipeline would provide Applicant with direct access to the new gas reserves being developed and expected to be developed in an area of the Greater Green River Basin covering over 1,000,000 acres committed to Applicant and would do so at a minimum investment and impact on the environment. Applicant states that it is experiencing great difficulty in acquiring new gas reserves in its traditional supply areas and that such new gas reserves are required in order to supplement Applicant's diminishing gas reserves and thereby lessen future curtailment to its customers.

Accordingly, Applicant proposes the following

Item 1: To acquire from Arapahoe approximately 307.3 miles of 18-inch and 169.3 miles of 20-inch crude oil transmission mainline pipeline and appurtenant related mainline facilities and all transferable easements, rights-of-way and other related property rights pertaining thereto. It is stated that existing oil pump stations, oil gathering pipeline and tankage are not included in purchased facilities. The subject pipeline begins at a point in Logan County, Colorado, and extends to a point in Allen County, Kansas, it is shown.

To convert and thereafter operate a portion of this pipeline for natural gas transmission use including installation of appurtenant related facilities. It is indicated that this portion begins at a point in Logan County, Colorado, and extends in a southeasterly direction to a point in Harvey County, Kansas.

Item 2: To construct and operate approximately 1.7 miles of 20-inch natural gas transmission pipeline and appurtenant related facilities connecting with the Arapahoe 20-inch line and extending in a southeasterly direction connecting with Applicant's Kansas-Hugoton 26-inch line in Harvey County, Kansas.

Item 3: To construct and operate approximately 112 miles of 20-inch gas transmission pipeline (reclaimed pipe) and appurtenant related facilities which would begin at a point in Albany County, Wyoming, and extend in a southeasterly direction connecting with the Arapahoe 18-inch pipeline at a point in Logan County, Colorado.

Item 4: To construct and operate approximately 136.6 miles of 20-inch gas transmission pipeline (new pipe) and appurtenant related facilities which would begin at a point in Sweetwater County, Wyoming, and extend in a southeasterly direction connecting with the facilities proposed in Item 3 above at a point in Albany County, Wyoming.

Item 5: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 1) on Applicant's proposed 20-inch natural gas transmission pipeline to be located near the town of Riner, Sweetwater County, Wyoming.

Item 6: To construct and operate a 2,400 horsepower addition at Station No. 1, Sweetwater County, Wyoming.

Item 7: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 4) at the junction of Applicant's proposed 18-inch and 20-inch transmission line to be located near the town of Merino, Logan County, Colorado.

Item 8: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 7) on Applicant's proposed 18-inch natural gas transmission pipeline to be located near the town of Colby, Rawlins County, Kansas.

Item 9: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 10) on Applicant's proposed 18-inch natural gas transmission pipeline to be located near the town of Otis, Barton County, Kansas.

Item 10: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 2) on Applicant's proposed 20-inch natural gas transmission pipeline to be located near the town of Arlington, Carbon County, Wyoming.

Item 11: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 3) on Applicant's proposed 20-inch natural gas transmission pipeline to be located near the town of Cheyenne, Laramie County, Wyoming.

Item 12: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 5) on Applicant's proposed 18-inch natural gas transmission pipeline to be located near the town of Yuma, Yuma County, Colorado.

Item 13: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 6) on Applicant's proposed 18-inch natural gas transmission pipeline to be located near the town of St. Francis, Cheyenne County, Kansas.

Item 14: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 8) on Applicant's proposed 18-inch natural gas transmission pipeline to be located near the town of Hoxie, Sheridan County, Kansas.

Item 15: To construct and operate a 2,400 horsepower transmission compressor station (Station No. 9) on Applicant's proposed 18-inch natural gas transmission pipeline to be located near the town of Ogallah, Trego County, Kansas.

Applicant proposes to complete the purchase of the Arapahoe pipeline on or before March 3, 1978, and not later than September 1, 1978, and to begin the conversion and construction work as soon as possible thereafter upon the appropriate authorization from the Commission. Applicant anticipates that the pipeline conversion and construction would be completed within approximately one year from the issuance of appropriate authorization and that the proposed pipeline would have a maximum design capacity after completion of construction of all compression in 1982 of 185,000 Mcf daily. Applicant proposes to construct the 11 compressor units at 10 stations over a three-year period from the date of appropriate authorization.

The application indicates that the total estimated cost of the proposed project is $95,318,769 which cost Applicant proposes to finance initially by short-term bank loans, with permanent financing accomplished through the issuance of debentures or other long-term indebtedness.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28016 Filed 9-23-76;8:45 am]

[Docket No. CP76-498]

COLUMBIA GULF TRANSMISSION CO.

Application

SEPTEMBER 17, 1976.

Take notice that on August 24, 1976, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP76-498 an application pursuant to Section 7 of the Natural Gas Act and Section 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 for and approval of the abandonment, during the calendar year 1977, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of 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 the proposed construction and abandonment would not exceed $2,000,000 and that the cost of any single project would not exceed $500,000. These costs would be financed with current working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[Fr. Doc.76-28017 Filed 9-23-76;8:45 am]

[Docket No. CP75-96, et al.]

EL PASO ALASKA CO., ET AL.

Extension of Publishing Date

SEPTEMBER 21, 1976.

The Commission has received competing applications from Alcan Pipeline Company and others seeking certificates of public convenience and necessity for a proposed Alaskan Natural Gas Transportation System. In an order issued July 29, 1976, the Commission directed its Staff to publish and issue an appropriate supplement to the Final Environmental Impact Statement on the proposed Alcan project on or before September 23, 1976. By previous notice of availability dated September 14, 1976 (41 FR 39387), the Commission announced the publication of all analyses with the exception of the analysis of net economic benefits, the latter to be made available on September 23, 1976. Owing to data processing and printing delays, the net economic benefits analyses will not be published as previously announced but will be available on or before September 30, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28171 Filed 9-22-76;1:36 pm]

[Docket Nos. RP72-155 and RP75-39 (PGA 76-1)]

EL PASO NATURAL GAS CO.

Postponement of Procedural Dates

SEPTEMBER 17, 1976.

On September 7, 1976, Staff Counsel filed a motion to postpone the procedural dates fixed by order issued September 30, 1975, as most recently modified by Notice issued July 29, 1976, pending action by the Commission on the Staff's motion to dismiss the above-designated proceeding.

Notice is hereby given that the procedural dates in the above-designated matter are postponed pending further action by the Commission.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28028 Filed 9-23-76;8:45 am]

[Docket No. RI76-146]

EQUIPMENT, INC. AND ANNCO PETROLEUM, INC.

Petition for Special Relief

SEPTEMBER 17, 1976.

Take notice that on August 23, 1976, Equipment, Inc. and Annco Petroleum, Inc., Youngsville Highway, P.O. Box 52412, Lafayette, Louisiana 70505, filed a petition for special relief in Docket No. RI76-146 pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioners seek authorization to charge $1.10 per Mcf for the sale of gas from the Latwell Field, St Landry Parish, Louisiana in consideration for their installation of compression facilities and performance of certain remedial operations affecting the E. Savoy Unit No. 1. The gas from this field is sold to Michigan Wisconsin Pipe Line Company, Suite 1610, Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28012 Filed 9-23-76;8:45 am]

[Docket No. RP76-148]

GAS GATHERING CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Denying Waiver and Establishing Procedures

SEPTEMBER 17, 1976.

On August 19, 1976, Gas Gathering Corporation (GGC) tendered for filing a proposed revision to Supplement No. 24 to its FPC rate schedule No. 2, seeking an increase in rates and the creation of a purchased gas cost adjustment provision pursuant to the Commission's Reg-

ulations. The proposed rates would produce an increase in annual jurisdictional revenues of $340,186, based on an increase in GGC's claimed cost of service for the 12 months ended June 30, 1976, as adjusted for claimed known and measurable changes through March 31, 1977. GGC seeks waiver of the Commission's Regulations to place the increase into effect on August 1, 1976. For the reasons hereinafter stated, the Commission will accept GGC's proposed revision and suspend it for one day, when it may be permitted to become effective, subject to refund, and establish procedures to determine the lawfulness of the rates and charges contained therein.

GGC states that the proposed rate increase is necessary to permit it to recover increases in its cost of service based on increased labor costs and other expenses, a decrease in annual sales volumes, and the need for an overall rate of return of 15%. Review of the filing indicates that the rates and charges proposed therein have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept GGC's proposed revision and suspend it for one day, when it will be permitted to become effective, subject to refund, and in the manner provided by the Natural Gas Act. We shall deny waiver of the 30-day notice requirement of the Act and our Regulations.

The Commission finds. Good cause exists to accept for filing the proposed revision filed herein and suspend it for one day until September 19, 1976, and until such further time as it is made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

The Commission orders. (A) Pending hearing and decision as to the lawfulness of the rates and charges therein, the proposed revision filed herein by GGC is hereby accepted for filing and suspended for one day, or until September 19, 1976, and until such further time as it is made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed herein.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before December 15, 1976. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28026 Filed 9-23-76;8:45 am]

[Docket No. ES76-34]

IDAHO POWER CO.

Application

SEPTEMBER 17, 1976.

Take notice that on September 8, 1976, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine, and qualified to transact business in the States of Idaho, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an Application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the assumption of liability as guarantor on an aggregate principal amount not to exceed $35,000,000 of Interim Notes of American Falls Reservoir District, a political subdivision of the State of Idaho, such Interim Notes having maturities not to exceed one (1) year.

The Interim Notes will be used by the District to finance certain costs to be incurred in connection with the reconstruction of the American Falls Dam and American Falls Storage Reservoir on the Snake River near American Falls, Idaho.

Any person desiring to be heard or to make any protest with reference to said Application, should, on or before October 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28025 Filed 9-23-76;8:45 am]

[Docket No. ES76-71]

IOWA ELECTRIC LIGHT AND POWER CO.

Application

SEPTEMBER 17, 1976.

Take notice that on September 10, 1976, the Iowa Electric Light and Power Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of short-term notes in the aggregate principal amount of $40,000,000.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The notes to be issued to commercial banks and commercial paper dealers or either of such types of facilities will have a term not in excess of one year with a final maturity date of not later than December 31, 1978. The notes issued as commercial paper will bear the rate then in effect of such commercial paper of like term and quality and the notes issued to banks will bear interest at the prime rate.

Proceeds from the sale of commercial paper, in the maximum amount of $25,000,000, will be used from time to time to refund all or a portion of certain obligations to commercial banks. Such obligations, aggregating $34,300,000 at July 31, 1976, consist of borrowings in the form of long-term notes pursuant to a Bank Credit Agreement dated as of March 1, 1976 and short-term notes. Borrowings under the Bank Credit Agreement bear interest at 120% of the prime rate of interest charged by The First National Bank of Chicago from time to time on 90-day commercial loans to its prime commercial borrowers. The short-term notes bear interest at the prime rate. The commercial paper is proposed to be issued from time to time when prevailing interest rates provide funds at a lower cost than that available through the issuance of the long-term notes referred to above.

Any person desiring to be heard or to make protest with reference to the Application should on or before October 13, 1976 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28023 Filed 9-23-76;8:45 am]

[Docket No. ES76-70]

IOWA POWER AND LIGHT CO.

Application

SEPTEMBER 17, 1976.

Take notice that on September 13, 1976, Iowa Power and Light Company (Applicant) filed an Application with the Federal Power Commission, pursuant to

Section 204 of the Federal Power Act, seeking an order authorizing the issuance of not more than 30,000 shares of Common Stock, par value $10 per share (the Additional Common Stock).

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility business within the State of Iowa.

Applicant states that the Additional Common Stock will be issued pursuant to the terms of Applicant's Employee Stock Ownership Plan and Employee Stock Ownership Trust ("Plan" and "Trust"). Applicant further states that the Plan and Trust were established, and the Additional Common Stock will be issued for, the purpose of qualifying the Applicant for an additional one percent investment tax credit under the provisions of the Internal Revenue Code of 1954, as amended, and regulations thereunder. The entire additional one percent investment tax credit will be allocated, in the form of shares of the Additional Common Stock, to eligible employees on the basis of their annual compensation. Participants in the Plan, as holders of the Additional Common Stock, will, along with holders of outstanding shares of such stock, exclusively possess full voting power for the election of directors and for all other purposes, except as by statute otherwise mandatorily provided.

Any person desiring to be heard or to make any protest with reference to the Application should on or before October 13, 1976 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with 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 protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28021 Filed 9-23-76;8:45 am]

[Docket Nos. RP72-32, RP74-11 and RP76-8]

KANSAS NEBRASKA NATURAL GAS CO., INC.

Certification of Stipulation and Agreement

SEPTEMBER 17, 1976.

Take notice that on September 8, 1976, Presiding Administrative Law Judge Samuel Kanell certified to the Commission a proposed settlement of rate levels in the above-entitled dockets.

Any person wishing to do so may file comments concerning the proposed settlement agreement. All such comments should be submitted in writing to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 30, 1976. The Commission will consider all comments in determining the proper action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28024 Filed 9-23-76;8:45 am]

[Docket No. E-9259]

LONG ISLAND LIGHTING CO.

Application

SEPTEMBER 17, 1976.

Take notice that on September 9, 1976, Long Island Lighting Company (Applicant) filed an application seeking authority pursuant to Section 204 of the Federal Power Act to issue through and including December 31, 1977 its unsecured promissory notes in a principal amount not to exceed $175,000,000 and its commercial paper in a principal amount not to exceed $50,000,000, together aggregating more than 5% of the sum of the par value of the outstanding securities of the applicant having a par value but in no event to aggregate at any one time outstanding more than $200,000,000, both promissory notes and commercial paper to have maturity dates not later than September 30, 1978, and for a further order, continuing the exemption of the proposed issuance of short-term securities from the competitive bidding requirements of Sections 34.1a (b) and (c) of the Regulations under the Federal Power Act, if deemed applicable.

Applicant, incorporated under the laws of the State of New York, with its principal business office at 250 Old Country Road, Mineola, New York 11501, is authorized to do business in the State of New York.

The interest rate applicable to the promissory notes will generally be at an annual rate equal to 110% of the prime rate of each lending bank to substantial and responsible commercial borrowers. The interest rate applicable to the commercial paper will be the rate in effect at the time of issuance, to be determined in the manner customary for commerial paper. The promissory notes will each mature not more than nine months from the date of issuance. The maturity of the commercial paper will vary but in no event will any of the commercial paper mature more than nine months after issuance.

The proceeds will be used to reimburse the treasury of the applicant to finance expeditures against which other securities have not as yet issued and for construction purposes.

The applicant is presently authorized to issue, through and including December 31, 1976, $125,000,000 principal amount of short-term promissory notes and commercial paper, consisting of $175,000,000 principal amount of unsecured promissory notes to commercial banks and $25,000,000 principal amount of commercial paper to commercial paper dealers, with final maturity dates of all notes being not later than September 30, 1977 and with the total aggregate amount of all notes issued in the form of commercial paper outstanding at any one time limited to not more than 25% of applicant's gross operating revenues during the preceding twelve month period. The Commission has heretofore provided the applicant with an exemption from the competitive bidding requirements of Section 34.1a of the Federal Power Commission's Regulations under the Federal Power Act.

Any person desiring to be heard or to make any protest with reference to the application should, on or before October 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28020 Filed 9-23-76;8:45 am]

[Docket No. RP76-114]

MIDWESTERN GAS TRANSMISSION CO.

Extension of Procedural Date

SEPTEMBER 17, 1976.

On September 9, 1976, Staff Counsel filed a motion to extend the time fixed by order issued July 30, 1976, for service of Staff Top Sheets in the above-designated proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including December 1, 1976, within which Staff shall serve Top Sheets on all parties in the above-designated proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28022 Filed 9-23-76;8:45 am]

[Docket No. ER76-813]

JERSEY CENTRAL POWER AND LIGHT CO.

Order Granting Interventions, Denying Requests for Rejection or Summary Disposition of Fuel Adjustment Clause, and Denying Requests for Five-Month Suspension

SEPTEMBER 20, 1976.

On July 27, 1976, Jersey Central Power and Light Company (Jersey) tendered for filing revised tariff sheets to its FPC Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from Jersey's six wholesale customers by $1,201,462 (18.4%) based upon estimated sales for the calendar 1976 test period.

Public notice of Jersey's tender was issued on August 4, 1976, with protests and petitions to intervene due on or before August 18, 1976.

On August 18, 1976, the Boroughs of Butler, Lavallette, Madison, Pemberton, and Seaside Heights, New Jersey, (Boroughs) timely filed a petition to intervene, motion to reject the proposed fuel adjustment clause, and request for

five-month suspension of Jersey's filing. On August 18, 1976, Allegheny Electric Cooperative, Inc. (Allegheny) timely filed a protest and petition to intervene requesting summary disposition of the proposed fuel adjustment clause and otherwise similar relief. By answers dated August 19, 1976, and August 23, 1976, Jersey opposed rejection of the proposed fuel adjustment clause and suspension of its filing for five months.

Having reviewed the petitions to intervene, the Commission believes the Boroughs and Allegheny have sufficient interest in this proceeding to warrant intervention.

The Boroughs and Allegheny request rejection or summary disposition of Jersey's proposed fuel adjustment clause in that it provides for phasing in the new base cost of fuel in order to recover allegedly unbilled fuel costs which they argue is in violation of the Commission's Regulations, constitutes retroactive ratemaking, and provides for double recovery of fuel costs. The Commission believes that the justness and reasonableness of Jersey's proposed fuel adjustment clause should be subject to the hearing procedures established in our prior order issued August 26, 1974, in this docket.

In that order, the Commission determined that a one-month suspension is appropriate based on our review of Jersey's filing. The Boroughs argue that a five-month suspension of Jersey's filing is proper because Jersey's proposed rate increase will place an overwhelming financial burden on the Boroughs, the Boroughs will experience delay in passing on the rate increase to retail customers because of community and state legal procedures, and a five-month suspension will have a de minimis effect on Jersey because of the small percentage of revenues involved compared to Jersey's total electric revenues. Allegheny argues that a five-month suspension is appropriate because its analysis shows that Jersey's cost of service study and rate of return are much too high. Upon further review and considering the arguments of the Boroughs and Allegheny and Jersey's answers thereto, we reaffirm our prior order and conclude that the one-month suspension is proper. The period of suspension is a matter within the Commission's discretion. *Municipal Light Boards* v *F.P.C.*, 450 F.2d 1341, 1352 (1971).

In its petition to intervene, the Boroughs argue that Jersey's proposed rate increase will create a "price squeeze" and impair the Boroughs ability to compete for retail loads, which issue the Supreme Court has ruled the Commission has jurisdiction to consider and remedy,[1] and the Boroughs attach a graph in support thereof comparing the proposed wholesale rate with retail rates. The Boroughs also take issue with Jersey's inclusion of minimum bank balances in working capital. In its petition to intervene and protest, Allegheny reserves its right to raise the price squeeze issue after completing discovery and takes issue with Jersey's inclusion of compensating bank balances in working capital, level of the rate of return on equity, failure to reflect savings from the filing of a consolidated tax return by using the statutory Federal income tax rate, the rate of capitalization of allowance for funds used during capitalization, inclusion of investment in coal reserves in rate base, failure to annualize test period interest expense for income tax deduction purposes, the proposed rates earning higher overall rate of return and rate of return on common equity in the test period than that requested by Jersey and earning a different overall rate of return for Transmission Service than for Primary Service, and increase in the notice of termination period from one year to three years; and Allegheny urges rejection of the 60% demand ratchet and the applicability provision requiring the customer to purchase full requirements. In its answers, Jersey presents opposing exhibits comparing a retail rate with the proposed wholesale rate to argue against the existence of a price squeeze and argues that the Boroughs have failed to plead the minimum requirements for an evidentiary hearing to be held on that issue; and Jersey also presents counter arguments to the other issues raised by the Boroughs and Allegheny and state that they are properly subject to hearing. The Commission believes that the price squeeze issue as well as all the other issues mentioned, supra, should be subject to the hearing procedures established in our prior order and all parties given an opportunity to present evidence thereon.

The Commission finds. (1) The participation of the Boroughs and Allegheny in this proceeding may be in the public interest.

(2) Good cause exists for denying rejection of the proposed fuel adjustment clause.

(3) Good cause exists to deny the Boroughs and Allegheny's request for a five-month suspension.

The Commission orders. (A) The Boroughs and Allegheny are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Boroughs' motion to reject and Allegheny's request for summary disposition of the proposed fuel adjustment clause are hereby denied.

(C) The Boroughs' and Allegenhey's requests for a five-month suspension period are hereby denied.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28014 Filed 9-23-76;8:45 am]

[1] *FPC* v. *Conwy Corp. et al.*, No. 75-343, decided June 7, 1976.

[Docket No. CI76-679]

MITCHELL ENERGY CORP. v. C. C. McCLURE, JR. AND ROBERT S. McCLURE

Order Denying Request for Order To Show Cause and Granting Intervention

SEPTEMBER 20, 1976.

Pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure, on July 7, 1976, Mitchell Energy Corporation (Mitchell) filed a complaint and a request for an order to show cause directed against Mr. C. C. (Charles) McClure, Jr. and Mr. Robert S. McClure, averring that the McClures (Defendants) are attempting to cause Mitchell to unlawfully divert natural gas dedicated to the interstate market from that market and to cause Mitchell to partially abandon natural gas service now being made through jurisdictional facilities in contravention of Section 7(b) of the Natural Gas Act.

Mitchell asserted that it is the intent of Defendants to divert dedicated reserves from the interstate market without seeking approval from the Commission under Section 7(b). Mitchell therefore requested that Commission issue an order to show cause or to take such other action as may be necessary to prevent a violation of Section 7(b).

Notice of the complaint and order to show cause was issued July 23, 1976 and appeared in the FEDERAL REGISTER on August 2, 1976 at 41 FR 32265. A petition to intervene was filed by Natural Gas Pipeline Company of America (Natural), the buyer under Mitchell's FPC Gas Rate Schedule No. 19. Previous to the notice, on July 13, 1976, Defendants submitted a response to the Mitchell filing, which was augmented by a similar submittal dated August 23, 1976.

Mitchell is the operator of the Emma McClure Well No. 1 located on the Emma McClure Gas Unit No. 1 as described in that certain Declaration of Pool filed in the Deed Records of Jack County, Texas, at Volume 248, Page 97. All the natural gas production from this well has been delivered through facilities operated by Mitchell and sold to Natural pursuant to Mitchell's FPC Rate Schedule No. 19.

The Messrs. McClure are successors in interest to one of the Mitchell entities' original lessors under an oil gas and mineral lease dated June 18, 1955, between Emma McClure, as lessor and Christie M. Mitchell and Mitchell Company, as lessee, recorded at Volume 202, at Page 42 of the Deed Records of Jack County, Texas, and to an oil gas and mineral lease dated April 28, 1970, between Emma McClure, lessor, and Christie Mitchell and Mitchell, a part-

nership as lessee, recorded in Volume 247, at Page 1 of the Deed Records of Jack County, Texas. Parts of the aforementioned leases form the unit on which the Emma McClure Well No. 1 is located.

On May 14, 1976, the Messrs. McClure filed suit against Mitchell and others in the District Court for the 235th Judicial District of the State of Texas (Cause Number 6316) alleging that Mitchell has forfeited its right to the leases and demanding that Mitchell relinquish all rights in and to these leases. On June 7, 1976, Mitchell filed a petition to remove this cause of action to the Federal District for the Fort Worth Division of the Northern District of the State of Texas. In that petition, Mitchell specifically alleged that this matter is within the primary jurisdiction of the Federal Power Commission as the granting of the relief sought by the McClures' petition would result in the unauthorized abandonment of jurisdictional service and the loss of natural gas now flowing to the interstate consumer without any determination by this Commission pursuant to Section 7(b) of the Act that such a cessation of service is required by the public convenience and necessity. On June 8, 1976, the Messrs. McClure filed a Motion to Remand denying the Commission's jurisdiction and stating "there is no federal question in this controversy."

The only question of fact that appears to be in doubt is whether there is currently any production from the Emma McClure Gas Unit No. 1. Mitchell apparently believes there is and that the McClure's action in seeking relief from the Texas state courts represents an attempt to procure the lease from Mitchell for the purpose of selling the dedicated reserves in the intrastate market. The Defendants counter that production from the acreage ceased over five years ago and it is for this reason that the McClures have instituted a contract suit to compel Mitchell to transfer title to the lease to the McClures.

It is not necessary for the purposes of this proceeding to address the contract question currently pending in the Texas state and Federal courts. The only issue that is relevant to this Commission is the disposition of the dedicated reserves. The McClures have conceded that should they prevail in the contract litigation, the new lessee of the oil and gas interests would be bound by the prior dedication to interstate commerce, such that abandonment authorization pursuant to Section 7(b) of the Natural Gas Act would be necessary before the Emma McClure Gas Unit No. 1 production could be sold intrastate.

At the present time Mitchell is still in control of the Emma McClure Gas Unit No. 1 and Mitchell is clearly bound, because of the dedication of the subject reserves to interstate commerce under its Gas Rate Schedule No. 19, to sell any production from that well to Natural. If, however, judgment should be rendered in favor of the McClures in the contract litigation, such that the lease title reverts to them, and depending upon whether the new lessee of the mineral interests decides to attempt to market the dedicated reserves in intrastate commerce, only then will there be a controversy that affects this Commission. Prior to that eventuality, Mitchell's request for an order to show cause is premature and will, therefore, be denied.

The Commission orders. The complaint and order to show cause requested by Mitchell in Docket No. CI76-679 is hereby denied.

By the Commission.[1]

KENNETH F. PLUMB,
Secretary.

[Docket No. CP76-493]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

SEPTEMBER 17, 1976.

Take notice that on August 23, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-493 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 replacement gas purchase facilities offshore and onshore Aransas County, Texas, and pursuant to Section 7(b) for permission and approval to abandon the facilities to be replaced, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that 5.8 miles of 10-inch onshore and offshore gas purchase facilities in Aransas County used to receive and transport natural gas purchased from Exxon Corporation have been in operation since December 15, 1966, and have developed severe internal corrosion problems. It is alleged that a linalog survey has revealed a loss of 15 percent to 50 percent of pipe wall thickness, requiring the replacement of these facilities as soon as possible. Further, it is alleged that 6-inch pipeline replacing the 10-inch pipeline will adequately transport the remaining volumes to be purchased from Exxon.

Applicant proposes to abandon 5.6 miles of the 5.8 miles of the 10-inch pipeline by removal of that portion onshore and by retiring in place the offshore portion and to replace the abandoned pipeline with approximately 5.6 miles of 6-inch pipeline. The new facilities are estimated to cost $695,000, which would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28018 Filed 9-23-76;8:45 am]

[Docket Nos. E-8999, E-9000, E-9001]

ORANGE AND ROCKLAND UTILITIES, INC. AND ROCKLAND ELECTRIC CO.

Further Extension of Time

SEPTEMBER 17, 1976.

On September 13, 1976, Orange and Rockland Utilities, Inc., and Rockland Electric Company filed a motion to further extend the dates for filing briefs on exceptions and briefs opposing exceptions to the Initial Decision in the above-designated proceeding. All parties to the proceeding have been notified, and there are no objections.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions to the Initial Decision in this proceeding is extended to and including October 22, 1976, and the date for filing briefs opposing exceptions is extended to and including November 12, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28029 Filed 9-23-76;8:45 am]

[Project No. 135]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Annual License(s)

SEPTEMBER 17, 1976.

On February 19, 1970, Portland General Electric Company, Licensee for Project No. 135, located in Clackamas County, Oregon, on the Clackamas River, filed an application for a new license

[1] Separate statement by Commissioner Watt filed as part of original document.

under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 135 was issued effective September 27, 1922, for a period ending September 26, 1972. Since the original date of expiration, the project has been maintained and operated under annual licenses, the most recent of which will expire on September 26, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on the Licensee's application, it is appropriate and in the public interest to issue an annual license to the Portland General Electric Company.

Take notice that an annual license is issued to the Portland General Electric Company under the Federal Power Act for the period September 27, 1976, to September 26, 1977, or until the issuance of a new license for the project, or until Federal takeover, whichever comes first, for the continued operation and maintenance of the Project No. 135, subject to the terms and conditions of its present license. Take further notice that if issuance of a new license does not take place on or before September 26, 1977, a new annual license will be issued each year thereafter, effective September 27 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28019 Filed 9-23-76;8:45 am]

[Docket No. ER76-788]

POTOMAC EDISON CO.

Order Accepting Filing Subject to Refund, and Limiting Applicability

SEPTEMBER 17, 1976.

On July 15, 1976, as completed on August 19, 1976, the Potomac Edison Company (Potomac Edison) tendered for filing a proposed Electric Service Agreement for application to Potomac Edison's service to the Borough of Chambersburg, Pennsylvania (Chambersburg). The proposed Electric Service Agreement would cancel and supersede the Service Agreement between the Company and Chambersburg dated January 31, 1966. The 1966 Agreement as amended limits the capacity which Chambersburg may purchase to 25,000 kilowatts, and provides that if Chambersburg desires to exceed this limitation the parties are to enter into a new agreement. Potomac Edison states that the filing of a new Service Agreement was necessitated by Chambersburg's exceeding the capacity limitation of the present agreement. The changes proposed would produce an estimated overall increase in revenues from jurisdictional sales and service of approximately $333,352, based on the twelve-month period ending July 31, 1976. The proposed effective date for the increased rates is August 15, 1976. For the reasons hereinafter stated, the Commission shall reject the proposed Electric Service Agreement as it would apply to the first 15,000 kw of service, but accept it subject to refund for service in excess of 25,000 kw.

Public notice of the filing was issued on July 26, 1976, with comments, protests and petitions to intervene due on or before August 3, 1976. Chambersburg filed a motion to reject, protest and petition to intervene on August 3, 1976, to which Potomac Edison responded on August 6, 1976.

Potomac Edison states that the rates contained in the Electric Service Agreement proposed to become applicable to the first 15,000 kw of sales to Chambersburg in this docket, are identical to those rates accepted for service to Chambersburg in excess of 15,000 kw and suspended by Commission order dated June 1, 1976, in Docket No. ER76-221.[1]

By letter dated August 13, 1976, the Acting Secretary of the Federal Power Commission informed Potomac Edison that its filing in Docket No. ER76-788 was deficient in that Potomac Edison had failed to file Amendment No. 3, dated July 1, 1972, to the Electric Service Agreement dated January 31, 1966, between Potomac Edison and Chambersburg. Potomac Edison filed Amendment No. 3 on August 19, 1976, and stated that it did so under protest.

We find the subject filing to be prohibited under the terms of the present contract. Section 3 of the presently effective Electric Service Agreement between Chambersburg and Potomac Edison, dated January 31, 1966, as amended, provides as follows:

> * * * In the event the Borough desires to purchase power in excess of 25,000 kilowatts, the Borough and the Company will review the new conditions under which power would be purchased and, if within the judgment of the Company it has the capacity available, the parties shall enter into a new agreement * * *

The operative language in Section 3 of the Chambersburg contract is, "In the event the Borough desires to purchase power in excess of 2,000 kilowatts, the Borough and the Company will review the new conditions * * * and * * * the parties shall enter into a new agreement." The contract therefore provides that the parties are to review jointly the new conditions under which power would be purchased, then enter into a new agreement.

In its protest of August 3, 1976, Chambersburg alleges, inter alia, the above-quoted language clearly does not impair its contractual rights with regard to the primary increments of power delivered, and that it may be subjected to unilateral rate changes only with regard to the incremental purchases above the contract ceiling.[2] Chambersburg further alleges that the necessary review of the conditions under which power is to be purchased in excess of 25,000 kw has not been undertaken by the Company, nor has there been any renegotiation process with Chambersburg.

Potomac Edison responded in its pleading of August 6, 1976, inter alia, that the language presented in Appalachian, supra, is sufficiently different from that herein at issue so as to require different results.[3] Potomac Edison further alleges that by letter dated March 25, 1976, the Company advised Chambersburg that unless a satisfactory Agreement could be worked out, Potomac Edison would not provide service in excess of 25,000 kw. Potomac Edison also states that although it has participated in various preliminary discussions with Chambersburg concerning a new agreement, the parties could not reach mutually-acceptable terms. The Company submits therefore that the required review and renegotiation by the parties has been completed.

The Commission finds that Potomac Edison's presently effective contract with Chambersburg prohibits the instant filing of a change in rates for the first 15,000 kw of service under the doctrine of Mobile-Sierra.[4] In our order of March 21, 1976, in Docket No. ER76-221, as modified by our order of June 1, 1976, we found that the terms and conditions regarding the first 15,000 kw of service under the 1966 Agreement clearly fell within the purview of Mobile-Sierra. Section Three of the Agreement does not serve, as suggested by Potomac Edison, to qualify the fixed-rate nature of that service. As noted above, if Chambersburg desires to purchase in excess of 25,000 kw and Potomac Edison has the capacity available, Section Three merely evinces an obligation by the parties to jointly review the conditions under which power would be purchased and to enter into a new agreement. However, nothing in that section, nor elsewhere in the contract, expressly reserves the right or bestows on Potomac Edison the power to effect a unilateral rate increase as to the first 15,000 kw of service to Chambersburg.[5] Looking as we must to the plain and unambiguous language of the 1966 Agreement, as amended, we note that Potomac Edison may file for a rate change pursuant only to a "new agreement" with Chambersburg. Only a tortured reading could discern in this phrasing a reservation of power to change rates unilaterally, and to override the otherwise clear fixed-rate nature of this contract. This conclusion is reinforced by the necessity for both parties to review the new conditions under which

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[1] That order is currently pending rehearing, and will be dealt with by separate order.

[2] Chambersburg directs the Commission's attention to Appalachian Power Company, 48 FPC 1366, 1368 (1972), and *Appalachian Power Company* v. *F.P.C.*, decision No. 73-1290, decided January 8, 1976, as authority.

[3] The Appalachian contract provided that should the customers' requirements exceed the stated maximum contract capacity limitations, "the parties will negotiate for the additional capacity required."

[4] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[5] *United Gas Pipe Line Company* v. *Memphis Light, Gas & Water Division*, 358 U.S. 103, 79 S.Ct. 194 (1958).

power would be purchased before entering into a new agreement. Had the parties intended for Section Three to provide for an independent method of effectuating a rate change, it is more likely that they would have so indicated unequivocally instead of couching their intent in terms of "joint review" and "agreement." We find that the language therein indicates unmistakably that it refers to a method of implementing a rate change that has been negotiated pursuant to a bilateral agreement. Therefore, insofar as the instant filing proposes a unilateral rate change for the first 15,000 kw of service to Chambersburg, it must be rejected.

The contract ceiling of the amended Agreement is 25,000 kw. We do not find in this proceeding a situation similar to that presented in *Mid-South Electric Cooperative Association* v *F.P.C.*, 515 F.2d 998 (1975), wherein the maximum contract demands may have been removed based on the impact of the course of dealing between the parties. As noted earlier, Potomac Edison stated in its August 6, 1976, answer that although it provided service in excess of 25,000 kw during the months of January and February, 1976, it notified Chambersburg as early as March 25, 1975, that unless an agreement for service in excess of 25,000 kw could be worked out between the parties, Potomac Edison would not continue to provide such service. We find, therefore, that the Company did not effect a modification to the demand limitations of its contract by virtue of its having provided service in excess of 25,000 kw for two months.

The Commission notes, however, and Chambersburg agrees (Motion to Reject, pg. 4), that Chambersburg may be subjected to unilateral rate changes with respect to its incremental purchases above the contract ceiling. The contract ceiling of the amended Agreement has been found to be 25,00 kw. We shall therefore accept Potomac Edison's proposed filing in this docket as applicable for deliveries to Chambersburg in excess of 25,000 kw, the maximum commitment established in the amended Agreement. Inasmuch as the rates proposed herein are identical to the rates of general applicability under suspension and subject to refund in Docket No. ER76-221, those increased rates applicable to service in excess of 25,000 kw shall also be subject to refund pending the outcome of the proceedings established in Docket No. ER76-221.

The Commission finds. Good cause exists to reject the proposed increased rates as they would apply to the first 15,000 kw of service to Chambersburg, but accept them subject to refund for service in excess of 25,000 kw.

The Commission orders. (A) The proposed increased rates tendered by Potomac Edison in this docket on July 15, 1976, and August 19, 1976, are hereby barred by contract from applicability to the first 15,000 kw of service to Chambersburg. The proposed rates are, however, accepted for service in excess of 25,000 kw subject to refund pending the outcome of the proceedings in Docket No. ER76-221 as to their justness and reasonableness, to become effective thirty days after the date of completion of this filing.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28027 Filed 9-23-76;8:45 am]

[Docket Nos. CI76-633, CI76-644, CI76-678]

TENNECO EXPLORATION, LTD. AND TENNECO OIL CO.

Order Consolidating Proceedings, Granting Interventions, Setting Date for Hearing and Denying Waiver of Section 2.75(o)

SEPTEMBER 20, 1976.

Pursuant to Section 7 of the Natural Gas Act [1] and Section 2.75 of the Commission's General Policy and Interpretations,[2] the above-named applicants filed for certificates of public convenience and necessity authorizing the sales of gas in the Federal Offshore domain.

On June 22, 1976, Tenneco Exploration Ltd. (Tenneco Exploration) filed under the optional pricing procedure in Docket No. CI76-633 for a sale of gas under an agreement dated April 23, 1976, to Columbia Gas Transmission Corporation (Columbia) from reserves located in West Cameron Block 642.[3] On June 28, 1976, Tenneco Exploration filed in Docket No. CI76-644 for authorization to sell gas from reserves located in West Cameron Block 643 to Tennessee Gas Pipeline Company (Tennessee) pursuant to an agreement dated February 26, 1976, as amended June 15, 1976. Both certificate applications provide for an initial rate of $2.8775 per Mcf with 5 cents per Mcf annual escalations [4] and request pregranted abandonment on the expiration of 15 years after date of initial delivery.

On July 15, 1976, Tenneco Exploration filed a motion to consolidate these two applications and to expedite the proceeding by omitting the intermediate decision pursuant to Section 1.32 of the Commission's Rules of Practice and Procedure, since both Columbia Gas and Tennessee face systemwide levels of curtailment expected to increase with the upcoming winter heating season. On July 23, 1976, the Public Service Commission of the State of New York filed Notices of Intervention in Docket Nos. CI76-633 and CI 76-644 and requested a hearing on these applications. On August 3, 1976, Columbia and Tennessee filed petitions to intervene in the aforementioned dockets. On August 3, 1976, and August 13, 1976, Columbia and Tennessee, respectively, filed certifications and supporting information as required by Section 2.75(h) of the General Rules of Practice and Procedure in their proceedings.

On July 9, 1976, in Docket No. CI76-678 Tenneco Oil Company (Tenneco Oil) filed an application for sale of gas in West Cameron Block 638 produced from Sun Oil Company's (Sun's) existing platform in West Cameron Block 639. It proposes to sell this gas to Tennessee pursuant to a June 15, 1976, contract and requests an initial rate of $2.8775 per Mcf with 5 cents annual escalations.[5] On August 3, 1976, Tennessee Gas filed a petition to intervene and on August 13, 1976, filed its certification and supporting information under Section 2.75(h). On August 12, 1976, Tenneco Oil and Tenneco Exploration filed a joint motion to consolidate the applications in Docket Nos. CI76-678, 76-633, and 76-644, since all three involve filings under the optional procedure for sales of gas to interstate pipelines at an initial rate of $2.8775 per Mcf.

On July 19, 1976, in Docket No. CI76-678 Tenneco Oil filed a motion pursuant to Section 1.12 of the Commission's Rules of Practice and Procedure and Section 2.75 of the Commission's General Policy and Interpretations requesting the Commission to waive that portion of Section 2.75(o) which limits to the national rate the price collectible for gas sold during the first nine months of the pendency of an optional pricing application. Tenneco Oil seeks permission to receive the full price of $2.8775 per Mcf subject to refund of any amounts in excess of the rate ultimately approved in the optional pricing proceeding. In its motion, Tenneco Oil averred that it is currently suffering drainage from its acreage because of the production of Sun's interest in West Cameron Block 639. A portion of the reserves underlying West Cameron Block 639 extend beneath West Cameron 638 in common reservoirs. Additionally, Tenneco Oil alleges that, while it desires to commence deliveries of its gas under Section 2.75(o), the impact of the initial price ceiling precludes reliance on the optional procedure.

We must deny Tenneco's request for partial waiver. The circumstances surrounding Tenneco's proposed sale do not call for waiver of a regulation which

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[1] 15 U.S.C. 717(f).

[2] 18 CFR 2.75.

[3] Tenneco and Texaco each have a 25% working interest in this block. The remaining 50% interest owned by Columbia Gas Development, Energy Ventures and Forest Oil has been certificated in Opinion No. 771, Docket No. CI75-438 and 75-540. (Issued August 5, 1976.)

[4] This rate is not stated in the contract. Rather the contracts state that buyer agrees to pay any Commission-approved rate in an optional certificate proceeding provided the rate is higher than, among other things, an initial price of 174.56¢ per Mcf with annual escalations.

[5] This rate is not stated in the contract. Rather the contracts state that buyer agrees to pay any Commission-approved rate in an optional certificate proceeding provided the rate is higher than, among other things, an initial price of 174.56¢ per Mcf with annual escalations.

has been consistently applied.[6] Moreover, strict adherence to our practice of limiting the price collectible to the national rate has been followed under procedures other than optional pricing.[7]

Furthermore, while Teneco Exploration and Tenneco Oil allege that the initial rate is cost-justified, no cost studies were submitted to support these claims. We find that a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these proposed sales and whether the proposed rates are just and reasonable.

Since these applications by related companies involve similar questions of law and fact as to the reasonableness of the initial rate for which certification is sought, we conclude that their ultimate disposition would best be accomplished in a consolidated proceeding. Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under Section 2.75 for determining the justness and reasonableness of the rate structure sought.

No intervenor has questioned Tennessee's or Columbia's need for the additional natural gas supplies to be available as a result of this proceeding. Tennessee and Columbia have submitted the certifications required by Section 2.75 (h) (18 CFR 2175(h)).

The Commission finds: (1) The public convenience warrants the consolidated of Docket Nos. CI76–633, CI76–644, and CI76–678.

(2) Good cause exists to permit the intervention of Tennessee Gas Pipeline and Columbia. Pursuant to its Notices of Intervention, the Public Service Commission of New York is hereby made a party to this proceeding.

(3) No good cause exists for the waiver of the intermediate decision procedure. We find the findings and recommendations of the Presiding Administrative Law Judge to be necessary in determining what rate is just and reasonable and in the public interest.

The Commission orders: (A) Docket Nos. CI76–633, CI76–644, and CI76–678 are consolidated for purposes of hearing and disposition.

(B) Tenneco Oil's motion for partial waiver of Section 2.75(o) and for authorization to commence delivery of gas at the full filed price, subject to refund for the first nine months, is denied for the reasons stated in the body of this order.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 C.F.R. Chapter 1), a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine the lawfulness of the proposed rates.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.g(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).

(E) Tenneco Oil and Tenneco Exploration and any intervenor supporting them shall file their direct testimony and evidence on or before September 30, 1976. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(F) The Presiding Administrative Law Judge shall preside at a pre-hearing conference to be held on November 2, 1976 at 9:30 A.M. EST, in a hearing room at the address noted in Ordering Paragraph (C).

(G) Tennessee Gas Pipeline, and Columbia Gas Transmission are permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene; and *Provided further,* That the admission of Tennessee Gas and Columbia in the manner provided shall not be construed as recognition by the Commission that either might be aggrieved because of any order or orders entered in this proceeding, and that Tennessee Gas and Columbia agree to accept the record as it now stands.

(H) The request for waiver of the intermediate decision is denied.

(I) The contracts hereinafter referred to in Ordering Paragraphs J through L are accepted only insofar as the pricing provisions do not violate Section 2.75(f) of our General Policy and Interpretations.

(J) The contract dated April 23, 1976, in Docket No. CI76–633 is accepted for filing to be effective as of the date of initial delivery and designated as Tenneco Exploration, Ltd., FPC Gas Rate Schedule No. 6.

(K) The contract dated February 6, 1976, as amended June 15, 1976, in Docket No. CI76–644 is accepted for filing to be effective as of the date of initial delivery and designated as Tenneco Exploration, Ltd., FPC Gas Rate Schedule No. 7 and Supplement No. 1, thereto.

(L) The contract dated June 15, 1976, in Docket No. CI76–678 is accepted for filing to be effective as of the date of initial delivery and designated as Tenneco Oil Company, FPC Gas Rate Schedule No. 321.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28013 Filed 9-23-76;8:45 am]

[6] An exception to the regulation was approved in Coleve et al., Docket No. CI75-438, et al. (Issued March 29, 1976) wherein we permitted collection of the full price subject to refund due to the long period of time which had elapsed since the filing by applicant. That situation clearly did not arise in the instant docket.

[7] Most recently in Continental Oil Company et al., Docekt No. RI76-35, et al. (Issued April 28, 1976), we denied collection of an above-ceiling rate during the pendency of a special relief proceeding involving proposed rates for sales not yet certificated.

FEDERAL RESERVE SYSTEM

[H. 2, 1976 No. 36]

ACTIONS OF THE BOARD; APPLICATIONS AND REPORTS

Received During the Week Ending September 4, 1976

ACTIONS OF THE BOARD

Report summarizing the activities of the Board and the Federal Reserve Banks relating to the Federal Reserve's emergency preparedness programs; letter in response to request sent to Chairman Leonor Sullivan, Joint Committee on Defense Production.

Statement by Vice Chairman Stephen S. Gardner before the Subcommittee on Financial Institutions of Senate Banking, Housing and Urban Affairs, on H.R. 13876, the "International Banking Act of 1976."

Truth in Lending, the Board announced adoption of changes in its Regulation Z for identifying transactions charged to consumers using open-end charge accounts such as charges on credit card billing statements, or department store accounts.

Regulation B, Equal Credit Opportunity, the Board announced that it would retain the existing requirement in its Regulation B for creditors to report credit histories in the names of both husband and wife when the account is shared; at the same time, the Board postponed the effective date of the requirement from November 1, 1976, to June 1, 1977.

The Board delegated authority to the Secretary of the Federal Open Market Committee to approve policy record entries for inclusion in the annual report if no Board member has asked for review at a Board meeting of a draft distributed for review by Board members individually.

Response to letters received from International Consumer Credit Association regarding several petitions relating to the Board's Regulation B, Equal Credit Opportunity.

Marion County Company, Alabama, to make an additional investment in bank premises.[1]

Peoples Bank of Nanticoke, Nanticoke, Pennsylvania, to make an investment in bank premises.[1]

Traders Bank, Spencer, West Virginia, to make an investment in bank premises.[1]

Termination of registration under Regulation G for Clarksdale Production Credit Association, Clarksdale, Mississipi.[1]

Citizens National Bank, Laurel, Maryland, proposed consolidation with Belair National Bank, Bowie, Maryland; report to the Comptroller of the Currency on competitive factors.[1]

First National Bank of Cape May Court House, Cape May Court House, New Jersey, proposed acquisition by Guarantee Bank, Atlantic City, New Jersey; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

[1] Application processed on behalf of the Board of Governors under delegated authority.

Ogdensburg Trust Company, Ogdensburg, New York, proposed merger with The Oneida National Bank and Trust Company of Central New York, Utica, New York; report to the Comptroller of the Currency on competitive factors.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Peoples Bank of Nanticoke, Nanticoke, Luzerne County, Pennsylvania. Branch to be established at the corner of Ridge and Market Streets, Nanticoke.[2]

The Traders Bank, Spencer, West Virginia. Branch to be established at the intersection of U.S. Route 33 and West Main Street, Spencer.[2]

Cheboygan Bank, Cheboygan, Michigan. Branch to be established in the vicinity of West U.S. Highway 2 and County Road 407 (Boulevard Drive), in the village of Point La Barbe, Moran Township, Mackinac County.[2]

The Bank of Edwardsville, Illinois. Branch to be established at the intersection of Montclair Avenue and Troy Road, Edwardsville, Madison County.[2]

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Seattle-First International Corporation: request—to increase its paid-in capital.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Sidney Holding Company, Sidney, Montana, for approval to acquire 80.5 percent of the voting shares of The Sidney National Bank, Sidney, Montana.[2]

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

SUSPENDED

CB&T Bancshares, Inc., Columbus, Georgia, for approval to acquire 51 per cent or more of the voting shares of Commercial Bank, Thomasville, Georgia.

CB&T Bancshares, Inc., Columbus, Georgia, for approval to acquire 51 per cent or more of the voting shares of La Grange Banking Company, La Grange, Georgia.

APPROVED

First Missouri Banks, Inc., Creve Coeur, Missouri, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of First Missouri Bank of West County, St. Louis County, Missouri, a proposed new bank.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

DELAYED

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in *de novo* activities (acting as insurance agent or broker in offices at which Bancorp of its subsidiaries are otherwise engaged in business (or in offices adjacent thereto) with respect to the following types of insurance: credit life insurance and credit health and accident insurance pursuant to group policies in connection with extensions of credit by subsidiaries of Bancorp and property and casualty insurance pursuant to group policies in connection with collateral securing extensions of credit by subsidiaries of Bancorp) at Baltimore and St. Paul Streets, Baltimore, Maryland, through a subsidiary, UTB Agency, Inc. (9/2/76)[3]

REACTIVATED

Utica Agency, Inc., Utica, Kansas, for approval to retain the assets of Horn Insurance Agency, Phoenix, Arizona.

PERMITTED

Union Bank Corporation of New York, Albany, New York, notification of intent to engage in de novo activities (making and acquiring for its own account or for the account of others, loans and other extensions of credit such as could be made by a finance company, including secured and unsecured loans to individuals, discounting of installment sales contracts, and secured commercial financing such as dealer floor-plan financing) at 75 State Street, Albany, New York and 3588 Delaware Avenue, Buffalo, New York, through a subsidiary, UBC Leasing of New York Inc. (9/4/76)[3]

Florida National Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in de novo activities (the business of acting as agent for the sale of credit life and credit accident and health insurance directly related to extensions of credit by the bank holding company and/or its banking and non-banking subsidiaries) in Titusville, Opa-Locka, Miami, Ft. Pierce, Coral Gables, Madison, Bushnell, Deland, Bartow, St. Petersburg, Fort Lauderdale, Daytona Beach, Pensacola, Jacksonville, Orlando, Vero Beach, Port St. Joe, West Palm Beach, Key West, Gainesville, Brent, Starke, Lakeland, Chipley, Belle Glade, Ocala Perry, and Fernandina Beach, all located in Florida, through a subsidiary, Florida National Financial Services, Inc. 9/2/76)[3]

M & S Bancorp, Janesville, Wisconsin, notification of intent to engage in de novo activities (leasing of real property and acting as agent, broker, or adviser in leasing real property provided that at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than its full investment in the property over the term of the lease) at 12 West Milwaukee Street, Janesville, Wisconsin, through its subsidiary, M & S Leasing Company, Inc. (9/4/76)[3]

Patagonia Corporation, Tucson, Arizona, notification of intent to engage in de novo activities (leasing personal property or acting as agent, broker, or adviser in leasing such property provided: the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property; the property to be leased is acquired specifically for the leasing transaction under consideration or was acquired specifically for an earlier leasing transaction; the lease is on a nonoperating basis and at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) at the Transco Tower, 2700 Post Oak, Houston, Texas, through its subsidiary, Patagonia Leasing Company (9/4/76)[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer instalment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of consumer-related life/accident and health insurance and consumer related property and casualty insurance) at 16052 Beach Boulevard, Huntington Beach, California, through its subsidiary, Security Pacific Finance Corp. (8/30/76)[3]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Union Trust Company of Wildwood, New Jersey, Wildwood, Cape May County, New Jersey. Branch to be established at the Southwest corner of 5th Avenue and New Jersey Avenue, North Wildwood, Cape May County.

The Detroit Bank—Southfield, Southfield, Michigan. Branch to be established at the Southeast corner of Southfield and Mt. Vernon Roads, Southfield, Oakland County.

Oak Park Trust & Savings Bank, Oak Park, Illinois. Branch to be established at 933 Madison Street, Oak Park.

* * * * *

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

Pacific National Bank of Washington. Branch to be established in George Town, Grand Cayman, Cayman Islands.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Depositors Trust Company, Augusta, Maine, for approval to acquire at least 90 per cent of the voting shares of Depositors Trust Company of Bangor, Bangor, Maine; The First National Bank of Aroostook, Fort Fairfield, Maine; The Liberty National Bank in Ellsworth, Ellsworth, Maine; Springvale National Bank, Springvale, Maine; Depositors Trust Company of Portland, Portland, Maine.

Crestwood Banking Company, Ltd., Crestwood, Kentucky, for approval to acquire 80 per cent or more of the voting shares of Crestwood State Bank, Crestwood, Kentucky.

Citizens Ban-Corporation, Rock Port, Missouri, for approval to acquire 95.02 per cent or more of the voting shares of The Citizens Bank of Atchison County, Rock Port, Missouri.

[1] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] Application processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Delta Bancorporation, Inc., Denver Colorado, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of The Colorado Bank and Trust Company, of Delta, Colorado, Delta, Colorado.

Erie Bankshares, Inc., Erie, Kansas, for approval to acquire 89 per cent or more of the voting shares of Home State Bank, Erie, Kansas, Erie, Kansas.

First Handi-Bankshares, Inc., Salina, Kansas, for approval to acquire 90.35 per cent or more of the voting shares of The First National Bank and Trust Company of Sa-Kansas, Erie, Kansas.

Columbia Bancorporation, Kennewick, Washington, for approval to acquire 80 per cent or more of the voting shares of Columbia Bank, National Association, Kennewick, Washington.

* * * * *

To expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Ameribanc, Inc., St. Joseph, Missouri, for approval to acquire 80 per cent or more of the voting shares of Peoples State Bank, Spickard, Missouri, Spickard, Missouri.

* * * * *

To Retain Bank Shares Acquired in a Fiduciary Capacity Pursuant to Section 3 of the Bank Holding Company Act of 1956.

The Citizens and Southern National Bank, Savannah, Georgia, for permission to retain 31.45 per cent of the voting shares of Commercial Bank, Waycross, Georgia.

First United Bancorporation, Inc., and the First National Bank of Fort Worth, both located in Fort Worth, Texas, for approval to retain 357 shares of University Bank, Forth Worth, Texas.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

CBT Corporation, Hartford, Connecticut, notification of intent to engage in de novo activities (commercial financing including the making of loans secured by accounts receivable, inventory, machinery and equipment, and real estate and full payout leasing of equipment) at 644 Linn Street, Cincinnati, Ohio, through General Discount Corporation, a subsidiary of CBT Financial Corporation, a subsidiary of CBT Corporation (9/2/76).[3]

Depositors Trust Company, Augusta, Maine, for approval to acquire the shares of Firestone Financial Corp., Newton Centre, Massachusetts.

Citicorp, New York, New York, notification of intent to engage in de novo activities (consumer personal lending, preauthorized consumer revolving credit; and acting as broker for the sale of consumer credit related life/accident and health insurance and consumer credit related property and casualty insurance; if these proposals are effected, the subsidiary will offer to sell insurance as follows: credit life/accident and health or individual decreasing or level (in the case of single payment loans) life insurance to cover the outstanding balance of consumer credit transactions, singly or jointly, with their spouses or cosigners in the case of life coverage in the event of death, or, to make the contractual monthly payments on the consumer credit transactions in the event of the obligator's disability to the extent permissible under applicable State insurance laws and regulations; and individual casualty insurance on personal property subject to security agreements and to include liability coverage in home or automobile owner "package" policies where such is the general practice; further, in regard to the sale of credit related insurance, the subsidiary will not act as a general insurance agency) at Chapman Plaza Building, 28 East 21st South, Salt Lake City, Utah, through its subsidiary, Nationwide Financial Services Corporation and its subsidiary, Citicorp Person-to-Person Financial Center (9/2/76).[3]

Erie Bankshares, Inc., Erie, Kansas, for approval to engage in the sale of credit life, credit accident and health and other insurance directly related to extensions of credit.

Columbia Bancorporation, Kennewick, Washington, for approval to acquire the shares of Columbia Pacific Mortgage, Inc., and Columbia Pacific Leasing, Inc., both of Richland, Washington.

REPORTS RECEIVED

Proxy Statement (Special Meeting) Filed Pursuant to Section 14(a) of the Securities Exchange Act

First Bank of Colonia, Colonia, New Jersey.
The State Bank of North Jersey, Pine Brook, New Jersey.

* * * * *

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, September 17, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-28046 Filed 9-23-76;8:45 am]

BANKERS TRUST CO.

Order Approving Applications for Merger of Banks

Bankers Trust Company, New York, New York ("New York Bank"), a State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Bankers Trust of Suffolk, National Association, Patchogue, New York ("Suffolk Bank"), under the charter and title of New York Bank. Incident to the proposed merger, all of the existing offices of Suffolk Bank would become branch offices of the resulting bank.

At the same time, Bankers Trust Commany of Western New York, Jamestown, New York ("Jamestown Bank"), a member of the Federal Reserve System, has also applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Bankers Trust Company of Rochester, Rochester, New York ("Rochester Bank"), under the title and charter of Jamestown Bank. Incident to the proposed merger, all of the existing offices of Rochester Bank would become branch offices of the resulting bank.

All of the banks involved in these proposals are subsidiaries of Bankers Trust New York Corporation, New York, New York, a registered bank holding company under the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841 et seq.).

As required by the Act, notice of the proposed transactions, in a form approved by the Board, has been published, and the Board has requested reports on competitive factors from the U.S. Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the applications and all comments and reports received in the light of the factors set forth in the Act.

New York Bank, the fifth largest commercial bank in the State of New York, holds domestic deposits of approximately $9.7 billion,[1] representing 7.1 per cent of total deposits in commercial banks in the State. Such deposits also represent 8.1 per cent of commercial bank deposits in the New York Metropolitan banking market[2] and, thereby, New York bank ranks as the sixth largest of 133 banks operating in that market.[3] Suffolk Bank holds deposits of approximately $75 million, representing 32.1 per cent of total deposits in commercial banks in the Patchogue banking market[4] and ranks as the largest of eight banks operating therein. Although Suffolk Bank derives about one-half of its deposits from the Metropolitan New York banking market, such deposits represent only a negligible share of that market's total deposits.

Jamestown Bank holds deposits of approximately $109 million, which represent 33.9 per cent of the total deposits in the Jamestown banking market,[5] and ranks as the largest of five commercial banks operating in the market. With deposits of approximately $45 million, Rochester Bank is the sixth largest of 15 banks in the Rochester banking market.[6] Rochester Bank's deposits represent 2.1 per cent of the total deposits in the Rochester market.

Since the four banks involved in these proposals are all subsidiaries of the same bank holding company, consummation of the proposals would neither eliminate any existing or potential competition nor increase the concentration of banking resources in any relevant area. Nor does it

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[1] Unless otherwise specified, all banking deposit data are as of December 31, 1975.

[2] Data with respect to the New York Metropolitan banking market are as of June 30, 1975.

[3] The New York Metropolitan banking market consists of New York City, the counties of Nassau, Putnam, Rockland and Westchester, the western portion of Suffolk County, all in the State of New York; the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, and southwestern Fairfield County in Connecticut.

[4] The Patchogue banking market is approximated by several small communities around Patchogue in eastern Suffolk County, New York.

[5] The Jamestown banking market is approximated by the southern one-half of Chautauqua County and the southwestern corner of Caltaraugus County, both in New York.

[6] The Rochester banking barket is approximated by the Counties of Monroe, Wayne, Livingston excepting therefrom the towns of Portage, Nunda and Ossian; and Orleans County excepting therefrom the town of Shelby and the village of Medina, all in New York.

appear that approval of the applications would have any adverse effects on any other banks within the respective banking markets. Accordingly, the Board concludes that competitive considerations are consistent with approval of the applications.

These applications do not involve the acquisition of additional banks by Bankers Trust New York Corporation but a consolidation of existing subsidiaries. Therefore the Board regards the financial and managerial resources of the institutions involved as being consistent with approval of these applications. It is anticipated that the proposed mergers would result in some operational economies, a more efficient use of managerial resources, and some enhancement in the services offered by each of the resulting banks. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the applications. It is the Board's judgment that consummation of the proopsals would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By Order of the Board of Governors,[1] effective September 7, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28035 Filed 9-23-76;8:45 am]

BANK HOLDING COMPANIES

Grandfather Privileges

Correction

In FR Doc. 76-26984 appearing on page 39387 of the issue for Wednesday, September 15, 1976, in the second paragraph above the signature the reference to "section 4(a)(1) of the Act" should read "section 4(a)(2) of the Act".

COLUMBIA BANCORPORATION

Formation of Bank Holding Company

Columbia Bancorporation, Kennewick, Washington, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Columbia Bank, N.A., Kennewick, Washington. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Columbia Bancorporation, Kennewick, Washington has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Columbia Pacific Leasing, Inc., Richland, Washington and Columbia Pacific Mortgage, Inc., Richland, Washington. Notice of the application was published on August 12, 1976 in the Grant County Journal, a newspaper circulated in Ephrata, Washington; on August 13, 1976, in the Tri-City Herald, a newspaper circulated in Benton County, Washington; on August 13, 1976, in the Walla Walla Daily Bulletin; a newspaper circulated in Walla Walla County, Washington; and on August 14, 1976, in the Yakima Herald-Republic, a newspaper circulated in Yakima, Washington.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts); servicing loans and other extensions of credit for any person; and leasing personal property or acting as agent, broker or adviser in leasing such property in conformity with § 225.4(a)(6)(a) of the Board's Regulation Y. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 18, 1976.

Board of Governors of the Federal Reserve System, September 15, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28036 Filed 9-23-76;8:45 am]

DEPOSITORS TRUST COMPANY

Formation of Bank Holding Company

Depositors Trust Company, Augusta, Maine, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 per cent or more of the voting shares of Liberty National Bank in Ellsworth, Ellsworth, Maine; The First National Bank of Aroostook, Fort Fairfield, Maine; Depositors Trust Company of Bangor, Bangor, Maine; Springvale National Bank, Springvale, Maine; and Depositors Trust Company of Portland, Portland, Maine. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Depositors Trust Company, Augusta, Maine has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Firestone Financial Corp., Newton Centre, Massachusetts. Notice of the application was published on September 4, 1976 in Boston Globe, a newspaper circulated in Boston, Massachusetts.

Applicant states that the proposed subsidiary would engage, on a full recourse basis, in financing purchases and sales of commercial equipment, including restaurant, bakery, refrigeration, laundry and vending equipment. The subsidiary would also engage in financing real estate development activities and real estate mortgages. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 19, 1976.

[1] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell and Lilly. Absent and not voting: Chairman Burns and Governors Jackson and Partee.

Board of Governors of the Federal Reserve System, September 16, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28037 Filed 9-23-76;8:45 am]

FIRST BANK SYSTEM, INC.

Order Approving Acquisition of Bank

First Bank System, Inc., Minneapolis, Minnesota, 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 all of the voting shares, less directors' qualifying shares, of First National Bank of Burnsville, Burnsville, Minnesota ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons 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, including those of the Minnesota Commissioner of Banks and the Independent Bankers Association of Minnesota ("Protestants"), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 49 banks in Minnesota with aggregate deposits of $9.3 billion,[1] reperesenting approximately 26.4 per cent of the total commercial bank deposits in Minnesota, and is the largest banking organization in the State.[2] Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in the State.

Bank is a new bank which has received preliminary charter approval from the Comptroller of the Currency and is to be located in Burnsville, a suburban community within the Minneapolis-St. Louis banking market.[3] With 16 subsidiaries in the Minneapolis-St. Paul market (the relevant market), Applicant controlled, as of June 30, 1975, deposits of $2.8 billion, representing about 39 per cent of the market deposits, and was the largest banking organization in the market. The second and third largest banking organizations in the market controlled, respectively, about 28.7 per cent and 3.4 per cent of the market deposits. Since Bank is a proposed new bank, consummation of Applicant's proposal would not eliminate any existing competition, nor would it have any immediate effect on Applicant's share of commerical bank deposits in the market. Although Applicant is the largest banking organization in the market, it is noted that its growth in the market in the recent past has been primarily internal; it has acquired only one bank in the market since 1956. Since that time, 37 charters for new banks within the market have been issued, and Applicant's market share has declined slightly from 43.0 per cent to 39.0 per cent. In the market, Applicant faces competition from over 100 commercial banking organizations.

In its analysis of the subject application, the Board has also considered the comments and requests for a hearing submitted by Protestants. Generally speaking, Protestants contend that the proposal would have anticompetitive effects and have requested a hearing to discuss the impact this proposal would have upon competition and the concentration of financial resources in the relevant market. Protestants argue that the area to be served by Bank cannot support another bank at this time and that the acquisition of Bank by Applicant will adversely affect the viability of two new banks in the proposed service area of Bank.

The Board has examined the records of the hearings held in connection with the chartering of Bank, the written submissions of Protestants, and the responses thereto by Applicant and concludes that a formal hearing would not add significant new information or raise issues not already discussed at length in the written submissions of Protestants and Applicant and in the record of the hearings held by the Comptroller of the Currency in December 1973 and November 1974. In view of the failure of Protestants to present new information, raise new issues or demonstrate that a hearing would elicit new information or present new issues, the Board concludes that the record is sufficiently complete to enable it to make an informed judgment. Accordingly, Protestants' requests for a formal hearing are hereby denied.

The Board has analyzed the information submitted by Protestants in support of the issues they have raised and, for the reasons set forth hereinafter, it is the Board's judgment that the issues raised by Protestants are not sufficient to warrant denial of the subject application.

With respect to the first issue, the Board disagrees with Protestants' assessment of the adverse effects that the proposal would have on the viability of the two new banks in the proposed service area of the Bank. The only bank in Burnsville opened in 1972 and in 1975 became a subsidiary of American Bancorporation, the third largest banking organization in the market with total deposits of $243 million. This bank has total deposits of $6.4 million and appears to be well established in the market. The second new bank in the proposed service area of Bank has obtained $5.9 million of deposits since it opened in 1974, and has become profitable in its second year of operation. On the basis of the record, the Board concludes that the attractive growth of the Burnsville area in recent years[4] and the corresponding demand for banking services will continue to support existing banks, and Applicant's new bank will not seriously threaten their viability.

Similarly, the Board is unable to conclude that Protestants' assessment of the effects that this acquisition would have on the concentration of financial resources in the relevant market is correct. On the contrary, the record indicates that the Minneapolis-St. Paul area has been experiencing substantial economic growth. As noted above, this growth has resulted in new banking entrants and has reduced Applicant's market share of total deposits. Furthermore, there is no evidence in the record to suggest that Applicant is using its size and resources to the disadvantage of other banking organizations to preempt a desirable future banking location before a new bank is needed, or that this acquisition in and of itself would significantly affect the trend towards deconcentration of financial resources in the relevant market. On the basis of the facts of record, including the records of the two chartering hearings, the submissions of Protestants, and the submissions of Applicant, the Board concludes that, given the growth of the market, the large number of competing organizations, and the propensity for deconcentration, consummation of this proposal would not result in a concentration of financial resources in the relevant market or adversely affect competition in the relevant market.

Accordingly, on the basis of the facts of record and having considered the comments of Protestants, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on existing or potential competition and that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries are regarded as generally satisfactory based upon the information in the record, including all bank examination information available to the Board. Bank, a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application.

Bank will serve as an additional full service banking facility to the residents of the area, including the businesses and customers of the new shopping center in which Bank will be located. Applicant has proposed that Bank will offer some services not being comparably offered by nearby banks and Bank will be open more hours than the other banks in the service area. Accordingly, these considerations

[1] In all, Applicant controls a total of 86 banks located in five States with aggregate deposits of $5.7 billion.

[2] Unless otherwise noted, banking data are as of December 31, 1975.

[3] The Minneapolis-St. Paul market is approximated by the RMA, adjusted to include all of Carver County.

[4] The population for Dakota County, which includes Burnsville, has increased 53.6 percent from 1960–1970. The population for this county is estimated to have increased an additional 12.0 percent from 1970–1973.

relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) First National Bank of Burnsville, Burnsville, Minnesota, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority.

By order of the Board of Governors,[5] effective September 15, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28038 Filed 9-23-76;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Red Bird National Bank, Dallas, Texas ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Texas, controls 24 banks with aggregate deposits of $3.2 billion, representing approximately 7.4 per cent of the total deposits held by commercial banks in Texas.[1] Since Bank is a proposed new bank, its acquisition by Applicant would neither immediately increase Applicant's share of deposits nor alter its rank in the State.

Bank will be located in the Dallas banking market (the relevant market).[2] Applicant currently controls four banking subsidiaries in the relevant market and ranks as the fourth largest banking organization therein through its control of approximately 4.3 per cent of the market's total commercial bank deposits. Applicant's closest existing subsidiary bank is located about nine miles north of bank. There are 108 banking organizations (controlling 130 banks) in the Dallas banking market, with the three largest of these organizations controlling approximately 26.3, 25.2, and 10.1 per cent, respectively, of the market's total commercial bank deposits. Since Bank is a proposed new bank, and in view of the distances between Applicant's existing subsidiary banks in the market and Bank, and the number of banking alternatives in the market, consummation of this proposal would have no significant adverse effects upon either existing or potential competition in any relevant area. Accordingly, on the basis of the facts of record, the Board finds that competitive considerations are consistent with approval of the application.

The financial resources and future prospects of Applicant, its subsidiary banks and Bank are regarded as generally satisfactory and consistent with approval of the application. The Board has indicated previously that in acting upon future applications by Applicant it will assess Applicant's managerial resources in the light of Applicant's method and timing in complying with its prior commitments to the Board.[3] In this regard, the Board notes that Applicant previously has committed either to divest itself of certain minority interests in certain banks or to acquire complete ownership of such banks within a designated period of time.[4] Applicant has submitted to the Board, in connection with the subject application, a plan that ensures completion, by March 31, 1977, of these commitments to the Board. In light of Applicant's undertakings, the Board now considers the managerial factors as being consistent with approval of this application. Accordingly, considerations relating to banking factors are consistent with approval.

Considerations relating to the convenience and needs of the community to be served lend weight toward approval because affiliation of Bank with Applicant will conveniently provide a full range of banking services to the residents and businesses in the Dallas area. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Red Bird National Bank, Dallas, Texas, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas, pursuant to delegated authority.

By order of the Board of Governors,[5] effective September 15, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28039 Filed 9-23-76;8:45 am]

FIRST HANDI-BANKSHARES, INC.

Formation of Bank Holding Company

First Handi-Bankshares, Inc., Salina, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 per cent or more of the voting shares of The First National Bank and Trust Company of Salina, Salina, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1976.

Board of Governors of the Federal Reserve System, September 15, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28040 Filed 9-23-76;8:45 am]

FIRST SECURITY CORPORATION

Order Amending Requirement for Filing a Plan of Divestiture

By Order dated July 30, 1976, the Board denied further extensions of time for divestiture by First Security Corporation, Salt Lake City, Utah ("FSC"), of First Security Savings and Loan Association, Pocatello, Idaho ("FSS&L"), a company engaged in the business of operating a savings and loan association, and determined not to process FSC's tendered application to retain FSS&L pursuant to section 4(c)(8) of the Bank Holding Company Act. The Board's Order required FSC to divest itself of

[5] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell and Jackson. Present and abstaining: Governor Lilly. Absent and not voting: Chairman Burns and Governor Partee.

[1] All banking data are as of June 30, 1975, unless otherwise indicated.

[2] The Dallas banking market is approximated by the Dallas Ranally Metro Area, which is defined as including all of Dallas County, the southwest portion of Collin County, the southeast portion of Denton County, the northern quarter of Ellis County, the eastern quarter of Tarrant County, and the northwest quarter of Kaufman County.

[3] See the Board's Order, dated August 20, 1975, approving Applicant's acquisition, pursuant to section 3(a)(3) of the Bank Holding Company Act, of Central Bank and Trust Company, Farmers Branch, Texas. (40 FEDERAL REGISTER 38189 (1975); 61 Federal Reserve Bulletin 591 (1975).)

[4] In connection with its acquisition in 1973 of Texas Bank & Trust Company, Dallas, Texas, Applicant committed to either acquire 100 per cent of the shares or to divest its shares in four affiliated banks of Texas Bank & Trust in the Dallas area.

[5] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, and Lilly. Absent and not voting: Chairman Burns and Governor Partee.

any and all direct or indirect interest in and control over FSS&L by no later than November 1, 1976. FSC was further directed to file a plan of divestiture with the Board by no later than September 15, 1976.

By letter dated August 25, 1976, and attachments thereto, FSC has requested that the Board grant reconsideration of its July 30 Order. The Board expects to act on such petition shortly and has determined that pending its action it is appropriate to extend the deadline by which FSC is to file a plan of divestiture with the Board. Accordingly, in the event the Board acts to deny the petition, FSC is hereby directed to file a plan of divestiture no later than two weeks subsequent to the date of such Board action.

By order of the Board of Governors,[1] effective September 15, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28041 Filed 9-23-76;8:45 am]

FISHBACK INSURANCE AGENCY, INC.

Order Approving Acquisition of Bank

Fishback Insurance Agency, Inc., Brookings, South Dakota, 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 an additional 49.6 percent of the voting shares of First National Bank in Brookings, Brookings, South Dakota ("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, currently owns 30.4 percent of the shares of Bank.[1] Bank, with total deposits of approximately $44 million, is the largest of seven banking organizations in the relevant market[2] and is the 11th largest banking organization in South Dakota; it controls 49.4 percent of the deposits in commercial banks in the relevant market and approximately 1.5 percent of the total deposits in commercial banks in the State.[3]

Applicant proposes to acquire an additional 49.6 per cent of Bank's shares from the family that controls Applicant. Since Applicant's proposal involves the acquisition of additional shares of a bank that it already controls, consummation of the proposal would not have any adverse effect on existing or potential competition, increase the concentration of banking resources, or have any adverse effect on other banks in the area. Thus, competitive considerations are consistent with approval of the application.

The overall financial and managerial resources of Applicant and Bank are consistent with approval, and the future prospects of each appear favorable. Thus, the banking factors are consistent with approval of the application. Although there will be no immediate change in the services or operations of Bank as a result of this proposal, considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the application. Therefore, 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 Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[4] effective September 17, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28042 Filed 9-23-76;8:45 am]

THE MARINE CORP.

Acquisition of Bank

The Marine Corporation, Milwaukee, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of The Merchants National Bank of Watertown, Watertown, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 12, 1976.

Board of Governors of the Federal Reserve System, September 16, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28043 Filed 9-23-76;8:45 am]

PLATTE VALLEY BANCORP, INC.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities

Platte Valley Bancorp, Inc., Brighton, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of both Platte Valley Bank, Brighton, Colorado ("Brighton Bank") and Platte Valley Bank of Weld County, Frederick, Colorado ("Frederick Bank"). The factors that are considered in acting upon the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain its credit related insurance agency activities that currently are conducted through Platte Valley Insurance Agency, Frederick, Colorado ("Agency"), upon the premises of Frederick Bank. Applicant would thereafter continue to engage in the sale of credit life, credit accident and health insurance, and fire and casualty insurance directly related to extensions of credit by Frederick Bank. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

The applications have been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under provisions of § 265.2(f)(22) and (32) of the rules regarding delegation of authority (12 CFR 265.2(f)(22) and (32)(1976)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (41 FR 26078 (1976)). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant was incorporated in 1975 under the laws of the State of Colorado for the purpose of conducting insurance agency activities upon the premises of Frederick Bank. Brighton Bank and Frederick Bank control aggregate deposits of $10.1 million, representing approximately one-tenth of one percent of the total deposits held by commercial banks in Colorado, and rank, respectively, as the 162nd and 276th largest banks in that State.[1] Accordingly, ap-

[1] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, and Lilly. Absent and not voting: Chairman Burns and Governor Partee.

[1] Applicant was organized on September 30, 1968, and acquired 37.7 percent of Bank on December 30, 1970. In addition to the ownership of Bank stock, Applicant is engaged in general insurance activities. Applicant, a "company covered in 1970", is exempt, with regard to its insurance activities, by virtue of section 4(a)(2) of the Act, from the nonbanking prohibitions of section 4 of the Act.

[2] The relevant market is approximated by Brookings County.

[3] All banking data are as of December 31, 1975, adjusted to reflect bank holding company formations and acquisitions approved by the Board through August 31, 1976.

[4] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson and Lilly. Absent and not voting: Governors Coldwell and Partee.

proval of these applications would not significantly increase the concentration of banking resources in Colorado.

Brighton Bank, with deposits of $9.1 million, representing approximately two-tenths of one percent of the total deposits held by commercial banks in the Denver banking market is the 37th largest of 54 banking organizations operating in that market.[2] Frederick Bank, with deposits of $1.0 million, representing approximately one percent of the total deposits held by commercial banks in the Frederick banking market is the smallest of five banking organizations operating in that market and is the only bank in Frederick.[3] Inasmuch as this proposal represents a shifting of the ownership of the two banks from individuals to a coroporation controlled by the same individuals, and Applicant has no present banking subsidiaries, the acquisitions of Brighton Bank and Frederick Bank by Applicant would neither eliminate any significant existing or potential competition, increase the concentration of banking resources nor have any adverse effects on competition within the respective banking markets. Moreover, it is noted that the two banks are located 15 miles apart in separate banking markets. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of the banks to be acquired and Agency are regarded as satisfactory. In addition, Applicant has committed itself to inject $250,000 into the capital accounts of Brighton Bank. Accordingly, considerations relating to the banking factors lend weight toward approval of the applications. The same conclusion applies with respect to considerations relating to the convenience and needs of the communities to be served. Therefore, consummation of the holding company formation would be consistent with the public interest and the application to acquire Brighton Bank and Frederick Bank should be approved.

Also incident to the reorganization, Applicant has applied to continue to engage in the sale of credit related insurance, pursuant to § 225.4(a)(9) of the Board's Regulation Y. Such insurance activities would continue to be conducted upon the premises of Frederick Bank. It does not appear that the retention of these insurance agency activities would have any significant adverse effect upon either existing or future competition, and approval would enable Applicant to continue to offer Frederick Bank's customers a convenient source of insurance services, which factor is regarded as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Reserve Bank has determined that the considerations affecting the competitive factors, under section 3(c) of the Act, and the balance of the public interest factors under section 4(c)(8), both favor approval of Applicant's proposal.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisitions of Brighton Bank and Frederick Bank 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 of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and to make examinations of, bank holding companies and their subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

WILBUR T. BILLINGTON,
Senior Vice President.

SEPTEMBER 8, 1976.

[FR Doc.76-28044 Filed 9-23-76;8:45 am]

[1] All banking data are as of December 31, 1975, and reflect bank holding company formations and acquisitions approved by the Board through July 30, 1976.

[2] The Denver banking market is approximated by Adams, Arapahoe, Denver and Jefferson Counties, and the Broomfield portion of Boulder County.

[3] The Frederick Banking market is approximated by the southwestern corner of Weld County and the northeastern portion of Boulder County.

ROGER BILLINGS, INC.

Order Approving Acquisition of Additional Shares of Bank

Roger Billings, Incorporated, Delphos, Kansas, a registered bank holding company,[1] has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 4.6 per cent of the voting shares of The State Bank of Delphos, Delphos, Kansas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with 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 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant currently owns 22.2 per cent of the voting shares of Bank,[2] and also engages in insurance activities.[3] Bank, with total deposits of approximately $4.5 million,[4] controls approximately .05 per cent of the total deposits in commercial banks in the State and is the fourth largest of the five banks in the relevant market with approximately 15.2 per cent of the total deposits in the market.[5] Applicant proposes to acquire 23 shares of Bank from a principal shareholder of Bank and Applicant.

The proposed acquisition of additional shares of Bank would have no effect on competition, since Applicant and its officers, directors and principal shareholders together already control a majority of Bank's outstanding voting shares. Thus, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered satisfactory. Applicant will not incur any debt in connection with this acquisition and the banking factors are consistent with approval. Although there will be no immediate change in the services or facilities of Bank as a result of this acquisition of additional voting shares, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Therefore, it is the Board's judgment that the proposed transaction is consistent with 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 the Federal Reserve Bank of Kansas City.

[1] Applicant registered as a bank holding company in 1971 at the request of th Federal Reserve Bank of Kansas City. Under § 225.2(b) of the Board's Regulation Y (12 CFR § 225.2(b)) a rebuttable presumption exists that Applicant controls The State Bank of Delphos, Delphos, Kansas, however, the Board has not previously made a determination that Applicant controls that bank.

[2] Applicant acquired additional shares of Bank during 1973 and 1974 without the prior approval of the Board. At the request of the Federal Reserve Bank of Kansas City, Applicant divested those shares and filed this application to reacquire them.

[3] Applicant claims section 4(c)(ii) as authority for its continuing to engage in its nonbanking activities. In the event the Board determines that Applicant is not entitled to that exemption, Applicant has agreed to either file an application pursuant to section 4(c)(8) or divest itself of the shares of Bank it has applied to acquire and thus reduce its holdings of Bank's stock to less than 25 per cent of the outstanding voting shares.

[4] All banking data are as of December 31, 1975.

[5] The relevant market is approximated by northern Ottawa and southern Cloud Counties.

By order of the Board of Governors,[6] effective September 14, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28045 Filed 9-23-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-79]

GENERALIZED SYSTEM OF PREFERENCES

Certain Articles Being Considered for Removal From List of Articles Eligible for Duty-Free Treatment

On September 14, 1976, the President, pursuant to section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332 (g)), requested the United States International Trade Commission to conduct an investigation to obtain the data necessary for the review by the Trade Policy Staff Committee (TPSC), Office of the Special Representative for Trade Negotiations, of certain petitions from domestic producers to remove products from the list of articles eligible for duty-free treatment under the Generalized System of Preferences.

Specifically, the President requested that the Commission conduct and report the results of the following investigations:

1. With respect to the petitions for the withdrawal of GSP benefits for permanent-magnet direct current motors classifiable in item numbers 682.25 and 682.30 of the Tariff Schedules of the United States[1] (TPSC GSP case No. 76-34), an investigation and report (a) on the economic effect which the designation of these motors as articles eligible for duty-free treatment under the GSP has had on domestic producers of like or directly competitive motors; (b) the probable economic effect which withdrawal of GSP benefits would have on: (i) The domestic producers; (ii) the prospective establishment of new or additional domestic production; and (iii) domestic producers of products that utilize or incorporate such motors; and (c) which countries, if any, would be eliminated from GSP benefits by virtue of the "competitive need" provisions of section 504 (c) of the Trade Act of 1974 if items 682.25 and 682.30 were each subdivided into three new items, as follows: (i) AC motors; (ii) DC motors; and (iii) other motors.

2. With respect to cast iron household stoves, cast iron parts of household stoves, and cast iron fireplace grates classifiable in item 653.50 of the Tariff Schedules of the United States (TPSC GSP case No. 76-25), an investigation and report on the conditions of competition between imported and domestically produced articles, with particular attention to the economic effect which the designation of these articles as eligible for duty-free treatment under the GSP has had, or is likely to have, on domestic producers. The report should include information on the volume and trend of U.S. imports and domestic production in recent years, as well as the factors of competition affecting these articles.

3. With respect to leather wearing apparel classifiable in item 791.75 of the Tariff Schedules of the United States (TPSC GSP case No. 76-2), an investigation and report on the current employment and production conditions in the domestic industry.

The President further requested that the Commission make every effort to provide the subject reports as soon as possible but not later than January 12, 1977, in connection with reports 1 and 2 and not later than November 10, 1976, with respect to report 3.

INVESTIGATION

In accordance with the provisions of section 332(g) of the Tariff Act of 1930, as amended, the Commission has instituted investigation No. 332-79 for the purposes of obtaining the requested information to the extent practicable.

HEARINGS

A public hearing in connection with the investigation concerning reports 1 and 2 will be held in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.s.t., on Tuesday, November 16, 1976. A public hearing in connection with the investigation concerning report 3 will be held at the same location beginning at 10 a.m., e.d.t., on Thursday, October 21, 1976. All interested persons will be given an opportunity to be present, to produce evidence, and to be heard at such hearings. Requests to appear should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and should be received not later than noon on Friday, November 12, 1976, respecting the November 16, 1976, hearing and Monday, October 18, 1976, respecting the October 21, 1976, hearing.

WRITTEN SUBMISSIONS

Interested persons may submit written statements in lieu of or in addition to appearances at the public hearings. Any business information which an interested person desires the Commission to treat as confidential shall be submitted on separate sheets, each clearly marked "confidential Business Data" at the top. All written submissions, except for confidential business data, will be made available for inspection. To be assured of consideration by the Commission, written statements concerning report 3 should be submitted at the earliest practicable date, but not later than November 4, 1976. Written statements concerning reports 1 and 2 should be submitted at the earliest practicable date, but not later than December 28, 1976. All written submissions should be addressed to the Secretary at the Commission's offices in Washington, D.C.

Issued: September 21, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-28131 Filed 9-23-76;8:45 am]

[6] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson and Lilly. Absent and not voting: Governors Wallich and Partee.

[1] The Tariff Schedules of the United States Annotated (1976) is for sale by the superintendent of Documents, Government Printing Office, Washington, D.C. 20402; it is also available for inspection without charge at any field office of the U.S. Customs Service or the Department of Commerce and at depository libraries.

OFFICE OF MANAGEMENT AND BUDGET

AMERICAN STATISTICAL ASSOCIATION (ADVISORY COMMITTEE ON STATISTICAL POLICY)

Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the American Statistical Association Advisory Committee on Statistical Policy to be held in Room 10103, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C., on October 29, 1976 at 10 a.m.

The purpose of the meeting is to hear remarks from the Deputy Associate Director for Statistical Policy on recent actions which affect the Federal statistical system especially as they relate to recommendations of the Advisory Committee during the past few years. A major topic of discussion will be a framework for planning U.S. Federal statistics, 1978-1989. The Committee will also give advice on the effects of the President's program to reduce the paperwork burden and the organization of statistical activities. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3836.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.76-28077 Filed 9-23-76;8:45 am]

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period September 6 through September 17,

1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

FEDERAL TRADE COMMISSION

System name: Equal Employment Opportunity Statistical Reporting System.
Report date: September 8, 1976.
Point of contact: Mr. Robert J. Lewis, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

DEPARTMENT OF COMMERCE

System names: (1) NOAA Mailing Lists, (2) Federal Employees with Fire Related Expertise, NOAA Diving Program File, (4) Department Mailing Lists.
Report Date: September 9, 1976.
Point of contact: Mr. Joseph O. Smiroldo, Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.76-28076 Filed 9-23-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12813; File No. SR-MSTC-76-9]

MIDWEST SECURITIES TRUST CO.

Order Approving Rule Change Submitted by the Midwest Securities Trust Company Regarding Dividends

SEPTEMBER 20, 1976.

On July 2, 1976, the Midwest Securities Trust Company ("MSTC"), a wholly-owned subsidiary of the Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Illinois 60603, submitted a proposed rule change pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") amending Sections 2 through 7 of MSTC Rule 6. The rule change provides that certificates representing stock dividends and similar distributions in respect of securities in pledged positions are to be credited to the account of the pledgee, rather than that of the pledgor. MSTC will continue to credit cash dividends and cash-in-lieu of fractional shares in respect of securities in pledged positions to the account of the pledgor.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (41 FR 34134, August 12, 1976) and the public was invited to submit comments until September 2, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 12689, August 4, 1976. No letters of comment were received.

The Commission has reviewed the MSTC submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-MSTC-76-9 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28008 Filed 9-23-76;8:45 am]

[Release No. 34-12803; File No. SR-NYSE-76-44]

NEW YORK STOCK EXCHANGE, INC.

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 September 13, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

To be rescinded—409(c). Customers' confirmations shall bear a notation or legend to enable the customer to determine the amount of any odd-lot differential.

STATEMENT OF BASIS AND PURPOSE

Purpose of Proposed Rule Change.—Rule 409(c) requires that customers' confirmations bear a legend to enable a customer to determine the amount of any odd-lot differential. The rule was adopted in 1967 at a time when two member firms functioned as odd-lot dealers. Subject to Exchange approval, they were able to set the amount of the differential. Since uniform differentials were charged, member organizations were able to comply with the rule by having explanatory legends printed on the confirmations.

The conditions that led to the adoption of the rule have been replaced by a competitive market and the Exchange no longer has an involvement in determining commissions or charges on customers' orders. There are no longer any firms that function solely as odd-lot dealers, although it is conceivable that at some time in the future, there may be firms whose principal function will be dealing in odd-lots. In May 1976, the Exchange initiated an odd-lot service that enables specialists to perform the odd-lot function. The odd-lot service is operated by Securities Industry Automation Corporation (SIAC) and presently uses computer and clerical support systems purchased by the Exchange from the firm that had been the sole odd-lot dealer. The computers provide the specialists with the options of incorporating differentials ranging from zero to 7/8ths in units of eighths. Member organizations may also execute odd-lot orders off-floor for customers without using the services of the specialists.

At some time in the future, some specialists may charge odd-lot fees in amounts of cents per share. None has done so because of a variety of operational problems including the absence of appropriate computer programs. If a fee system emerges, the specialists would probably charge the fees to the member firms in the form of billing. This would not be part of the odd-lot computer or pricing systems. The member firm would make its own determination as to what part, if any, of the fee would be passed along to the customer.

The Exchange staff is not aware of any other national securities exchange that has a rule requiring a notation or legend on a confirmation with respect to an odd-lot differential, nor does the SEC have a comparable rule.

Basis under the Act for proposed rule change. The proposed rescission of Rule 409(c) is based on section 6(e)(1) of the Securities Exchange Act of 1934 as amended by the Securities Acts Amendments of 1975.

(i) Inapplicable.
(ii) Inapplicable.
(iii) Inapplicable.
(iv) Inapplicable.
(v)(A) If Rule 409(c) is rescinded, member organizations would still be required to disclose the source and amount of any remuneration as specified in SEC Rule 15c1-4.
(B) Inapplicable.
(C) Inapplicable.
(D) Inapplicable.
(E) See answer to 4. (v)(A) above.
(vi) Inapplicable.
(vii) Inapplicable.
(viii) Inapplicable.

Comments received from members, participants or others on proposed rule change. The Exchange solicited comments on the proposed rescission and also received unsolicited comments. All comments (written and verbal) supported rescinding or amending the rule because compliance with the rule in the present circumstances will be costly and operationally difficult. Furthermore, the need for the rule ceased with the elimination of fixed commissions.

Burden on competition. The proposed rescission will not impose any burden on competition. The Exchange is not aware of any other national securities exchange that has a similar rule and the rescission will permit Exchange members to be on a competitive basis with members of other exchanges.

On or before October 29, 1976, 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 all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 15, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 16, 1976.

[FR Doc.76-27964 Filed 9-23-76;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Meeting

The BRAC Committee on Occupational Safety and Health Statistics will meet at 10 a.m., October 15, 1976, at the New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C., Room S4215 A and B. The agenda for the meeting is as follows:

1. Recommendations of the Commission on Federal Paperwork.
2. GAO report on occupational safety data.
3. OMB and the annual survey.
4. Status of 1975, 1976, and 1977 annual surveys.
5. National Emphasis Program quarterly survey.
6. OSHS data information sources.
7. State participation in the Supplementary Data System.
8. Quality Assurance Program.
9. Supplementary Data System.
10. Arkansas research project.
11. Recordkeeping issues—surveillance and monitoring.
12. Occupational illnesses.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 21st day of September 1976.

JULIUS SHISKIN,
Commisisoner of Labor Statistics.

[FR Doc.76-28097 Filed 9-23-76;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 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 prohibites such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C., this 20th day of September 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending September 17, 1976

Name of applicant	Location of enterprise	Principal product or activity
NIADNI, Inc	Lincoln, N.H	Lodge and restaurant.
EPL Corp	Augusta, Maine	Restaurant.
Roebling Real Estate Co	Roebling, N.J	Real estate.
Fairplain Tractors Sales, Inc	Ripley, W. Va	Retail tractors sales and repair.
Pleasant Grove Senior Citizens Home, Inc	Fuquay-Varina, N.C	Residential care.
Tifton Chemical Co	Tifton, Ga	Manufacturing and sales of agricultural chemicals.
Cal-Maine Foods, Inc	Bay Springs, Miss	Processing eviscerated fresh and frozen fowl.
The Gerald Grain Association	Wauseon, Ohio	Grain drying and storage.
Town House Motor Inn, Inc	Sterling, Colo	Motel.
Noland Implement, Inc	Poplar, Mont	Sales and service of farm and garden machinery and equipment.
Specialty Woodcraft & Millwork, Inc	Sheridan, Wyo	General contractors.
J&M Printing, Inc	Gwinner, N. Dak	Commercial printing.
Watsonville Canning & Frozen Food Co	Watsonville, Calif	Processor of frozen vegetables.

[FR Doc.76-28067 Filed 9-23-76;8:45 am]

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Application No. D-333]

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to a Transaction Involving the Given International Employees' Stock Bonus Plan; Hearing on Exemption Proceeding

Notice of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of section 406(a) and section 406(b)(1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1)(A) through (E) of the Code, was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34384). The pending exemption was requested in an application filed by Given International (Given) and the trustee of the Given International Employees' Stock Bonus Plan (Plan) for a transaction involving the sale of certain plan assets to the Crocker National Bank. Interested persons were invited to submit written comments on the proposed exemption, and, by September 10, 1976, to submit their requests, if any, that a public hearing be held on the proposal.

A public hearing has been requested on behalf of certain beneficiaries of the Plan.

After consideration of the above request, the Department and the Service have determined that a public hearing regarding the pending exemption will be held on October 12, 1976, beginning at 10 AM in Room N-4437D, Department of Labor, 200 Constitution Avenue NW., Washington, D.C.

Any interested person who desires to present oral comments at the hearing and who wishes to be assured of being heard shall submit a statement to that effect, and indicate the time he wishes to devote. Such statement, and any written comments that such interested person wishes to be considered in conjunction with his or her presentation, should be submitted to the U.S. Department of Labor, 200 Constitution Avenue NW., Room C-4526, Washington, D.C. 20216, Attention: Hearing: Exemption Application D-333, by October 6, 1976. An agenda will then be prepared containing the order of presentation of oral comments. Copies of the agenda will be available at the hearing, and information concerning its contents may be obtained on October 8, 1976, by telephoning (202) 523-9251. Ordinarily, 10 minutes will be allotted to each person for making an oral presentation. In addition, persons making oral comments should be prepared to answer questions relating to the pending exemption. At the conclusion of the presentations of comments by persons listed in the agenda, to the extent time permits, other comments will be received. The public hearing will be transcribed.

Signed at Washington, D.C., this 23rd day of September, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

[FR Doc.76-28252 Filed 9-23-76;9:35 am]

Occupational Safety and Health Administration

[V-76-4, 5]

EDWARDS TANK ERECTION, INC., ET AL.

Grant of Variance

I. *Background.* Edwards Tank Erection, Inc., P.O. Box 547, Seneca, Pa. 16346, and Newport News Industrial Corporation of Ohio, P.O. Box 25, Perry, Ohio 44081 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a permanent variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1926.451(a)(4), (5) and (10) which set general requirements for scaffolding.

The place of employment affected by these applications are all construction sites where the applicants are engaged in tank construction operations.

Notices of the applications, and of the granting of interim orders, were published in the FEDERAL REGISTER on March 19, 1976 (41 FR 11634) and on March 23, 1976 (41 FR 12107) respectively.

The notices 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.* The applicants' businesses, which are part of the tank building industry, involve the erection of relatively large steel plate segments of circumferential rings. Due to the unique nature of the construction involved, special procedures, including special scaffolding, have been developed. For example, as opposed to more conventional scaffolds, tank scaffolds must be highly portable and have a relatively low density of occupancy by workmen. These scaffolds are raised up the shell of the tank as new rings of steel are added and work is completed at the level below.

Most plate structures are fabricated from standard length plates obtained from steel mills. These plates, each approximately 31.416 feet long, normally have brackets welded to them while they are on the ground prior to being placed into position on the tank wall. Scaffolding and guardrail supports are then attached to these brackets. If the applicants were to comply with § 1926.451(a)(5) which requires that guardrail supports be at intervals not to exceed 8 feet, and Table L-3 in § 1926.451(a)(10) which sets the maximum permissible span (distance between planking supports) for 2 x 10 inch full thickness undressed lumber at 10 feet, they assert it would be necessary to lay out each steel plate into sections with the brackets located approximately 7.854 feet apart. Instead, the applicants wish to lay out the plate into three equal sections with brackets located approximately 10 feet 6 inches apart. The planks which the companies propose to use are rough full-dimensioned 2" x 12" x 12' planks of Douglas Fir or Southern Yellow Pine of Select Structural Grade.

The Douglas Fir has a fiber stress of 1,900 and a modulus of elasticity of 1,900,000, while the Southern Yellow Pine has a 2,500 fiber stress and a modulus of elasticity of 2,000,000. These characteristics of both types of planking meet the requirements of Scaffold Grade in § 1926.451(a)(10).

The tank scaffolds do not have toeboards as required by § 1926.451(a)(4) and (5). Instead, applicants have stated that most tools are placed in well designed "loose tool" containers provided for that purpose. The area directly below and far enough away from the base of the scaffold to contain anything that falls from above is roped off. Because the contour of the steel plates of the tank face is curved and the adjacent edge of the scaffold platform is straight, there is an open space between them. As a result applicants have installed taut wire-rope on the scaffold brackets that extends midway between the innermost edge of the scaffold platform and the curved plate structure of the tank face to serve as a safety line in lieu of an inner guardrail assembly.

According to the Edwards Tank Erection, Inc. application, less than 10 percent of the plank surface on the scaffold serves as a work location at any one time, and is normally occupied by approximately one person per 30 feet of scaffold length. About one-third of the employees work alone on the scaffolds, and the others work in groups of 2 or 3 with only one group located within a 10'6" bracket span. The employees carry their tools and equipment from one location to the next as work progresses.

In addition, the applicants propose to attach the guardrail support brackets at the 10'6" brackets rather than 8' intervals as required by the standard. Angle irons would be used for supports and wire rope cable for guardrails.

III. *Decision.* Section 1926.451(a)(4) and (5) requires toeboards with a minimum height of 4" on all open sides and ends of platforms more than 10 feet above the ground or floor. This is intended to keep tools and equipment from falling off the scaffold injuring people below. The applicants' system of keeping most tools in containers and roping off the area under and in close proximity to the scaffold accomplishes this purpose and thus provides a place of employment as safe as that required by the toeboard requirements of § 1926.451(a)(4) and (5).

Table L-3 in § 1926.451(a)(10) sets the maximum permissible span between planking supports at 10 feet for 2 x 10 inch or wider planks of full thickness undressed lumber. The applicants have proposed to use Douglas Fir of Southern Yellow Pine of Select Structural Grade on 10'6" spans.

The increased strength of the full thickness Douglas Fir and Southern Yellow Pine over other commonly used types of scaffold planking would provide safe scaffolding even though the span is 6" longer that the maximum span allowed under the standard.

Section 1926.451(a)(5) also requires that guardrail supports be placed at no more than 8 foot intervals. While applicants could comply with this requirement by attaching guardrail supports to the scaffolds, the applicants normally attach the guardrail supports, as well as the scaffolding supports, to the brackets which are welded to the steel plates at 10'6" intervals. This practice affords considerably more stable attachments for the guardrail assembly than would exist with wooden 2 x 4s attached to the scaffold at 8 foot intervals. Moreover, the wire rope cables used for guardrails and the angle irons used for supports are at least as strong as the wooden 2 x 4s permitted

by § 1926.451(a)(5). Therefore, it is determined that the guardrail assemblies made of angle irons and wire rope cables, and supported by the brackets at 10'6" intervals are as safe as those required by § 1926.451(a)(5).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96; 40 U.S.C. 333), 29 CFR Part 1905, 29 CFR 1926.2 and Secretary of Labor's Order No. 8–76, it is ordered that the above listed applicants be, and they are hereby, authorized to use the scaffolds described in their applications in their tank-building process at all construction projects where the applicants are engaged in construction operations in lieu of complying with the toeboard and span requirements in § 1926.451 (a)(4), (5) and (10): *Provided,* That:

(a) The applicants' loose tools and equipment shall be kept in well-designed tool containers. This does not include fit-up bar, key plates, key channels, or long handled maul which may be placed on the scaffold plank during the time they are required to work. The loose tool containers shall be secured to prevent their upset or dislodgement from the scaffold area.

(b) Areas beneath and far enough away from the base of the scaffold to contain anything that falls from above shall be roped off and posted with clearly visible signs stating: "Danger Overhead Work."

(c) The space between the innermost edge of the scaffold platform and the curved plate structure of the tank shell shall not exceed 12" without protective measures. A taut wire rope supported on scaffold brackets at plank level may be used to divide any space exceeding 12" in lieu of using a guardrail or a tie-off system.

(d) Not more than 3 employees shall be working on a 10'6" span of scaffold planking at any time.

(e) The maximum distance between brackets to which scaffolding and guardrail supports are attached shall be 10'6". These brackets shall be welded to the steel plates.

(f) Scaffold planks of rough full-dimensioned 2" x 12" x 12' Douglas Fir or Southern Yellow Pine of Select Structural Grade or equivalent planking shall be used. The Douglas Fir shall have at least a 1,900 fiber stress and 1,900,000 moduli of elasticity, while the Yellow Pine shall have at least 2,500 fiber stress and 2,000,000 moduli of elasticity. Three planks with full thickness 2" x 10" x 12' dimensions may be used in lieu of two 2" x 12" x 12' planks provided that they are clamped or bonded together at the midpoint of the span, in order to spread the weight of the employees.

(g) All planking shall be secured from movement or overlapped in accordance with § 1926.451(a)(12).

(h) Guardrails shall be constructed of taut wire rope, and shall be supported by angle irons attached to brackets welded to the steel plates. These guardrails shall be at least of equivalent strength, stability and height as those required for the 8 foot span of 2" x 4" woodrails by 29 CFR 1926.451(a)(5). Guardrail supports shall be located at no greater than 10'6" intervals.

As soon as possible, the applicants shall give notice to affected employees of the terms of this order by the same means used to inform them of the application for variance.

Effective date: This order shall become effective on September 24, 1976, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 16th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–27691 Filed 9–23–76;8:45 am]

Office of Federal Contract Compliance Programs

ST. LOUIS PLAN

Carpenters' Affirmative Action Plan; Amendment

On July 10, 1971, the Office of Federal Contract Compliance Programs (OFCCP) published the St. Louis Plan to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal and Federally-assisted construction contractors and subcontractors in the city of St. Louis County, Missouri.

The provisions of the St. Louis Plan extend to all contractors and subcontractors performing in the city of St. Louis and St. Louis County, Missouri, on Federal or Federally-assisted construction contracts for projects the estimated total cost of which exceeds $500,000, (including all activities on non-federally involved work): *Provided, however,* That if an area-wide agreement is developed for any trade covered by these regulations or that any trade is covered by a multi-trade agreement and such an agreement is among contractors, unions and the minority community, the Office of Federal Contract Compliance Programs would, in its discretion, accept such a program in lieu of any or all the requirements of the St. Louis Plan.

Accordingly, concurrent with the approval of the St. Louis Plan, the OFCCP approved a Supplemental Manpower Agreement to which the Carpenters District Council of St. Louis and the Associated General Contractors of St. Louis are signatories. That agreement meets or exceeds the requirements of the St. Louis Plan which would otherwise be applicable to this trade and provides, among other things, for a 5-year goal of twenty percent (20%) minority manpower representation in the trade.

Additionally, an affirmative action agreement executed by and between the National Electrical Contractors Association and Local Union No. 1, International Brotherhood of Electrical Workers was also approved by the OFCCP. This agreement meets or exceeds the requirements of the St. Louis Plan which would otherwise be applicable to this trade and provides, among other things, for a 5-year goal of seventeen percent (17%) minority manpower representation in the electrical trade.

Those contractors who are signatory to the aforementioned affirmative action plans and continue to satisfactorily participate in these plans, so long as the plans remain approved by the OFCCP, are relieved of their obligation to meet the goals designated in the St. Louis Plan.

In accordance with the OFCCP's standard procedures for determining goal achievement by minority utilization affirmative action plans, these two (2) affirmative action plans have been reviewed during the scheduled St. Louis Plan compliance checks to determine their effectiveness in meeting their goals for minority manpower utilization. The results of the reviews of the Carpenters' AAP have indicated that the Carpenters have made "good faith efforts" to meet their goals. The results of the reviews of the Electricians Affirmative Action Plan have indicated that the Electricians have not met their goals and have not made "good faith efforts" to do so. In light of the results of the reviews conducted of the two affirmative action plans, the OFCCP is hereby withdrawing approval of the agreement between the National Electrical Contractors Association and Local Union No. 1, International Brotherhood of Electrical Workers. Effective immediately all contractors utilizing electrical craftsmen in the St. Louis Plan area are subject to the goals as set forth in the St. Louis Plan. The Carpenters' Affirmative Action Plan is continued until further notice.

Signed this 14th day of September 1976.

JOHN C. READ,
Assistant Secretary for Employment Standards.

LAWRENCE Z. LORBER,
Director, Office of Federal Contract Compliance Programs.

[FR Doc.76–28098 Filed 9–23–76;8:45 am]

Office of the Secretary

[TA–W–877]

AMPEX CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–877: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 10, 1976 in response to a worker petition received on that date which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers engaged in the production of side pieces, a component of tape recorder head assemblies, at Ampex Corporation, Redwood City, California.

The notice of investigation was published in the FEDERAL REGISTER on June 29, 1976 (41 FR 26767). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ampex Corpora-

tion, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have deceased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether any of the other criteria have been met, criteria (3) and (4) have not been met.

Ampex Corporation ceased all production operations at the Redwood City plant in June 1975. The closure of the plant followed a decision by Ampex to consolidate the operations with those of an Ampex facility in Colorado Springs, Colorado. Operations related to approximately 90 percent of the labor activity performed at Redwood City were transferred to Colorado Springs. The remaining operation—production of side pieces for tape recorder head assemblies—was transferred to an Ampex facility in Hong Kong. Prior to the closing of the Redwood City plant, such side pieces were exported to Hong Kong and then entered the United States as components of head assemblies produced in Hong Kong. Imports of completed head assemblies by Ampex which contain side pieces declined 27 percent in fiscal 1976 (May 1–April 30) compared to fiscal 1975. Ampex imports no side pieces except as components of completed head assemblies. Thus, imports by the firm of neither side pieces nor head assemblies containing side pieces as components have increased.

Conclusion

After careful review of the facts obtained in the investigation I conclude that increased imports did not contribute importantly to the total or partial separation of workers employed at Ampex Corporation, Redwood City, California.

Signed at Washington, D.C. this 16th day of September 1976.

James D. Hoover,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28100 Filed 9-23-76;8:45 am]

[TA-W-1,022]

BARRY KNITTING MILLS

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date which was filed by Local 190 of the International Ladies' Garment Workers' Union on behalf of former workers producing sweaters at Barry Knitting Mills, Philadelphia, Pennsylvania.

Notice of the investigation was published in the Federal Register on September 7, 1976 (41 FR 37685). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Barry Knitting Mills were previously certified eligible to apply for adjustment assistance on November 22, 1975 (See TA-W-167).

The existing certification will expire on November 22, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 22, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 17th day of September 1976.

M. M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28101 Filed 9-23-76;8:45 am]

[TA-W-952]

CARROLL SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-952: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 24, 1976 in response to a worker petition dated on June 13, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers engaged in the production of canvac-top basketball shoes at the Carroll Shoe Company, Summersville, West Virginia, a subsidiary of Cambridge Rubber Company, Tanneytown, Maryland.

The notice of investigation was published in the Federal Register on July 9, 1976 (41 FR 28373). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cambridge Rubber Company, the parent firm of Carroll Shoe Co., its customers, the American Footwear Industries Association, 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 sufficient number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That 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 decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

Significant Total or Partial Separations

The average number of production workers decreased 24 percent in 1975 compared to 1974 and declined 41 percent in the first five months of 1976 compared to the same period in 1975.

Sales or Production, or Both, Have Decreased Absolutely

Sales decreased 35 percent in units and 27 percent in value in fiscal year 1976 (February 1, 1975 to January 31, 1976) compared to the previous fiscal year and fell 40 percent in units and 48 percent in value in the first quarter of fiscal year 1977 compared to the first quarter of fiscal 1976.

Production declined 27 percent in units and 22 percent in value in fiscal year 1976 (February 1, 1975 to January 31, 1976) compared to the previous fiscal year and fell 50 percent in units and 53 percent in value in the first quarter of fiscal year 1977 compared to the first quarter of fiscal 1976.

Increased Imports

Imports of athletic footwear increased every year since 1971, rose 102 percent in 1975 compared to 1974, and increased 75 percent in the first quarter of 1976 compared to the first quarter of 1975. The ratio of imports to domestic production increased from 84 percent in 1974 to 148 percent in 1975 and rose from 140 percent in the first quarter of 1975 to 189 percent in the like period of 1976.

Contributed Importantly

Customers indicated they switched their purchases of canvas-top basketball

shoes from the Summersville, West Virginia plant of Carroll Shoe Company to offshore producers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with canvas-top basketball shoes produced at the Summersville, West Virginia plant of Carroll Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of canvas-top basketball shoes at the Summersville, West Virginia plant of Carroll Shoe Company who became totally or partially separated from employment on or after June 13, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc. 76-28102 Filed 9-23-76;8:45 am]

[TA-W-1,029]

CLOVER KNITTING MILLS

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date which was filed by Local 190 of the International Ladies' Garment Workers' Union on behalf of former workers producing sweaters at Clover Knitting Mills, Philadelphia, Pennsylvania.

Notce of the investigation was published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37685). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Clover Knitting Mills were previously certified eligible to apply for adjustment assitance on November 16, 1975 (See TA-W-168).

The existing certification will expire on November 16, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 16, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 17th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28103 Filed 9-23-76;8:45 am]

[TA-W-1,028]

CRESCENT KNITTING MILLS

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date which was filed by Local 190 of the International Ladies Garment Workers' Union on behalf of former workers producing sweaters at Crescent Knitting Mills, Philadelphia, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37686). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Crescent Knitting Mills were previously certified eligible to apply for adjustment assistance on November 21, 1975 (See TA-W-169).

The existing certification will expire on November 21, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 21, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 17th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28104 Filed 9-23-76;8:45 am]

[TA-W-1023]

EASTERN KNITTING MILLS

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date which was filed by Local 190 of the International Ladies' Garment Workers' Union on behalf of former workers producing sweaters at Eastern Knitting Mills, Blenheim, New Jersey.

Notice of the investigation was published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37686). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Eastern Knitting Mills were previously certified eligible to apply for adjustment assistance on November 20, 1975 (See TA-W-162).

The existing certification will expire on November 20, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 20, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 17th day of September 1976.

M. M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28105 Filed 9-23-76;8:45 am]

[TA-W-990]

GRACE SHOE MANUFACTURING CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-990: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 19, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing women's dress shoes at Grace Shoe Manufacturing Corporation, Lowell, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER (41 FR 31958) on July 30, 1976.

The information upon which this determination was made was obtained principally from officials of Grace Shoe Manufacturing Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

The evidence developed in the Department's investigation reveals that employment of production workers at Grace Shoe Manufacturing Corporation remained the same from 1974 to 1975 and increased 41 percent in the first six months of 1976 compared to the first six months in 1975. The average weekly hours worked by production workers at the company increased 6 percent in 1975 from 1974 and increased 17 percent in the first six months of 1976 compared to the first six months of 1975. The average number of production workers at Grace Shoe Manufacturing Corporation increased during each quarter from the second quarter of 1975 through the second quarter of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers producing women's dress shoes produced at Grace Shoe Manufacturing Corporation, Lowell, Massachusetts have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28106 Filed 9-23-76;8:45 am]

[TA-W-1,065]

LAKE MANUFACTURING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 8, 1976 the Department of Labor received a petition dated August 10, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Lake Manufacturing Co., Inc., Easton, Pennsylvania (TA-W-1,065).

Accordingly, the Director, Officer of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies and men's slacks produced by Lake Manufacturing Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28107 Filed 9-23-76;8:45 am]

[TA-W-962]

LAWRENCE MAID FOOTWEAR

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-962: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on June 30, 1976 which was filed on behalf of workers and former workers producing women's and misses' shoes and sandals at Lawrence Maid Footwear, Lawrence, Massachusetts, a division of W. R. Grace & Company, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29524). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lawrence Maid Footwear, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

For purposes of paragraph (4), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Lawrence Maid increased 13 percent from 1974 to 1975. Employment declined 11 percent in the first six months of 1976 compared to the same period in 1975. Employment declined 4 percent in the first quarter of 1976 and declined 18 percent in the second quarter of 1976 compared to the respective quarter in 1975. Production hours were cut in late May and June 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Lawrence Maid declined 44 percent from 1973 to 1974 and then increased 13 percent from 1974 to 1975. Sales declined 15 percent in the first six months of 1976 compared to the same period in 1975. Sales declined one percent in the first quarter of 1976 and declined 30 percent in the second quarter of 1976 compared to the respective quarter in 1975.

Production at Lawrence Maid declined 43 percent from 1973 to 1974 and then increased 7 percent from 1974 to 1975. Production declined 6 percent in the first six months of 1976 compared to the same period in 1975.

INCREASED IMPORTS

Imports of women's and misses' nonrubber footwear increased relative to domestic production in each year from 1971 through 1973 and then declined in each year from 1973 through 1975. Imports increased absolutely in each year from 1971 through 1973, declined in 1974, and then increased in 1975. Imports increased from 55.5 million pair in the first quarter of 1975 to 66.6 million pair in the first quarter of 1976, an increase of 20 percent.

CONTRIBUTED IMPORTANTLY

Customers of Lawrence Maid indicated that they reduced purchases from Lawrence Maid while increasing purchases of imported shoes. The customers indicated that shoes produced offshore are generally priced below those produced domestically.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports like or directly competitive with women's and misses' shoes and sandals produced at Lawrence Maid Footwear, Lawrence, Massachusetts contributed importantly to the total or partial separation of the workers at such plant. In accordance with the provisions of the Act, I make the following certification:

"All workers at Lawrence Maid Footwear, Lawrence, Massachusetts, a division of W. R. Grace & Company, New York, New York who became totally or partially separated from employment on or after January 3, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28108 Filed 9-23-76;8:45 am]

[TA-W-1,027]

LONDON KNITTING MILLS

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date which was filed by Local 190 of the International Ladies Garment Workers Union on behalf of former workers producing sweaters at London Knitting Mills Philadelphia, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37686). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of London Knitting Mills were previously certified eligible to apply for adjustment assistance on November 20, 1975 (See TA-W-171).

The existing certification will expire on November 20, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 20, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 17th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28109 Filed 9-23-76;8:45 am]

[TA-W-1,064]

MIDWEST MACHINERY MOVERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 8, 1976 the Department of Labor received a petition dated August 20, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Midwest Machinery Movers, Incorporated, Chicago, Illinois (TA-W-1,064).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with transporting by truck by Midwest Machinery Movers, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28110 Filed 9-23-76;8:45 am]

[TA-W-1,026]

MODE KNITTING MILLS

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date which was filed by Local 190 of the International Ladies' Garment Workers' Union on behalf of former workers producing sweaters at Mode Knitting Mills, Philadelphia, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37687). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Mode Knitting Mills were previously certified eligible to apply for adjustment assistance on November 24, 1975 (See TA-W-160).

The existing certification will expire on November 24, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 24, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 17th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28111 Filed 9-23-76;8:45 am]

[TA-W-1024]

RICHLINE KNITTING MILLS

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date which was filed by Local 190 of the International Ladies' Garment Workers' Union on behalf of former workers producing sweaters at Richline Knitting Mills, Philadelphia, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37687). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Richline Knitting Mills were previously certified eligible to apply for adjustment assistance on November 22, 1975 (See TA-W-157).

The existing certification will expire on November 22, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 22, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 17th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28112 Filed 9-23-76;8:45 am]

[TA-W-1063]

SALVATORI CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 8, 1976 the Department of Labor received a petition dated August 26, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Leather Goods, Plastics and Novelty Workers' Union on behalf of the workers and former workers of Salvatori Corporation, Atlanta, Georgia, a division of Pacesetters Industries, N.Y., N.Y. (TA-W-1063). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's wallets, suspenders and belts produced by Salvatori Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-28113 Filed 9-23-76;8:45 am]

[TA-W-1021]

SOOWAL KNITTING MILLS, INC.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date which was filed by Local 190 of the International Ladies' Garment Workers' Union on behalf of former workers producing sweaters at Soowal Knitting Mills, Inc., Philadelphia, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37688). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Soowal Knitting Mills, Inc., were previously certified eligible to apply for adjustment assistance on November 16, 1975 (See TA-W-156).

The existing certification will expire on November 16, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 16, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 17th day of September 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-28114 Filed 9-23-76;8:45 am]

[TA-W-1062]

WESTERN METAL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 8, 1976 the Department of Labor received a petition dated June 22, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Western Metal Corporation, Hormigueros, Puerto Rico (TA-W-1062). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with metal boxes for fish canneries produced by Western Metal Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 4, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-28115 Filed 9-23-76;8:45 am]

[TA-W-1020]

WEXLER KNITTING MILLS

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date which was filed by Local 190 of the International Ladies' Garment Workers' Union on behalf of former workers producing sweaters at Wexler Knitting Mills, Philadelphia, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37683). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Wexler Knitting Mills were previously certified eligible to apply for adjustment assistance on November 16, 1975 (See TA-W-159).

The existing certification will expire on November 16, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 16, 1977), a

new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 17th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28116 Filed 9-23-76;8:45 am]

Office of the Secretary

[TA-W-979]

EAST WEST LEATHERS INC., SAN FRANCISCO, CALIFORNIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-979: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on June 30, 1976 which was filed on behalf of workers and former workers producing leather jackets and coats at East West Musical Instruments Company, Inc. The Department's investigation revealed that the firm's name has been changed to East West Leathers Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29511). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of East West Leathers, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 30 percent in the first six months of 1976 compared to the first six months of 1975. The average number of salaried employees remained unchanged from 1974 to 1975 and remained unchanged in the first six months of 1976 compared to the first six months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production, in value, of men's and women's leather jackets and coats at the San Francisco plant increased 33.6 percent in 1975 compared to 1974. Production, in value, declined 25.0 percent in January–June 1976 when compared to January–June 1975.

Sales, in value, of men's and women's leather jackets and coats produced at the San Francisco plant, increased 25.7 percent in 1975 compared to 1974. Sales, in value, declined 38.6 percent in January–June 1976 compared to January–June 1975.

Company import purchases of men's and women's leather jackets and coats began in the fourth quarter of 1975. The dollar value of import sales accounted for more than two-thirds of total sales of leather jackets and coats in January–June 1976.

INCREASED IMPORTS

Imports of men's, women's and children's leather coats and jackets increased absolutely and relatively in each year from 1971 through 1975. The ratios of imports to domestic production and consumption increased from 58.6 percent and 37.2 percent, respectively, in 1974 to 67.1 percent and 40.4 percent, respectively, in 1975. Imports of men's, women's and children's leather coats and jackets increased from $46.2 million in the first six months of 1975 to $85.4 million in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that customers of East West Leathers have reduced purchases of domestically produced leather coats and jackets from East West Leathers in favor of the imported leather coats and jackets offered by East West.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with leather jackets and coats produced by East West Leathers contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All hourly and piecework employees at East West Leathers, Incorporated (formerly East West Musical Instruments Company, Inc.) San Francisco, California who became totally or partially separated from employment on or after December 19, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that all salaried employees are denied certification.

Signed at Washington, D.C., this September 14, 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-27685 Filed 9-23-76;8:45 am]

[TA-W-967]

LA TOSKA FASHIONS, INC., LONG ISLAND CITY, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-967: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on June 30, 1976 which was filed on behalf of the former workers producing women's nonrubber footwear with leather uppers at La Toska Fashions, Inc., Long Island City, New York.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29515). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of La Toska Fashions, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production at La Toska began in January 1975.

The average number of workers at La Toska Fashions decreased 13 percent in the first two quarters of 1976 compared to the same period of 1975. All employees were separated on June 30, 1976 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of women's nonrubber footwear with leather uppers at La Toska, in terms of value, decreased 27 percent in the first two quarters of 1976 compared to the same period of 1975. All sales ceased on June 30, 1976 when the plant closed.

Production of women's nonrubber footwear with leather uppers at La Toska, in terms of quantity, decreased 41 percent in the first two quarters of 1976 compared to the same period of 1975. All production ceased on June 30, 1976 when the plant closed.

INCREASED IMPORTS

When compared to each preceding year, U.S. imports of Women's and Misses' Nonrubber Footwear, in terms of quantity, increased in 1972 and 1973, decreased in 1974, and increased again in 1975. Imports continued to increase in the first quarter of 1976 compared to the same period of 1975. The ratios of imports to domestic production decreased from 102.6 percent in 1974 to 101.0 percent in 1975 and decreased from 134.1 percent in the first quarter of 1975 to 113.7 percent in the first quarter of 1976.

When compared to each preceding year U.S. imports of Women's and Misses' Nonrubber Footwear with Leather Uppers, in terms of quantity, increased in 1972, decreased in 1973 and 1974, and increased again in 1975. Imports continued to increase in the first quarter of 1976 compared to the same period of 1975. The ratios of imports for domestic production increased from 70.3 percent in 1974 to 72.7 percent in 1975 and decreased from 95.6 percent in the first quarter of 1975 to 71.1 percent in the same period of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that customers of La Toska Fashions increased purchases of imported women's shoes of the type produced by La Toska. Lower prices and more competitive stylings were cited for the increased purchases.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's nonrubber footwear with leather uppers produced by La Toska Fashions, Inc., Long Island City, New York contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers at the Long Island City, New York plant of La Toska Fashions, Incorporated who became totally or partially separated from employment on or after June 22, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant
to the Deputy Under Secretary.

[FR Doc.76-27686 Filed 9-23-76;8:45 am]

[TA-W-975]

MOBILIZER MEDICAL PRODUCTS, INC., MAYAGUEZ, PUERTO RICO

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-975: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on June 30, 1976 which was filed on behalf of workers formerly producing electronic stretchers at the Mayaguez, Puerto Rico plant of Mobilizer Medical Products, Inc., Summit, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29517). No public hearing was requested and none was held. The information upon which the determination was made was obtained principally from officials of Mobilizer Medical Products, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission and industry analysts.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether the other criteria are satisfied, the investigation reveals that the third criterion has not been met.

A survey conducted by Department of Labor analysts found no imports of hospital stretchers. Furthermore, Mobilizer Medical Products, Inc., is the only manufacturer in the world that produces an electronic stretcher capable of mechanically transferring a patient from bed to stretcher or stretcher to bed.

The decision by Mobilizer Medical Products, Inc., to close the Mayaguez, Puerto Rico plant in April 1976 was based on two factors. First, sales of the "Mobilizer" electronic stretcher had not met expectations, resulting in excessive inventory. Second, the cost of transporting raw material and finished goods to and from Puerto Rico and the cost of managing an operation 3000 miles away from the corporate headquarters became so prohibitive that production in Puerto Rico was no longer economically feasible.

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with electronic stretchers produced at the Mayaguez, Puerto Rico plant of Mobilizer Medical Products, Inc., are not being imported in increased quantities, either actual or relative to domestic production, and therefore workers at this Mobilizer Medical Products, Inc., plant are not eligible to apply for adjustment assistance.

Signed at Washington, D.C., this 14th day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant
to the Deputy Under Secretary.

[FR Doc.76-27687 Filed 9-23-76;8:45 am]

[TA-W-964]

MODERN CLOTH SPONGING CO., PHILADELPHIA, PENNSYLVANIA

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-964: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on June 30, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers of the Modern Cloth Sponging Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29517). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Modern Cloth Sponging Company.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are

threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivisions 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.

If any one of the criteria is not met, a negative determination must be made.

The Modern Cloth Sponging Company works on a contract basis for clothing manufacturers. Modern Cloth Sponging receives rolls of cloth owned by the manufacturer, inspects them, preshrinks or heatsets them, then ships them, to the manufacturer.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in section 222 (3) of the Act. See Notice of Negative Determination in "Pan American World Airways, Incorporated" (TA–W–153; 40 FR 54639).

The Modern Cloth Sponging Company performs the services of inspecting, heatsetting or preshrinking cloth, on a contract basis, for manufacturers. The company was not involved in the production of an article within the meaning of section 222(3) of the Act.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Modern Cloth Sponging Company are not "articles" within the meaning of section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant
to the Deputy Under Secretary.

[FR Doc.76-27688 Filed 9-23-76;8:45 am]

[TA–W–943]

PPG INDUSTRIES, INC., MT. VERNON, OHIO

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–943: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 21, 1976 in response to a worker petition received on June 21, 1976 which was filed by the Stone, Glass, and Clay Coordinating Committee on behalf of workers and former workers producing sheet glass at the Mt. Vernon, Ohio plant of PPG Industries, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27803). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of PPG Industries, Incorporated, the customers of its Mt. Vernon, Ohio plant, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

(1) That a significant numbr or proportion of 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 related to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first 3 criteria have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production employment at the Mt. Vernon plant declined 80 percent from 1974 to 1975 and then increased 163 percent in the first quarter of 1976 compared to the first quarter of 1975. For a two month period in 1976 sheet glass manufactured at the Mt. Vernon plant was exported to Canada when PPG's Canadian plant was having a tank repaired. This enabled the Mt. Vernon plant to continue operations for a temporarily extended period. All production workers were separated when the plant closed on June 13, 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Mt. Vernon plant of PPG Industries, Inc., decreased 79 percent in quantity and 76 percent in value from 1974 to 1975. In the first quarter of 1976 compared to the first quarter of 1975 sales increased 57 percent in quantity and 61 percent in value.

Production at the Mt. Vernon plant declined 88 percent in quantity from 1974 to 1975. In the first quarter of 1976 compared to the same period in 1975 production increased by 615 percent.

Production at the Mt. Vernon plant of PPG ceased when the plant closed on June 13, 1976.

INCREASED IMPORTS

U.S. imports of sheet glass increased absolutely in 1972 compared to 1971 then decreased each year through 1975. From 1974 to 1975 imports of sheet glass decreased 25 percent and then increased by 22 percent in the first 5 months of 1976 compared to the same period in 1975. The ratio of imports to domestic production increased from 1971 to 1972, decreased in 1973 and 1974 and then increased from 22.5 percent in 1974 to 35.5 percent in 1975. However, domestic production from 1974 to 1975 decreased 52 percent. The ratio of imports to domestic production was 42.1 percent in the first five months of 1975 and then declined to 29.1 percent for the same period of 1976.

Imports of plate and float glass increased absolutely in 1972 when compared to 1971 and then decreased each year through 1975. From 1974 to 1975 imports of plate and float glass decreased 38 percent and then increased by 51 percent in the first quarter of 1976 compared to the first quarter of 1975. The ratio of imports to domestic production increased in 1972 when compared to 1971 and then decreased each year through 1975 and continued to decrease in the first quarter of 1976 compared to the same period of 1975. The ratio of imports to domestic production declined from 1.8 percent in 1974 to 1.0 percent in 1975 and from 1.4 percent in the first quarter of 1975 to 1.2 percent for the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

The recent technological advances making possible the production of lighter weight window glass by the float process has enabled glass manufacturing firms to substitute the better quality float glass in markets formerly dominated by sheet glass.

Evidence developed in the Department's investigation revealed that customers of PPG Industries, Inc., who have decreased purchases of sheet glass manufactured at the Mt. Vernon plant, have switched to purchases of domestically manufactured float glass and have not increased purchases of imported glass.

The type of glass primarily produced at the Mt. Vernon plant was intended for the residental window and storm window market. Total private construction had decreased 31 percent in value from 1973 through 1975 thus requiring considerably less window glass.

Residential window and storm window manufacturers surveyed, who were not necessarily customers of the Mt. Vernon plant of PPG industries, indicated that they had not increased purchases of imported glass but had frequently switched purchases from domestically manufactured sheet glass to domestically manufactured float glass.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases in imports of sheet, plate and float glass like or directly competitive with sheet glass produced at the Mt. Vernon, Ohio plant of PPG Industries,

Incorporated did not contribute importantly to the total or partial separations of the workers of that firm.

Signed at Washington, D.C., this 14th day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-27689 Filed 9-23-76;8:45 am]

[TA-W-929]

TALON DIVISION OF TEXTRON INC., NEW YORK, NEW YORK

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-929: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 8, 1976 in response to a worker petition dated April 1, 1976 which was filed by the International Union of Electrical, Radio and Machine Workers, AFL-CIO on behalf of workers and former workers producing slide fasteners and parts at the 461—8th Avenue, New York, New York plant of Talon Division of Textron, Incorporated of Providence, Rhode Island.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 26297) on June 25, 1976 as amended by 41 FR 27800 on July 6, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Talon Division of Textron, Incorporated, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without respect as to whether the other criteria have been met, the third and fourth criteria have not been met.

INCREASED IMPORTS

Imports of slide fasteners and parts increased from 98.2 million units in 1971 to 147.7 million units in 1972 before declining to 146.9 million units in 1973 and to 146.6 million units in 1974. In 1975 imports further declined to 104.0 million units.

The ratio of imports to domestic production was 4.9 percent in 1971 and increased in each year to 8.5 percent in 1974. In 1975 the ratio of imports to domestic production declined to 6.5 percent.

CONTRIBUTED IMPORTANTLY

Customers indicated that they did not increase purchases of imported slide fasteners while decreasing purchases from Talon Division in 1975 or 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with slide fasteners and parts produced at the plant of Talon Division of Textron, Incorporated located at 461 8th Avenue, New York, New York did not contribute importantly to the total or partial separations of the workers at such plant. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 13th day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-27690 Filed 9-23-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 151]

ASSIGNMENT OF HEARINGS

SEPTEMBER 21, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 140829 (Sub-No. 6), Cargo Contract Carrier Corp., now assigned October 6, 1976, at Denver, Colo., is canceled and application dismissed.

MC-F-12677, Ward Trucking Corp.—Purchase—Keystone-Lawrence Transfer and Storage Company, now being assigned for continued hearing on October 4, 1976 (1 week), at Pittsburgh, Pa., at the Tax Court, Room 1112, New Federal Building, 1000 Liberty Avenue.

MC 133095 (Sub-No. 97), Texas Continental Express, Inc., application dismissed.

MC 130253 (Sub-No. 1), Douglas Patrick Stoffers and Micheal J O'Meara, now assigned October 5, 1976, will be held at the Hill Farm State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin.

FD 28143, Soo Line Railroad Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Chicago and North Western Transportation Company—Control—Green Bay and Western Railroad Company and Acquisition of Trackage Rights—By the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in The City of Green Bay, Wisconsin, AB 7 (Sub-No. 28), Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Soo Line Railroad Company, and Chicago and North Western Transportation—Abandonment Between—(A) Arcadia and Wisconsin Rapids, in Trempealeau, Jackson and Wood Counties (B) Plover and Manawa, in Portage and Waupaca Counties (C) New London and Seymour, in Outagamie County and (D) Green Bay, Brown County, Wisconsin, AB 1 (Sub-No. 55), Chicago and North Western Transportation Company, Soo Line Railroad Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Abandonment Between—(A) Arcadia and Wisconsin Rapids, in Trempealeau, Jackson and Wood Counties (B) Plover and Manawa, in Portage and Waupaca Counties (C) New London and Seymour in Outagamie County and (D) Green Bay, Brown County, Wisconsin and AB 57 (Sub-No. 3), Soo Line Railroad Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, and Chicago and North Western Transportation Company—Abandonment Between—(A) Arcadia and Wisconsin Rapids, in Trempealeau, Jackson and Wood Counties (B) Plover and Manawa in Portage and Waupaca Counties (C) New London and Seymour, in Outagamie County and (D) Green Bay, Brown County, Wisconsin now being assigned October 21, 1976 (6 days) at Green Bay, Wisconsin for continued hearing and will be held at City Hall, Room 203, 100 North Jefferson.

MC 114211 Sub-262, Warren Transport, Inc., now being assigned December 2, 1976 (2 days), at San Francisco, California, in a hearing room to be later designated.

MC 100666 (Sub-No. 330), Melton Truck Lines, Inc. and MC 114211 (Sub-No. 282), Warren Transport, Inc. now being assigned September 30, 1976 (2 days) at Dallas, Texas and will be held in Tax Court Room 330, U.S. Post Office and Courthouse Building, Bryan and Ervay Streets.

H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc.76-28117 Filed 9-23-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 21, 1976.

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 on or before October 11, 1976.

FSA No. 43239—*Iron or Steel Articles to Houston, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-634), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from Chicago, Illinois, to Houston, Texas. Grounds for relief—Market competition and rate relationship. Tariff—Supplement 221 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on October 19, 1976.

FSA No. 43240—*Paper and Paper Articles from and to Points in Official Territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3053), for interested rail carriers. Rates on paper and paper articles, in carloads, as described in the application, from and to points in official territory. Grounds for relief—Revised rate structure. Tariff—Supplement 289 to Traffic Executive Association-Eastern Railroads, Agent, tariff 703-B, I.C.C. No. C-366. Rates are published to become effective on October 30, 1976.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.76-28118 Filed 9-23-76;8:45 am]

[Notice No. 125]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

September 21, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 19945 (Sub-No. 59TA), filed September 13, 1976. Applicant: BEHNKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in pneumatic vehicles, from the storage facilities of Gunther Salt Company, at St. Louis, Mo., to Terre Haute and Lafayette, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gerard K. Gunther, President, Gunther Salt Company, 920 South 2nd St., St. Louis, Mo. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 25798 (Sub-No. 283TA), filed September 9, 1976. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, 502 E. Bridgers Ave., Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in California, to points in Kansas, Nebraska, South Dakota, North Dakota, Iowa, Minnesota, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pacific Gamble Robinson Co., 661 5th Ave., North, Minneapolis, Minn. 55405. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 36556 (Sub-No. 32TA), filed September 13, 1976. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, Wis. 53171. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, ice melting compounds, vermiculite products*, other than crude (except in bulk, in tank vehicles), from Union Grove, Wis., to points in Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Koos, Inc., 4500 13th Court, Kenosha, Wis. 53140. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 51146 (Sub-No. 476TA), filed September 13, 1976. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, and returned empty malt beverage containers*, between South Volney, N.Y., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller Brewing Co., 4000 W. State St., Milwaukee, Wis. 53280. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 61440 (Sub-No. 156TA), filed September 10, 1976. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), having prior or subsequent movement by air transportation, between Tinker Air Force Base, Oklahoma City, Okla., and Dyess Air Force Base Abilene, Tex., serving no intermediate points; from Tinker Air Force Base, Oklahoma City, Okla., over Interstate Highway 40 to the Junction of Interstate Highway 240, thence over Interstate Highway 240 to the Junction of U.S. 62, thence over U.S. 62 to the Junction of the H. E. Bailey Turnpike, thence over H. E. Bailey Turnpike to the Junction of U.S. 281, thence over U.S. 281 to Wichita Falls, Tex., thence over U.S. 277 to the Junction of U.S. 80 and U.S. 84 in Abilene, Tex., thence over U.S. 80 and U.S. 84 to the Junction of the Farm-to-Market Road 312, thence over the Farm-to-Market Road 312 to Dyess Air Force Base, Abilene, Tex., and return over the same route, serving no intermediate points; between Dyess Air Force Base, Abilene, Tex., and Kelly Air Force Base, San Antonio, Tex., serving no intermediate points; from Dyess Air Force Base, Abilene, Tex., over the Farm-to-Market Road 321 to the Junction of U.S. 80 and U.S. 84, thence over U.S. 80 and U.S. 84 to the Junction of U.S. 83 and U.S. 277 and U.S. 84, thence over U.S. 84 to the Junction of U.S. 283 (near Coleman, Tex.), thence over U.S. 283 to the Junction of U.S. 87 (near Brady, Tex.), thence over U.S. 87 to the Junction of Interstate Highway 10 and U.S. 87 to the Junction of Interstate 35 in San Antonio, Tex., thence over U.S. 87 and Interstate Highway 35 to U.S. 90, thence over U.S. 90 to the Junction of Spur 371, thence over Spur 371 to Kelly Air Force Base, San Antonio, Tex., and return

over the same route, serving no intermediate points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Department of Defense, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 100666 (Sub-No. 331TA) filed September 13, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and wood products*, from points in Garfield, Kane and San Juan Counties, Utah, and points in Arizona, to points in Oklahoma and Texas, for 180 days. Supporting shipper: Duke City Lumber Company, Inc., P.O. Box 25807, Albuquerque, N. Mex. 87125. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 U.S. Postal Service Bldg., New Orleans, La. 70113.

No. MC 107403 (Sub-No. 984TA), filed September 13, 1976. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic anhydride*, in bulk, in tank vehicles, from the plantsite of Ashland Chemical Co., at Neal, W. Va., to points in Arkansas, Florida, Illinois, Louisiana, Kentucky, Ohio, Missouri, South Carolina, Tennessee, North Carolina, Wisconsin and Texas, for 180 days. Supporting shipper: Ashland Chemical Co., P.O. Box 2219, Columbus, Ohio 43216. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 112520 (Sub-No. 319TA) filed September 10, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, 122 Appleyard Drive, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay catalyst*, from Attapulgus, Ga., to New Castle, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 116710 (Sub-No. 24TA) filed September 10, 1976. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, 2001 E. Texas St., Bossier City, La. 71010. Applicant's representatives: John M. Goff (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molten polypropylene*, in bulk, in tank vehicles, from the plantsite of Texas Eastman Co., at or near Longview, Tex., to Chicago, Ill., and points within three miles thereof, under a continuing contract with Texas Eastman Company, for 180 days. Supporting shipper: Texas Eastman Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 U.S. Postal Service Bldg., New Orleans, La. 75601.

No. MC 116996 (Sub-No. 10TA), filed September 13, 1976. Applicant: B & B CARRIERS, INC., P.O. Box 160, Honey Brook, Pa. 19344. Applicant's representative: Sally Martin, R.D. No. 1, P.O. Box 66, East Earl, Pa. 17519. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from Paradis, Pa., to points in Delaware, those in New Jersey south of New Jersey Highway 33, and those in Maryland north of Baltimore and east of U.S. Highway 15 and on the Delmarva Peninsula, with no transportation for compensation on return except as otherwise authorized, under a continuing contract with International Mill Service, for 180 days. Supporting shipper: International Mill Service, 1500 Walnut St., Philadelphia, Pa. 19102. Send protests to: Monica A. Blodgett, transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 118159 (Sub-No. 183) (Correction), filed August 30, 1976, previously published in the FEDERAL REGISTER issue of September 14, 1976 under an incorrect sub-number, and republished as corrected this issue. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh or frozen; meat products; and products produced by meat meat packinghouses*, from the plantsite of Farmland Foods, Inc., at or near Garden City, Kans., to points in Kentucky, Tennessee, Ohio, Virginia, Maryland, West Virginia, Delaware, Pennsylvania, Connecticut, Rhode Island, Maine, New York, Vermont, New Hampshire, Massachusetts, New Jersey and the District of Columbia, for 180 days. Supporting Shipper: Farmland Foods, Inc., P.O. Box 597, Garden City, Kans. 67846. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102. The purpose of this republication is to correct the sub-number.

NOTE.—No. MC 118159 (Sub-No. 182TA) which was noticed in the FEDERAL REGISTER issue of September 3, 1976 is not affected by this publication.

No. MC 119834 (Sub-No. 3TA) filed September 9, 1976. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 S. George St., York, Pa. 17403. Applicant's representative: Edward N. Button, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in refrigerated equipment, from points in Texas, to the warehouse, shipping and receiving facilities of Westridge Beverage Co., in York, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westridge Beverage Co., 2303 Bannister St., York, Pa. 17404. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 123255 (Sub-No. 84TA) filed September 13, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Corrugated boxes and sheets* and (b) *materials, equipment and supplies* used in the manufacture or distribution of corrugated boxes and sheets (except commodities in bulk), 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: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 124711 (Sub-No. 40TA), filed September 13, 1976. Applicant: BECKER CORPORATION, P.O. Box 1050, 2643 West Central, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Farnsworth, Tex., to points in Oklahoma, Kansas, Colorado and New Mexico, for 180 days. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128356 (Sub-No. 12TA) (correction) filed July 2, 1976, published in the FEDERAL REGISTER issue of July 14, 1976, and republished as corrected this issue. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 640 W. Boot Road, West Chester, Pa. 19380. Applicant's representative: Byron R. LaVan, Suite 400, 117 S. 17th St., Philadelphia,

Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trailers* (except for house trailers and trailers designed to be drawn by passenger autos) and parts thereof in truckaway service in initial movement, *and used trailers* (except house trailers and trailers designed to be drawn by passenger autos) *and parts thereof* in secondary movement, said secondary movement restricted to return movements. ments, from the plantsites of the Budd Company, in Downingtown, Eagle, Honeybrook and Lebanon, Pa., and Florence, N.J., to points in Alabama, Arkansas, California, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Oregon, South Carolina, Tennessee, Texas, Washington, Wisconsin, in initial movement and from points in the above states to the aforesaid plantsites of Budd Company in return secondary movement and return to any of the originating plantsites of Budd Company stated above, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Budd Company, Route 100, Downingtown, Pa. 19335. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106. The purpose of this republication is to show the full scope authority sought.

No. MC 139310 (Sub.-No. 1TA) (Amendment) filed August 17, 1976, published in the FEDERAL REGISTER issue of September 3, 1976, and republished as amended this issue. Applicant: G. E. BELMORE, doing business as MOTOR TRANSIT COMPANY, 5822 N. Interstate, Portland, Oreg. 97217. Applicant's representative: Keith R. Swensen, 1100 Executive Bldg., Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies and apparatus and electrical supplies and apparatus*, packaged and unpackaged, between points in Oregon, on the one hand, and, on the other, points in Clark and Cowlitz Counties, Wash., under a continuing contract with Portland Electric and Plumbing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Portland Electric and Plumbing Company, 905 S.W. 16th Ave., Portland, Oreg. 97205. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204. The purpose of this republication is to amend the requested authority.

No. MC 140827 (Sub. No. 5TA) (Correction) filed August 31, 1976, published in the FEDERAL REGISTER issue of September 14, 1976, and republished as corrected this issue. Applicant: MARKET TRANSPORT, LTD., 33 N.E. Middlefield Road, Portland, Oreg. 97211. Applicant's representative: Philip G. Skofstad, N.E. 13th & Linden St., Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and commodities* otherwise exempt, from economic regulations under Section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with bananas, from Los Angeles and Long Beach, Calif., to points in Klamath Falls, Ashland, Medford, Grants Pass, Coos Bay, Roseburg, Eugene, Albany, Corvallis, Salem, Milwaukie, Portland, Bend, Pendleton, La Grande and Baker, Oreg.; points in Vancouver, Longview, Chehalis, Centralia, Aberdeen, Olympia, Tacoma, Kent, Renton, Bellevue, Everett, Mt. Vernon, Bellingham, Port Angeles, Yakima, Wenatchee, Pasco, Walla Walla, Spokane and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pacific Fruit & Product Co., 4103 Second Ave., South, Seattle, Wash. 98124. Standard Fruit & Steamship Company, 17880 Skypark Circle, Irvine, Calif. 92714. Fred Meyer, Inc., 2140 N. Webster, Portland, Oreg. 97217. Chiquita Brands, Inc., Prudential Center, Boston, Mass. 02199. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204. The purpose of this republication is to correct the territorial description.

No. MC 142418TA, filed September 8, 1976. Applicant: D & A AUTO SALES, INC., Lincoln Highway East, Greensburg, Pa. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed motor vehicles*, from Cleveland, Lorain and Youngstown, Ohio and points in their commercial zones to the Butler Auto Auction, in Hampton and Richland Townships, Allegheny County, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Motor Credit Company, Dearborn, Mich. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 142437TA, filed September 13, 1976. Applicant: ROBERT E. ARONDELLI & ROBERT E. ARONDELLI, JR. doing business as, ARONDELLI TRUCKING SERVICE, P.O. Box 92, Christopher, Ill. 62822. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contact carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, for the account of Crespi Distributing Company, from the facilities of Anheuser-Busch, Inc., located at St. Louis, Mo., to West Frankfort, Ill., under a continuing contract with Crespi Distributing Company, for 180 days. Supporting shipper: Robert A. Crespi, Partner, Crespi Distributing Company, 111 West Cleveland, West Frankfort, Ill. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

PASSENGER APPLICATION

No. MC 135572 (Sub-No. 1TA), filed September 8, 1976. Applicant: PITT LIMO, INC., 46 River Road, Wheeling, W. Va. 26003. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, between the Greater Pittsburgh International Airport, Moon Township, near Pittsburgh, Pa., on the one hand, and, on the other, Morgantown, W. Va., and points in West Virginia within 10 miles of Morgantown, for 180 days. Supporting shippers: There are approximately 9 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: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

By the Commission.

GORDON H. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-28119 Filed 9-23-76;8:45 am]

[Notice No. 33]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76651. By application filed September 17, 1976, RAPID FREIGHT SYSTEMS, 1819 So. Soto Street, Los Angeles, CA., 90023, seeks temporary authority to lease the operating rights of Intercity Truck & Delivery Service, Inc. (Internal Revenue Service), formerly dba Intercity Truck & Delivery Service, Inc., 736 So. Alameda Street, Los Angeles, CA., 90023, under section 210a(b). The transfer to Rapid Freight Systems, of the operating rights of Intercity Truck & Delivery Service, Inc. (Internal Revenue Service), formerly dba Intercity Truck & Delivery Service, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-28121 Filed 9-23-76;8:45 am]

[Notice No. 34]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1976.

Application filed for temporary authority under Section 210a(b) in con-

nection with transfer application under Section 212a(b) in connection with transfer application under Section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76685. By application filed September 8, 1976, JEFFERSON TRUCK LINE, INC. (formerly Harbor Truck Lines, Inc.), 255 Baronne Street, New Orleans, LA., 70112, seeks temporary authority to lease the operating rights of Jefferson Truck Line, Inc., 2600 Peters Road, Harvey, LA., 70058, under section 210a(b). The Transfer to Jefferson Truck Line, Inc. (formerly Harbor Truck Lines, Inc.), of the operating rights of Jefferson Truck Line, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76–28123 Filed 9–23–76;8:45 am]

[Notice No. 35]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76741. By application filed September 15, 1976, DICKERSON J. SMITH, dba CENTRAL WYOMING TRANSPORTATION COMPANY, 527 County Road, Evanston, Wyoming 82930, seeks temporary authority to lease the operating rights of James D. Kinney and B. R. Lindsey, dba Pioneer Transit Lines, 234 West Yellowstone, Casper, WY 82601, under section 210a(b). The transfer to Dickerson J. Smith, dba Central Wyoming Transportation Company, of the operating rights of James D. Kinney and B. R. Lindsey, dba Pioneer Transit Lines, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76–28122 Filed 9–23–76;8:45 am]

[Notice No. 36]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76742. By application filed September 15, 1976, VALLEY TRANSFER, INC., dba MURRAY & MIDVALE TRUCK LINE, 1346 North Oakridge Drive, Centerville, UT., 84014, seeks temporary authority to lease the operating rights of Grant Crockett, dba Murray and Midvale Truck Line, 58 North 400 West Salt Lake City, UT., under section 210a (b). The transfer to Valley Transfer, Inc. dba Murray & Midvale Truck Line, of the operating rights of Grant Crockett, dba Murray and Midvale Truck Line, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76–28120 Filed 9–23–76;8:45 am]

federal register

FRIDAY, SEPTEMBER 24, 1976



PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Kraft Pulp Mills

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 605-2]

KRAFT PULP MILLS

Standards of Performance for New Stationary Sources

Notice is hereby given that under the authority of section 111 of the Clean Air Act, as amended, the Administrator is proposing standards of performance for new and modified kraft pulp mills. The Administrator also is proposing to amend Appendix A, Reference Methods, in Part 60 by adding a reference method for the measurement of total reduced sulfur (TRS) emissions and an alternate method for the measurement of particulate matter.

Proposed Standards

The proposed standards would limit emissions of particulate matter from three affected facilities at kraft pulp mills. The limits are: (1) 0.10 gram per dry standard cubic meter (g/dscm) for recovery furnaces, (2) 0.15 gram per kilogram of air-dried pulp (g/kg ADP) for smelt dissolving tanks, (3) 0.15 g/dscm for lime kilns when burning natural gas, and (4) 0.30 g/dscm for lime kilns when burning oil. Visible emissions from recovery furnaces would be limited to 35 percent opacity.

Under the proposed standards, TRS emissions would be limited to 5 parts per million (ppm) by volume from seven affected facilities: Digester systems, brown stock washer systems, multiple-effect evaporator systems, black liquor oxidation systems, recovery furnaces, lime kilns, and condensate stripper systems. In addition, a TRS standard of 0.025 g/kg ADP is proposed for smelt dissolving tanks.

Environmental Impact

The proposed standards would reduce particulate emissions from new kraft pulp mills more than 99 percent below the levels that would result from no control and more than 50 percent below the average levels that are being achieved by typical existing facilities in the United States. Emissions of TRS would be reduced by more than 95 percent below the uncontrolled levels and more than 80 percent below the average levels for existing sources.

TRS emissions from kraft pulp mills are extremely odorous, and there are numerous instances of poorly controlled kraft mills creating public odor problems. The proposed standards include limitations on TRS emissions, rather than on the intensity of odors produced by kraft pulp mills, because this course of action would ensure more objective and efficient enforcement. The proposed standards would prevent odor problems from most newly constructed kraft pulp mills, except in the immediate vicinity of the mills on occasions when meteorological conditions produce downwash of stack plumes. The proposed standards would substantially reduce ground level ambient air concentrations of particulate matter around new kraft pulp mills below current levels found around existing mills.

The secondary environmental impact of the proposed standards would be minor. No additional solid waste handling or disposal problems would be caused by the standards because the additional particulate matter collected from recovery furnace systems, smelt dissolving tanks, and lime kilns can be recycled to the kraft pulping process. Increased water demand and treatment would be slight because mill process water can be used in scrubbing systems for lime kilns and smelt dissolving tanks, and the scrubbing system effluent could be recirculated to the kraft pulping process with no increased effluent. The increased mud washing necessitated by the standard could increase water demand. A relatively small amount of particulate matter, sulfur dioxide, and nitrogen oxides would be discharged into the air if the power plant that supplies the additional electrical power required by the standards is fired with fossil fuel.

Energy Impact

The energy requirements of the proposed standards have been evaluated. Compared to the requirements of the average State standards, the incremental energy that would be required to control all new, modified, and replaced affected facilities at kraft pulp mills by 1981 has been estimated at an equivalent of about 1,440,000 barrels of Number 6 fuel oil per year. The magnitude of this requirement indicates that the proposed standards would not have a major impact on the imbalance between national energy demand and domestic supply.

The incremental energy requirements of the proposed standards would be generated by the use of fans or pumps to circulate exhaust gases or scrubbing liquids through control devices, and the direct consumption of natural gas or fuel oil to incinerate exhaust gases or maintain process conditions that reduce the generation of pollutants. The incremental energy represents an increase of approximately 4.3 percent above the process energy requirements for new kraft pulp mills.

Economic Impact

The proposed regulations could affect an estimated 17 million tons of kraft pulping capacity by 1981. About a third of that capacity would be affected as a result of mill capacity expansions. The remainder would be affected via replacement of depreciated designated facilities. It is projected that the equivalent of 33 new mills or expansions at existing mills, with a capacity of 500 T ADP/day, will occur through 1980. Replacement of existing depreciated designated facilities will result at an estimated 35 mills.

Total incremental investment costs through 1981 are projected to be $104 million. The fifth-year annualized costs, including depreciation and interest, are estimated at $33 million. About a third of these costs would be incurred by mills expanding capacity, while the remainder would be incurred by mills replacing depreciated designated facilities.

The costs that new, modified, and reconstructed kraft pulp mills would incur to comply with the proposed standards are considered reasonable. No difference in impact among mill sizes could be distinguished, and the proposed standards would not have an adverse impact on either small or large mills. The capital required for typical new mills would be increased by less than 2 percent, and the price of semi-bleached kraft pulp would be increased by less than 2 percent. The effect the proposed standards would have on demand and supply of kraft pulp and on the future growth of the kraft pulp industry is considered negligible. It is emphasized that the costs are considered reasonable for new and modified sources and that it is not implied that the same costs apply to the retrofitting of existing sources. The review of the economic impact has shown that the proposal is not a major action under the Inflationary Impact Statement (IIS) program and no IIS is needed.

Selection of Source Category and Affected Facilities

Section 111 of the Act directs the Administrator to establish standards of performance for stationary sources that may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Kraft pulp mills are a major source of TRS compounds and particulate matter emissions. TRS compounds can have an adverse effect on public welfare, and particulate matter can have an adverse effect on public health and welfare. Kraft pulp mills were selected for the development of standards based on expected growth of the industry and the beneficial impact that would result from the application of best technology for air pollution control. Kraft pulping has historically been a rapidly growing industry, with a growth rate of 5.5 percent per year between 1956 and 1975. The annual growth rate for 1976 to 1978 is projected to be 2.5 percent, but estimates show that the growth rate may return to a higher rate in 1979.

TRS emissions from kraft pulp mills are composed primarily of hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide. These sulfide compounds are extremely odorous and exhibit odor threshold concentrations of no more than a few parts per billion. A study of the national social and economic impacts of odors performed in 1971–1973 by Copley International Corporation for EPA found that the pulp and paper industry ranks in the upper quarter of all odor sources in terms of strength and public objection to the odors. The emissions from each pulp mill surveyed in the study affect an average of 44,000 persons over an area of approximately 100 square miles. The survey of 184 local air pollution control agencies in the United States ranked the pulp and paper source category as the fastest growing odor problem.

The establishment of standards of performance for TRS emissions from kraft pulp mills under section 111 of the Act would involve section 111(d) which provides for control of any air pollutants which are not on lists published pursuant to section 108(a) or 112(b)(1)(A) of the Act. TRS has not been named on either list. Specifically, section 111(d) requires that the Administrator prescribe a procedure to assure that States develop, implement, and enforce emission standards for existing sources that would be subject to the standard of performance if they were new sources. EPA promulgated regulations that establish procedures and requirements for submittal of State plans under section 111(d) on November 17, 1975 (40 FR 53339). As a consequence of the provisions of section 111(d), promulgation of this standard of performance for new and modified sources would require that the States develop emission standards for existing kraft pulp mills.

The proposed standards would apply to all process gas streams which have been identified as major sources of TRS compounds or particulate matter at kraft pulp mills. The following affected facilities are specified by the proposed standards: (1) Digester system, (2) brown stock washer system, (3) multiple-effect evaporator system, (4) black liquor oxidation system, (5) recovery furnace, (6) smelt dissolving tank, (7) lime kiln, and (8) condensate stripping system.

Water treatment ponds are significant sources of TRS emissions at some kraft pulp mills. Evaluations of odors in the immediate vicinity of mills indicate that TRS emissions from these ponds vary considerably from source to source, and do not produce an odor problem at some mills. Methods for measuring TRS emissions from kraft pulp mill water treatment ponds are not available at this time, and the proposed standards would not apply to these facilities. Emissions from ponds can be avoided by treating the process condensate stream in a condensate stripper system prior to discharge into the pond, but bacterial action could generate additional TRS in some ponds. EPA intends to further investigate measurement and emission control methods for water treatment ponds at kraft pulp mills, and determine whether regulation under the performance standard is appropriate.

Bark and power boilers are two sources of particulate emissions at kraft pulp mills that are not covered by the proposed standards. EPA plans to develop new source performance standards for industrial boilers, and this source category will include boilers at kraft pulp mills.

Rationale

The bases for the proposed standards include include information derived from (1) available technical literature on the kraft pulping industry and emission control of the kraft pulping process, (2) published studies sponsored by EPA of emission control of the kraft pulping process, (3) information gathered during visits to pollution control agencies and kraft pulp mills in the United States, (4) comments and suggestions solicited from experts, and (5) the results of measurements of emissions conducted by EPA and by the industry. The proposed standards for TRS emissions would require combinations of several control methods:

1. Use of improved process operating procedures to reduce the generation of TRS, such as control of the black liquor firing rate, the oxygen concentration within the furnace, and the air-to-solids ratio during operation (recovery furnace); more efficient mud washing and control of temperature and oxygen concentration (lime kiln); and use of clean water that is low in dissolved sulfides in the particulate scrubber (smelt dissolving tank).

2. Use of process equipment such as the indirect-contact evaporator system or black liquor oxidation system that inherently reduces the generation of TRS (recovery furnance system).

3. Use of control equipment such as scrubbers with caustic solution to collect TRS (lime kiln).

4. Use of incineration to convert TRS into less objectionable compounds (digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, and condensate stripper system).

Recovery Furnace

The recovery furnace is the largest single source of particulate matter and TRS at a kraft pulp mill. In the direct-contact conventional furnace, heat is recovered by directly contacting the furnace combustion gases with black liquor in a direct-contact evaporator. Most of the TRS discharged from direct-contact recovery furnaces is generated in the direct-contact evaporator, which also collects an appreciable portion of the particulate matter generated by the combustion of black liquor in the furnace.

The two methods for reducing TRS emissions from recovery furnaces are: (1) The use of a black liquor oxidation system to reduce the sodium sulfide content of the black liquor before evaporation in a direct-contact evaporator, and thereby the formation of TRS in the direct-contact evaporator, and (2) the elimination of the direct-contact evaporator in an indirect-contact recovery furnace. Since comparable emission levels of TRS can be achieved by these two control methods, the proposed standards could be attained by using either type of recovery furnace. However, the proposed emission limit of 5 ppm TRS, four-hour average, is lower than that being achieved by some existing recovery furnaces of either type and would therefore require more careful operation and additional black liquor oxidation for comparable new furnaces.

Electrostatic precipitators (ESP's) are used almost universally to control particulate matter emissions from kraft recovery furnaces. Scrubbers with relatively low collection efficiencies are in use at a few facilities. Tests performed by EPA demonstrate that the proposed particulate standard could be achieved by a properly designed and well maintained ESP.

The industry has stated that ESP's operated on kraft recovery furnaces significantly deteriorate over the life of the ESP even when it is well maintained. In response, EPA obtained information from mill operators and vendors of ESP's and concluded that good maintenance of wires, collection plates, and rapping systems would ensure that particulate matter emissions from a properly designed and operated ESP would not increase to a large extent over the life of the ESP. EPA recognizes that ESP's for kraft recovery furnaces must withstand more severe service than for some other applications. Accordingly, the proposed standards would require the more ruggedly designed ESP's in order to accommodate, for example, the more severe plate rapping and stressing of wires experienced at kraft pulp mills. The additional cost of the more ruggedly designed ESP was included in the economic analysis and is considered to be reasonable.

The industry has also stated that the performance of ESP's operated on kraft recovery furnaces should be allowed to deteriorate until there is a sufficient amount of maintenance to be performed that the necessary shutdown of the furnace would be justified. EPA believes that this is a reasonable approach. Accordingly, the proposed particulate matter standard for recovery furnaces would allow some deterioration; the proposed emission limit has been set somewhat higher than the levels known to be achievable on the basis of both the results of particulate matter tests performed by EPA and design levels for new kraft recovery furnace ESP's.

EPA has determined that an oxygen concentration in excess of 8 percent in the gas stream measured after the recovery furnace control device represents excessive air inleakage and results in excessive dilution of the gas stream. The proposed standard, therefore, requires that all concentrations of particulate matter and TRS measured after the recovery furnace control device that have an oxygen concentration in excess of 8 percent be corrected to 8 percent oxygen.

Lime Kiln

Lime kilns are a major source of particulate matter emissions at kraft pulp mills. Because the lime mud that is processed in the kiln contains residual quantities of sulfides, lime kilns are also sources of TRS emissions.

The two methods for controlling TRS emissions from lime kilns are: (1) more efficient washing to reduce the sulfide content of the lime mud, and control of kiln exhaust gas temperature and oxygen content, and (2) use of sodium hydroxide (caustic) in the scrubber that controls particulate emissions from most kilns. Tests carried out by EPA demonstrate that when the first TRS control method (process control) is applied, the simultaneous addition of caustic to a scrubber produces a significant reduction in TRS emissions below that achievable with

process control alone. The annualized cost for caustic addition to the scrubber is small where the caustic is not part of the make-up in the kraft causticizing system. Accordingly, the proposed standard of 5 ppm TRS, four-hour average, would require both the best process controls for lime kiln operation and caustic addition to the scrubber, or an equivalent system.

In developing the proposed standards, EPA carried out six tests for particulate emissions from lime kilns. In each case the control device for particulate matter was a medium pressure drop scrubber, the most widely used control technique in the domestic industry. However, one domestic kraft pulp mill controls particulate emissions with an electrostatic precipitator. Based on design parameters and emission data supplied by the operator of this ESP, this system achieves an emission level significantly below that determined by EPA for medium pressure drop scrubbers. However, the waste gases from the digester system and multiple-effect evaporator system, which could more economically be incinerated in the lime kiln, are processed in a separate incinerator at this facility to control TRS emissions. The cost and energy penalties for the separate incinerator are relatively large. The industry has commented that it may not be feasible to incinerate the waste gases from other sources in a kiln controlled by an ESP, because gases may explode in the ESP when flameouts occur in the kiln. Solutions to this potential problem, such as automatic diverting of inlet gases away from the kiln when a flameout occurs, have been considered, but there is at this time no demonstrated technology that will ensure that explosions would not occur.

In arriving at the proposed standard for particulate matter emissions from lime kilns, EPA considered the alternatives of a medium pressure drop scrubber alone, an ESP alone, and both particulate control systems operated in series. A separate incinerator to control TRS emissions from digester systems, multiple-effect evaporator systems, and condensate stripper systems was included in the two alternative ESP systems. EPA concluded that the relatively large increments in cost and energy usage associated with the ESP alternatives were not justified by the additional particulate control gained beyond that achievable with a medium pressure drop scrubber alone. Consequently, the proposed particulate matter standard would require a medium pressure drop scrubber (approximately 30 inches water gauge), or equivalent.

EPA has determined that an oxygen concentration in the gas stream measured after the lime kiln control device in excess of 10 percent represents excessive air inleakage; therefore, the proposed standards require that all measurements of particulate matter and TRS that have an oxygen concentration in excess of 10 percent be corrected to 10 percent oxygen.

Smelt Dissolving Tank

Smelt dissolving tanks discharge particulate matter comprised of finely divided smelt particles that are entrained in the steam emitted from the tank. On an uncontrolled basis, the quantity of particulate emissions is small in comparison with that from recovery furnaces and lime kilns. TRS emissions can be generated in the dissolving tank or in a scrubbing device that collects particulate matter, depending primarily on the sulfide content of water used to dissolve the smelt and to perform the scrubbing. Standards in terms of concentration of pollutants are not considered appropriate for smelt dissolving tanks because the effluent stream is primarily air and no correction for oxygen content and dilution air is possible to ensure effective enforcement.

Particulate emissions from smelt dissolving tanks are controlled by using wire mesh demister pads or low energy scrubbers. The scrubbers remove particulate matter much more effectively, though the energy requirements and operating costs are higher than for demisters. The proposed particulate standard for smelt dissolving tanks would require the use of low energy scrubbers, or equivalent systems, and is supported by four EPA tests on two types of low energy scrubbers. The proposed TRS standard for smelt dissolving tanks would prevent the use of water highly contaminated with sulfides for dissolving the smelt and for particulate scrubbing systems.

Other Sources

Approximately one-quarter of the total uncontrolled TRS emissions from a typical kraft pulp mill are generated by the digester system, brown stock washer system, black liquor oxidation system, multiple-effect evaporator system, and condensate stripper system. Ineffective control of these facilities could have a large impact on localized odor problems. The effluent streams can be incinerated in the recovery furnace, the lime kiln, or a separate incinerator to oxidize most of the TRS. The quantity of auxiliary fuel required for incineration is greatly reduced if incineration is performed in the recovery furnace and the lime kiln. If the noncondensable gases from the brown stock washer system and the black liquor oxidation system are incinerated, for example, in the recovery furnace, some auxiliary fuel may be required. However, the noncondensable gases from the digester system, multiple-effect evaporator system, and condensate stripper system would not require additional fuel if incinerated in the lime kiln as part of the primary air feed to the kiln. The proposed standard of 5 ppm TRS, four-hour average, for each of these five affected facilities would require incineration in the recovery furnace and the lime kiln, or equivalent.

Opacity Standard

An opacity standard is proposed for recovery furnace systems to ensure proper operation and maintenance of the partciulate control device. No opacity standards are proposed for lime kilns and smelt dissolving tanks, which frequently generate persistent plumes of condensed water vapor. The effluent plume is so greatly dispersed by the time the vapor plume disappears that the observed opacity would not be as effective an indicator of the performance of the patriculate control system as other parameters. Monitoring the operating parameters of the control system would be more effective.

State Implementation Plans

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect emission limits achievable with the best adequately demonstrated systems of emission reduction considering the cost of such systems. State implementation plans (SIP's) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources. In addition, States are free under section 116 of the Act to establish more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Thus, new and existing sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111.

Testing, Monitoring, and Recordkeeping

Under the proposed standards, performance tests for TRS emissions according to Reference Method 16 proposed herein would be required for all affected facilities. Performance tests for particulate matter emissions from recovery furnace systems, lime kilns, and smelt dissolving tanks would also be required. Particulate matter emissions would be measured by Reference Methods 1 through 5. Method 17 (in-stack filter) is being proposed as an alternative method to measure particulate emissions from the recovery furnace. It is being proposed in Appendix A, Reference Methods, because the Agency intends to also propose Method 17 as a reference method to measure particulate matter from grain elevators.

The proposed standards include provisions for continuously monitoring the opacity of visible emissions discharged from recovery furnaces. To ensure proper operation and maintenance of scrubbers installed on lime kilns and on smelt dissolving tanks, provisions are included for monitoring the pressure drop across the scrubber and the scrubbing fluid supply pressure to the scrubber.

Where emissions from the digester system, brown stock washer system,

multiple-effect evaporator system, black liquor oxidation system, or condensate stripper are incinerated in a device other than a lime kiln or recovery furnace, it is proposed that the firebox temperature of the device be monitored.

A requirement for the continuous monitoring of TRS emissions from the recovery furnace and lime kiln is also proposed. The specifications for continuous TRS monitors are not being proposed at this time because they have not been completely developed. However, the development of these specifications are imminent and they are expected to be promulgated at the time that the kraft pulp mill standards of performance are promulgated.

A requirement to monitor the oxygen concentration of the gas stream on a dry basis after the control device is being proposed for the lime kiln and recovery furnace. The montoring of oxygen concentrations is necessary to correct the TRS and particulate concentrations for the lime kiln and recovery furnace when the oxygen concentrations in the respective gas streams are in excess of 10 percent and 8 percent oxygen.

Records of performance testing measurements, continuous monitoring system measurements, and monitoring device measurement would have to be retained for at least two years following the date of the measurements by owners or operators subject to the provisions of this subpart. This requirement is included under § 60.7(d) of the regulation.

PUBLIC PARTICIPATION

As prescribed by section 111, this proposal of standards of performance has been preceded by the Administrator's determination that kraft pulp mills contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare and by his publication of this determination in this issue of the FEDERAL REGISTER. In accordance with section 117 of the Act, publication of these proposed standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The Administrator will welcome comments on all aspects of the proposed regulations, including the designation of kraft pulp mills as a significant contributor to air pollution which causes or contributes to the endangerment of public health or welfare, economic and technological issues, and the proposed test methods. All relevant comments received on or before November 22, 1976 will be considered. Comments received will be available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

Background information on these proposed standards of performance has been published in a document entitled "Standards Support and Environmental Impact Statement: Standards of Performance for Kraft Pulp Mills, Volume 1." This report presents the factors considered in the development of the proposed standards, including alternative emission control systems, emission test data, environmental impact, costs, and economic considerations. Copies of the document may be obtained free of charge by writing to the Public Information Center (PM-215), U.S. Environmental Protection Agency, Washington, D.C. 20460 (specify "Standards Support and Environmental Impact Statement: Standards of Performance for Kraft Pulp Mills, Volume 1").

AUTHORITY: This notice of proposed rulemaking is issued under the authority of secs. 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-6, 1857c-9, 1857g(a)).

Dated: September 16, 1976.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 60 of Chapter I of Title 40 of the Code of Federal Regulations as follows:

1. By adding subpart BB as follows:

Subpart BB—Standards of Performance for Kraft Pulp Mills

Sec.

60.280 Applicability and designation of affected facility.
60.281 Definitions.
60.282 Standard for particulate matter.
60.283 Standard for total reduced sulfur (TRS).
60.284 Monitoring of emissions and operations.
60.285 Test methods and procedures.

AUTHORITY: Secs. 111, 114, and 301(a) of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 and by sec. 15 (c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857c-6, 1857c-9, and 1857g(a)).

Subpart BB—Standards of Performance for Kraft Pulp Mills

§ 60.280 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in kraft pulp mills: digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system. In pulp mills in which kraft pulping is combined with neutral sulfide semichemical pulping, the provisions of this subpart are applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation.

§ 60.281 Definitions.

As used in this subpart, all terms not defined herein shall have the same meaning given them in the Act and in Subpart A.

(a) "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

(b) "Neutral sulfite semichemical pulping operation" means any operation in which pulp is produced from wood by cooking (digesting) wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating (grinding).

(c) "Total reduced sulfur (TRS)" means the sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the kraft pulping operation and measured by Method 16.

(d) "Digester system" means each continuous digester or each batch digester used for the cooking of wood in white liquor, and associated flash tank(s), blow tank(s), chip steamer(s), and condenser(s).

(e) "Brown stock washer system" means knotters, vacuum pumps, and filtrate tanks used to wash the pulp following the digester system.

(f) "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser(s) and hotwell(s) used to concentrate the spent cooking liquid that is separated from the pulp (black liquor).

(g) "Black liquor oxidation system" means the vessels used to oxidize, with air or oxygen, the black liquor, and associated storage tank(s).

(h) "Recovery furnace" means the unit used for burning black liquor to recover chemicals consisting primarily of sodium carbonate and sodium sulfide. The recovery furnance includes the direct-contact evaporator for a conventional furnace.

(i) "Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the recovery furnace.

(j) "Lime kiln" means a unit used to calcine lime mud, which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

(k) "Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, TRS compounds from condensate streams from various processes within a kraft pulp mill.

§ 60.282 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere:

(1) From any recovery furnace any gases which:

(i) Contain particulate matter in excess of 0.10 g/dscm (0.044 gr/dscf).

(ii) Exhibit 35 percent opacity or greater.

(2) From any smelt dissolving tank any gases which contain particulate matter in excess of 0.15 g/Kg ADP (0.3 lb/ton ADP).

(3) From any lime kiln any gases which:

(i) Contain particulate matter in excess of 0.15 g/dscm (0.067 gr/dscf) when gaseous fossil fuel is burned.

(ii) Contain particulate matter in excess of 0.30 g/dscm (0.13 gr/dscf) when liquid fossil fuel is burned.

§ 60.283 Standard for total reduced sulfur (TRS).

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere:

(1) From any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system any gases which contain TRS in excess of 5 parts per million (ppm) by volume, except as provided under paragraph (b) of this section.

(2) From any recovery furnace any gases which contain TRS in excess of 5 ppm by volume.

(3) From any smelt dissolving tank any gases which contain TRS in excess of 0.025 g/Kg ADP (0.0125 lb/ton ADP).

(4) From any lime kiln any gases which contain TRS in excess of 5 ppm by volume.

(b) The Administrator may exempt any new, modified, or reconstructed black liquor oxidation system or brown stock washer system at an existing kraft pulp mill provided the owner or operator demonstrates that incinerating the exhaust gases from such system in an existing recovery furnace is technologically and economically not feasible. Any exempt system will become subject to the provisions of this subpart if the recovery furnace is changed so that the gases can be incinerated.

§ 60.284 Monitoring of emissions and operations.

(a) Any owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate the following continuous monitoring systems:

(1) A continuous monitoring system to monitor and record the opacity of the gases discharged into the atmosphere from any recovery furnace. The span of this system shall be set at 50 percent opacity.

(2) A continuous monitoring system, except as provided in paragraph (b)(1) of this section, to monitor and record the concentration of TRS emissions discharged into the atmosphere from any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, recovery furnace, lime kiln, or condensate stripper system. The span shall be set at a TRS concentration of 30 ppm.

(3) A continuous monitoring system to monitor and record the percent of oxygen by volume in the gases discharged from any recovery furnace or lime kiln. The continuous monitoring system shall be located downstream of the control device(s) for the recovery furnace or lime kiln, and all measurements shall be made on a dry basis. The span of this system shall be set at 20 percent oxygen.

(b) Any owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate the following continuous monitoring devices:

(1) A monitoring device which measures the combustion temperature at the point of incineration of effluent gases which are emitted from any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system and which are combusted in a power boiler or separate incineration unit. The monitoring device is to be certified by the manufacturer to be accurate within ±2° C (±3.6° F).

(2) For any lime kiln or smelt dissolving tank using a scrubber emission control device:

(i) A monitoring device for the continuous measurement of the pressure loss of the gas stream through the control equipment. The monitoring device is to be certified by the manufacturer to be accurate to within a gage pressure of ±250 pascals (ca. ±1 inch water gage pressure).

(ii) A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±5 percent of design scrubbing liquid supply pressure. The pressure sensor or tap is to be located close to the scrubber liquid discharge point. The Administrator may be consulted for approval of alternative locations.

(c) Any owner or operator subject to the provisions of this subpart shall calculate and record on a daily basis:

(1) Four-hour average TRS concentrations for the six consecutive four-hour periods of each operating day. Each four-hour average shall be determined as the arithmetic mean of the appropriate four contiguous one-hour average total reduced sulfur concentrations provided by each continuous monitoring system installed under paragraph (a)(2) of this section.

(2) Four-hour average oxygen concentrations for the six consecutive four-hour periods of each operating day for the recovery furnace and lime kiln. These four-hour averages shall correspond to the four-hour average TRS concentrations under paragraph (c)(1) of this section and shall be determined as an arithmetic mean of the appropriate four contiguous one-hour average oxygen concentrations provided by each continuous monitoring system installed under paragraph (a)(3) of this section.

(d) Any owner or operator of a recovery furnace or lime kiln subject to the provisions of this subpart shall:

(1) Correct any four-hour average TRS concentration corresponding to a four-hour average oxygen concentration that is in excess of 8 volume percent for the recovery furnace. The concentration shall be corrected to 8 volume percent oxygen.

(2) Correct any four-hour average TRS concentration corresponding to a four-hour average oxygen concentration that is in excess of 10 volume percent for the lime kiln. The concentration shall be corrected to 10 volume percent oxygen.

(3) Calculate the corrections required in paragraphs (d)(1) and (2) of this section according to the following equation:

$$C_{corr} = C_{meas} \times \left(\frac{21-X}{21-Y}\right)$$

where:

C_{corr} = the four-hour TRS concentration corrected for oxygen.

C_{meas} = the four-hour average measured TRS concentration uncorrected for oxygen.

X = the volumetric oxygen concentration in percentage to be corrected to (8 percent for the recovery furnace and 10 percent for the lime kiln).

Y = the measured four-hour average volumetric oxygen concentration above 8 volume percent for the recovery furnance and above 10 volume percent for the lime kiln.

(e) For the purpose of reports required under § 60.7(c), any owner or operator subject to the provisions of this subpart shall report periods of excess emissions as follows:

(1) For emissions from the recovery furnace:

(i) All four-hour averages of TRS concentrations above 5 ppm.

(ii) All six-minute average opacities that exceed 35 percent, except that 5 percent of the averages may exceed 35 percent opacity. The exception does not apply to excess emissions due to malfunctions, startups, or shutdowns of the facility or control device.

(2) For emissions from the lime kiln: All four-hour average TRS concentrations above 5 ppm, except that 6 percent of all four-hour averages of TRS concentrations are not considered to be excess emissions if they are less than 10 ppm. The exception does not apply to excess emissions due to malfunctions, startups, or shutdowns of the facility or control device.

(3) For emissions from the digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system where the gases are incinerated in a device other than a recovery furnace or lime kiln: All four-hour average TRS concentrations above 5 ppm, unless the requirements of paragraph (b)(1) of this section are met.

§ 60.285 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with § 60.282(a) as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content,

(2) Method 1 for sample and velocity traverses,

(3) When determining compliance with § 60.282(a)(2), Method 2 for velocity and volumetric flow rate,

(4) Method 3 for gas analysis, and
(5) Method 9 for visible emissions.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator. Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 5.

(c) Method 17 (in-stack filtration) may be used as an alternate method for Method 5 for determining compliance with § 60.282(a)(1)(i): *Provided*, That a constant value of 0.009 g/dscm (0.004 gr/dscf) is added to the results of Method 17 and the stack temperature is no greater than 205° C (ca. 400° F). Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 17.

(d) For the purpose of determining compliance with § 60.283(a) (1), (2), (3), and (4), the following reference methods shall be used:

(1) Method 16 for the concentration of TRS,
(2) Method 3 for gas analysis, and
(3) When determining compliance with § 60.283(a)(3), Method 2 for velocity and volumetric flow rate.

(e) All concentrations of particulate matter and TRS from the lime kiln and recovery furnace that are measured as required by this section shall be corrected to 10 volume percent oxygen and 8 volume percent oxygen, respectively, when the oxygen concentrations exceed these values.

APPENDIX A—REFERENCE METHODS

2. Method 16 and Method 17 are added to Appendix A as follows:

* * * * *

METHOD 16—SEMICONTINUOUS DETERMINATION OF SULFUR EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability*

1.1 *Principle.* A gas sample is extracted from the emission source and diluted with clean dry air. An aliquot of the diluted sample is then analyzed for gaseous sulfur compounds by gas chromatographic (GC) separation and flame photometric (FPD) detection. Two GC/FPD analytical systems equipped with suitable columns are used for resolution of both low and high molecular weight TRS compounds.

1.2 *Applicability.* This method is applicable for determination of TRS compounds when specified by an applicable subpart.

2. *Range and sensitivity*

2.1 *Range.* The maximum limit of the FPD for each sulfur compound is about 1 ppm. This limit is expanded by dilution of the sample gas before analysis. Kraft mill gas samples are normally diluted tenfold (10:1), resulting in an upper limit of about 10 ppm for each compound.

2.2 *Sensitivity.* The minimum detectable concentration of the FPD is less than 50 ppb.

3. *Interferences*

3.1 *Moisture condensation.* Moisture condensation in the sample delivery system, the analytical column, or the FPD burner block can cause losses or interferences. This potential is eliminated by heating the sample line, and by conditioning the sample with dry dilution air to lower its dew point below the operating temperature of the GC/FPD analytical system prior to analysis.

3.2 *Carbon monoxide and carbon dioxide.* CO and CO_2 have a substantial desensitizing effect on the detector even after 10:1 dilution. This potential interference is eliminated by eluting CO and CO_2 with the "air peak" prior to elution of any sulfur compound.

3.3 *Particulate matter.* Particulate matter in gas samples can cause interference by eventual clogging of the analytical system. This interference is eliminated by use of a filtered probe described in Section 5.1.1.

4. *Precision*

4.1 *Calibration precision.* A series of three consecutive injections of the same calibration gas, at any dilution, should produce results which do not vary by more than ±3% from the mean of the three injections.

4.2 *Calibration drift.* The calibration drift determined from the mean of three injections made at the beginning and end of any 8-hour period should not exceed ±3%.

5. *Apparatus*

5.1.1 *Probe.* Figure 16-1 illustrates the probe used in lime kilns and other sources where significant amounts of particulate matter are present. The probe is designed with the deflector shield placed between the sample and the gas inlet holes and the glass wool plugs to reduce clogging of the filter and possible adsorption of sample gas. The exposed portion of the probe between the sampling port and the sample line is heated with heating tape.

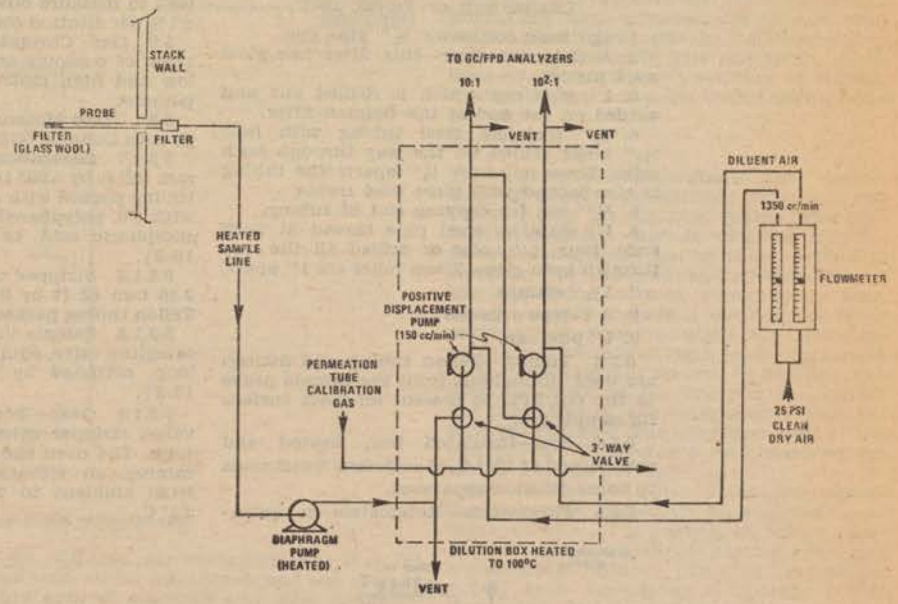


Figure 16-2. Sampling and dilution apparatus.

5.1.2 Sample line—$\frac{3}{16}$ inch inside diameter Dekoron FEP Teflon[1] tubing, heated to 120° C. This temperature is controlled by a thermostatic heater.

5.1.3 Sample pump—Leakless Teflon coated diaphragm type or equivalent. The pump head is heated to 120° C by enclosing it in the sample dilution box (5.2.4 below).

5.2 Dilution system—A schematic diagram of the dynamic dilution system is given in Figure 16-2. The dilution system is constructed such that all sample contacts are made of inert materials. The dilution system which is heated to 120° C, must be capable of a minimum of 10:1 dilution of sample. Equipment used in the dilution system is listed below:

5.2.1 Dilution pump—Model A-150 Komhyr Teflon positive displacement type, non-adjustable 150 cc/min. ±2.0%, or equivalent, per dilution stage. A 10:1 dilution of sample is accomplished by combining 150 cc of sample with 1350 cc of clean dry air as shown in Figure 16-2.

5.2.2 Valves—Three-way Teflon solenoid or manual type.

[1] Mention of trade names or specific products does not constitute an endorsement by the Environmental Protection Agency.

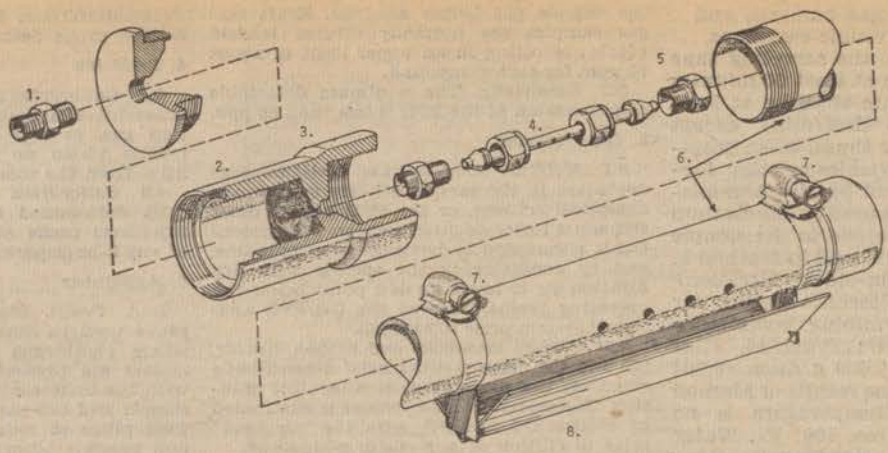


Figure 16-1. Probe used for gas containing high particulate loadings.

DESCRIPTION OF FIGURE 16-1

1. ¼" male connector ⅛" pipe size.
2. A Gelman [1] filter—this filter has glass wool inside.
3. 1" pipe cap which is drilled out and welded on the end of the Gelman filter.
4. ¼" stainless steel tubing with four 1/16" holes drilled all the way through both sides. These holes are ¼" apart. The tubing is also packed with glass wool inside.
5. ¼" cap for capping end of tubing.
6. 1" stainless steel pipe thread at both ends, four ⅛" holes or drilled all the way through both sides. These holes are 1" apart.
7. 1½" clamps.
8. A V-type deflector.
9. 1" pipe cap.

5.2.3 Tubing—Teflon tubing and fittings are used throughout from the sample probe to the GC/FPD to present an inert surface for sample gas.

5.2.4 Box—Insulated box, heated and maintained at 120° C, of sufficient dimensions to house dilution apparatus.

5.2.5 Flowmeters—Rotameters or equivalent to measure flow from 0 to 1500 ml/min ±1% per dilution stage.

5.3 Gas Chromatograph Columns—Two types of columns are used for separation of low and high molcular weight sulfur compounds:

5.3.1 Low Molecular Weight Sulfur Compounds Column (GC/FPD-1).

5.3.1.1 Separation Column—11 m by 2.16 mm (36 ft by 0.085 in) inside diameter Teflon tubing packed with 30/60 mesh Teflon coated with 5% polyphenyl ether and 0.05% orthophosphoric acid, or equivalent (see Figure 16-3).

5.3.1.2 Stripper or Precolumn—0.6 m by 2.16 mm (2 ft by 0.085 in) inside diameter Teflon tubing packed as in 5.3.1.

5.3.1.3 Sample Valve—Teflon ten-port gas sampling valve, equipped with a 10 ml sample loop, actuated by compressed air (Figure 16-3).

5.3.1.4 Oven—For containing sample valve, stripper column and separation column. The oven should be capable of maintaining an elevated temperature ranging from ambient to 100° C, constant within ±1° C.

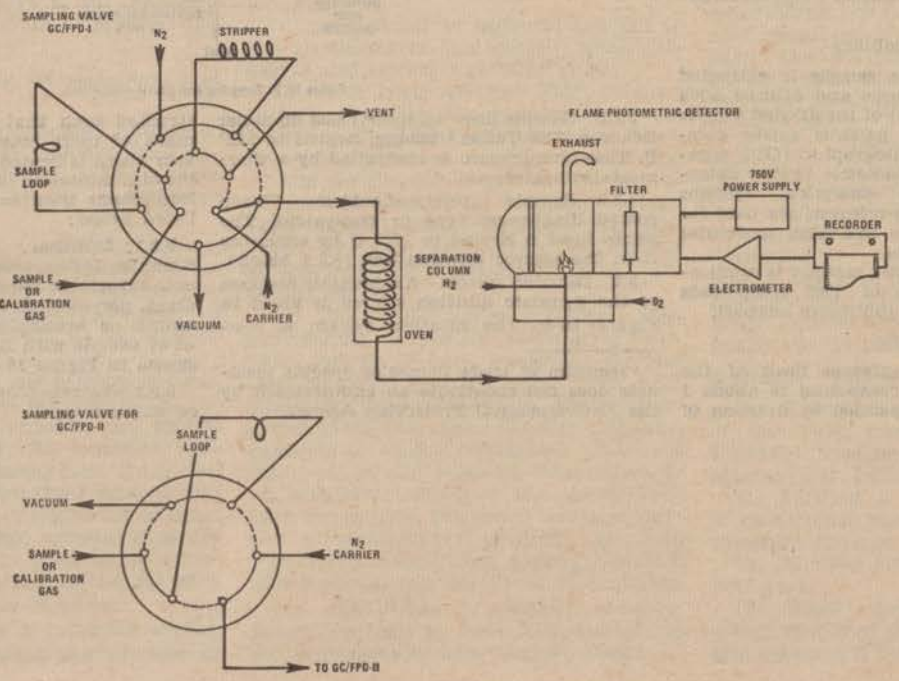


Figure 16-3. Gas chromatographic-flame photometric analyzers.

5.3.1.5 Temperature Monitor—Thermocouple pyrometer to measure column oven, detector, and exhaust temperature ±1° C.

5.3.1.6 Flow System—Gas metering system to measure sample flow, hydrogen flow, oxygen flow and nitrogen carrier gas flow.

5.3.1.7 Detector—Flame photometric detector.

5.3.1.8 Electrometer—Capable of full scale amplification of linear ranges of 10^{-9} to 10^{-4} amperes full scale.

5.3.1.9 Power Supply—Capable of delivering up to 750 volts.

5.3.1.10 Recorder—Compatible with the output voltage range of the electrometer.

5.3.2 High Molecular Weight Compounds Column (GC/FPD–II).

5.3.2.1 Separation Column—3.05 m by 2.16 mm (10 ft by 0.085 in.) inside diameter Teflon tubing packed with 30/60 mesh Teflon coated with 10 percent Triton X–305, or equivalent.

5.3.2.2 Sample Valve—Teflon six-port gas sampling valve equipped with a 10 ml sample loop, actuated by compressed air (Figure 16–3).

5.3.2.3 Other Components—All components same as in 5.3.1.4 to 5.3.1.10.

5.4 Calibration—Permeation tube system (Figure 16–4).

5.4.1 Tube Chamber—Glass chamber of sufficient dimensions to house permeation tubes.

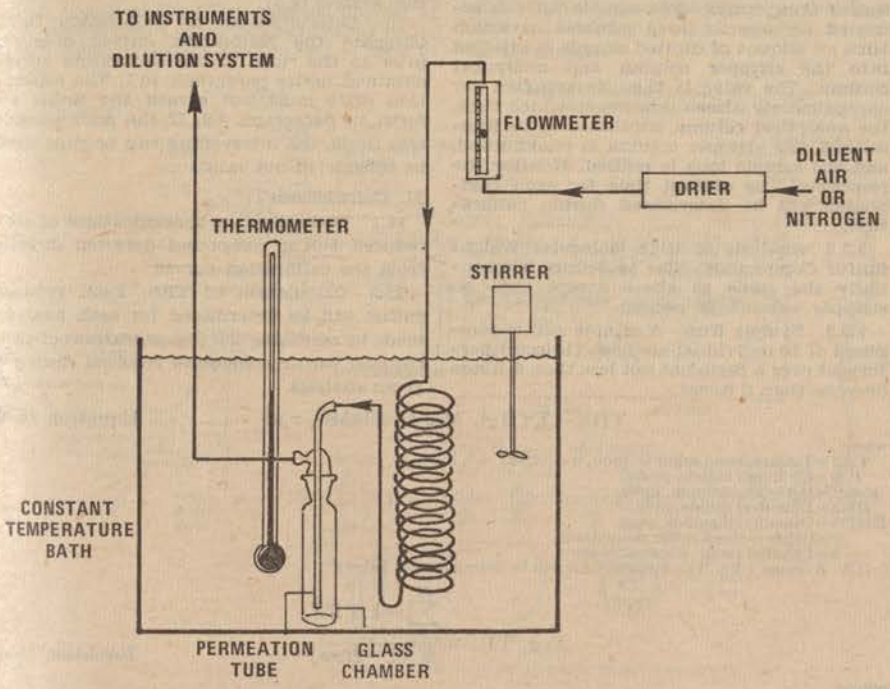


Figure 16-4. Apparatus for field calibration.

5.4.2 Mass Flowmeters—Two mass flowmeters in the range 0–3 l/min. and 0–10 l/min. to measure air flow over permeation tubes at ±2%. These flowmeters shall be cross-calibrated at the beginning of each test. Using a convenient flow rate in the measuring range of both flowmeters, set and monitor the flow rate of gas over the permeation tubes. Injection of calibration gas generated at this flow rate as measured by one flowmeter followed by injection of calibration gas at the same flow rate as measured by the other flowmeter should agree within the specified precision limits. If they do not, then there is a problem with the mass flow measurement. Each mass flowmeter shall be calibrated prior to the first test with a wet test meter and thereafter, at least once each year.

5.4.3 Constant Temperature Bath—Capable of maintaining permeation tubes at certification temperature of 30° C within ±0.1/ C.

5.4.4 Temperature Monitor—Thermometer or equivalent to monitor bath temperature within ±0.1° C.

6. *Reagents*

6.1 Fuel. Hydrogen (H_2) prepurified grade or better.

6.2 Combustion Gas. Oxygen (O_2) research purity or better.

6.3 Carrier gas. Nitrogen (N_2) prepurified grade or better.

6.4 Diluent. Air containing less than 0.5 ppb total sulfur compounds and less than 10 ppm each of moisture and total hydrocarbons, and filtered using MSA filters 46727 and 79030, or equivalent. Removal of sulfur compounds can be verified by injecting dilution air only, described in Section 8.4.

6.5 Compressed Air. 60 psig for GC valve actuation.

6.6 Calibration Gases. Permeation tubes gravimetrically calibrated and certified at 30.0° C.

7. *Pre-test Procedures*

7.1 After the complete measurement system has been set up at the site and verified to be operational, the following procedures shall be completed before sampling is initiated.

7.1.1 Flowmeter Calibration and Leak Test—Appropriate calibration and leak test procedures shall be employed to verify the accuracy and/or integrity of all flowmeters, sample lines, and connections. For components under negative pressure (lines and connections upstream of the sample pump) a leak test is performed using the sample pump to pull a vacuum. Attach the probe end of the sample line to a manometer or vacuum gauge, start the pump and pull greater than 50 mm (2 in.) Hg vacuum. Close off the pump outlet, then stop the pump and ascertain that there is no leak for 5 minutes. For components subject to positive pressure, leak tests shall be performed at each joint by applying a liquid (detergent in water, for example) which will foam in the presence of a leak.

Since the complete dilution system and GC/FPD is calibrated prior to and following each test, the precise calibration of each component is not critical. However, these components should be verified to be operating properly. This verification can be performed by observing the response of flowmeters or of the GC output to changes in flow rates or calibration gas concentrations and ascertaining the response to be within predicted limits. If any component, or if the complete system fails to respond in a normal and predictable manner, the source of the discrepancy shall be identified and corrected before proceeding.

7.1.2 Mass Flowmeter Calibration—Since all sample calculations are based on the accuracy of air flow measured by the mass flowmeters, it is essential that the cross-calibration check of Section 5.4.2 be followed.

7.1.3 Prior to any sampling run, calibrate the system using the procedures set forth in Section 8. If more than one run is performed during any 24-hour period, a calibration need not be performed prior to the second and any subsequent runs. The calibration must, however, be verified as prescribed in Section 8, after the last run made within the 24-hour period.

8. *Calibration*

8.1 General considerations. This section outlines steps to be followed for use of the GC/FPD and the dilution system. The procedure does not include detailed instructions because operation of these systems is complex, and it requires an understanding of the individual system being used. Each system should include a written operating manual describing in detail the operating procedures associated with each component in the measurement system. In addition, the operator should be familiar with the operating principles of the components; particularly the GC/FPD. The references cited at the end of this method are recommended for review for this purpose.

8.2 Permeation Tubes. Under the following procedure, accurately known concentrations (±1%) of a variety of sulfur compounds are generated by passing clean dry air or other diluent gas over permeation tubes, each containing a specific sulfur compound as a permeant. These tubes consist of hermetically sealed FEP Teflon tubing in which a liquefied gaseous substance is enclosed. The enclosed gas permeates through the tubing wall at a constant rate. When the temperature is constant, calibration gases covering a wide range of known concentrations can be generated by varying and accurately measuring the flow rate of diluent gas passing over the tubes. These calibration gases are used to calibrate the GC/FPD system and the dilution system.

8.3 Calibration Procedure. Assemble the permeation tube calibration apparatus as depicted in Figure 16–4. Insert the permeation tubes into the glass tube chamber. Check the bath temperature to assure agreement with the calibration temperature of the tubes within ±0.1° C. A temperature of 30° C is recommended for the sulfur gas tubes. Allow twenty-four hours for the tubes to equilibrate. When equilibrated, vary the flow rate of diluent air flowing over the tubes to produce the desired concentrations for calibrating the analytical and dilution systems. The air flow across the tubes must at all times exceed the flow requirement of the analytical

systems. The concentration in parts per million generated by a tube containing a specific permeant can be calculated as follows:

$$C = K\frac{P_r}{ML}$$

Equation 16-1

where:
C = Concentration of permeant produced in ppm.
P_r = Permeation rate of the tube in μg/min.
M = Molecular weight of the permeant $\left(\frac{g}{g\text{-mole}}\right)$.
L = Flow rate, l/min, of air over permeant @20°C, 760 mm Hg.
K = Gas constant at 20°C and 760 mm Hg = 24.04 l/g mole

8.4 Operating Conditions for GC/FPD Systems.

8.4.1 Low-Molecular Weight Sulfur Compounds—The operating parameters for the GC/FPD system used for low molecular weight compounds are as follows: nitrogen carrier gas flow rate of 50 cc/minute, exhaust temperature of 110° C, detector temperature of 105° C, oven temperature of 40° C, hydrogen flow rate of 80 cc/minute, oxygen flow rate of 20 cc/minute, and sample flow rate between 20 and 80 cc/minute.

8.4.2 High-Molecular Weight Sulfur Compounds—The operating parameters for the GC/FPD system for high molecular weight compounds are the same as in 8.4.1. except: oven temperature of 70° C, and nitrogen carrier gas flow of 100 cc/minute.

8.5 Calibration of GC/FPD Analysis Systems. Generate a series of three or more known concentrations spanning the linear range of the FPD (approximately 0.05 to 1.0 ppm) for each sulfur compound anticipated to be present in the gas stream analyzed. Bypassing the dilution system, inject these standards into the GC/FPD analyzers and monitor the responses. Three injects for each concentration must yield the precision described in Section 4.1. Failure to attain this precision is an indication of a problem in the calibration or analytical system. Any such problem must be identified and corrected before proceeding. Peak heights, rather than integrated areas, have proven satisfactory; however, integrated areas may be required for alternate columns or instrumentation.

8.5. Calibration Curves—Plot the GC/FPD responses in current (amperes) versus their causative concentrations in ppm on log-log coordinate graph paper for each sulfur compound calibrated.

8.6 Calibration of Dilution System. Generate a known concentration of hydrogen sulfide using the permeation tube system. Adjust the flow rate of diluent air for the first dilution stage so that the desired level of dilution is approximated. Inject the diluted is approximated. Inject the diluted calibration gas into GC/FPD–I and monitor its response. Three injects for each dilution must yield the precision described in Section 4.1. Failure to attain this precision in this step is an indication of a problem in the dilution system. Any such problem must be identified and corrected before proceeding. Using the calibration curve for H_2S (developed under 8.4.1) determine the diluted calibration gas concentration in ppm. Then, calculate the dilution factor as the ratio of the calibration gas concentration before dilution to the diluted calibration gas concentration determined under this paragraph. Repeat this procedure for each stage of dilution required.

9. *Sampling and analysis procedure*

9. Sampling. Insert the sampling probe into the test port making certain that no dilution air enters the stack through the port. Begin sampling and dilute the sample approximately 10:1 using the dilution system shown in Figure 16-2. Note that the precise dilution factor is that which is determined in paragraph 8.5. Condition the entire system with sample for a minimum of 15 minutes prior to commencing analysis.

9.2 Analysis. Aliquots of diluted sample are injected simultaneously into both GC/FPD analyzers for analysis. GC/FPD–I is used to measure the low-molecular weight reduced sulfur compounds. The low molecular weight compounds include hydrogen sulfide, sulfur dioxide, methyl mercaptan, ethyl mercaptan, and dimethyl sulfide. GC/FPD–II is used to resolve the high-molecular weight compounds. The high molecular weight compounds include propyl mercaptan, butyl mercaptan, dimethyl disulfide, dipropyl sulfide, and dibutyl sulfide.

9.2.1 Analysis of Low-Molecular Weight Sulfur Compounds—The sample valve is actuated for one to three minutes in which time an aliquot of diluted sample is injected into the stripper column and analytical column. The valve is then de-actuated for approximately fifteen minutes in which time, the analytical column continues to be foreflushed, the stripper column is backflushed, and the sample loop is refilled. Monitor the responses. The elution time for each compound will be determined during calibration.

9.2.2 Analysis of High-Molecular Weight Sulfur Compounds—The procedure is essentially the same as above except that no stripper column is needed.

9.2.3 Sample Run—A sample run is composed of 16 individual analyses (injects) performed over a period of not less than 3 hours or more than 6 hours.

9.2.4 Observation for Clogging of Probe—If reductions in sample concentrations are observed during a sample run that cannot be explained by process conditions, the sampling must be interrupted to determine if the sample probe is clogged with particulate matter. After each run, the sample probe must be inspected and, if necessary, dismantled and cleaned.

10. *Post-Test procedures*

10. Recalibration. After each run, or after a series of runs made within a 24-hour period, perform a partial recalibration using the procedures in Section 8. Only H_2S (or other permeant) need be used to recalibrate the GC/FPD analysis system (8.4) and the dilution system (8.5).

10. Determination of Calibration Drift. Compare the calibration curves obtained prior to the runs, to the calibration curves obtained under paragraph 10.1. The calibration drift must not exceed the limits set forth in paragraph 4.2. If the drift exceeds this limit, the intervening run or runs shall be considered not valid.

11. *Calculations*

11.1 Determine the concentrations of each reduced sulfur compound detected directly from the calibration curves.

11.2 Calculation of TRS. Total reduced sulfur will be determined for each analysis made by summing the concentrations of each reduced sulfur compound resolved during a given analysis.

$$\text{TRS} = \Sigma(H_2S,\ \text{MeSH},\ 2\text{DMS},\ x)d$$

Equation 16-2

where
TRS = Total reduced sulfur in ppm, wet basis.
H_2S = Hydrogen sulfide, ppm.
MeSH = Methyl mercaptan, ppm.
DMS = Dimethyl sulfide, ppm.
DMDS = Dimethyl disulfide, ppm.
x = Other reduced sulfur compounds.
d = Dilution factor, dimensionless.

11.3 Average TRS. The average TRS will be determined as follows:

$$\text{Avg. TRS} = \frac{\sum_{i=1}^{N} TRS_i}{N\ (1 - Bwo)}$$

Equation 16-3

where:
Avg. TRS = Average total reduced sulfur in ppm, dry basis.
TRS_i = Total reduced sulfur in ppm as determined by Equation 16-2.
N = Number of analyses performed.
Bwo = Fraction of volume of water vapor in the gas stream as determined by Method 4—Determination of Moisture in Stack Gases (36 FR 24887).

12. *Bibliography.*

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METHOD 17—DETERMINATION OF PARTICULATE EMISSIONS FROM STATIONARY SOURCES (IN-STACK FILTRATION METHOD)

Introduction. Particulate matter is not an absolute quantity; rather it is a variable which is a function of temperature and pressure. For this reason, particulate matter emission regulations and/or associated test methods must define or take cognizance of the temperature and pressure at which particulate matter is to be measured. If temperature is not defined, and if the effect of temperature upon the quantity of particulate in an effluent gas is unknown, then the particulate emission regulation may be variable. The range of pressure which exist from source to source is of negligible importance.

In Method 5, 250° F is established as a nominal reference temperature. Thus, where Method 5 is specified under an applicable subpart, particulate matter is defined with respect to temperature. In order to maintain this indicated temperature, Method 5 includes a heated glass sample probe and a heated filter holder. This equipment is cumbersome and requires care in its operation. Therefore, where particulate matter concentrations (over the normal range of temperature associated with a specified source category) are known to be independent of temperature, it is desirable to eliminate the glass

probe and heating system, and sample at stack temperature.

This method describes an in-stack sampling system and sampling procedures for use where particulate matter concentrations are independent of temperature. It may be used to conduct performance tests under 40 CFR 60.8 within specified conditions, or when approved by the Administrator.

1. Principle and applicability

1.1 Principle. Particulate matter is withdrawn isokinetically from a gas stream and collected on a glass fiber filter maintained at stack temperature. The particulate matter mass is determined gravimetrically after removal of uncombined water.

1.2 Applicability. This method applies to the measurement of particulate matter emissions from stationary sources and is used to determine compliance with new source performance standards, when specifically provided for in an applicable subpart of the standards. This method is not applicable when stack gases are saturated with water vapor or when the projected cross-sectional are of the probe extension-filter holder assembly (when inserted halfway into the stack) covers more than 3% of the stack cross-sectional area (see Section 4.1.2).

2. Apparatus

2.1 Sampling train. A schematic of the sampling train used in this method is shown in Figure 17–1. Construction details for many, but not all, of the train components are given in APTD–0581; for changes from the APTD–0581 document and for allowable modifications to Figure 17–1, consult with the Administrator.

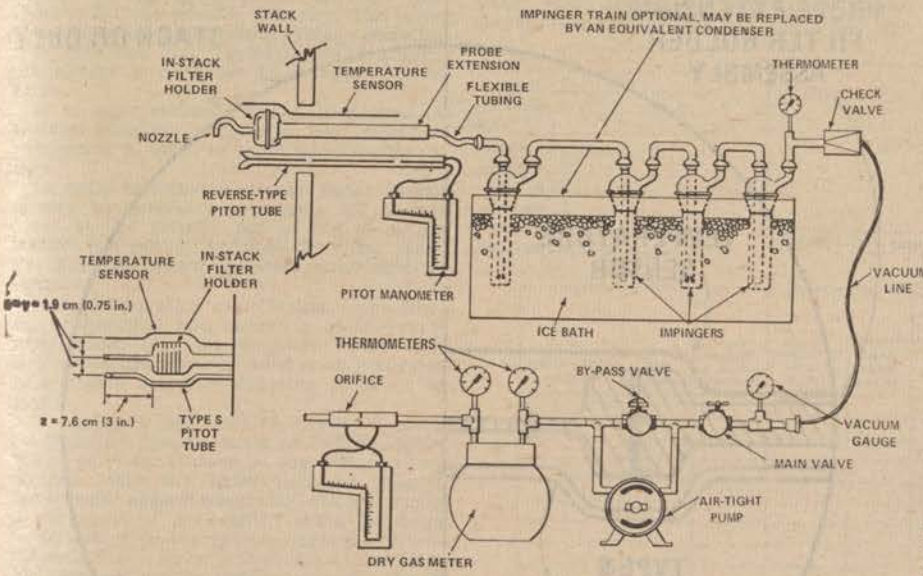


Figure 17-1. Particulate sampling train, equipped with in-stack filter.

The operating and maintenance procedures for many of the sampling train components are described in APTD–0576. Since correct usage is important in obtaining valid results, all users should read the APTD–0576 document and adopt the operating and maintenace procedures outlined in it, unless otherwise specified herein.

2.1.1 Probe nozzle—Stainless steel (316) with sharp, tapered leading edge. The angle of taper shall be ≤30° and the taper shall be on the outside to preserve a constant internal diameter. The probe nozzle shall be of the button-hook or elbow design, unless otherwise approved by the Administrator. The nozzle shall be constructed from seamless stainless steel tubing. Other configurations and construction material may be used subject to approval from the Administrator.

A range of sizes suitable for isokinetic sampling should be available, e.g., 0.32 cm (⅛ in.) up to 1.27 cm (½ in.) (or larger if higher volume sampling trains are used) inside diameter (ID) nozzles in increments of 0.16 cm (1/16 in.). Each mozzle shall be calibrated according to the procedures outlined in the calibration section.

2.1.2 Filter Holder. The in-stack filter holder shall be constructed of borosilicate or quartz glass or stainless steel; if a gasket is used, it shall be made of silicone rubber, teflon, or stainless steel. Other holder and gasket materials may be used with approval from the Administrator. The filter holder shall be designed to provide a positive seal against leakage from the outside or around the filter.

2.1.3 Probe Extension—Any suitable rigid probe extension may be used after the filter holder. Flexible tubing may also be used between the probe extension and the condenser.

2.1.4 Pitot tube—Type S, or other device approved by the Administrator, attached to probe extension to allow constant monitoring of the stack gas velocity. The face openings of the pitot tube and the probe nozzle shall be adjacent and parallel to each other, not necessarily in the same plane, during sampling. The free space between the nozzle and pitot tube (see Figure 17–1) shall be at least 1.9 cm (0.75 in.). The free space shall be set based on a 1.3 cm (0.5 in.) ID nozzle. If the sampling train is designed for sampling at higher flow rates than that described in APTD–0581, thus necessitating the use of larger sized nozzles, the largest sized nozzle shall be used to set the free space. In addition, to minimize aerodynamic interactions between the pitot tube and filter holder, there shall be a distance of at least 3 inches between the center line of the pitot tube impact openings and the leading edge of the filter holder (see Figure 17–1).

The pitot tube must meet the criteria specified in Method 2, and be calibrated separately (i.e., apart from its assembly configuration) according to the procedures outlined in that method for the calibration of isolated Type S pitot tubes.

2.1.5 Differential pressure gauge—Inclined manometer capable of measuring velocity head within 10% of the minimum measured value or ±0.013 mm (0.0005 in.), whichever is greater. Below a differential pressure of 1.3 mm (0.05 in.) water guage, micromanometers with sensitivities of 0.013 mm (0.0005 in.) should be used. However, micromanometers are not easily adaptable to field conditions and are not easy to use with pulsating flow. Thus, methods or other devices acceptable to the Administrator may be used when conditions warrant.

2.1.6 Condenser—Any system that cools the sample gas stream (e.g., impingers connected in series, as in Method 5) and allows measurement of both the water condensed and the moisture leaving the condenser, each to within 1 ml or 1 g. The moisture leaving the condenser can be measured either by: (1) monitoring the temperature and pressure at the exit of the condenser and using Dalton's law; or (2) passing the sample gas stream through a silica gel trap with exit gases kept below 20° C (68° F) and determining the weight gain.

If means other than silica gel are used to determine the amount of moisture leaving the condenser, it is recommended that silica gel still be used between the condenser system and pump to prevent moisture condensation in the pump and metering devices.

2.1.7 Metering system—Vacuum gauge, leak-free pump, thermometers capable of measuring temperature to within 3° C (5.4° F), dry gas meter with 2% accuracy, and related equipment, or equivalent, as required to maintain an isokinetic sampling rate and to determine sample volume. Sampling trains utilizing metering systems designed for higher flow rates than that described in APTD–0581 or APTD–0576 may be used provided that the specifications in section 2 of this method are met. When the metering system is used in conjunction with a pitot tube, the system shall enable checks of isokinetic rates.

2.1.8 Barometer—Mercury, aneroid, or other barometers capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby weather bureau station, in which case the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decrease.

2.1.9 Gas density determination equipment—Temperature and pressure gauges and gas analyzer as described in Methods 2 and 3.

2.1.10 Temperature and pressure gauges—If Dalton's law is used, to monitor temperature and pressure at condenser outlet. The temperature gauge shall have an accuracy of 1° C (2° F). The pressure gauge shall be capable of measuring pressure to within 2.5 mm. Hg (0.1 in. Hg). If silica gel is used in the condenser system the temperature and pressure must be measured before the silica gel component.

2.2 Sample recovery.

2.2.1 Probe nozzle brush—Nylon bristles with stainless steel wire handle. The brush shall be properly sized and shaped to brush out the probe nozzle.

2.2.2 Glass wash bottles—Two.

2.2.3 Glass sample storage containers—Chemically resistant, borosilicate glass bottles, for acetone washes, 500 ml or 1,000 ml. Screw cap closures shall be teflon rubber-backed liners or of such construction so as to be leak free and prevent chemical attack from the acetone. (Narrow mouth glass bottles have been found to be less prone to leakage.) Other types of containers must be approved by the Administrator.

2.2.4 Petri dishes—For filter samples; glass or polyethylene, unless otherwise specified by the Administrator.

2.2.5 Graduated cylinder and/or balance—To measure condensed water to within 1 ml. or 1 g. Graduated cylinders shall have subdivisions no greater than 2 ml. Most laboratory balances are capable of weighing to the nearest 0.5 g or less. Any of these balances are suitable for use here and in section 2.3.4.

2.2.6 Plastic storage containers—Air tight containers to store silica gel.

2.2.7 Funnel and rubber policeman—To aid in transfer of silica gel to container; not necessary if silica gel is weighed in the field.

2.3 Analysis.

2.3.1 Glass weighing dishes.

2.3.2 Desiccator.

2.3.3 Analytical balance—To measure to within 0.1 mg.

2.3.4 Balance—To measure to within 0.5 g.

2.3.5 Beakers—250 ml.

2.3.6 Hygrometer—To measure the relative humidity of the laboratory environment.

2.3.7 Temperature gauge—To measure the temperature of the laboratory environment.

3. *Reagents*

3.1 Sampling.

3.1.1 Filters—The in-stack filters shall be glass mats or thimble fiber filters, without organic binders, and shall exhibit at least 99.95% efficiency (≤0.05% penetration) on 0.3 micron dioctyl phthalate smoke particles. The filter efficiency tests shall be conducted in accordance with ASTM standard method D 2986-71. Test data from the supplier's quality control program is sufficient for this purpose.

3.1.2 Silica gel—Indicating type, 6–16 mesh. If previously used, dry at 175° C (350° F) for 2 hours. New silica gel may be used as received.

3.1.3 Crushed ice.

3.1.4 Stopcock grease—Acetone insoluble, heat stable silicone grease. This is not necessary if screw-on connectors with Teflon sleeves, or similar, are used.

3.2 Sample recovery.

3.2.1 Acetone—Reagent grade, ≤0.001% residue, in glass bottles. Acetone from metal containers generally has a high residue blank and should not be used. Sometimes, suppliers transfer acetone to glass bottles from metal containers. Thus, acetone blanks shall be run prior to field use and only acetone with low blank values (≤0.001%) shall be used.

3.3 Analysis.

3.3.1 Acetone—Same as 3.2.1.

3.3.2 Desiccant—Anhydrous calcium sulfate, indicating type.

4. *Procedure*

4.1 Sampling. The sampling shall be conducted by competent personnel experienced with this test procedure.

4.1.1 Pretest preparation. All the components shall be maintained and calibrated according to the procedure described in APTD-0576, unless otherwise specified herein.

Weigh approximately 200–300 g of silica gel in air tight containers to the nearest 0.5 g. Record the total weight, both silica gel and container, on each container. Larger portions of silica gel may be used, but care should be taken during sampling that the gel is not entrained and carried out of its holder. As an alternative, the silica gel may be weighed directly in its impinger or sampling holder just prior to train assembly.

Check filters visually against light for irregularities and flaws or pinhole leaks. Label filters of proper size on the back side near the edge using numbering machine ink. As an alternative, label the shipping containers (glass or plastic petri dishes) and keep the filters in these containers at all times except during sampling and weighing.

Desiccate the filters at 20±5.6° C (68±10° F) and ambient pressure for at least 24 hours and weigh at 6 or more hour intervals to a constant weight, i.e., 0.5 mg change from previous weighing, and record results to the nearest 0.1 mg. During each weighing the filter must not be exposed to the laboratory atmosphere for a period greater than 2 minutes and a relative humidity above 50%.

4.1.2 Preliminary determinations. Select the sampling site and the minimum number of sampling points according to Method 1 or as specified by the Administrator. Make a projected area model of the probe extension-filter holder assembly, with the pitot tube impact openings positioned along the centerline of the stack, as shown in Figure 17-2. If the estimated cross-section blockage, calculated as shown in Figure 17-2, exceeds 3 percent of the duct cross sectional area, then either one of the following shall be done: (1) a suitable out-stack filtration method can be used instead of in-stack filtration; or (2) a special in-stack assembly, designed to minimize blockage effects, can be used. For details concerning the latter approach, consult with the Administrator.

Determine the stack pressure, temperature, and the range of velocity heads using Method 2; determine the moisture content using Approximation Method 4 or its alternatives for the purpose of making isokinetic sampling rate calculations. Estimates may be used. However, final results will be based on actual measurements made during the test.

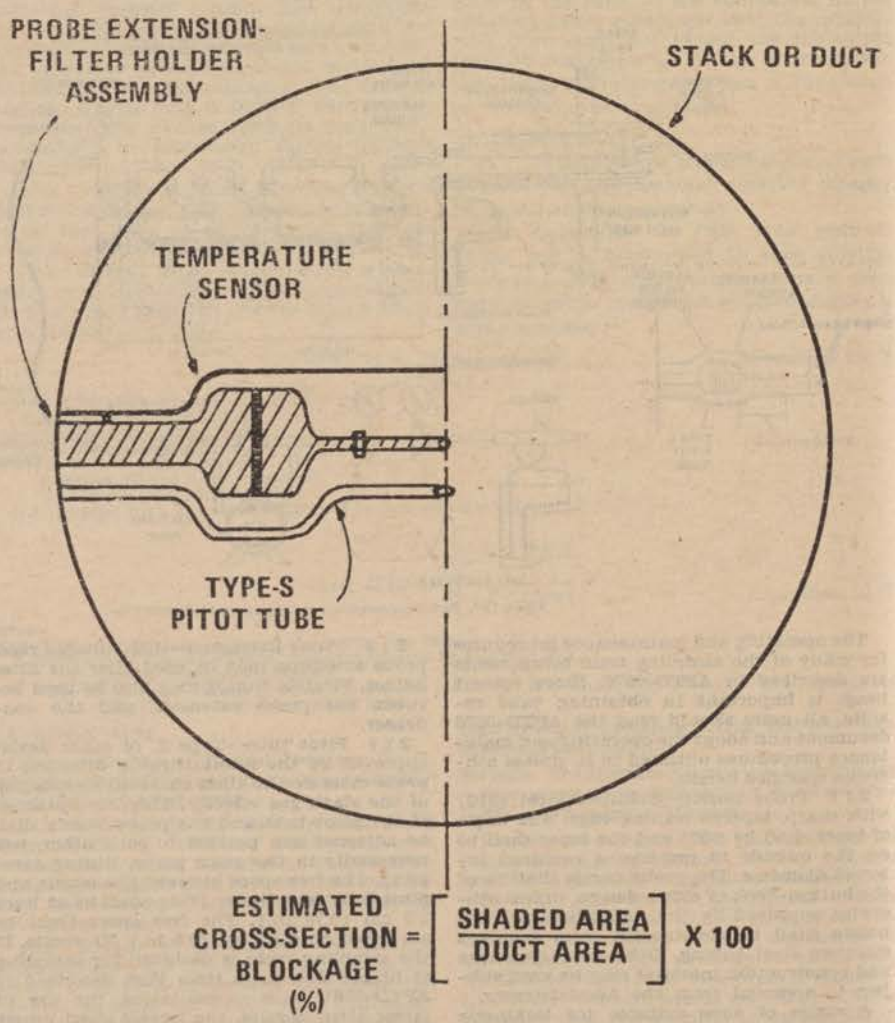


Figure 17-2. Projected-area model of cross-section blockage (approximate average for a sample traverse) caused by in-stack filter holder-probe extension assembly.

Select a nozzle size based on the range of velocity heads such that it is not necessary to change the nozzle size in order to maintain isokinetic sampling rates. During the run, do not change the nozzle size. Ensure that the differential pressure gauge is capable of measuring the minimum velocity head value to within 10%, or as specified by the Administrator.

Select a probe extension length such that all traverse points can be sampled. Consider sampling from opposite sides for large stacks to reduce the length of probes.

Select a total sampling time greater than or equal to the minimum total sampling time specified in the test procedures for the specific industry such that the sampling time per point is not less than 2 min. (or some greater time interval if specified by the Administrator) and the sample volume taken will exceed the required minimum total gas sample volume specified in the test procedures for the specific industry. The latter is based on an approximate average sampling rate. Note also that the minimum total sample volume is corrected to standard conditions.

It is recommended that half-integral or integral numbers of minutes be sampled at each point in order to avoid timekeeping errors.

In some circumstances, e.g., batch cycles, it may be necessary to sample for shorter times at the traverse points and to obtain smaller gas sample volumes. In these cases, the Administrator's approval must first be obtained.

4.1.3 Preparation of collection train. During preparation and assembly of the sampling train, keep all openings where contamination can occur covered until just prior to assembly or until sampling is about to begin.

If impingers are used to condense stack gas moisture prepare them as follows: place 100 ml of water in each of the first two impingers; leave the third impinger empty; and transfer approximately 200–300 g or more, if necessary, of preweighed silica gel from its container to the fourth impinger; alternatively, if a balance is available in the field, the silica gel can be weighed out in a tared impinger, and its weight gain determined in the field. Place the silica gel container in a clean place for later use in the sample recovery. If some means other than impingers is used to condense moisture, prepare the condenser (and, if appropriate, silica gel for condenser outlet) for use.

Using a tweezer or clean disposable surgical gloves, place a labeled (identified) and weighed filter in the filter holder. Be sure that the filter is properly centered and the gasket properly placed so as not to allow the sample gas stream to circumvent the filter. Check filter for tears after assembly is completed. Mark the probe extension with heat resistant tape or by some other method to denote the proper distance into the stack or duct for each sampling point.

Unless otherwise specified by the Administrator, attach a temperature sensor to the probe extension so that the sensor extends beyond the leading edge of the probe extension and does not touch any metal. The sensor should be positioned at least 1.9 cm (0.75 in.) from both the pitot tube and probe nozzle to avoid interference with the gas flow (see Figure 17–1).

Assemble the train as in Figure 17–1, using (if applicable) a very light coat of silicone grease on all ground glass joints and greasing only the outer portion (see APTD–0576) to avoid possibility of contamination by the silicone grease. Place crushed ice around the impingers (if applicable).

4.1.4 Leak check procedure—After the sampling train has been assembled, a leak check of the filter holder shall be conducted as follows: Plug the inlet to the probe nozzle with a material that will be able to withstand the stack temperature; alternatively, the proble nozzle can be removed and the inlet to the filter holder plugged. Insert the holder into the stack and wait approximately 5 minutes (or longer, if necessary) to allow the system to come to equilibrium with the temperature of the stack gas stream. Turn on the pump and draw a vacuum of at least 380 mm Hg (15 in. Hg). Determine the leakage rate, if any. A leakage rate in excess of 4% of the average sampling rate or 0.00057 m^3/min. (0.02 cfm), whichever is less, is unacceptable.

The following leak check instructions for the sampling train described in APTD–0576 and APTD–0581 may be helpful. Start the pump with by-pass valve fully open and coarse adjust valve completely closed. Partially open the coarse adjust valve and slowly close the by-pass valve until 380 mm Hg (15 in. Hg) vacuum is reached. Do not reverse direction of by-pass valve. If 380 mm Hg (15 in. Hg) is exceeded, either leak check at this higher vacuum or end the leak check as shown below and start over.

When the leak check is completed, first slowly remove the plug from the inlet to the probe nozzle and immediately turn off the vacuum pump. This prevents the water in the condenser from being forced backward and keeps silica gel from being entrained backward.

Leak checks shall be conducted as described whenever the train is disengaged, e.g., for silica gel or filter changes during the test, prior to each test run, and at the completion of each test run. If leaks are found to be in excess of the acceptable rate, the test will be considered invalid. To reduce lost time due to leakage occurrences, it is recommended that leak checks be conducted between port changes at the highest vacuum reading drawn during that sampling traverse.

PLANT _____
LOCATION _____
OPERATOR _____
DATE _____
RUN NO. _____
SAMPLE BOX NO. _____
METER BOX NO. _____
METER $\Delta H@$ _____
C FACTOR _____
PITOT TUBE COEFFICIENT, C_p _____

SCHEMATIC OF STACK CROSS SECTION

AMBIENT TEMPERATURE _____
BAROMETRIC PRESSURE _____
ASSUMED MOISTURE, % _____
PROBE EXTENSION LENGTH, m (ft) _____
NOZZLE IDENTIFICATION NO. _____
AVERAGE CALIBRATED NOZZLE DIAMETER, cm (in.) _____
LEAK RATE, m^3/min (cfm) _____

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	STATIC PRESSURE mm Hg (in Hg)	STACK TEMPERATURE (T_s) °C (°F)	VELOCITY HEAD (ΔP_s), mm (in.) H_2O	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER mm H_2O (in. H_2O)	GAS SAMPLE VOLUME m^3 (ft^3)	GAS SAMPLE TEMPERATURE AT DRY GAS METER		TEMPERATURE OF GAS LEAVING CONDENSER OR LAST IMPINGER, °C (°F)
							INLET °C (°F)	OUTLET °C (°F)	
TOTAL							Avg.	Avg.	
AVERAGE							Avg.		

Figure 17-3. Particulate field data.

4.1.5 Particulate train operation—During the sampling run, maintain the isokinetic sampling rate to within 10% (unless otherwise specified by the Administrator) of true isokinetic.

For each run, record the data required on the example data sheet shown in Figure 17–3. Be sure to record the initial dry gas meter reading. Record the dry gas meter readings at the beginning and end of each sampling time increment, when changes in flow rates are made, and when sampling is halted. Take other data point readings at least once at each sample point during each time increment and additional readings when significant changes (20% variation in velocity head readings) necessitate additional adjustments in flow rate. Level and zero the manometer.

Clean the portholes prior to the test run to minimize the chance of sampling the deposited material. To begin sampling, remove the nozzle cap and verify that the pitot tube and probe extension are properly positioned. Position the nozzle at the first traverse point with the tip pointing directly into the gas stream. Immediately start the pump and adjust the flow to isokinetic conditions. Nomographs, which aid in the rapid adjustment of the isokinetic sampling rate without excessive computations, are available for use whenever the Type S pitot tube coefficient is 0.85±0.02, and the stack gas equivalent density (molecular weight) is 29±4. APTD–0576 details the procedure for using these nomographs. If C_p and M_d are outside the above stated ranges, do not use the nomograph unless appropriate steps (see Reference 7.7) are taken to compensate for the deviations.

When the stack is under significant negative pressure (height of impinger stem), take care to close the coarse adjust valve before inserting the probe into the stack. If necessary, the pump may be turned on with the coarse adjust valve closed.

When the probe is in position, block off the openings around the probe and porthole to prevent unrepresentative dilution of the gas stream.

Traverse the stack cross section, as required by Method 1 or as specified by the Administrator, being careful not to bump the probe nozzle into the stack walls when sampling near the walls or when removing or inserting the probe extension through the portholes, to minimize chance of extracting deposited material.

During the test run, take appropriate steps (e.g., adding crushed ice to the impinger ice bath) to maintain a temperature of less than 20° C (68° F) at the condenser outlet; this will prevent excessive moisture losses. Also, periodically check the level and zero of the manometer.

If the pressure drop across the filter becomes to high, making isokinetic sampling difficult to maintain, the filter may be replaced in the midst of a sample run. It is recommended that another complete filter holder-nozzle assembly be used rather than attempting to change the filter itself. After the new filter holder-nozzle assembly is installed, conduct a leak check. The particulate weight shall include the summation of all filter assembly catches.

A single train shall be used for the entire sample run, except for filter and silica gel changes. However, if approved by the Administrator, two or more trains may be used for a single test run when there are two or more ducts or sampling ports. The results shall be the total of all sampling train catches.

At the end of the sample run, turn off the pump, remove the probe extension-filter holder-nozzle assembly from the stack, and record the final dry gas meter reading. Perform a leak check at a vacuum equal to or greater than the maximum reach during sampling. Calculate percent isokinetic (see calculation section) to determine whether another test run should be made. If there is difficulty in maintaining isokinetic rates due to source conditions, consult with the Adminstrator for possible variance on the isokinetic rates.

4.2 Sample recovery. Proper cleanup procedure begins as soon as the probe extension-filter holder-nozzle assembly is removed from the stack at the end of the sampling period. Allow the assembly to cool.

When the assembly can be safely handled, wipe off all external particulate matter near the tip of the probe nozzle and place a cap over it to prevent losing or gaining particulate matter. Do not cap off the probe tip tightly while the sampling train is cooling down as this would create a vacuum in the filter holder, and force condenser water backward.

Before moving the sample train to the cleanup site, disconnect the filter holder-probe nozzle assembly from the probe extension; cap the open inlet of the probe extension. Be careful not to lose any condensate, if present. Remove the umbilical cord from the condenser outlet and cap the outlet. If a flexible line is used between the first impinger or condenser and the probe extension, disconnect the line at the probe extension and let any condensed water or liquid drain into the impingers or condenser. After wiping off the silicone grease (if applicable) cap off the condenser inlet. Ground glass stoppers, plastic caps, or serum caps (whichever are appropriate) may be used to close these openings.

Transfer both the filter holder-probe nozzle and condenser assemblies to the cleanup area. This area should be clean and protected from the wind so that the chances of contaminating or losing the sample will be minimized.

Save a portion of the acetone used for cleanup as a blank. Place about 200 ml of this acetone taken directly from the wash bottle being used in a glass sample container labeled "acetone blank."

Inspect the train prior to and during disassembly and note any abnormal conditions. Treat the samples as follows:

Container No. 1. Carefully remove the filter from the filter holder and place in its identified petri dish container. Use a pair of tweezers and/or clean disposable surgical gloves to handle the filter. If it is necessary to fold the filter, do so such that the particulate cake is inside the fold. Quantitatively remove any particulate matter and/or filter which adheres to the filter holder gasket by carefully using a dry nylon bristle brush and/or a sharp-edged blade and place into this container. Seal the container.

Container No. 2. Taking care to see that dust on the outside of the probe nozzle or other exterior surfaces does not get into the sample, quantitatively recover particulate matter or any condensate from the probe nozzle, fitting, and front half of the filter holder by washing these components with acetone and placing the wash into a glass container in the following manner; note that distilled water may be used instead of acetone when approved by the Administrator or shall be used when specified by the Administrator; in these cases, save a water blank and follow Administrator's directions on analysis;

Carefully remove the proble nozzle and clean the inside surface by rinsing with acetone from a wash bottle and brushing with a nylon bristle brush. Brush until acetone rinse shows no visible particles, after which make a final rinse of the inside surface with acetone.

Brush and rinse with acetone the inside parts of the fitting in a similar way until no visible particles remain. A funnel may be used to aid in transferring liquid washes to the container. Rinse the brush with acetone and quantitatively collect these washings in the sample container. Between sampling runs, keep brushes clean and protected from contamination.

After ensuring that all joints are wiped clean of silicone grease (if applicable), clean the inside of the front half of the filter holder by rubbing the surfaces with a nylon bristle brush and rinsing with acetone. Rinse each surface three times or more if needed to remove visible particulate. Make a final rinse of the brush and filter holder. After all acetone washings and particulate matter are collected in the sample container, tighten the lid on the sample container so that acetone will not leak out when it is shipped to the laboratory. Mark the height of the fluid level to determine whether or not leakage occurred during transport. Label container to clearly identify its contents.

Container No. 3. Note color of indicating silica gel to determine if it has been completely spent and make a notation of its condition. Transfer the silica gel back to its original container and seal. A funnel may make it easier to pour the silica gel without spilling, and a rubber policeman may be used as an aid in removing the silica gel. It is not necessary to remove the small amount of dust particles that may adhere to the walls and are difficult to remove. Since the gain in weight is to be used for moisture calculations, do not use any water or other liquids to transfer the silica gel. If a balance is available in the field, follow the procedure under "Analysis."

Condenser water. Treat the condenser or impinger water as follows: make a notation of any color or film in the liquid catch. Measure the condensate to within ±1 ml by using a graduated cylinder or, if available, to within ±0.5 g by using a balance. Record the condensate volume or weight. This information is required to calculate the moisture content of the effluent gas. Discard the liquid after measuring and recording the volume or weight.

4.3 Analysis. Record the data required on the example sheet shown in Figure 17-4. Handle each sample container as follows:

Container No. 1. Leave in shipping container or transfer the filter and any loose particulate from the sample container to a

tared glass weighing dish and desiccate for 24 hours in a desiccator containing anhydrous calcium sulfate. Weight to a constant weight and report the results to the nearest 0.1 mg. For purposes of this section 4.3, the term "constant weight" means a difference of no more than 0.5 mg or 1% of total weight less tare weight, whichever is greater, between two consecutive weighings, with no less than 6 hours of desiccation time between weighings and no more than 2 minutes exposure to the laboratory atmosphere (must be less than 50% relative humidity) during weighing.

Plant _____

Date _____

Run No. _____

Relative Humidity _____

Amount liquid lost during transport _____

Acetone blank volume, ml _____

Acetone wash volume, ml _____

Acetone blank concentration, mg/g (equation 17-4) _____

Acetone wash blank, mg (equation 17-5) _____

CONTAINER NUMBER	WEIGHT OF PARTICULATE COLLECTED, mg		
	FINAL WEIGHT	TARE WEIGHT	WEIGHT GAIN
1			
2			
TOTAL			
		Less acetone blank	
		Weight of particulate matter	

	VOLUME OF LIQUID WATER COLLECTED		
	CONDENSATE VOLUME, ml	SILICA GEL WEIGHT, g	
FINAL			
INITIAL			
LIQUID COLLECTED			
TOTAL VOLUME COLLECTED		g*	ml

CONVERT WEIGHT OF WATER TO VOLUME BY DIVIDING TOTAL WEIGHT INCREASE BY DENSITY OF WATER (1g/ml)

$$\frac{\text{INCREASE, g}}{\text{1 g/ml}} = \text{VOLUME WATER, ml}$$

Figure 17-4. Analytical data.

Container No. 2. Note level of liquid in container and confirm on analysis sheet whether or not leakage occurred during transport. Measure the liquid in this container either volumetrically to ±1 ml or gravimetrically to ±0.5 g. Transfer the contents to a tared 250 ml beaker, and evaporate to dryness at ambient temperature and pressure. Desiccate for 24 hours and weigh to a constant weight. Report the results to the nearest 0.1 mg.

Container No. 3. Weigh the spent silica gel to the nearest 0.5 g using a balance. This step may be conducted in the field.

"Acetone Blank" Container. Measure acetone in this container either volumetrically or gravimetrically. Transfer the acetone to a tared 250 ml beaker and evaporate to dryness at ambient temperature and pressure. Desiccate for 24 hours and weigh to a constant weight. Report the results to the nearest 0.1 mg.

5. *Calibration*

Maintain a laboratory log of all calibrations.

5.1 Probe nozzle. Using a micrometer, measure the inside diameter of the nozzle to the nearest 0.025 mm (0.001 in.) Make 3 separate measurements using different diameters each time and obtain the average of the measurements. The difference between the high and low numbers shall not exceed 0.1 mm (0.004 in.).

When nozzles become nicked, dented, or corroded, they shall be reshaped, sharpened, and recalibrated before use.

Each nozzle shall be permanently and uniquely identified.

5.2 Pitot tube. The pitot tube shall be calibrated separately (i.e., apart from its assembly configuration) according to the procedures outlined in Method 2 for Calibration of isolated Type S pitot tubes.

5.3 Dry gas meter and orifice meter. Both meters shall be calibrated according to the procedure outlined in APTD-0576. When a diaphragm pump is used, assure that there is no leak.

5.4 Temperature gauges. Calibrate dial and liquid filled bulb thermometers and thermocouple-potentiometer systems against mercury-in-glass thermometers. Ice bath and boiling water (corrected for barometric pressure) are acceptable reference points. For other devices, check with the Administrator.

6. *Calculations*

Carry out calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after final calculation.

6.1 Nomenclature.

A_n = Cross sectional area of nozzle, m² (ft²).
B_{ws} = Water vapor in the gas stream, proportion by volume.
C_a = Acetone blank residue concentration, mg/g.
c_s = Concentration of particulate matter in stack gas, dry basis, corrected to standard conditions, g/dscm (g dscf).
I = Percent of isokinetic sampling.
m_n = Total amount of particulate matter collected, mg.
M_w = Molecular weight of water, 18 g/g-mole (18 lb/lb-mole).
m_a = Mass of residue of acetone after evaporation, mg.
P_{bar} = Barometric pressure at the sampling site, mm Hg (in. Hg).
P_s = Absolute stack gas pressure, mm Hg (in. Hg).
P_{std} = Standard absolute pressure, 760 mm Hg (29.92 in. Hg).
R = Ideal gas constant, 0.06236 mm Hg-m³/°K-g-mole (21.83 in. Hg-ft³/°R-lb-mole).
T_m = Absolute average dry gas meter temperature (see Figure 17-3), ° K (° R).
T_s = Absolute average stack gas temperature (see Figure 17-3), ° K (° R).
T_{std} = Standard absolute temperature, 293° K (528° R).
V_a = Volume of acetone blank, ml.
V_{aw} = Volume of acetone used in wash, ml.
V_{lc} = Total volume of liquid collected in condenser and silica gel (see Figure 17-4), ml.
V_m = Volume of gas sample as measured by dry gas meter, dcm (dcf).
$V_{m(std)}$ = Volume of gas sample measured by the dry gas meter corrected to standard conditions, dscm (dscf).
$V_{w(std)}$ = Volume of water vapor in the gas sample corrected to standard conditions, scm (scf).
v_s = Stack gas velocity, calculated by Method 2, Equation 2-7 using data obtained from Method 17, m/sec (ft/sec).
W_a = Weight of residue in acetone wash, mg.
ΔH = Average pressure differential across the orifice meter (see Figure 17-3), mm H_2O (in. H_2O).
ρ_a = Density of acetone, mg/ml (see label on bottle).
ρ_w = Density of water, 1 g/ml (0.00220 lb/ml).
θ = Total sampling time, min.
13.6 = Specific gravity of mercury.
60 = sec/min.
100 = Conversion to percent.

6.2 Average dry gas meter temperature and average orifice pressure drop. See data sheet (Figure 17-3).

6.3 Dry gas volume. Correct the sample volume measured by the dry gas meter to standard conditions (20° C, 760 mm Hg or 68° F, 29.92 in. Hg) by using Equation 17-1.

$$V_{m(std)} = V_m \left(\frac{T_{std}}{T_m}\right)\left[\frac{P_{bar} + \frac{\Delta H}{13.6}}{P_{std}}\right] = KV_m\left[\frac{P_{bar} + \Delta H/13.6}{T_m}\right] \qquad \text{Equation 17-1}$$

where:
K = 0.3855 °K/mm Hg for metric units
= 17.65 °R/in. Hg for English units

6.4 Volume of water vapor.

$$V_{w(std)} = V_{lc}\left(\frac{\rho_w}{M_w}\right)\left(\frac{RT_{std}}{P_{std}}\right) = KV_{lc} \qquad \text{Equation 17-2}$$

where
K = 0.00134 m³/ml for metric units
= 0.0472 ft³/ml for English units

6.5 Moisture content.

$$B_{ws} = \frac{V_{w(std)}}{V_{m(std)} + V_{w(std)}} \qquad \text{Equation 17-3}$$

6.6 Acetone blank concentration.

$$C_a = \frac{m_a}{V_a \rho_a} \qquad \text{Equation 17-4}$$

6.7 Acetone wash blank.

$$W_a = C_a V_{aw} \rho_a \qquad \text{Equation 17-5}$$

6.8 Total particulate weight. Determine the total particulate catch from the sum of the weights obtained from containers 1 and 2 less the acetone blank (see Figure 17-4).

6.9 Particulate concentration.

$$c_s = (0.001 \text{ g/mg})\ (m_n/V_{m(std)}) \qquad \text{Equation 17-6}$$

6.10 Conversion factors:

From	To	Multiply by
scf	m^3	0.0283
g/ft^3	gr/ft^3	15.4
g/ft^3	lb/ft^3	2.205×10^{-3}
g/ft^3	g/m^3	35.31

6.11 Isokinetic variation.
6.11.1 Calculations from raw data.

$$= \frac{100\ T_s[KV_{lc} + (V_m/T_m)(P_{bar} + \Delta H/13.6)]}{60\ \theta v_s P_s A_n} \qquad \text{Equation 17-7}$$

where:
K=0.00346 mm Hg-m^3/ml-°K for metric units
=0.00267 in. Hg-ft^3/ml-°R for English units
6.11.2 Calculations from intermediate values.

$$I = \frac{T_s V_{m(std)} P_{std}\ 100}{T_{std} v_s \theta A_n P_s\ 60\ (1 - B_{ws})}$$

$$= K \frac{T_s V_{m(std)}}{P_s v_s A_n \theta (1 - B_{ws})} \qquad \text{Equation 17-8}$$

where:
K=4.323 for metric units
=0.0944 for English units

6.12 (Acceptable results. If $90\% \leq I \leq 110\%$, the results are acceptable. If the results are low in comparison to the standards and I is beyond the acceptable range, the Administrator may option to accept the results. Use reference 7.4 to make judgments. Otherwise, reject the results and repeat the test.

7. References

7.1 Addendum to Specifications for Incinerator Testing at Federal Facilities, PHS, NCAPC, Dec. 6, 1967.

7.2 Martin, Robert M., Construction Details of Isokinetic Source Sampling Equipment, Environmental Protection Agency, APTD-0581.

7.3 Rom, Jerome J., Maintenance, Calibration, and Operation of Isokinetic Source Sampling Equipment, Environmental Protection Agency, APTD-0576.

7.4 Smith, W. S., R. T. Shigehara, and W. F. Todd, A Method of Interpreting Stack Sampling Data, Paper presented at the 63rd Annual Meeting of the Air Pollution Control Association, St. Louis, Mo., June 14-19, 1970.

7.5 Smith, W. S., et al., Stack Gas Sampling Improved and Simplified with New Equipment APCA paper No. 67-119, 1967.

7.6 Specifications for Incinerator Testing at Federal Facilities, PHS, NCAPC, 1967.

7.7 Shigehara, R. T., Adjustments in the EPA Nomograph for Different Pitot Tube Coefficients and Dry Molecular Weights, Stack Sampling News 2:4-11, Oct. 1974.

[FR Doc.76-27786 Filed 9-23-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 605–1]

AIR POLLUTION PREVENTION AND CONTROL

Notice of Addition to the List of Categories of Stationary Sources

Section 111 of the Clean Air Act (42 U.S.C. 1857c–6) directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise, a list of categories of stationary sources which he determines may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Within 120 days after the inclusion of a category of stationary sources in such list, the Administrator is required to propose regulations establishing standards of performance for new and modified sources within such category. At present standards of performance for twenty-four categories of sources have been promulgated.

The Administrator, after evaluating available information, has determined that kraft pulp mills are an additional category of stationary sources which meets the above requirements. The basis for this determination is discussed in the preamble to the proposed regulation that is published elsewhere in (Part II) this issue of the FEDERAL REGISTER. Evaluation of other stationary source categories is in progress, and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 111(b)(1)(A) of the Act and after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, effective (date of publication) amends the list of categories of stationary sources to read as follows:

LIST OF CATEGORIES OF STATIONARY SOURCES AND CORRESPONDING AFFECTED FACILITIES

* * * * *

Source Category

25. Kraft pulp mills.

* * * * *

Affected Facilities

- Digester System.
- Brown Stock Washer System.
- Multiple Effect Evaporator System.
- Black Liquor Oxidation System.
- Recovery Furnace.
- Smelt Dissolving Tank
- Lime Kiln.
- Condensate Stripper System.

Proposed standards of performance applicable to the above source category appear elsewhere in Part II this issue of the FEDERAL REGISTER.

Dated: September 16, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76–27785 Filed 9–23–76;8:45 am]

federal register

FRIDAY, SEPTEMBER 24, 1976

PART III:

FEDERAL COMMUNICATIONS COMMISSION

■

BROADCAST STATION LICENSE RENEWAL APPLICATION FORMS

Revision of FCC Forms 303 And 303-R

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20419; FCC 76-868]

PART 1—PRACTICE AND PROCEDURE

Memorandum Opinion and Order Disposing of Petitions for Reconsideration

Adopted: September 15, 1976.

Released: September 20, 1976.

By the Commission: Commissioner Hooks concurring in the result.

In the matter of revision of FCC Form 303, application for renewal of broadcast station license and certain rules relating thereto.

1. On March 19, 1976, the Commission issued a Report and Order in Docket No. 20419 wherein it adopted a new license renewal application form for commercial radio broadcasters (FCC Form 303-R) and revised in a corresponding fashion the standard renewal form (FCC Form 303), henceforth to be used by commercial television licensees only. FCC 76-264, 41 FR 19536, released May 3, 1976. Presently before the Commission for its consideration are several petitions for reconsideration of that action, which were timely filed on June 11, 1976, by the National Association of Broadcasters, the three national networks, and various corporate broadcasters, acting individually or in concert with other Commission licensees.[1]

2. This proceeding, which was commenced on April 11, 1975 through the release of a Notice of Inquiry and Notice of Proposed Rulemaking, 52 FCC 2d 184, was directed to the development of a separate, shorter renewal application form for commercial radio licensees in order to both ease the administrative and clerical burdens placed upon such applicants and, at the same time, improve our information base and expedite the renewal process.[2] To this end, the proposal set forth in Docket No. 20419 called for the elimination of several questions which had yielded information of marginal utility and the revision of certain other questions so as to elicit only that information needed by the Commission to discharge its statutory responsibilities. Following complete and careful consideration of the 131 comments and responsive pleadings directed to the proposal from various licensees, community groups and other interested parties, we adopted a new, shorter radio renewal application form, containing 24 questions of which several are optional and need not be answered by an applicant in most circumstances. Since the considerations which were explored with respect to the new radio form largely applied with equal force to the nature and extent of the showing required at renewal time from commercial television licensees, FCC Form 303 was appropriately revised to effectuate those changes.

3. One of the changes found warranted for both the new radio form and the revised television form concerned the litigation reporting requirement previously set forth in Question 2, Section I, of FCC Form 303. Question 7 of FCC Form 303-R and the identically worded Question 4 of the revised FCC Form 303—the singular subject matter of all of the petitions for reconsideration—read as follows:

> Since the filing of the applicant's last renewal application for this station or other major application, has the applicant or any party to the application been made party to, or been finally adjudged guilty by any court or administrative body with respect to, any suit, action, or proceeding, civil or criminal, brought under the provisions of any federal, state, territorial or local law relating to: any felony or other crime involving moral turpitude; lotteries; unlawful restraints and monopolies, and combinations, contracts or agreements in restraint of trade; or the use of unfair methods of competition?[3]

As indicated in the instructions which accompanied Question 7, actions stemming from alleged violations of the Civil Rights Acts, the National Labor Relations Act, and the Securities Exchange Act in the operation of the station for which renewal is requested and in the conduct of the non-broadcast associations of the renewal applicant and parties to that application were includable within the range of reportable activities. For the purpose of this question, the term "any party to the application" was interpreted to include, with respect to a corporate applicant, all officers, directors, stockholders of record, persons owning the beneficial interest in any stock, subscribers to any stock, and persons who voted any of the voting stock at the last stockholders meeting. However, requests for waiver of this requirement would be entertained, we noted, where strict compliance would impose an unreasonable burden upon a corporate renewal applicant whose stock is widely held and publicly traded.

4. Common to the various petitions for reconsideration before us is the belief that the reporting requirement concerning pending or adjudicated, civil or criminal litigation is excessive in scope and places an unnecessary burden upon the Commission's larger corporate licensees. In the opinion of several of the petitioners the waiver procedure provided for by the Commission is, at best, an awkward and insufficient solution to the problem. Questioning a publicly-held corporate licensee's ability to obtain accurate and complete information concerning stockholder involvement in legal actions, petitioners unanimously urge the Commission to redirect its concern only to the licensee's significant or controlling stockholders as determined by resort to some percentage of ownership benchmark. To this end, several quantitative standards derived from either the Commission's multiple ownership rules or its major application forms are suggested. Further, petitioners submit that the type of litigation reportable under the aforenoted questions should be substantially narrowed. Several petitioners recommend the deletion of "crimes involving moral turpitude" from the reportable classes of litigation or a precise, inclusive listing of the activities prohibited. Others advance limitations predicated, either singularly or in combination, upon such factors as the likelihood of disqualification because of the underlying conduct, the relationship of the illegality or misconduct to the broadcast operations of the station for which renewal is requested, the identity of the charging party, and the finality of the litigation. In view of the practical and realistic alternatives suggested in their comments, petitioners submit that the litigation reporting requirement set forth in the new radio and the revised television renewal forms can be revised so as to provide the Commission with sufficient information to fully discharge its statutory responsibilities without unduly burdening the renewal applicant.

5. After a thorough review of the reconsideration pleadings, we find that a better accommodation of the Commission's need for information concerning the litigation involvement of broadcast licensees and the burden imposed upon the corporate licensee in compiling such information at renewal time is both desirable and achievable with no impairment of the public interest. We fully expect our broadcast licensees and their principals to be law-abiding. To require the triennial submission of information suggestive of any departure from this standard, however, would be to ignore the scrutiny of our initial licensing process and to fail to give due consideration to our statutory authority to obtain full and complete information whenever it is deemed necessary to our deliberations concerning a particular renewal applicant's fitness. That the litigation involvement regularly required to be reported by a renewal applicant is not as exten-

[1] Separate petitions for reconsideration were filed by the National Association of Broadcasters, American Broadcasting Company, Inc., CBS, Inc., National Broadcasting Company, Inc., Metromedia, Inc., and RKO General, Inc. Joint petitions were also submitted on behalf of: (a) Forward Communications Corporation, Group One Broadcasting Co., Guaranty Broadcasting Corporation, and Summit Radio Corporation; (b) Capital Cities Communications, Inc., Kaiser Broadcasting Company, Poole Broadcasting Company, and The Times Mirror Company; and (c) McGraw-Hill Broadcasting Company, Inc., Storer Broadcasting Company, Swanco Broadcasting, Inc., and Taft Broadcasting Company. Notice of the filing of these petitions for reconsideration was published in the FEDERAL REGISTER on August 2, 1976. 41 FR 32314. No pleadings in opposition to the aforenoted petitions have been filed with the Commission.

[2] As was pointed out in the aforementioned Notice, the 61-question FCC Form 303 which was, at that time, utilized by both commercial radio and television licensees in applying for renewal of their station authorizations, had not been generally re-examined since the mid-1960s and a complex, time-consuming renewal process involving that form had evolved over the years.

[3] Where the answer to this question is affirmative, the renewal applicant must supply a full description of the litigation, including an identification of the court or administrative body, the proceeding by dates and file numbers, the person and matters involved, and the disposition of the litigation, if any.

sive as that called for either from an applicant seeking to construct or acquire a new broadcast station or from another renewal applicant in a different context is not inconsistent with our statutory responsibilities. Previously, the litigation reporting requirement for renewal applicants concerned antitrust matters only. While we affirm our earlier decision to expand the scope of this requirement, we do agree with petitioners that the types of reportable activities need not parallel the litigation reporting requirement imposed on new broadcast entrants in our various initial licensing applications. We will, therefore, recast Questions 7 and 4 of the new radio and revised television renewal forms, respectively, to pertain only to matters of serious criminality—felonies; matters to which the Commission's interest is specifically directed by its enabling statute—unlawful lotteries and antitrust violations; and certain other matters bearing a reasonable relationship to a renewal applicant's ability to operate its station in the public interest—misconduct involving fraud, unfair labor practices, and discrimination.

6. In our earlier action in this proceeding, we specifically declined to exclude pre-judgment legal and administrative proceedings from the disclosure requirement imposed upon renewal applicants. As cogently pointed out by petitioners on reconsideration, however, the continuation of the Commission's traditional practice of conditioning renewal upon the outcome of pending litigation or holding action on a particular renewal in abeyance until some sort of finality in the proceeding involving the applicant has been achieved underscores the impracticability of requiring disclosure upon the commencement of the prescribed litigation.[4] Where Commission exploration of the conduct underlying the charges being litigated or investigated in another forum is not forthcoming, the fact that a criminal or civil proceeding has been initiated is, we believe, of minimal value to the regular renewal process. While the exigencies of a particular situation may occasion different treatment,[5] it shall be our general policy to require disclosure of the aforenoted types of litigation only upon a finding of guilt or the entry of a judgment or decree adverse to the renewal applicant or its principals.[6] We shall also refine the reach of the litigation reporting requirement so as to encompass only the renewal applicant, its officers and directors, and principal stockholders, that is, any person owning of record or entitled to vote ten percent or more of the corporate applicant's stock. Mindful of the difficulties entailed in gathering litigation information from all stockkholders of a corporate renewal applicant, we earlier provided for waiver of our reporting requirement in those situations where strict compliance would impose an unreasonable burden. As correctly noted by petitioners, however, the wide-spread invocation of this procedure by corporate licensees would materially increase the Commission's administrative burdens and eventually result in some sort of quantitative benchmark to ensure evenhanded treatment of individual waiver requests. Postponement of the inevitable establishment of a quantitative standard does not appear conducive to the orderly and expeditious dispatch of the regular renewal process. Question 7 of FCC Form 303–R and the identically worded Question 4 of the revised FCC Form 303 have therefore been modified in a manner consistent with the determinations reached above and in the preceding paragraph. See Appendix A.

7. One further matter warrants consideration. In July of 1975, the Commission undertook in Docket No. 20550 a thorough review of its rules, policies and compliance review procedures as they relate to non-discrimination in the employment policies and practices of broadcast licensees. See Notice of Inquiry and Notice of Proposed Rulemaking, 54 FCC 2d 354. Following an eleven-month inquiry, the Commission issued a Report and Order wherein it revised its equal employment opportunity rules and procedures and adopted a model EEO program which is to serve as a sample program for broadcast licensees. See FCC 76–426, 41 FR 31210, published July 27, 1976. A revision of the instructions accompanying the EEO questions contained in the new radio and revised commercial television renewal forms in order to comport to the actions taken in Docket No. 20550 is attached hereto as Appendix B.[7]

8. Accordingly, *it is ordered*, That Question 7 of FCC Form 303–R, "Application for Renewal of License for Commercial Radio Broadcast Station," and Question 4 of FCC Form 303, "Application for Renewal of License for Commercial Television Broadcast Station," are amended in the manner set forth in Appendix A. This reporting requirement is adopted subject to General Accounting Office clearance.

9. *It is further ordered*, That the instructions to Question 23 of FCC Form 303–R and to Part V of FCC Form 303 are revised in the manner set forth in Appendix B.

10. *It is further ordered*, That the petitions for reconsideration filed by the aforenoted parties on June 11, 1976, are granted to the extent indicated herein and are denied in all other respects.

(Secs. 4, 303, 307, 308, 48 Stat., as amended, 1066, 1082, 1083, 1084 (47 U.S.C. 154, 303, 307, 308).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX A

Question 7 of FCC Form 303–R and Question 4 of FCC Form 303 are amended to read as follows:

Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made or final action been approved by any court or administrative body with respect to the applicant or parties to the application concerning any civil or criminal suit, action, or proceeding, brought under the provisions of any federal, state, territorial or local law relating to the following: any felony; lotteries; unlawful restraints and monopolies; unlawful combinations, contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination?

☐ Yes ☐ No

If Yes, attach as Exhibit 7 ("Exhibit No. ----" in the case of FCC Form 303) a full description, including identification of the court or administrative body, the proceeding by file number, the person and matters involved, and the disposition of the litigation.

In addition, the instructions to Question 7 of FCC Form 303–R are revised to read as follows:

Question 7. This question seeks to determine whether or not the renewal applicant or parties to the subject application have been involved in serious misconduct. It is limited to adverse actions and judgments adjudicated or entered within the proceeding license term. Within the range of reportable activities are judgments or decrees, including settlement, consent, and like agreements, where the misconduct occurred either in the operation of the station for which renewal is requested or in the conduct of the non-broadcast activities of the renewal applicant and parties to that application. With respect to litigation involving unlawful discrimination in the employment practices of the station seeking renewal, however, see Question 24, infra.

[4] In addition to budgetary constraints, the Commission's normal forbearance in this regard has been prompted by the desire both to maintain a proper working relationship with the judiciary and other governmental bodies charged with the responsibility of interpreting and enforcing the laws in question and to avoid burdening renewal applicants with unnecessary, costly multiple hearings.

[5] Under some circumstances, for example, full and complete information even of pending judicial or administrative actions involving the renewal applicant may be necessary to our consideration of the renewal application's qualifications. However, until specifically directed otherwise by the Commission, the renewal applicant need not submit any litigation information not initially required to be supplied in response to Question 7 of FCC Form 303–R or to Question 4 of FCC Form 303.

[6] Notification at renewal time will also be required where the judicial or administrative proceeding has been terminated without a full and complete exploration of the alleged misconduct. See Gross Telecasting, Inc., 55 FCC 2d 295 (1975); The Western Connecticut Broadcasting Company, 44 FCC 2d 673 (1973).

[7] A copy of the model EEO program, which will be included in the informational material sent by the Commission to licensees at renewal time, is also attached hereto as Appendix C. The model program provides comprehensive and clearly defined guidelines to assist licensees in developing effective EEO programs for their stations. The EEO program designed by the licensee should reasonably address itself to the ten elements of the model program to the extent they are appropriate in terms of station size, location, and the like. While the station's program need not adhere precisely to the model program, the data requirements which are set forth (Sections IV, VI, VII, and VIII), are essential for self evaluation and must be part of whatever program is devised by the licensee.

For the purposes of this question, the term "parties to the application" has the following meanings:

(i) In the case of an individual applicant, the applicant;

(ii) In the case of a partnership applicant, all partners, including limited and silent partners;

(iii) In the case of a corporate applicant, all officers, directors, and principal stockholders, that is, persons owning of record or entitled to vote ten percent or more of the corporate applicant's stock;

(iv) In the case of any other applicant, all executive officers, members of the governing board, and owners or subscribers to a ten percent or more membership or ownership interest in the applicant.

If the answer to Question 7 is affirmative, the renewal applicant should submit as Exhibit No. 7 a full description of the litigation, including an identification of the court or administrative body, the file number of the proceeding, and the person and matters involved. The outcome of the litigation should also be set forth.

APPENDIX B

The Commission's nondiscrimination rules relative to commercially operated broadcast stations provide that each licensee eliminate discrimination against any person because of race, color, religion, national origin or sex, and establish and implement a positive continuing program of practices to assure equal employment opportunity. Pursuant to these requirements, the Commission amended its rules and adopted a ten-point EEO program which is to serve as a model to be followed by all non-exempt broadcasters filing renewal applications on or after December 1, 1976. See Report and Order, FCC 76-426, 41 FR 31210, published July 27, 1976. In developing an affirmative action program an applicant, with more than 10 full-time employees, must set forth in an exhibit details concerning its equal employment policies and practices and certain relevant employment data. The specific elements which should be addressed in the applicant's required Equal Employment Opportunity Program are as follows:

I. GENERAL POLICY

The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national origin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of minorities and women in the relevant available labor force.

II. RESPONSIBILITY FOR IMPLEMENTATION

This section calls for the name and title of the official designated by the licensee with responsibility for implementation of the station's program.

III. POLICY DISSEMINATION

The purpose of this section is to disclose the manner in which the station's EEO policy is communicated to employees and prospective employees. In this respect, the applicant's program should disclose whether it: (a) Utilizes an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate governmental agencies; (b) posts a notice which informs job applicants and employees that the licensee is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) where applicable, seeks the cooperation of labor unions represented at the station in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it utilizes in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

IV. RECRUITMENT

In this section, the applicant should set forth the recruitment sources and other techniques it uses to increase the pool of minority and female job applicants. Additionally, the applicant should list all minority and female applicant referral sources which the station has contacted in the previous 12 months and the number of individuals who were referred from each named source.

NOTE: Not all of the categories of recruitment sources listed in the model program need be utilized if there are a sufficient number of minority and females applying for positions at the station. The purpose of the listing is to determine whether the specialized referral sources are producing the desired results. Sources which prove to be non-productive in terms of qualified minority and female applicants should not be relied on and new sources should be sought.

V. TRAINING

Training programs are not mandatory. Each applicant is expected to decide, depending upon its own individual situation, whether a training program is feasible and would assist it in its effort to increase the pool of available minority and female applicants. Also, where an applicant already has employee training programs, the information reported in this element of the model program should enable it to ascertain whether minority and female employees have the same opportunity to participate as other employees. Information submitted with respect to any training programs utilized should include a report covering at least the 12 month period prior to the filing of the application, but may encompass the entire license period, if so desired.

Additionally, the applicant may set forth any other assistance to students, schools or colleges which is designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarships, participation in work/study programs, and the like.

VI. AVAILABILITY SURVEY

Pursuant to this section the applicant should state the percentages of women, Blacks, Orientals, American Indians, and persons with Spanish-surnames in the station's labor recruitment area. Generally speaking, where a station is located in a Standard Metropolitan Statistical Area, the S.M.S.A. should be considered as the labor recruitment area. Where a station is not located in an S.M.S.A., the city of license or county figures should be used. The necessary data may be obtained from state employment agencies' "Manpower Information for Affirmative Action Programs," which is available in most localities, or other publications such as "General Population Characteristics" and "General Social and Economic Characteristics," obtainable from any Department of Commerce Field Office.

NOTE: The inclusion of this data is designed to assist the applicant in evaluating the effectiveness of its station's EEO program. The availability survey produces a means to determine whether the station's workforce percentages bear some reasonable relationship to those reflected in the relevant available labor force.

VII. CURRENT EMPLOYMENT SURVEY

Applicants of stations with less than 50 full-time employees are required to state whether there has been any change in their employment profile from the payroll period covered by the station's most recently filed Annual Employment Report (FCC Form 395). If there has been no change of any kind with respect to either full-time or part-time employees, the sentence to this effect should be checked. If there has been a change in the station's profile, the applicant must submit an updated Form 395 that identifies all employees under each job category by sex and race. The updated employment profile should cover the payroll period as close to the filing of the application as possible. The payroll period as close to the filing of the application as possible. The payroll period chosen must be specified.

Stations with 50 or more full-time employees are required to prepare and submit a list of all job titles within each Form 395 job category, with part-time and full-time status indicated. Each job title must show the number of incumbents that are male, female, Black, Spanish-Surnamed American, Oriental, and American Indian. In other words, under each applicable job category, (i.e., Officials and Managers, Professionals, Technicians, etc.,) the applicant should list each job title it includes in the category on the Form 395 and identify the number of incumbents by sex and race. This showing should reflect the station's employment profile for the payroll period as close to the filing of the application as possible. The payroll period chosen must be specified.

VIII. JOB HIRES

Each licensee must state the total number of persons hired for station positions, both full-time and part-time, during the 12-month period preceding the date utilized for the "Current Employment Survey." This aggregate hiring information is to also include a breakout of the number of minorities and women hired. Predicated on this data and the recruitment information already compiled for the fourth element of the EEO program, the applicant must determine whether a sufficient number of minorities and women are applying for positions at the station. (The answer to the two parts of this question need not be the same. For example, a representative number of minorities may be applying, whereas the pool of women applicants may be less than sufficient.) Should either minorities or women be inadequately represented among the applicants for available positions, the applicant should analyze its recruitment techniques and referral sources and propose additional methods to expand the applicant pool of minorities and/or women.

IX. PROMOTION

Under this section the applicant should describe any promotional policies and practices which have benefited minority or female employees during the preceding 12 months. (For instance, the licensee might list the number of minorities and/or women elevated from part-time to full-time status, the number of those promoted from a training status or the number that have advanced to more responsible jobs.) Also, if not listed in the "Training" element, the applicant may wish to note any extra effort undertaken to increase promotional opportunities for minorities and women.

X. EFFECTIVENESS OF THE AFFIRMATIVE ACTION PLAN

Under this section the applicant should analyze the results of its efforts to recruit, hire and promote minorities and women and explain any difficulties encountered in implementing its EEO program. One way this can be done is to compare the percentages of minorities and women on the station's current staff with their respective percentages in the relevant available labor force. (See "Availability Survey" and "Current Employment Survey" of the model program.) If the percentages do not reasonably relate, the disparity may be attributable to deficiencies in the station's recruitment, hiring, placement, training or promotional policies and practices. If so, the applicant should propose alternative policies to correct the deficiency.

APPENDIX C—MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

I GENERAL POLICY

It is our policy to provide equal employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It is also our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have developed an Equal Employment Opportunity Program which includes the following elements:

II RESPONSIBILITY FOR IMPLEMENTATION

(Name _____ Title), is responsible for the administration and implementation of our Equal Employment Opportunity Program. It is also the responsibility of all persons making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III POLICY DISSEMINATION

To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts are made:

( ) The station's employment application form contains a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, state, or federal agency if they believe they have been the victims of discrimination.

( ) Appropriate notices are posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, state, or federal agency if they believe they have been the victim of discrimination.

( ) We seek the cooperation of the unions represented at the station to help implement our EEO program and all union contracts contain a nondiscrimination clause.

( ) Other (Specify)

_____
_____
_____

IV. RECRUITMENT

To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration in filling job vacancies, we utilize the following recruitment procedures:

( ) We attempt to maintain systematic communication, both orally and in writing, with a variety of minority and women organizations to encourage the referral of qualified minority and female applicants. Examples of such organizations contacted during the past twelve months are:

Organization/ Source:	Number of referrals:

( ) In addition to the organizations noted above, which specialize in minority and women candidates, we deal only with employment services, including state employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services contacted during the past twelve months and the number of referrals are:

_____
_____
_____

( ) When we recruit prospective employees from educational institutions such recruitment efforts include area school, and colleges with significant minority and female enrollments. Educational institutions contacted for recruitment purposes during the past twelve months and the number of referrals are:

_____
_____

( ) When utilizing media for recruitment purposes, help-wanted advertisements always include a notice that we are an Equal Opportunity Employer and contain no indication, either explicit or implied, of a preference for one sex over another.

( ) When we place employment advertisements in printed media some of such advertisements are placed in media which have significant circulation or are of particular interest to minorities and women. Examples of publications utilized durng the past twelve months and the number of referrals are:

_____
_____

( ) We encourage present employees, particularly minority and female employees, to refer minority and female candidates for existing and future job openings.

V. TRAINING

( ) Station resources and or needs are such that we are unable or do not choose to institute specific programs for upgrading the skills of employees.

( ) We provide on-the-job training to upgrade the skills of employees. Tangible benefits of such training to minority and women employees during the past 12 months may be briefly described as follows:

_____
_____
_____

( ) We provide assistance to students, schools or colleges in programs designed to enable minorities and women to compete in the broadcast employment market on an equitable basis:

Schools or other beneficiary:	Form of assistance:

( ) Other (specify)

_____
_____

VI. AVAILABILITY SURVEY

Based on information derived from _____, the respective minority and female workforce in the station's recruitment area is as follows:

Percentage in the workforce:

Women Blacks Oriental
Am. Indian Spanish-Surnamed

NOTE: The following to be used only if workforce data is unavailable.

Based on information derived from _____, the respective minority and female population in the station's recruitment area is as follows:

Percentage in the population:

Women Blacks Oriental
Am. Indian Spanish-Surnamed

The above information is for: ( ) S.M.S.A., ( ) City, ( ) County, ( ) Other (specify).

VII. CURRENT EMPLOYMENT SURVEY

A. To be completed by stations with less than 50 full-time employees.

( ) There has been no change in our employment profile since the filing of our most recent Annual Employment Report.

( ) There has been a change in our employment profile since the filing of our last Annual Employment Report. Attached is an updated report identifying the incumbents under each FCC Form 395 job category for the two week period beginning _____ and ending _____.

B. To be completed by stations with 50 or more full-time employees.

( ) Attached as Exhibit No. VII B is a survey of our workforce showing a list of all job titles within each FCC Form 395 category and showing the number of incumbents who are male, female, Black, Spanish-Surnamed American, Oriental, and American Indian.

VIII. JOB HIRES

During the twelve month period beginning (Month____Day____Year) and ending (Month____Day____Year), we hired a total of ( ) persons of whom ( ) were minorities and ( ) were women.

( ) An analysis of our recruitment techniques, job applications, and new hires suggests that a sufficient number of qualified minorities and women (are) (are not) applying for available positions.

( ) We are expanding our recruitment sources to include:

IX. PROMOTION

It is our policy to provide promotions on a nondiscriminatory basis. Further, to assure that minorities and women are given due consideration for promotional opportunities, special effort is taken to encourage minorities and women to qualify and apply for advancement. During the past twelve months our policy has had the following results:

X. EFFECTIVENESS OF AFFIRMATIVE ACTION PLAN

(This section should contain a brief narrative discussion of the effectiveness of the station's efforts to ensure Equal Employment Opportunity. For example, the licensee might compare the percentage of minority employees in its own workforce with the percentage of minority persons in the licensee's labor market, also setting forth information which suggests that discrepancies which may exist are not unreasonable. The licensee may also explain any difficulties it has experienced in implementing its affirmative action plan, together with any steps it proposes to take to surmount these difficulties in the future.)

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federal register

FRIDAY, SEPTEMBER 24, 1976



PART IV:

FEDERAL COMMUNICATIONS COMMISSION

■

RADIO BROADCAST SERVICES

Ascertainment of Community Problems by Broadcast Applicants

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19715; FCC 76-807]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

Ascertainment of Community Problems by Broadcast Applicants; Memorandum Opinion and Order

Adopted: September 15, 1976.

Released: September 22, 1976.

1. On December 15, 1975, the Commission adopted a Renewal Primer and new rules and policies for ascertainment of community needs and interests by commerical broadcast renewal applicants. Ascertainment of Community Problems by Broadcast Applicants, (41 FR 1371) 57 FCC 2d 418. Timely filed petitions for reconsideration of certain matters therein have been filed by CBS, Inc., and Call for Action, Inc.,[1] and will be discussed below. Also, we will discuss matters raised on our own motion regarding these newly adopted ascertainment procedures.

CBS, Inc.

2. New § 1.526(a)(11) of the Commission's Rules requires, inter alia, that licensees deposit in their public files a summary of "the problems and needs discussed during the (leadership) interview or, when the interviewee requests that his/her statements be held in confidence, that request shall be noted * * *." This provision was adopted—with a statement that the Commission expected that requests for confidentiality would be rare—to provide better ascertainment documentation at the local level.

3. In its comments, and on reconsideration, CBS objects to the requirement that licensees indicate the problems and needs discussed by interviewees, maintaining that it may subject many of these leaders to unwarranted pressure and possible harassment. Indeed, it believes that the confidentiality permitted may compound this problem by pointing out a leader's "unwillingness" to make his views public. In response to our statement that most interviewees will not be strangers to the limelight, and will be accustomed to speaking to and for the public, CBS states that "community leaders" are not necessarily the same as "public figures" and this rationale is, therefore, unsupportable. Lastly, it maintains that while it is likely that a leader's view on matters of immediate concern to his constituency are well known, the Commission has never limited community leaders to the expression of such views, and that the ascertainment process elicits views on the problems of the entire community from each of the leader's particular perspectives.

4. We are not convinced that the attribution requirement or even requests for confidentiality will result in unwarranted pressure or harassment of interviewees. Of course, prospective interviewees who fear such reactions to statements they may make may decline to be interviewed and this choice need not be recorded. However, we reiterate our view that the only protection that may be needed in many cases is to paraphrase the interviewee's statements rather than directly quote the interviewee. We still expect that unsolicited requests for confidentiality will be rare. Therefore, in order to carry out our intent of providing more and better ascertainment documentation at the local level we will deny the CBS request for deletion of this filing requirement.[2]

5. CBS also requests that we reconsider Question and Answer 30 of the Renewal Primer which states:

> *Question.* Can a licensee use only news and public service announcements to treat community problems, needs and interests?
>
> *Answer.* Not necessarily. It is the responsibility of the individual licensee to determine the appropriate amount, kind, and time period of broadcast matter which should be presented in response to the ascertained problems, needs and interests of its community and service area. Where the licensee, however, has chosen a brief and usually superficial manner of presentation, such as news and public service announcements, to the exclusion of all others, a question could be raised as to the reasonableness of the licensee's action. The licensee would then be required to clearly demonstrate that its single type of presentation would be the most effective method for its station to respond to the community's ascertained problems. (Emphasis supplied.)

CBS states that it is unaware of any context in which the Commission has previously required a licensee to demonstrate that all or any part of specific programming has been the "most effective" method of responding to a community need. It suggests that this phrasing establishes a new standard—i.e., whether an alternative method of programming would have better served the community than the programming broadcast by the licensee. This new standard, it believes, would place an extremely high, if not impossible burden of proof upon licensees who opt for such a method. Therefore, CBS suggests that the Commission amend the wording of the Renewal Primer to indicate that examples of news inserts and public service announcements cannot be included on a licensee's annual problems-programs listings, but that these methods may be used to meet community needs and interests.

6. Initially, we note that this language—i.e., "most effective"—quotes directly from the 1971 Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 36 F.R. 4092 (1971 Primer). However, this language was not intended to require an alternative analysis of past programming. As indicated in both the 1971 Primer and the Renewal Primer, public service announcements and news inserts, standing alone, present a usually brief treatment of community problems, needs and interests. Therefore, programming exclusively in this manner, may raise a question that the licensee has not responded to community problems, needs and interests in an effective manner. Thus, the licensee may be called upon to demonstrate that, in fact, this is not the case. As CBS has indicated, the availability of alternate programming is not the issue. Thus, if called upon, the licensee must demonstrate that it has been adequately responsive to community problems, needs and interests. It appears that the choice of wording may be misleading. However, since we have not found that it has caused confusion since its adoption in 1971, and in order to maintain a consistent standard for licensees governed by both Primers, we will not modify this language. Furthermore, we believe that the clarification set forth herein resolves any confusion which may have been generated by this language.

Call for Action, Inc.

7. Call For Action (CFA) describes itself as "a non-profit referral, ombudsman and advocacy service devoted to meeting human needs in urban communities through the co-operation of volunteers and broadcast stations." CFA currently operates full programs in 40 cities. Each program is carried out under a subscription agreement between a broadcaster and CFA in which ordinarily the broadcaster promises, inter alia, not to use this program for commercial or political purposes and to fully underwrite the program once it is established. CFA guarantees the broadcaster exclusive rights to the program within its market area or a 50-mile radius.

8. Local CFA staffers consist of "Volunteer Professionals." These volunteers, under the supervision of "Volunteer Directors," receive calls from the public which generally concern a complaint the caller has and a request for assistance. CFA volunteers direct these callers to the appropriate public and private service agencies competent to deal with the specific problem. These referrals are follow-up by calls to the complainant to check on the performance of these service agencies. If a simple referral fails to solve the problem, the volunteer intervenes as ombudsman "with energies magnified by the implied power of the broadcast station. When patterns of neglect, ineffi-

[1] Call for Action did not file comments in the original proceeding but is entitled to file for reconsideration under § 1.429(a) of our Rules, adopted December 22, 1975, which codified existing Commission policy in this area. See Amendment of Procedures for Reconsideration of Actions in Notice and Comment Rule Making Proceedings, 41 FR 1286 (1976).

[2] Several informal inquiries have been received at the Commission concerning the filing requirements that apply to interviews with leaders who request confidentiality. For those interviews, a contact sheet specifying the interviewee's name and the fact that he requested confidentiality should be placed in the public file in compliance with Commission rules. Also, except in cases where only one interviewee requested confidentiality, licensees should accumulate a listing of the problems discovered in these confidential interviews and place this list in its public file on the date on which its renewal application would normally be filed with the Commission.

ciency, and unfair practices emerge, the broadcaster moves to mobilize the public by broadcasting editorials, documentaries, and news stories on the agency's performance or the unmet needs of the community."

9. CFA requests that the Commission allow volunteer directors to conduct leadership interviews for its station on the same basis as the Commission permits nonmanagement-level employees of a station to do so. CFA also requests that the Commission permit stations to use information gathered during Call For Action's operation to partly meet that station's general public survey requirements. In support of these requests, CFA states that volunteer directors must work a minimum of three to five days per week, and that their duties are managerial in nature—in effect, as heads of the station's community involvement department. These directors "submit budgets and operate the program within the approved limits; they attend staff meetings; manage volunteer staffs from approximately 20 in small markets to 50 in large markets; submit monthly reports to General Managers, and provide material for program use on a routine basis." Other CFA volunteers are required to work a minimum of one day per week. No volunteers receive any form of remuneration.

10. Commission policy regarding the level of consultation of community leaders has seen much development since implementation of formal ascertainment policies in 1971. The 1971 Primer required that all leader interviews be conducted by management-level employees while the Renewal Primer now permits renewal applicants to conduct 50 percent of their leadership interviews through nonmanagement-level employees. Further, in recogniton of the unique staffing arrangements and operating conditions of educational licensees, which often rely heavily on the use of volunteers in all facets of the station's operation, the Commission adopted formal ascertainment requirements for noncommercial educational television licensees which permit up to fifty percent of their leadership interviews to be conducted by volunteers. Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants, 41 FR 12424 (1976). However, we do not believe that commercial licensees should be permitted to use volunteers. In this regard, the rationale applicable to noncommercial educational licensee—i.e., a unique staffing situation—cannot be supported for commercial licensees. Further, we believe that an essential element of the management responsibility for interviews conducted by staff personnel that has been required for all forms of ascertainment is the accountability of those personnel to the station, an element missing in a volunteer-station relationship. Therefore, we will deny CFA's request.

11. CFA's request that the Commission permit licensees to use data generated by complaint calls to partly meet the station's general public survey requirements will also be denied. The general public survey must be conducted in a fashion that polls a roughly random sample of the general public. Licensees are free to conduct additional forms of ascertainment that do not conform to Commission rules and policies and are separable from their fully adequate surveys and we perceive no reason why information gathered through the Call for Action programs could not bring community problems to the attention of subscribing licensees. However, while we conclude that the problems discovered through the Call for Action program or similar programs may be used by a licensee in serving the needs and interests of its community, this information may not be used as a substitute, either in whole or in part, for a licensee's survey of the general public.

Miscellaneous Matters

12. Having dealt with the matters raised by CBS, Inc. and Call for Action, Inc., we turn our attention now to several other matters which we believe warrant clarification. First, the text of the revised rules may give the impression that we intended to modify the requirements relative to general public surveys established in the 1971 Primer to require licensees to survey the general public outside their respective cities of license. This interpretation could result from use of the words "service area" in newly amended Section 1.526(a)(12) which discussed the general public survey. As we stated in our Order, at paragraph 36, we intended that the general public survey requirements remain substantially unchanged from the practices developed under the 1971 Primer. Under those policies, licensees were not required to conduct a general public survey outside the city of license. See, e.g., Eastern Broadcasting Co., 50 FCC 2d 599, 601 (1975). We intended no change in this policy and will, therefore, modify Rule 1.526(a)(12) accordingly. See Appendix.

13. A review of the public notice requirements of Section 73.1202—general notice of licensee obligations broadcast throughout the license term—indicates that as a result of certain changes in our rules requiring that all commercial broadcast licensees file annual retrospective problems-programs lists, this section should be amended to reflect similar notice requirements for both television and radio. The modifications in Section 73.1202 (See Appendix)—which will now require radio licensees as well as television licensees to mention that problems-programs lists are placed in their public files—will become effective for each licensee on the date that it places its first annual problems-programs list in its public file.

14. Under the 1971 Primer applicants are permitted to incorporate by reference prior ascertainment surveys they conducted for the same station or other stations within the same community if, inter alia, the incorporated filings were submitted within the year prior to filing of the new application and no significant coverage differences exist. 1971 Primer, *supra*, at Q. and A. 2 and in text of discussion at paragraph 15. Thus, transferees and assignees could incorporate by reference ascertainment filings submitted for renewal of license of their commonly located stations; renewal applicants could incorporate ascertainment studies conducted initially for a transfer, assignment, or initial grant; and renewal applicants could incorporate by reference ascertainment studies conducted in connection with an application for modification of existing facilities.

15. The new ascertainment guidelines adopted in this docket established different filing requirements for renewal applicants than are currently in effect for all other applicants. Therefore, incorporation poses certain procedural difficulties. However, we believe that procedures should still be followed, where appropriate, to avoid requiring broadcasters unnecessarily to duplicate recent efforts in ascertaining community problems.

16. As an initial matter, the policies set out in the 1971 Primer will continue to govern incorporation of earlier ascertainment studies if both the survey to be incorporated and the current survey are governed by the 1971 Primer. (See note 6, infra). Additionally, renewal applicants will be permitted to incorporate ascertainment filings filed with the Commission within one year of the filing of the current renewal application. As with the incorporation rules of the 1971 Primer, the survey which the applicant seeks to incorporate must have been filed by the same applicant within one year of the current filing for the same station or for another station in the same community and may be incorporated only if no significant coverage differences are involved. Qualifying renewal applicants electing to use this provision will not be required to comply with the formal documentation requirements set out in the Renewal Primer for the year or part of a year elapsing from the filing of the application containing the survey to the current renewal filing date. In other words, although a problems-programs list covering the current year or part of a year must be submitted with the renewal application, if the applicant can incorporate the applicant need not complete a checklist, conduct a new general

public survey, or complete and file summaries of any interviews conducted during that period.[3] They should, however, keep abreast of significant changes in community needs occurring within this period by any reasonable methods designed to accomplish this task.

17. Applicants for transfer or assignment, other than those seeking a pro forma transfer or assignment for which FCC Form 316 is used,[4] will not be permitted to incorporate by reference ascertainment surveys conducted under the Renewal Primer. In this proceeding, we concluded that a continuing obligation to ascertain community problems and to program to them was more appropriate for existing licensees than a method that ascertained only once in three years. Further, the newly adopted procedures considered the operating licensee's experience and contact with its community which are absent in many nonrenewal applicants.[5] Therefore, permitting these applicants as potential new licensees to incorporate surveys conducted by existing licensees is, in our view, inconsistent with the purpose and intent of the new ascertainment methodology as well as that expressed in the 1971 Primer. Accordingly, applicants for assignment or transfer of license will be required to comply with the requirements of the 1971 Primer.[6]

18. Finally, we wish to clarify a matter concerning the ascertainment procedures to be followed during the interim period in which licensees will not be governed by the new rules for a full three years prior to filing renewal applications. Initially, the Commission believes that prorating the numbers of interviews required by Question 9 of the Renewal Primer to establish quantitative sufficiency of leadership surveys may not necessarily establish a representative community leader survey. The chart in Question 9 is based on a full license term and reflects our view that the numbers listed therein are reasonable numbers by which to complete a representative survey. However, a representative survey (the key to any survey of leaders) for the shorter interim period covered by the new Primer is still required. In this regard, a representative survey of community leaders may require a greater or lesser number of interviews than would result from prorating this list. In addition, it should be noted that quantitative sufficiency, cannot be established by prorating this list. Of course, any licensee who conducts the full number of interviews listed on the chart for the shorter interim period will establish the quantitative sufficiency of its survey.[7]

19. Accordingly, *It is ordered*, That pursuant to the authority contained in Sections 4 (i) and 303 of the Communications Act of 1934, as amended, §§ 1.526 (a) (12), and 73.1202 of the Commission's Rules are amended as set forth below effective October 28, 1976.

20. *It is further ordered*, That Question and Answer 9 of the Renewal Primer is amended as set forth in footnote 7, supra.

21. *It is further ordered*, That the petition for reconsideration filed by CBS, Inc., is denied.

22. *It is further ordered*, That the petition for reconsideration filed by Call for Action, Inc., is denied.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Section 1.526 (a) (12) is revised to read as follows:

§ 1.526 Records to be maintained locally for public inspection by commercial applicants, permittees and licensees.

(a) * * *

(12) Each licensee or permittee of a commercially operated radio and television station (except as provided in Note 2, below) shall place in the station's public inspection file documentation relating to its efforts to consult with a roughly random sample of members of the general public within its city of license to ascertain community problems and needs. Such documentation shall consist of: (i) information relating to the total population of the station's city of license including the numbers and proportions of males and females; of minorities; of youth (17 and under); and of the elderly (65 and above); (ii) a narrative statement of the sources consulted and the methods followed in conducting the general public survey, including the number of people surveyed and the results thereof. Such documentation shall be placed in the public inspection file within a reasonable time after completion of the survey but in no event later than the date the station's application for renewal of license is filed. Upon filing its application for renewal of license, each licensee and permittee must certify that the above-noted documentation has been placed in the station's public inspection file.

* * * * *

Section 73.1202(d)(1), (e) & (f)(1) are revised to read as follows:

§ 73.1202 Public Notice of Licensee Obligations.

* * * * *

(d) * * *

(1) For commercial television and radio stations.

(i) The station's call letters.

(ii) A statement that on (give date of last renewal grant) the station was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (give date of license expiration).

(iii) A statement that (give the anniversary date of the deadline for filing of the renewal application) the station places in its public inspection file a list of what the licensee considered to have been some of the significant problems and needs of the service area during the preceding twelve months and some of the programs the station aired to help meet those problems and needs.

(iv) A statement that the station invites any specific suggestions or comments the public may have regarding station operation and the licensee's programming efforts.

(v) The appropriate name and address to which comments should be mailed.

[3] Thus, for example, a qualifying licensee filing its renewal application on January 1, 1978 may incorporate by reference the ascertainment portion of a transfer application filed on January 1, 1977. Such a licensee must include with its application, its annual problems-programs list, and a statement that it incorporates an earlier filing. No checklist need be completed and the licensee need not conduct a new general public survey. However, the licensee should keep abreast of significant changes in community needs occurring within this period and may do so in any reasonable manner. On the other hand, a licensee filing its renewal application on March 1, 1978, for example, cannot incorporate by reference the ascertainment portion of a transfer application filed on January 1, 1977 since a period longer than 1 year has elapsed between the filing of the survey in the transfer application and the filing of the renewal application. Such a licensee must conduct a fully representative ascertainment survey from the time the transfer or assignment was granted to the time of the current renewal filing. (See paragraph 18, infra) and must comply with all other formal requirements of the Renewal Primer.

[4] These applicants are not required to conduct a new ascertainment survey.

[5] In taking this position, we recognize that in some instances, particularly those involving transfers of control to persons intimately involved in conducting the station's prior renewal survey, we may be requiring a duplication of effort. However, we are convinced that adopting procedures which would require the Commission to make ad hoc determinations concerning the extent to which a particular person was involved in a prior ascertainment survey would prove administratively unworkable.

[6] It should be noted in this connection applications for transfer or assignment filed within one year of any renewal application timely filed on or before June 1, 1976 (the last renewal filing period covered by the 1971 Primer) may incorporate that ascertainment survey if the incorporation requirements of the 1971 Primer are met.

[7] The list in Question and Answer 9 begins with communities with populations of 10,001–25,000. This was done to avoid the impression that this list applies to exempt communities. However, this category is meant to include all nonexempt communities of under 25,001 persons—i.e. a community under 10,000 but within an SMSA—and the chart will be amended to read: "under 25,001."

(vi) A statement that unless otherwise requested, all letters received will be available for public inspection during regular business hours.

(e) During the period beginning the first day of the last full calendar month prior to expiration of the license and until the date of license renewal, stations shall broadcast the appropriate announcement herein, except that in lieu of paragraph (d) (1) (ii) of this section stations shall broadcast a statement that the station is licensed by the Federal Communications Commission to serve the public interest as a public trustee and shall not mention the date of the last renewal grant or the length of the license period. Following the date of renewal and commencing on the first or sixteenth day of the month (whichever comes first) the regular announcement shall be resumed and shall be broadcast in accordance with the schedule provided in paragraph (a) of this section.

(f) * * *

(1) Sample announcement for television and radio.

On (date of last renewal grant) (Station's call letters) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (date of license expiration). Each (anniversary date of deadline for filing renewal application) we place in our public inspection file a list of what we consider to have been some of the significant problems and needs of our service area during the preceding twelve months and some of our programming to help meet those problems and needs.

* * * * * *

[FR Doc.76-28068 Filed 9-23-76;8:45 am]

federal register

FRIDAY, SEPTEMBER 24, 1976



PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Florida	FL76–1108
Kentucky	KY76–1111

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.

California:		
	CA76–5058; CA76–5059	July 2, 1976.
Louisiana:		
	LA76–4143	Aug. 20, 1976.
Maryland:		
	MD76–3218; MD76–3227	July 30, 1976.
Michigan:		
	MI76–2031	Mar. 12, 1976.
Montana:		
	MT76–5071	Aug. 6, 1976.
Nevada:		
	NV76–5083	June 30, 1976.
Oklahoma:		
	OK76–4135; OK76–4136	Do.
Oregon:		
	OR76–5057	June 25, 1976.
Pennsylvania:		
	PA76–3175	May 21, 1976.
	PA76–3176	June 18, 1976.
	PA76–3206	June 25, 1976.
	PA76–3211	July 30, 1976.
Texas:		
	TX76–4049	Feb. 20, 1976.
	TX76–4079; TX76–4081; TX 76–4083.	May 7, 1976.
	TX76–4106	July 2, 1976.
	TX76–4118	July 16, 1976.
	TX76–4126	July 23, 1976.
Utah:		
	UT76–5082	Sept. 10, 1976.
Virginia:		
	MD76–3225	July 30, 1976.
Washington, D.C.:		
	DC76–3226	Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alaska:		
	AK76–5068 (AK76–5095)	July 30, 1976.
Colorado:		
	CO76–5042 (CO76–5084); CO 76–5043 (CO76–5085); CO 76–5044 (CO76–5086); CO 76–5045 (CO76–5087)	May 21, 1976.
Hawaii:		
	HI76–5081 (HI76–5092)	Aug. 27, 1976.
Idaho:		
	ID76–5066 (ID76–5088)	July 23, 1976.
Kentucky:		
	KY75–1100 (KY76–1110)	Sept. 26, 1976.
Nevada:		
	NV76–5065 (NV76–5089)	July 2, 1976.
	NV76–5074 (NV76–5091)	Aug. 6, 1976.
North Carolina:		
	NC76–1006 (NC76–1109)	Jan. 1976.
Ohio:		
	OH76–2044 (OH76–2115)	Apr. 9, 1976.
Pennsylvania:		
	PA76–3155 (PA76–3251)	Mar. 26, 1976.
	PA76–3168 (PA76–3250)	May 21, 1976.
South Dakota:		
	SD76–5054 (SD76–5093); SD 76–5055 (SD76–5094.	June 11, 1976.
Texas:		
	TX76–4086 (TX76–4151); TX 76–4090 (TX76–4152).	May 21, 1976.
Virginia:		
	AQ–2020 (VA76–3253)	Oct. 5, 1973.
Wisconsin:		
	WI76–2061 (WI76–2116)	May 14, 1976.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISION

General Wage Determination Decision No. CA76-5064, Shasta County, California only is cancelled. Agencies with residential construction projects pending in this location should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR), Section 1.5 Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. CA76-5064 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 17th day of September 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Florida

COUNTY: Brevard (excludes Cape Kennedy, Patrick Air Force Bace, Kennedy Space Flight Center, and Melabar Radar Site.)

DECISION NUMBER: FL76-1108

DATE: Date of Publication

DESCRIPTION OF WORK: Building construction (excludes single family houses and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	7.00				
Carpenters	7.10	.35	.25	.05	.05
Cement masons	5.81	.20	.20		
Electricians	8.95	.40	1%		½ of 1%
Glaziers	5.05	.10			.01
Ironworkers	6.73	.35	.25	.43	.01
Laborers	3.51				
Painters	6.00				
Plasterers	5.96	.35	.25		
Plumbers	7.42				
Roofers	5.50	.10	.05		
Sheet metal workers	8.44	.40	.25		06
Soft floor layers	6.35				
Tile setters	5.96	.35	.25		
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Group A	7.33	.30	.25		.05
Group B	6.29	.30	.25		.05
Group C	5.48	.30	.25		.05
Group D	4.51	.30	.25		.05

Group A - 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. LaTourneau Model L-60-2 or three 20 cu. yd. scrapers), front end loaders (over 4 cu. yd.), side boom cats, multi-drum hoist (for rigging), heavy equipment mechanic, 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 B - Bulldozers, bridge cranes (20 tons & under), high lift or fork lift (up to 2nd floor), straddle buggies, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy. and up to & incl. 4 cy. cap.,), trenching machine (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scrapers.

FL76-1108 -.(Cont'd) Page 2

POWER EQUIPMENT OPERATORS CONT'D:

Group C - Concrete pumps, front end loader (2 cy. or less not used as a 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 plant), pavement breakers, street sweeping machines.

Group D - 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 op., oiler, mechanics' helpers, pumpman (other than wellpoint up to & incl. 5 pumps within 300 ft. raduis), self-propelled sweepers, combination pump, compressor & combustion-type welding machine.

NEW DECISION

STATE: Kentucky COUNTY: *See below
DECISION NUMBER: KY76-1111 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Carter, Elliott, Fleming, Lewis, Mason, Nicholas, Robertson, and Rowan.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & heating mechanics	4.00				
Bricklayers & Blocklayers	6.00				
Carpenters	4.41				
Cement masons	4.25				
Drywall finishers	4.00				
Drywall hangers	4.27				
Electricians	4.00				
Insulation installers	3.77				
Laborers:					
Laborers	3.00				
Hod carriers	3.09				
Painters	3.97				
Plumbers & Pipefitters	5.04				
Roofers	4.22				
Sheet metal workers	4.51				
Soft floor layers	4.00				
Tile setters	4.25				
Truck drivers	3.40				
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS					
Backhoe	4.00				
Bulldozer	4.00				

DECISION #CA76-5058 - Mod. #2
(41 FR 27549 - July 2, 1976)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons:					
Inyo, Kern and Mono Counties	$11.60	$1.00	$1.00		.07
San Luis Obispo and Santa Barbara Counties	9.47	1.05	1.20	.85	.01
Ventura County	11.10	.85	1.20		.02
Drywall Installers	11.21	1.30	1.80	.80	.07
Electricians:					
San Luis Obispo County Electricians	11.61	1.00	1%+1.15		.03
Cable Splicers	12.77	1.00	1%+1.15		.03
Elevator Constructors:					
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	12.95	.545	.35	3%+a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	3%+a	.02
Glaziers:					
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	11.19	.67	1.45		.04
Lathers:					
Orange County	10.90	.65	.80	.50	.03
Painters:					
San Luis Obispo, Santa Barbara, and Ventura Counties					
Brush	11.26	.75	.60		.03
Iron and steel; Paperhangers; Paste machine op.; Sandblasters	11.51	.75	.60		.03
Tapers, sheet rock	11.54	.75	.60		.03
Spraymen	11.76	.75	.60		.03
Steeplejack	12.51	.75	.60		.03

DECISION NO. CA76-5058 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers:					
San Luis Obispo County	$11.75				
Plasterers' Tenders:					
San Luis Obispo County	8.35	.85	1.80	.50	
Plumbers; Steamfitters:					
Inyo, Kern (except east of Los Angeles Aqueduct) and Mono Counties	10.88	.95	1.85	1.45	.17
Kern County (east of Los Angeles Aqueduct)	13.38	.95	1.85	1.45	.17
Refrigeration and Air Conditioning:					
Riverside and San Bernardino Counties	8.85	.96	.55	.80	.05
Roofers:					
Inyo, Kern and Mono Counties	9.20	.60	.60		
Los Angeles, Orange and Ventura Counties	11.59	.82	.90		.065
San Luis Obispo and Santa Barbara Counties	9.83	.535	.34		.0025
Sprinkler Fitters:					
Los Angeles (Los Angeles City and Area within 25 miles and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Heuneme)	14.66	.66	.90		.09

DECISION #CA76-5059 - Mod. #2
(41 FR 27559 - July 2, 1976)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers; Stonemasons:					
Kern County	$11.60	$1.00	$1.00		.07
San Luis Obispo and Santa Barbara County	9.47	1.05	1.20	.85	.01
Ventura County	11.10	.85	1.20		.02
Drywall Installers	11.21	1.30	1.80	.80	.07
Electricians:					
San Luis Obispo County					
Electricians	11.61	1.00	1%+1.15		.03
Cable Splicers	12.77	1.00	1%+1.15		.03
Elevator Constructors:					
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	12.95	.545	.35	3%+a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	3%+a	.02
Glaziers:					
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	11.19	.67	1.45		.04
Lathers:					
Orange County	10.90	.65	.80	.50	.03
Painters:					
San Luis Obispo, Santa Barbara and Ventura Cos.					
Brush	11.26	.75	.60		.03
Iron & steel; Paperhangers; Paste machine op.; Sandblasters	11.51	.75	.60		.03
Tapers, sheet rock	11.54	.75	.60		.03
Spraymen	11.76	.75	.60		.03
Steeplejack	12.51	.75	.60		.03

DECISION NO. CA76-5059 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers:					
San Luis Obispo County	$11.75				
Plasterers' Tenders:					
San Luis Obispo County	8.35	.85	1.80	.50	
Plumbers; Steamfitters:					
Kern (except east of Los Angeles Aqueduct) and Mono Counties	10.88	.95	1.85	1.45	.17
Kern County (east of Los Angeles Aqueduct)	13.38	.95	1.85	1.45	.17
Refrigeration and Air Conditioning:					
Riverside and San Bernardino Counties	8.85	.96	.55	.80	.05
Roofers:					
Kern County	9.20	.60	.60		
Los Angeles, Orange and Ventura Counties	11.59	.82	.90		.065
San Luis Obispo and Santa Barbara Counties	9.83	.535	.34		.0025
Sprinkler Fitters:					
Los Angeles (Los Angeles City and Area within 25 miles and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Heuneme)	14.66	.66	.90		.09

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA76-4143 - Mod. #1 (41 FR 35349 - August 20, 1976) Statewide Louisiana					
Change:					
Asbestos workers:					
Zone 3	$ 9.05	.50	1.10		.05
Carpenters:					
Zone 10	8.05	.35	.20		.05
Electricians:					
Electricians:					
Zone 6	9.55	.45	1%		1/2%
Zone 7	9.55	.60	1%+.25		1%
Zone 8	9.75		1%	.30	1/2%
Cable splicers:					
Zone 6	10.05	.45	1%		1/2%
Zone 7	10.05	.60	1%+.25		1%
Zone 8	10.00		1%	.30	1/2%
Glaziers:					
Zone 3	9.25	.17	.30		.01
Ironworkers (Highway Construction):					
Zone 5	9.36				
Line Construction:					
Zone 5:					
Linemen & equipment operators	9.75		1%	.30	1/2%
Cable splicers	10.00		1%	.30	1/2%
Groundmen	60%JR		1%	.30	1/2%
Zone 6:					
Linemen & equipment operators	9.55	.45	1%		1/2%
Cable splicers	10.05	.45	1%		1/2%
Groundmen, 1st 6 months	2.85	.45	1%		1/2%
Groundmen, 2nd 6 months	3.44	.45	1%		1/2%
Groundmen, after 1 year	3.73	.45	1%		1/2%
Zone 7:					
Linemen; Operators	9.55	.60	1%+.25		1%
Cable splicers	10.05	.60	1%+.25		1%
Groundmen	7.75	.60	1%+.25		1%

DECISION #LA76-4143 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Millwrights:					
Zone 8	$ 8.95	.35	.20		.05
Piledrivermen:					
ZONE 8	8.55	.35	.20		.05
Plumbers & pipefitters:					
Zone 5	8.54	.40	.30	.95	.09
Sheet metal workers:					
Zone 3	8.95	.30	.50		.12
Soft floor layers:					
Zone 8	8.05	.35	.20		.05
Decision #76 MD-3218 - Mod. #1 (41 FR-32136 - July 30, 1976) Baltimore, Harford, Howard Counties, and Baltimore City					
CHANGE:					
Linemen & Cable Splicers					
Zone I	$10.85	.45	1%		4%
Zone II	11.10	.45	1%		4%
Zone III	11.35	.45	1%		4%
ADD: To description of work Bolton Hills Project only					

BALTIMORE REGION RAPID TRANSIT SYSTEM

DECISION #76-MD- 3218 Mod. #1 (Cont'd.)
(41 FR 32136-July 30, 1976)
Baltimore, Harford, and Howard Counties and Baltimore City, Md.
BOLTON HILL TUNNELS PROJECT ONLY

ADD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 8.00	.30	.50		.07½
GROUP II	8.25	.30	.50		.07½
GROUP III	8.75	.30	.50		.07½
GROUP IV	9.00	.30	.50		.07½

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)

BALTIMORE REGION RAPID TRANSIT SYSTEM

DECISION No. 76MD3218- Mod. #1
(41 FR 32136-July 30, 1976)
Baltimore, Harford, and Howard Counties and Baltimore City, Md.
BOLTON HILL TUNNELS PROJECTS ONLY

ADD: COMPRESSED AIR RATES		Rates Paid Daily	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gauge Pressure Pounds	Work Period Hours					
0-12	7½	$80.00	a	b		c
12-14	6	83.00	a	b		c

FOOTNOTES:

a. The employer pays 2.40 to health and welfare per day.

b. The employer pays 4.00 to pension per day.

c. The employer pays .60 training fund per day.

On any requirement for air pressure in excess of 14 pounds, work period hours and daily work rates shall be negotiated immediately to cover excess gauge pressure poundage.

Decision #76 MD-3227 - Mod. #1
(41 FR 32146 - July 30, 1976)
Anne Arundel County, Maryland

CHANGE:						
Line Construction:						
Lineman, Cable Splicers	10.85	.45	1%		½%
Groundmen (experienced)	6.84	.45	1%		½%
CHANGE:						
Lead Burners	10.50	.40	.25	c	.01

DECISION #MI76-2031 - Mod. #2 (41 FR 10831 - March 12, 1976)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon, Oceana, Oscoda & Presque Isle Counties, Michigan					
ADD:					
Painters:					
Remainder of Charlevoix County & Remaining Counties:					
Brush	$7.00				
Spray	7.78				
Roofers:					
Mason, Muskegon & Oceana Cos.					
Composition	8.85			.25	
Slate-Tile & Asbestos	9.10			.25	
Remainder of Counties:					
Composition, Damp & Waterproofers	8.20				

DECISION NO. MT76-5071 - Mod. #1 (41 FR 33130 - August 6, 1976) Statewide, Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$11.60	.44	1.10		
Electricians:					
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater Treasure and Yellowstone Counties					
Electricians	10.07	.30	1%+.50		½%
Cable Splicers	10.52	.30	1%+.50		½%
Park and Sweetgrass Counties	9.05	.30	1%+.50		½%
Line Construction:					
Remaining Counties (Jobs over 69,000 volts)					
Lineman, Pole Sprayer	9.31	.35	1%		½%
Cable Splicer	9.80	.35	1%		½%
Line Equipment Operator; Powderman	8.53	.35	1%		½%
Groundman	7.04	.35	1%		½%
(Jobs 69,000 volts or less)					
Lineman	8.65	.35	1%		½%
Cable Splicer	9.56	.35	1%		½%
Line Equipment Operators; Powderman	8.47	.35	1%		½%
Groundman	5.93	.35	1%		½%
Experienced Groundman (1000 hours); Truck Drivers	6.68	.35	1%		½%

DECISION #NV76-5083 - Mod. #1
(41 FR 38725 - September 10, 1976)
Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons:					
Remaining Counties and Nye County (north of Hwy. #6):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	$10.75	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.65	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	10.75	.50	.60		.01
Electricians:					
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	13.41	.73	1% + .40		.08
Cable Splicers	13.74	.73	1% + .40		.08
Roofers:					
Remaining Counties and Nye County (north half)	9.90	.45	.20		.02
Terrazzo Workers; Tile Setters:					
Remaining Counties and Nye County (north half):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	10.75	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.65	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	10.75	.50	.60		.01

DECISION NO.: OK76-4135 - Mod. #2
(41 FR 32175 - July 30, 1976)
Tulsa & Creek Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
Brush	$ 8.30		.25	.85	.02
High Work & Stage	8.70		.25	.85	.02
Spray & Sandblasting	8.95		.25	.85	.02
Hot or Bituminous	9.60		.25	.85	.02
Sheet Rock Hand Tool	8.30		.25	.85	.02
Sheet Rock Power Tool	8.65		.25	.85	.02
Hazardous Work	10.50		.25	.85	.02
Soft Floor Layer	7.75		.25	.70	.03
Elevator Constructor-	9.66	.545	.35	4%+a+b	.02
Elevator Constructor Helper	70%JR	.545	.35	4%+a+b	.02

DECISION NO. OK76-4136 - Mod. #2
(41 FR 32177 - July 30, 1976)
Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole, and Pottawatomie Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians					
Zone 1	$9.30	.50	1%+.50		1/2%
Zone 2	9.55	.50	1%+.50		1/2%
Zone 3	9.80	.50	1%+.50		1/2%
Cable Splicers					
Zone 1	9.55	.50	1%+.50		1/2%
Zone 2	9.80	.50	1%+.50		1/2%
Zone 3	10.05	.50	1%+.50		1/2%
Plasterers	9.30				.01
Terrazzo Workers Helper	6.98				
Terrazzo Floor Machine Man	7.08				
Tile & Marble Helpers:					
Experienced Helper	6.65				
Marble Mason	9.10		.20		
Terrazzo Worker	9.10		.20		
Tile Setters	9.10		.20		
Terrazzo base machine man	7.28				

DECISION NO. OR76-5057 - Mod. #1 (41 FR 26520 - June 25, 1976) Statewide, Oregon	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.91	.56	.95		.11
Electricians:					
Baker, Gillian, Grant, Morrow, Umatilla and Wheeler Cos.					
Electricians	11.47	.43	1%+.40		.02
Lead Cable Splicers	12.62	.43	1%+.40		.02
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas Lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	10.38	.65	1%+1.00		.06
Cable Splicers	11.03	.65	1%+1.00		.06
Glaziers	9.25	.41	.65	6.8%	.01
Ironworkers:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	11.00	.73	1.00	.25	.05
Painters:					
Drywall Finisher	10.24	.55	.40	.50	.06
Plasterers	10.50	.55	.80		.01
Plumbers; Steamfitters:					
N½ of Benton, Lincoln, and Linn Counties; S½ of Tillamook and Yamhill Cos. Marion and Polk Counties	11.05	.75	1.35	1.00	.10
Remainder of Klamath and Lake Counties	11.12	.75	1.48		.10
Jackson and Josephine Cos.	9.83	.60	1.70	1.20	.05
Sheet Metal Workers:					
Malheur County	10.21	.57	.50		.14
Baker, Umatilla, Union, Wallowa Counties	12.10	3%+.57	.80		.05
Soft Floor Layers:					
Malheur County	7.00	.25	.10		.10

DECISION #PA76-3175 - Mod. # 4 (41 FR 21137 - May 21, 1976) Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.31	.52	.50		.01
Elevator Constructor	10.20	.545	.35	4%+b+c	.02
Elevator Constructors Helpers	7.14	.545	.35	4%+b+c	.02
Elevator Constructors Helpers (Prob.)	5.10				
Sheet metal workers	9.76	1.17	1.03		.05

DECISION #PA76-3176 - Mod. # 3 (41 FR 24853 - June 18, 1976) Lebanon County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$10.31	.52	.50		.01
Elevator Constructors	10.20	.545	.35	4%+b+c	.02
Elevator Constructors Helpers	7.14	.545	.35	4%+b+c	.02
Elevator Constructors Helpers (Prob.)	5.10				
Sheet metal workers	9.76	1.17	1.03		.03

MODIFICATIONS P. 15

DECISION #PA76-3206 - Mod. #1 (41 FR 26529 - June 25, 1976) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.10	.60	.70		
Carpenters					
Zone 1	9.73	6%	8%	6%	.25%
Zone 2	9.24	6%	8%	6%	.4%
Cement Masons					
Zone 1	9.93	.60	1.59		
Zone 2	11.38				
Electricians					
Zone 3	11.50	3%	2%+1%		.005
Ironworkers, Structural, Ornamental & Reinforcing	10.29	.785	1.03		.03
Laborers					—
Zone 1					
Class 1	8.07	.73	.60		
Class 2	8.915	.73	.60		
Class 3	8.32	.73	.60		
Class 4	8.57	.73	.60		
Class 5	8.77	.73	.60		
Zone 2					
Class 1	8.03	.72	.60		
Class 2	8.155	.72	.60		
Class 3	8.28	.72	.60		
Class 4	8.53	.72	.60		
Class 5	8.73	.72	.60		
Zone 3					
Class 1	7.94	.71	.60		
Class 2	8.065	.71	.60		
Class 3	8.19	.71	.60		
Class 4	8.44	.71	.60		
Class 5	8.64	.71	.60		
Landscape Laborer	6.05	.40	.50		
Skilled Landscape Laborer	6.20	.40	.50		
Landscape Tractor Operator	6.55	.40	.50		
Painters					
Zone 5					
Commercial	7.85	.65	.40	.75	2%
Industrial	9.50	.65	.40	1.00	2%

MODIFICATIONS P. 16

Decision #PA76-3206 - Mod. # 1, Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (Cont'd)					
Zone 6					
Commercial					
Brush	$ 8.54	.65	.45		.12
Spray	9.04	.65	.45		.12
Industrial					
Brush	9.44	.65	.45		.12
Spray	9.94	.65	.45		.12
Power Equipment Operators (See Below)					
Plumbers					
Zone 2	11.03	.45	.40		.04
Zone 3	10.37	.70	1.10		.07
Zone 4	10.10	.71	.75		.20
Roofers	10.53	.77	1.50		.06
Steamfitters					
Zone 4	11.03	.45	.40		.05
Zone 5	10.10	.71			.20
Add:					
Bricklayers & Stonemasons wage rate:					
Zone 8	9.22	.58			
Zone 9	8.85	.35	.25		
Zone 10	9.97	.60	1.10		
Under Laborers					
Class 3					
Wagon Drill Operators					
Omit:					
Under Laborers					
Class 5					
Wagon Drill Operators					

Decision #PA76-3206 - Mod. # 1, Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	$10.775	.65	.80		.09
CLASS 1-A	10.025	.65	.80		.09
CLASS 1-B	11.275	.65	.80		.09
CLASS 1-C	11.525	.65	.80		.09
CLASS 2	10.625	.65	.80		.09
CLASS 3	9.80	.65	.80		.09
CLASS 3-A	10.30	.65	.80		.09
CLASS 4	9.80	.65	.80		.09
CLASS 5	9.05	.65	.80		.09
CLASS 6	8.80	.65	.80		.09
CLASS 6-A	8.90	.65	.80		.09
CLASS 6-B	9.05	.65	.80		.09
CLASS 6-C	9.30	.65	.80		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type Under 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead)(truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oiler to be discussed at pre job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types)(when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes), hi-lift 4 yds. or over, hoist-hod 2 cages up to 10 floors) Chicago Boom Attached hoist (50 ft. or over) (stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180° swing hop to or similar type with 360° swing kocal koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - Boom Mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

DECISION NO. PA76-3206 - Mod. # 1, Cont'd.

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors) Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2- Asphalt plant operator, Athey loader, Auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushinf & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator (New buildings),euclid loader, excavating equipment (all Other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), hi-lift - less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, muching machine, pipe cleaning machine,refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (The following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over) 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½" discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairman)

DECISION NO. PA76-3206 - Mod. # 1, Cont'd.

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propessed), hoist one drum (regradless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self- propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), (The following machines shall be considered minor) compressors (2), generators (2), mortar machine over 10 cu. ft., and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in bank) (within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine, pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A Crane truck oiler & fireman

CLASS 6-B Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C Oiler - Truck crane 100 ton and over

DECISION #PA76-3211 - Mod. #1 (41 FR 32091 - July 30, 1976) Greene, Somerset & Potter Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers					
Zone 1	$11.10	.60	.70		
Carpenters					
Zone 1	9.24	6%	8%	6%	.4%
Zone 2	9.73	6%	8%	6%	.2%
Laborers					
Zone 1					
Class 1	7.94	.71	.60		
Class 2	8.065	.71	.60		
Class 3	8.19	.71	.60		
Class 4	8.44	.71	.60		
Class 5	8.64	.71	.60		
Zone 3					
Class 2	7.45	10%	8%		—
Piledrivermen	10.24	5%	10%		50%
Power Equipment Operators					
Zone 1 & Zone 2					
(See Schedule Below)					
Plumbers & Steamfitters					
Zone 2	10.37	.70	1.10		.07
Soft Floor Layers					
Zone 1	9.28	6%	6%	6%	.5%
Add:					
Under Laborers					
Zone 1					
Class 3					
Wagon Drill Operator					
Omit:					
Under Laborers					
Zone 1					
Class 5					
Wagon Drill Operator					

Decision No. PA76-3211 - Mod. # 1, Cont'd)

Zone 1 - Greene County, Pa.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	$10.775	.65	.80		.09
CLASS 1-A	10.025	.65	.80		.09
CLASS 1-B	11.275	.65	.80		.09
CLASS 1-C	11.525	.65	.80		.09
CLASS 2	10.625	.65	.80		.09
CLASS 3	9.80	.65	.80		.09
CLASS 3-A	10.30	.65	.80		.09
CLASS 4	9.80	.65	.80		.09
CLASS 5	9.05	.65	.80		.09
CLASS 6	8.80	.65	.80		.09
CLASS 6-A	8.90	.65	.80		.09
CLASS 6-B	9.05	.65	.80		.09
CLASS 6-C	9.30	.65	.80		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type Under 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead)(truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oiler to be discussed at pre job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types)(when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes), hi-lift 4 yds. or over, hoist-hod 2 cages up to 10 floors) Chicago Boom Attached hoist (50 ft. or over) (stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180° swing hop to or similar type with 360° swing kocal koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - Boom Mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

DECISION NO. PA76-3211 - Mod. # 1, Cont'd.

Zone - 1

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors) Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2- Asphalt plant operator, Athey loader, Auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushinf & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator (New buildings),euclid loader, excavating equipment (all Other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), hi-lift - less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, muching machine, pipe cleaning machine,refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (The following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over) 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½" discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairman)

DECISION NO. PA76-3211 - Mod. # 1, Cont'd.

Zone - 1

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propessed), hoist one drum (regradless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self- propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), (The following machines shall be considered minor) compressors (2), generators (2), mortar machine over 10 cu. ft., and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in bank) (within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine, pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A Crane truck oiler & fireman

CLASS 6-B Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C Oiler - Truck crane 100 ton and over

Decision #PA76-3211 - Mod. # 1, Cont.d'
Zone - 2 - Somerset & Potter Cos., Pa.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	$11.175	.65	.80		.09
CLASS 1 - A	11.425	.65	.80		.09
CLASS 1 - B	11.675	.65	.80		.09
CLASS 1 - C	11.925	.65	.80		.09
CLASS 2 -	11.025	.65	.80		.09
CLASS 3	9.65	.65	.80		.09
CLASS 3 A	10.15	.65	.80		.09
CLASS 4	9.00	.65	.80		.09
CLASS 5	7.95	.65	.80		.09
CLASS 6	8.25	.65	.80		.09
CLASS 6 - A	8.35	.65	.80		.09
CLASS 6 - B	8.50	.65	.80		.09
CLASS 6 - C	8.75	.65	.80		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type Under 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead)(truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oiler to be discussed at pre job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types)(when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes), hi-lift 4 yds. or over, hoist-hod 2 cages up to 10 floors) Chicago Boom Attached hoist (50 ft. or over) (stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180° swing hop to or similar type with 360° swing kocal koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - Boom Mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

DECISION NO. PA76-3211 - Mod. # 1, Cont'd.
Zone - 2

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors) Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2- Asphalt plant operator, Athey loader, Auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushinf & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator (New buildings),euclid loader, excavating equipment (all Other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), hi-lift - less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, muching machine, pipe cleaning machine,refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (The following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over) 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½" discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairman)

DECISION NO. PA76-3211 - Mod. # 1, Cont'd.
Zone - 2

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propessed), hoist one drum (regradless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self- propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), (The following machines shall be considered minor) compressors (2), generators (2), mortar machine over 10 cu. ft., and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in bank) (within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine, pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand,helicopter signalman, oiler, mechanic helper

CLASS 6-A Crane truck oiler & fireman

CLASS 6-B Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C Oiler - Truck crane 100 ton and over

MODIFICATIONS P. 27

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4049 - Mod. #3 (41 FR 7921 - February 20, 1976) Tom Green County, Texas					
Change:					
Electricians:					
Zone 1	$ 7.80		1%		1/4%
Zone 2	8.15		1%		1/4%
DECISION #TX76-4079 - Mod. #3 (41 FR 19034 - May 7, 1976) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Asbestos workers:					
Zone 1	9.88	.42	.60		.08
Electricians:					
Zone 1	9.25		1%		1/4%
Zone 2	10.30		1%		.08%
Painters:					
Group 1	6.80				.04
Group 2	7.30				.04
Group 3	7.40				.04
Group 4	7.55				.04
Group 5	7.90				.04
Plasterers	9.29	.25	.20		.01
Roofers:					
Group 1	6.45				.03
Group 2	6.30				.03
Group 3	4.725				.03
DECISION #TX76-4081 - Mod. #1 (41 FR 19039 - May 7, 1976) Howard County, Texas					
Change:					
Ironworkers, Structural & ornamental	7.93	.55	.85		.10

MODIFICATIONS P. 28

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4083 - Mod. #2 (41 FR 19043 - May 7, 1976) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change:					
Plumbers & pipefitters	$ 7.68	.32	.15		.05
DECISION #TX76-4106 - Mod. #3 (41 FR 27649 - July 2, 1976) Jefferson & Orange Cos., Texas					
Change:					
Electricians	10.80	.40	1%+.285		.06
Line Construction:					
Linemen	11.085	.40	1%		1/2%
Groundmen	8.09	.40	1%		1/2%
Plumbers	10.52	.30			.03
DECISION #TX76-4118 - Mod. #2 (41 FR 29605 - July 16, 1976) Ector & Midland Cos., Texas					
Change:					
Electricians:					
Zone 1	8.70	.40	1%		1/10%
Zone 2	9.00	.40	1%		1/10%
DECISION #TX76-4126 - Mod. #1 (41 FR 30565 - July 23, 1976) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change:					
Plumbers & pipefitters	7.68	.32	.15		.05

DECISION #UT76-5082 - Mod. #2
(41 FR 38740 - September 10, 1976) - Statewide, Utah

Change:	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:						
Group 1	$7.56	$8.56	.75	1.475+.09	.75	.10
Group 2	7.84	8.84	.75	1.475+.09	.75	.10
Group 3	8.19	9.19	.75	1.475+.09	.75	.10
Group 4	8.37	9.37	.75	1.475+.09	.75	.10
Group 4-A	8.48	9.48	.75	1.475+.09	.75	.10
Group 5	8.48	9.48	.75	1.475+.09	.75	.10
Group 6	8.94	9.94	.75	1.475+.09	.75	.10
Group 7	9.09	10.09	.75	1.475+.09	.75	.10
Group 7-A	9.20	10.20	.75	1.475+.09	.75	.10
Group 8	9.50	10.50	.75	1.475+.09	.75	.10
Group 8-A	9.56	10.56	.75	1.475+.09	.75	.10
Group 9	9.62	10.62	.75	1.475+.09	.75	.10
Group 10	9.78	10.78	.75	1.475+.09	.75	.10
Group 11	10.22	11.22	.75	1.475+.09	.75	.10
Group 11-A	11.18	12.18	.75	1.475+.09	.75	.10
Group 11-B	11.63	12.63	.75	1.475+.09	.75	.10
Group 12	11.79	12.79	.75	1.475+.09	.75	.10
Power Equipment Operators - Piledriving:						
Group 1-A	8.78		.75	1.475+.09	.75	.10
Group 1-B	9.11		.75	1.475+.09	.75	.10
Group 1-C	9.26		.75	1.475+.09	.75	.10
Group 2-A	9.89		.75	1.475+.09	.75	.10
Group 2-B	10.10		.75	1.475+.09	.75	.10
Group 3	10.40		.75	1.475+.09	.75	.10
Group 3-A	10.78		.75	1.475+.09	.75	.10
Group 4	11.33		.75	1.475+.09	.75	.10
Group 5	11.48		.75	1.475+.09	.75	.10
Group 6	12.49		.75	1.475+.09	.75	.10
Power Equipment Operators - Steel Erection:						
Group 1	9.22		.75	1.475+.09	.75	.10
Group 2	9.60		.75	1.475+.09	.75	.10
Group 3	10.61		.75	1.475+.09	.75	.10
Group 4	10.75		.75	1.475+.09	.75	.10
Group 4-A	11.04		.75	1.475+.09	.75	.10
Group 5	11.52		.75	1.475+.09	.75	.10

DECISION #UT76-5082 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Steel Erection (Cont'd):					
Group 6	$11.93	.75	1.475+.09	.75	.10
Group 6-A	12.49	.75	1.475+.09	.75	.10
Group 7	13.47	.75	1.475+.09	.75	.10
DECISION #MD76-3225 - Mod. # 3 (41 FR 32141 - July 30, 1976) Montgomery & Prince Georges Counties, Maryland; Arlington and Fairfax Counties, Virginia; the City of Alexandria, Virginia for Washington Metropolitan Area Transit Authority - Rapid Rail System construction projects only.					
Change:					
Plasterers	$10.65	.45	.25		.06
Omit: From Description of Work: (Excluding high rise construction in Montgomery Co., Md.)					
Decision #DC76-3226 - Mod. # 3 (41 FR 32194 - July 30, 1976) Washington, D. C.					
Change:					
Plasterers	$10.65	.45	.25		.06

SUPERSEDEAS DECISION

STATE: Alaska COUNTIES: Statewide
DECISION NUMBER: AK76-5095 DATE: Date of Publication
Superseees Decision No. AK76-5068 dated July 30, 1976, in 41 FR 32109
DESCRIPTION OF WORK: Building Construction (including residential construction consisting of single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction and Dredging.

AREA I (North of the 63rd Parallel)
AREA II (South of the 63rd Parallel and West of the 141st Meridian)
AREA III (East of the 141st Meridian)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	16.31	.44	.97		.10
BOILERMAKERS	13.01	.65	1.00	.50	.02
BRICKLAYERS; Blocklayers; Stonemasons	15.18	.90	2.25		.09
CARPENTERS:					
Area I					
Carpenters	15.43	.65	1.50		.10
Powder actuated tool operator	15.65	.65	1.50		.10
DeWalt or similar type saw operator; Marlite and Acoustical; Fire or Floor Repair work applicators; Nailing Machine Operator; Saw Filer	15.71	.65	1.50		.10
Millwrights	15.82	.65	1.50		.10
Piledrivermen	15.00	.65	1.50		.10
Areas II and III					
Journeyman-Carpenters	14.81	.65	1.50		.15
Acoustical and Marlite Applicators; Floor Workers; Radial air saw operators; Fire and Flood Workers	15.19	.65	1.50		.15
Millwrights	15.34	.65	1.50		.15
Piledrivermen	15.02	.65	1.50		.15
CEMENT MASONS:					
Cement Masons, paving (concrete), Curb, Gutter and Sidewalks	14.00	.60	2.23		.15
Operating Screeding and Rodding Machines, Application of all composition, Mastic, Epoxy, and Plaster materials	14.35	.60	2.23		.15
Hand powered Grinder	14.53	.60	2.23		.15
Form Setters	14.15	.60	2.23		.15
CULINARY WORKERS:					
Baker of combination Cook-Baker, Head Cook; Working camp manager	12.31	.50	2.00		.04

DECISION NO. AK76-5095

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CULINARY WORKERS: (Cont'd)					
Cook	$11.95	.50	2.00		.04
Butcher	11.46	.50	2.00		.04
Head Waiter or Head Waitress	10.97	.50	2.00		.04
Head Bullcook	10.87	.50	2.00		.04
Camp worker (waiter, waitress, bullcook, general helper, miscellaneous worker); Bartender	10.71	.50	2.00		.04
ELECTRICIANS:					
Electricians; Equipment Operators; Technicians	14.70	.70	1%+2.00		.15
Cable Splicers	16.20	.70	1%+2.00		.15
ELEVATOR CONSTRUCTORS	15.715	.495	.32	2%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	2%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Area I	14.35	.65	1.00		
Areas II and III	14.57	.65	1.00		.10
IRONWORKERS:					
Bender Operator; Bridge; Fence Erector; Machinery Mover; Ornamental; Reinforcing; Sheeter; Structural	15.80	.80	1.75		.18
LATHERS	16.16	.60		1.08	.04
LINE CONSTRUCTION:					
Groundmen	12.70	.70	1%+2.00		.15
Equipment Operators; Linemen; Technicians	14.70	.70	1%+2.00		.15
Cable Splicers	16.20	.70	1%+2.00		.15
MARBLE SETTERS; Terrazzo Workers	15.18	.90	2.25		.09
PAINTERS:					
Area I					
Zone 1 (Within a 10 mile radius of the Fairbanks P. O. including Ft. Wainwright)					
Zone 2 (Beyond 10 miles and up to 40 miles radius of the Fairbanks P. O. including Eielson Air Force Base and all the Sites within this territory)					

DECISION NO. AK76-5095

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Zone 3 (Beyond 40 miles radius of the Fairbanks P. O.)					
Zones 1 and 3:					
Brush; Paperhangers	$15.85	.90	1.60		.05
Carpet and Tile	15.87	.90	1.60		.05
Swing stage, Sign painters; Utilidors	16.10	.90	1.60		.05
Hand tapers	16.12	.90	1.60		.05
Structural steel; Sand blasters; Spray painters; Towers, stacks, bridges, and flagpoles up to and including 40 feet	16.35	.90	1.60		.05
Buffer operator	16.38	.90	1.60		.05
Machine tapers	16.52	.90	1.60		.05
Hardwood floor finishers	16.60	.90	1.60		.05
Epoxy applicators and spray steel	16.85	.90	1.60		.05
Swing and boom spray	17.10	.90	1.60		.05
Zone 2:					
Brush; Paperhangers	16.70	.90	1.60		.05
Swing stage; Sign painters; Utilidors	16.95	.90	1.60		.05
Tapers, hand	16.97	.90	1.60		.05
Structural steel, sand blasters; Spray painters; Towers, stacks, bridges and flagpoles up to and including 40 feet	17.20	.90	1.60		.05
Hardwood floor finishers	17.45	.90	1.60		.05
Tapers, machine	17.37	.90	1.60		.05
Spray steel; Epoxy applicator	17.70	.90	1.60		.05
Swing and boom spray	17.45	.90	1.60		.05
Buffer operator	17.23	.90	1.60		.05
Zones 1, 2 and 3:					
Height Pay: All work on any form of scaffolding or staging over 40 ft. will be paid $.25 more per hour, and for every additional 20 ft. $.25 more per hour will be paid to the employee. The height of work shall be determined from the ground to the point of hook-up.					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Areas II and III					
Hardwood floor sander or finisher; Paperhangers; Sign, brush and roller painters	$15.65	.60	1.50		.20
Swing stage	16.05	.60	1.50		.20
Structural steel; Tapers and Drywall sander	16.05	.60	1.50		.20
Pot tenders; Sandblasters; Spray	16.25	.60	1.50		.20
Epoxy and tar applicator	16.65	.60	1.50		.20
Steeplejack; Towers painters	17.45	.60	1.50		.20
Height Pay: All classifications, with the exception of steeple jacks and tower painters, a $.25 hourly premium shall be paid for swing stage work on a structure with height in excess of 40 ft. an additional $.25 per hourly height pay shall be paid for each additional 50 ft. thereafter. Height pay on all towers and steeplejack work shall start at the 150 ft. level. $.50 per hour above the scale shall be paid for each additional 100 ft.					
PLASTERERS	15.12	.60	2.23		.15
PLUMBERS; Steamfitters:					
Area I	17.42	.85	1.30		.45
Area II	14.80	.73	1.40		.15
Area III	14.32	.73	.20		.10
ROOFERS:					
Area I	15.60	.90	2.00		.10
Areas II and III	15.30	.90	2.00		.10
SHEET METAL WORKERS:					
Area I	14.76	.52	.50		
Areas II and III	17.65	.63	.75		.15

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Area I	$12.77	.75	1.00		.05
Areas II and III	14.40	.65	.50	4%	.20
SPRINKLER FITTERS	14.82	.60	.90		.08
TERRAZZO WORKERS' AND TILE SETTERS' HELPERS	12.33	.90	2.25		.09
TILE SETTERS	14.51	.90	2.25		.09
RIGGERS; Welder: Receive rates for craft performing operation to which rigging or welding is incidental.					

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS					
Group 1	12.85	.60	2.25		.09
Group 2	13.02	.60	2.25		.09
Group 3	13.06	.60	2.25		.09
Group 4	13.09	.60	2.25		.09
Group 5	13.13	.60	2.25		.09
Group 6	13.14	.60	2.25		.09
Group 7	13.19	.60	2.25		.09
Group 8	13.27	.60	2.25		.09
Group 9	13.52	.60	2.25		.09
Group 10	13.55	.60	2.25		.09
Group 11	13.63	.60	2.25		.09
Group 12	13.65	.60	2.25		.09
Group 13	13.66	.60	2.25		.09
Group 14	13.77	.60	2.25		.09
Group 15	13.89	.60	2.25		.09
Group 16	14.02	.60	2.25		.09
Group 17:					
Class A	12.85	.60	2.25		.09

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 17: (Cont'd)					
Class B	$13.04	.60	2.25		.09
Class C	13.35	.60	2.25		.09
Class D	13.91	.60	2.25		.09
Class E	14.06	.60	2.25		.09
Class F	14.30	.60	2.25		.09
POWER EQUIPMENT OPERATORS					
Group 1	13.83	.90	2.50		.15
Group 2	14.72	.90	2.50		.15
Group 3	13.76	.90	2.50		.15
Group 4	13.89	.90	2.50		.15
Group 5	14.78	.90	2.50		.15
Group 6	15.56	.90	2.50		.15
Group 7	14.15	.90	2.50		.15
Group 8	13.32	.90	2.50		.15
Group 9	14.21	.90	2.50		.15
Group 10	14.48	.90	2.50		.15
Group 11	13.97	.90	2.50		.15
Group 12	16.31	.90	2.50		.15
Group 13	13.84	.90	2.50		.15
Group 14	14.24	.90	2.50		.15
Group 15	13.74	.90	2.50		.15
Group 16	14.27	.90	2.50		.15
Group 17	14.57	.90	2.50		.15
Group 18	12.71	.90	2.50		.15
Group 19	13.21	.90	2.50		.15
Group 20	14.16	.90	2.50		.15
Group 21	13.48	.90	2.50		.15
Group 22	12.81	.90	2.50		.15
Group 23	13.25	.90	2.50		.15
Group 24	13.42	.90	2.50		.15
Group 25	17.08	.90	2.50		.15
Group 26	17.75	.90	2.50		.15
Group 27	14.41	.90	2.50		.15

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POWER EQUIPMENT OPERATORS DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.28	.75	2.00		
Group 2	12.41	.75	2.00		
Group 3	13.34	.75	2.00		
Group 4	13.40	.75	2.00		
Group 5	13.46	.75	2.00		
Group 6	13.97	.75	2.00		
Group 7					
(a)	14.75	.75	2.00		
(b)	15.50	.75	2.00		
TRUCK DRIVERS					
Group 1	12.72	.88	3.00		.10
Group 2	12.78	.88	3.00		.10
Group 3	12.25	.88	3.00		.10
Group 4	13.10	.88	3.00		.10
Group 5	13.50	.88	3.00		.10
Group 6	13.81	.88	3.00		.10
Group 7	14.10	.88	3.00		.10
Group 8	14.41	.88	3.00		.10
Group 9	14.72	.88	3.00		.10
Group 10	15.03	.88	3.00		.10
Group 11	15.34	.88	3.00		.10
Group 12	15.65	.88	3.00		.10
Group 13	15.95	.88	3.00		.10
Group 14	13.24	.88	3.00		.10
Group 15	11.97	.88	3.00		.10
Group 16	12.40	.88	3.00		.10
Group 17	13.08	.88	3.00		.10
Group 18	13.34	.88	3.00		.10
Group 19	13.61	.88	3.00		.10
Group 20	13.88	.88	3.00		.10
Group 21	14.05	.88	3.00		.10
Group 22	13.02	.88	3.00		.10
Group 23	12.14	.88	3.00		.10

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LABORERS

Group 1: Building Laborers; Carpenters Tenders; Material Handlers and Hook Tenders; Form Strippers; Signalmen; Riggers; Sandblast Pot Tender; Saw Tenders; General Labor; Dump Man; Pit Man; Brush Cutters; Ditch Diggers; Monolithic Workers; Dryer Man; Window Cleaner; Utiliwalk and Utilidor

Group 2: Base and Floor Machine Man

Group 3: Choke Setters

Group 4: Concrete Labor including Vibrationman; Power Buggy and Concrete Power Saw; Curb and Gutterman; General Crew (including Plant Crew) Asphalt

Group 5: Pneumatic or Power Tools

Group 6: Stake Hopper; Grademan; Steampoint or Water Jet Operator

Group 7: Tank Cleaner

Group 8: Jackhammer Operator and Pavement Breaker; Chuck Tender (Wagon and Air Track Drills)

Group 9: Mason Tender and Mud Mixers

Group 10: Gunnite Operator; Pipelayers; Culvert and Multiplate; High Scaler; Sloper (over 20 feet); Chain and Power Saws; Sack or Bulk; Sewer Pipelayer; Sewer Caulkers; Timberman; All Monolithic Crews; Pipe Builders; Sandblasters

Group 11: Asphalt Rakers

Group 12: Tenders; Plasterers; Bricklayers; Cement Finisher; Burning and Cutting Torch (except intermittent torch work)

Group 13: Wagon Driller

Group 14: Timber Faller; Air Track Wagon Driller

Group 15: Chain Saw Filer

Group 16: High Riggers and Tree Topper, Powderman

Group 17: TUNNEL OR SHAFT
Class A: Topman and Bull Gang; Brakeman
Class B: Muckers, Laborers; Nippers
Class C: Chuck Tender
Class D: Retimberman
Class E: Miners, Shafts and Raises
Class F: Powderman

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POWER EQUIPMENT OPERATORS

Group 1: Batch Plant Operator; Batch and Mixer, 200 yards per hour and under; Loaders; Elevating - Athey, Barber Greene and similar types; Overhead and front-end, under 2½ yards; Mixers; Concrete Mixers and Batch, 200 yards per hour and under; Pumps: Fuller Kenyon, Pumpcrete and Concrete, Rollers, Tampers and Vibrators: on Plant or Road Mix materials; Tractor, Farmall types, 50 hp.p and over; Trenching Machines, under 16 inches

Group 2: Batch Plant Operator: Batch and Mixers, over 200 yards; Derricks, all; Drilling Machines, Core, Cable Rotary and Exploration; Mixers: Mobile type with hoist combination; Mucking Machines, Mole, Tunnel Drill and/or Shield

Group 3: Brooms, Power Wayne, Saginaw and similar types; Bulldozers, under D6 or similar; Post Hole Diggers, Mechanical; Saws, Concrete; Scrapers; Carryall type, single; Nodwell Sno-Cat

Group 4: Bulldozers: D6 through D9 or similar; Bump Cutter (Concut Christenson or similar types); Conveyors

Group 5: Bulldozers: TC 12, Quad 9, Pay Dozers, Linked Pusher, H.D. 41 and/or similar; Bulldozers engaged in Yo Yo Operation; Cableways and Higlines, 3 yards and under; Cranes: "A" Frame Trucks, Deck Winches, single power drum; "A" Frame Trucks; Helicopter; Deck Winches (double power drum); Crawler, truck type, Floating Locomotive, Whirley, either 3 yards and under or 150 boom including jibs and under 45 tons and under; Hydralifts or Transporter, Hyster Cat Cranes and attachments, Sidebooms 45 tons and under; Fork Lifts with power broom and swing attachment; Loaders: Overhead and Front-end, 2½ yards and under 4 yards; Motor Patrol Graders: Over Model 14 or similar types; Piledriver Engineers, L. B. Foster Puller or similar paving breaker; Power Plant Turbin Operators; 300 K. W. on highway or air-field construction projects or Quarry Operations); Sauerman-Bagley; Shovels: Crawler and truck type, all attachments, 3 yards and under; Sub Grader (Gurries, C.M.I. and similar types); Tractors, Farmall type, used as Backhoes, Rubber-tired (Ford, Ferguson, Case and similar types); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment, over 25 yards through 40 yards; Hover Craft, Flex Craft, Helicopter; Transporter; Cableways; Rollagon, Dredge Barge Cable; Highline or Cable Car, Boat Coxswain

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Cableways and Highways, over 3 yards; Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either over 3 yards and under 6 yards, over 150' boom, including jibs or over 45 tons; Tower Cranes, Pecco, Lorraine, Bucyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms over 45 tons through 100 tons; Loaders: Overhead and Front-end, 4 yards up to and including 10 yards; Shovels: Crawler and truck type, all attachments, 3 yards and under 6 yards; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 40 yards through 55 yards; Slip Form Paver, C.M.I. and similar types

Group 7: Cement Hogs; Locomotives: Rod and Greared Engines

Group 8: Compressors: Excavating; Locomotives: Dinkey (air, steam, gas, and electric) Speeders

Group 9: Compressors: Steel Erection including Sandblasting, Painting or same, Pile Driving, Hoists on Steel Erection (Towermobiles and Air Tuggers); Loaders: Fork Lifts with tower; Scrapers: Carryall, Tandem

Group 10: Conveyors, Beltcrete with power pack and similar; Loaders: Elevating Belt type, Euclid and similar types

Group 11: Cranes: "A" Frame Trucks, Deck Winches, single power drum; Crushers, rock, washing and screening plants; Hoist Air Tuggers, Elevators; Motor Patrol Graders: Model 14 or similar types and under; Power Plant Turbin Operators: under 300 K. W.; Shovels; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment 25 yards and under

Group 12: Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either 6 yards or over, or over 200' of boom including jibs or over 150 tons; Hyster Cat Cranes and attachments, Sidebooms over 100 tons; Loaders: Overhead and Front-end, over 10 yards; Shovels: Crawler and truck type, all attachments, 6 yards and over; Tournapullls, Caterpillar, Euclid, Scrapers and similar type equipment over 55 yards through 70 yards

Group 13: Finishing Machine Operator, Concrete Paving, Sidewalk Curb and Gutter Machine; Screen Man or Slurry Operator; Spreaders - Blaw Knoz, Cedarapids, Barber Greene, Railroad Wing Spreader or similar types

Group 14: Loaders: Elevating Grader type, Dumor and similar types

Group 15: Loaders: Fork Lifts or Lumber Carrier (on construction job site)

Group 16: Mechanics, Welders, Machinists, heavy duty

Group 17: Mechanic; Leadman

Group 18: Mechanics' Helpers, heavy duty (shop)

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 19: Mechanic, light duty; Rollers, Tampers and Vibrators: Other than plants or road mix (where towed, to pay rate of equipment used to pull); Tractors, Farmall type less than 50 h.p.

Group 20: Mixers: Asphalt Mixer

Group 21: Oil, Blower Distributors

Group 22: Grade Checkers - Oiler combination); Safety Observer or Oiler Rigger

Group 23: Journeyman Equipment Service Oilers and Firemen; Oiler, either over 3 yards or over 150' boom or over 45 tons

Group 24: Pumps: Water

Group 25: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 70 yards through 85 yards

Group 26: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment, over 85 yards through 100 yards

Group 27: Trenching Machines: 16 inches and over or Remote Controlled underwater Trenching

POWER EQUIPMENT OPERATORS - DREDGING

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam or booster pumps); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (electric generator operator for primary pump, power barge, or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper
(a): 5 yards and under
(b): Over 5 yards

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TRUCK DRIVERS

Group 1: Buggymobile; Hyster Operators (handling aggregate), Lumber Carrier

Group 2: Semi or truck and trailer; Dumpsters; Batch Trucks over 5 yards; Dump Trucks, over yards up to and including 10 yards; Fuel Truck; Greasers of Grease Trucks; Flat Beds, dual rear axle; Ready Mix: Over 3 yards up to and including 5 yards; Water Wagon, semi; Water Wagon, dual axle; Winch Trucks; Flat Bed including "A" Frame manufactures rating over 5 tons; Bull Lifts and Fork Lifts over 5 tons; Front End Loader with Forks; Partsman and Outside Expeditor; Bus Operator, over 30 passengers, Track Truck Equipment; All Terrain Vehicles, Foam Distributor Truck, double axle; Hydro Seeder, double axle; Vacuum Trucks and Truck Sweeper-double axle; Loadmaster (air and water operations); Air Cushion or similar type vehicle; Fire Trucks - double axle

Group 3: Batch Truck up to and including 5 yards; Dump Trucks (including Rockbuggy and Trucks with pups) up to and including 5 yards; Flat Beds, single rear axle; Water Wagon, single axle; Winch Truck, Flat Bed including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork Lifts up to and including 5 tons; Bus Operator, up to 30 passengers; Foam Distributor Truck, single axle , Hydro Seeder, single axle, Team Drivers (Horses, Mules and similar equipment); Vacuum Trucks and Truck Sweepers - single axle; Fire Trucks - single axle; Ambulance

Group 4: Dump Trucks over 10 yards up to and including 20 yards; Tire Services Man; Lowbed heavy-duty Trailer; Oil Distributor Drivers; Ready Mix: Compactor (when pulled by rubber-tired equipment)

Group 5: Dump Trucks over 20 yards up to and including 30 yards

Group 6; Dump Trucks over 30 yards up to and including 40 yards

Group 7: Dump Trucks over 40 yards up to and including 50 yards

Group 8: Dump Trucks over 50 yards up to and including 60 yards

Group 9: Dump Trucks over 60 yards up to and including 70 yards

Group 10: Dump Trucks over 70 yards up to and including 80 yards

Group 11: Dump Trucks over 80 yards up to and including 90 yards

Group 12: Dump Trucks over 90 yards up to and including 100 yards

Group 13: Dump Trucks over 100 yards (above scales to be paid on actual water level measurements)

Group 14: Turn-O-Wagoner DW-10 when not self-loading

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TRUCK DRIVERS (Cont'd)

Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot cars and all light-duty vehicles); Warehouseman Class 2; Farm type rubber-tired tractor (material hauling); Swampers and Riggers

Group 16: Ready Mix: Up to and including 3 yards

Group 17: Ready Mix: Over 5 yards up to and including 7 yards

Group 18: Ready Mix: Over 7 yards up to and including 9 yards

Group 19: Ready Mix: Over 9 yards up to and including 12 yards

Group 20: Ready Mix: 13 yards and over

Group 21: Ready Mix, semi with double bowl mixer

Group 22: Water Wagon, when pulled by Euclid or similar type equipment

Group 23: Warehouseman - Class 1

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: CO76-5084

DATE: Date of Publication

Supersedes Decision No. CO76-5042 dated May 21, 1976, in 41 FR 21046

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.01	.38	1.02		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	9.70	.60	.70	.25	.05
Boulder and Grand Counties	9.10	.60	.70		.05
Elbert, Lake and Park Counties	9.85	.50	.60		.04
Larimer County	9.85	.60	.70		.05
Remaining Counties	9.70	.60	.70	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson, and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing points					
Zone I (0 to 20 miles)	9.085	.68	.75	.55	.06
Zone II (20 to 50 miles)	10.22	.68	.75	.55	.06
Zone III (50 miles and over)	11.36	.68	.75	.55	.06
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.635	.53	.70	.50	.055
Zone II (20 to 50 miles)	9.71	.53	.70	.50	.055
Zone III (50 miles and over)	10.79	.53	.70	.50	.055
Larimer County (S.E. portion within Loveland basing point, Zone I)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (South 40 miles) and Summit Counties					
Zone I (0-30 miles from P. O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from P. O. in Leadville or Fort Collins)	7.79	.48	.60	.40	.05
Zone II (All work outside of the 60 mile radius from P. O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	8.45	.47	1.15	.60	.09
Working with composition materials and color	8.95	.47	1.15	.60	.09
Working on scaffold, swing stage, or temporary platform over 25'	8.70	.47	1.15	.60	.09
DRYWALL INSTALLERS	8.94	.68	.75	.55	.06
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	10.95	.42	1%+.50		.015
Electricians (Remaining Counties)	10.94	.70	1%+.50		2/10%
Cable Splicers (Remaining Cos.)	11.19	.70	1%+.50		2/10%
ELEVATOR CONSTRUCTORS	10.64	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (RPOB.)	50%JR				
GLAZIERS	10.06				
IRONWORKERS	9.75	.71	1.15	.10	
LATHERS	10.14				.01
MARBLE SETTERS:					
Elbert, Lake and Park Counties	9.11	.50	.50		
Remaining Counties	9.75	.71	.70		.04
MILLWRIGHTS	9.48	.68	.75		.06
PAINTERS:					
Park County (Southern half)					
Brush, roller, taper, hand texture	8.49	.60	.30		.04
Steel and paperhanger	8.99	.60	.30		.04
Spray	9.24	.60	.30		.04
Steel Spray	9.74	.60	.30		.04

DECISION NO. C076-5084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Remaining Counties including N½ of Park County*					
Brush, roller and Drywall finisher	9.76	.65	.70		.07
Spray; Swing Stage, paperhangers	10.36	.65	.70		.07
PLASTERERS	10.14				.01
PLUMBERS; Steamfitters:					
Southern portions of Douglas, Elbert and Park Counties*	9.05	.60	.75	1.17	.08
Boulder County	10.30	.60	.65	.50	.10
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	10.15	.65	.80	.50	.05
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas, and Elbert Counties**	7.91	.42	.10		—
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	9.00	.65	.11		.08
SHEET METAL WORKERS	10.02	3%+.35	1.15		.07
SOFT FLOOR LAYERS	9.04	.40	.75	.30	.05
SPRINKLER FITTERS	11.40	.60	.90		.08
TERRAZZO WORKERS	9.75	.71	.70		.04
TILE LAYERS:					
Elbert, Lake and Park Counties	9.11	.50	.50		
Remaining Counties	9.75	.71	.70		.04
TILE, MARBLE and TERRAZZO HELPERS:					
Helpers	7.44	.71	.70	.40	
Floor Grinders	7.59	.71	.70	.40	
Base Grinder	8.14	.71	.70	.40	
*Park County dividing line: line from the S. W. corner of Jefferson County to the S. E. corner of Lake County					
**Area South of Lake County to a point 2 miles north of the City of Leadville to a point 1/2 mile north of the City of Limon at the west border of Lincoln County					

DECISION NO. C076-5084

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 (Building Construction)	ZONE 1	ZONE 2	ZONE 3	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area A							
Group 1	$4.80	$5.25	$5.70	.47	.52		.05
Group 2	6.30	6.75	7.20	.47	.52		.05
Group 3	6.58	7.03	7.48	.47	.52		.05
Group 4	6.80	7.25	7.70	.47	.52		.05
Group 5	6.85	7.30	7.75	.47	.52		.05
Group 6	7.00	7.45	7.90	.47	.52		.05
Area B							
Group 1	4.80	5.25	5.70	.47	.52		.05
Group 2	6.20	6.65	7.10	.47	.52		.05
Group 3	6.48	6.93	7.38	.47	.52		.05
Group 4	6.68	7.13	7.58	.47	.52		.05
Group 5	6.52	6.97	7.42	.47	.52		.05
Group 6	7.00	7.45	7.90	.47	.52		.05

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 south. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.,; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B

Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

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LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers — Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
*Zone I	$7.99	.68	.75	.55	.06
*Zone II	8.49	.68	.75	.55	.06
Underground Carpenters					
*Zone I	8.19	.68	.75	.55	.06
*Zone II	8.69	.68	.75	.55	.06
Working on Creosoted Material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at jobsite					
*Zone I	8.29	.68	.75	.55	.06
*Zone II	8.74	.68	.75	.55	.06
CEMENT MASONS:					
*Zone I	7.51	.47	1.15	.30	.09
*Zone II	8.01	.47	1.15	.30	.09

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LABORERS (Heavy Construction)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	*Zone I	*Zone II				
Group 1	$6.20	$6.70	.47	.52		.05
Group 2	6.30	6.80	.47	.52		.05
Group 3	6.60	7.10	.47	.52		.05
Group 4	6.75	7.25	.47	.52		.05
Group 5	6.95	7.45	.47	.52		.05
LABORERS (Tunnels)						
Group 1	6.20	6.70	.47	.52		.05
Group 2	7.10	7.60	.47	.52		.05
Group 3	7.20	7.70	.47	.52		.05
Group 4	7.28	7.78	.47	.52		.05
Group 5	7.35	7.85	.47	.52		.05
Group 6	7.50	8.00	.47	.52		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)						
Group 1	7.20	7.70	.47	.52		.05
Group 2	7.35	7.85	.47	.52		.05
Group 3	7.45	7.95	.47	.52		.05
Group 4	7.63	8.13	.47	.52		.05
Group 5	7.73	8.23	.47	.52		.05
Group 6	7.78	8.28	.47	.52		.05

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LABORERS (Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	*Zone I	*Zone II				
Group 1	$7.15	$7.90	.40	.69	.30	.06
Group 2	7.50	8.25	.40	.69	.30	.06
Group 3	7.85	8.60	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.30	9.05	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	7.30	8.05	.40	.69	.30	.06
Group 2	7.65	8.40	.40	.69	.30	.06
Group 3	7.75	8.25	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.55	9.30	.40	.69	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

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POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

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TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$7.15	$7.65	.45	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	7.75	.45	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	7.85	.45	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	7.90	.45	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	7.45	7.95	.45	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	8.00	.45	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	7.55	8.05	.45	.30	.30	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	*Zone I	*Zone II				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$7.60	$8.10	.45	.30	.30	
TRUCK DRIVER, Snow Plow	7.70	8.20	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.75	8.25	.45	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	8.35	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	8.50	.45	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.05	8.55	.45	.30	.30	
MECHANIC	8.15	8.65	.45	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	8.75	.45	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	8.85	.45	.30	.30	
DUMP TRUCKS, over 75 cu. yds to and including 104 cu. yds.	8.45	8.95	.45	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	8.65	9.15	.45	.30	.30	

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

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HEAVY CONSTRUCTION
(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

*Zone Descriptions

A. Counties entirely within Zone 1:

Boulder	Douglas	Larimer
Clear Creek	Gilpin	Morgan
Denver	Jefferson	Weld

B. Counties entirely within Zone 2:

Grand	Lake	Summit
	Park	

C. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within Zone 1, as follows:
All of Adams, Arapahoe, Elbert Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West

D. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within Zone 2, as follows:
All of Adams, Arapahoe, Elbert Counties lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: CO76-5085 DATE: Date of Publication
Supersedes Decision No. CO76-5043 dated May 21, 1976, in 41 FR 21055
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.01	.38	1.02		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS; Stonemasons	9.85	.50	.60		.04
CARPENTERS:					
Zone I (0-30 miles from Post Office in Colorado Springs)	8.34	.68	.75	.55	.06
Zone 2 (30 miles and over from Post Office in Colorado Springs)	8.59	.68	.75	.55	.06
CEMENT MASONS:					
Cement Masons	8.25	.47	1.15	.60	.09
Working with composition mateirals and color	8.75	.47	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	8.50	.47	1.15	.60	.09
DRYWALL INSTALLERS	8.94	.68	.75	.55	.06
ELECTRICIANS	10.95	.42	1%+.50		.015
ELEVATOR CONSTRUCTORS	10.64	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.06				
IRONWORKERS	9.75	.71	1.15		.10
LATHERS	9.22				.01
MARBLE SETTERS	9.11	.50	.50		
MILLWRIGHTS	9.48	.68	.75		.06
PAINTERS:					
Brush and roller; Tapers, hand texture	8.49	.60	.30		.04
Paperhangers; Steel	8.99	.60	.30		.04
Spray	9.24	.60	.30		.04
Steel Spray	9.74	.60	.30		.04
PLASTERERS	10.14				.01
PLUMBERS; Pipefitters	9.05	.60	.75	1.17	.08
ROOFERS	8.91	.52	.40		
SHEET METAL WORKERS	10.02	3%+.25	1.15		.07
SOFT FLOOR LAYERS	9.04	.40	.75	.30	.05
SPRINKLER FITTERS	11.40	.60	.90		.08
TERRAZZO WORKERS	9.75	.71	.70		.08
TILE SETTERS	9.11	.50	.50		.04

DECISION NO. CO76-5085

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service; 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

	ZONE 1	ZONE 2	ZONE 3	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building Construction)							
Group 1	$4.80	$5.25	$5.70	.47	.52		.05
Group 2	6.30	6.75	7.20	.47	.52		.05
Group 3	6.58	7.03	7.48	.47	.52		.05
Group 4	6.80	7.25	7.70	.47	.52	—	.05
Group 5	6.85	7.30	7.75	.47	.52		.05
Group 6	7.00	7.45	7.90	.47	.52		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs

DECISION NO. C076-5085

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool-Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

DECISION NO. C076-5085

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$7.99	.68	.75	.55	.06
Underground Carpenters	8.19	.68	.75	.55	.06
Working on Creosoted Material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at jobsite	8.29	.68	.75	.55	.06
CEMENT MASONS:					
Cement Masons	7.51	.47	1.15	.30	.09

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LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$6.20	.47	.52		.05
Group 2	6.30	.47	.52		.05
Group 3	6.60	.47	.52		.05
Group 4	6.75	.47	.52		.05
Group 5	6.95	.47	.52		.05
LABORERS (Tunnels)					
Group 1	6.20	.47	.52		.05
Group 2	7.10	.47	.52		.05
Group 3	7.20	.47	.52		.05
Group 4	7.28	.47	.52		.05
Group 5	7.35	.47	.52		.05
Group 6	7.50	.47	.52		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)					
Group 1	7.20	.47	.52		.05
Group 2	7.35	.47	.52		.05
Group 3	7.45	.47	.52		.05
Group 4	7.63	.47	.52		.05
Group 5	7.73	.47	.52		.05
Group 6	7.78	.47	.52		.05

DECISION NO. C076-5085

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Ciassons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 1: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' tO 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air, hydraulic); Automatic Concrete Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any Laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work; Relining pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

DECISION NO. C076-5085

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setter; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing materials

Group 4: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plant Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Crete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C076-5085

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$7.15	.40	.69	.30	.06
Group 2	7.50	.40	.69	.30	.06
Group 3	7.85	.40	.69	.30	.06
Group 4	8.00	.40	.69	.30	.06
Group 5	8.15	.40	.69	.30	.06
Group 6	8.30	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	7.30	.40	.69	.30	.06
Group 2	7.65	.40	.69	.30	.06
Group 3	7.75	.40	.69	.30	.06
Group 4	8.00	.40	.69	.30	.06
Group 5	8.15	.40	.69	.30	.06
Group 6	8.55	.40	.69	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to heavy duty Mechanics and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, Single unit Conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a Spray Bar; Screening Plants, with Classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and Service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; Single unit portable Crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on Truck

Group 4: Cable Operated Crane, Truck mounted; Cable operated Power Shovels, Draglines, Clamshells and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-Welder, heavy duty; Mixer Mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

Group 5: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

(For work in TUNNELS, SHAFTS and RAISES)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, under-ground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$7.15	.45	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, Single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	.45	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	.45	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	.45	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	7.45	.45	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	.45	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	7.55	.45	.30	.30	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$7.60	.45	.30	.30	
TRUCK DRIVER, Snow Plow	7.70	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu yds., to and including 15 cu. yds.	7.75	.45	.30	.30	—
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	.45	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.05	.45	.30	.30	
MECHANIC	8.15	.45	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	.45	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	.45	.30	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	8.45	.45	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	8.65	.45	.30	.30	

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: C076-5086

DATE: Date of Publication

Supersedes Decision No. C076-5044 dated May 21, 1976, in 41 FR 21061

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.01	.38	1.02		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS	9.77	.60	.70		.04
CARPENTERS	8.34	.68	.75	.55	.06
CEMENT MASONS:					
Cement Masons	8.20	.47	1.15	.60	.09
Working with composition material and color	8.70	.47	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	8.55	.47	1.15	.60	.09
DRYWALL INSTALLERS	8.94	.68	.75	.55	.06
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	10.70	.52	1%+.65		1%
Cable Splicers	11.77	.52	1%+.65		1%
Zone II (12-20 miles from P. O.)					
Electricians	11.10	.52	1%+.65		1%
Cable Splicers	12.17	.52	1%+.65		1%
Zone III (20-40 miles from P. O.)					
Electricians	11.45	.52	1%+.65		1%
Cable Splicers	12.52	.52	1%+.65		1%
Zone IV (Over 40 miles from P.O.)					
Electricians	12.58	.52	1%+.65		1%
Cable Splicers	13.65	.52	1%+.65		1%
Electrical contracts under $20,000 in Zones III and IV	10.20	.52	1%+.65		1%
ELEVATOR CONSTRUCTORS	10.64	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.06				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.75	.71	1.15		.10
LATHERS	9.56				.01
MARBLE & TILE SETTERS, TERRAZZO WORKERS	9.75	.71	.70		.04
MILLWRIGHTS	9.48	.68	.75		.06
PAINTERS:					
Brush, roller, Tapers, hand texture	7.87	.50			.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Steel; Paperhangers	$8.37	.50			.04
Spray, Tapers using Automatic Tools	8.87	.50			.04
Spray Steel	9.37	.50			.04
PLASTERERS	10.14				.01
PLUMBERS:					
Zone I (0-15 miles from P.O.)	10.17	.60	.75		.08
Zone II (15-20 miles from P.O.)	10.74	.60	.75		.08
Zone III (20-40 miles from P.O.)	10.92	.60	.75		.08
Zone IV (Over 40 miles from P.O.)	11.895	.60	.75		.08
ROOFERS	8.91	.52	.40		
SHEET METAL WORKERS	10.02	3%+.35	1.15		.07
SOFT FLOOR LAYERS:					
Las Animas and Otero Counties	9.04	.40	.75	.30	.05
Pueblo County	7.70	.40	.65	.30	.05
SPRINKLER FITTERS	11.40	.60	.90		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 4.80	$5.25	$5.70	.47	.52		.05
Group 2	6.30	6.75	7.20	.47	.52		.05
Group 3	6.58	7.03	7.48	.47	.52		.05
Group 4	6.80	7.25	7.70	.47	.52		.05
Group 5	6.85	7.30	7.75	.47	.52		.05
Group 6	7.00	7.45	7.90	.47	.52		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

DECISION NO. C076-5086

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
*Zone I	$7.99	.68	.75	.55	.06
*Zone II	8.49	.68	.75	.55	.06
Underground Carpenters					
*Zone I	8.19	.68	.75	.55	.06
*Zone II	8.69	.68	.75	.55	.06
Working on Creosoted Material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at jobsite					
*Zone I	8.29	.68	.75	.55	.06
*Zone II	8.74	.68	.75	.55	.06
CEMENT MASONS:					
*Zone I	7.51	.47	1.15	.30	.09
*Zone II	8.01	.47	1.15	.30	.09

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	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educatic and/or Appr. T
LABORERS (Heavy Construction)	*Zone I	*Zone II				
Group 1	$6.20	$6.70	.47	.52		.05
Group 2	6.30	6.80	.47	.52		.05
Group 3	6.60	7.10	.47	.52		.05
Group 4	6.75	7.25	.47	.52		.05
Group 5	6.95	7.45	.47	.52		.05
LABORERS (Tunnels)						
Group 1	6.20	6.70	.47	.52		.05
Group 2	7.10	7.60	.47	.52		.05
Group 3	7.20	7.70	.47	.52		.05
Group 4	7.28	7.78	.47	.52		.05
Group 5	7.35	7.85	.47	.52		.05
Group 6	7.50	8.00	.47	.52		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)						
Group 1	7.20	7.70	.47	.52		.05
Group 2	7.35	7.85	.47	.52		.05
Group 3	7.45	7.95	.47	.52		.05
Group 4	7.63	8.13	.47	.52		.05
Group 5	7.73	8.23	.47	.52		.05
Group 6	7.78	8.28	.47	.52		.05

DECISION NO. C076-5086

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C076-5086

LABORERS (Cont'd) (Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a sefety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C076-5086

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C076-5086

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educatio and/or Appr. T
	*Zone I	*Zone II				
Group 1	$7.15	$7.90	.40	.69	.30	.06
Group 2	7.50	8.25	.40	.69	.30	.06
Group 3	7.85	8.60	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.30	9.05	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	7.30	8.05	.40	.69	.30	.06
Group 2	7.65	8.40	.40	.69	.30	.06
Group 3	7.75	8.25	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.55	9.30	.40	.69	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

DECISION NO. C076-5086

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educat and/o Appr.
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$7.15	$7.65	.45	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	7.75	.45	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	7.85	.45	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	7.90	.45	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	7.45	7.95	.45	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	8.00	.45	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	7.55	8.05	.45	.30	.30	

DECISION NO. C076-5086

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educatio and/or Appr. T
	*Zone I	*Zone II				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$7.60	$8.10	.45	.30	.30	
TRUCK DRIVER, Snow Plow	7.70	8.20	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.75	8.25	.45	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	8.35	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	8.50	.45	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.05	8.55	.45	.30	.30	
MECHANIC	8.15	8.65	.45	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	8.75	.45	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	8.85	.45	.30	.30	
DUMP TRUCKS, over 75 cu. yds to and including 104 cu. yds.	8.45	8.95	.45	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	8.65	9.15	.45	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. C076-5086

HEAVY CONSTRUCTION

(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

*Zone Descriptions:

A. Counties entirely within Zone 1:
Otero Pueblo

B. Portions of Las Animas County which is included within Zone 1, as follows:
All of Las Animas County lying west of the Township line between R59W and R60W of the 7th Guide Meridian West.

C. Legal description of the portions of Las Animas County which is included within Zone 2, as follows:
All of Las Animas County lying East of the Township line between R59W and R60W of the 7th Guide Meridian West.

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: CO76-5087

DATE: Date of Publication

Supersedes Decision No. CO76-5045 dated May 21, 1976, in 41 FR 21069

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.01	.38	1.02		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	9.25	.50	.60	.25	.05
Remaining Counties	9.60	.60	.70		.05
CARPENTERS:					
Post Office basing points in the Cities of Leadville, Fort Collins, Glenwood Springs; Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.94	.53	.70	.50	.055
Zone II (30-60 miles from nearest basing point)	8.19	.53	.70	.50	.055
Zone III (60 miles and over from nearest basing point)	8.44	.53	.70	.50	.055
CEMENT MASONS:					
Cement Masons	8.45	.47	1.15	.60	.09
Working with composition materials and color	8.95	.47	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	8.70	.47	1.15	.60	.09
DRYWALL INSTALLERS	8.94	.68	.75	.55	.06
ELECTRICIANS:					
Electricians	10.20	.42	1%+.25		1½%
Cable Splicers	10.45	.42	1%+.25		1½%
ELEVATOR CONSTRUCTORS	10.64	.545	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.06				
IRONWORKERS:					
Structural, Ornamental and Reinforcing	9.75	.71	1.15		.10
LATHERS	10.14				.01
MARBLE AND TILE SETTERS, TERRAZZO WORKERS	9.75	.71	.70		.04
MILLWRIGHTS	$9.48	.68	.75		.06
PAINTERS:					
Brush, Roller and Drywall Finishers	9.76	.65	.70		.07
Paperhangers, Spray; Swing Stage	10.36	.65	.70		.07
PLASTERERS	10.14				.01
PLUMBERS	9.50	.60	.85	1.50	.10
ROOFERS	8.91	.52	.40		
SHEET METAL WORKERS	10.02	3%+.35	1.15		.07
SOFT FLOOR LAYERS	9.04	.40	.75	.30	.05
SPRINKLER FITTERS	11.40	.60	.90		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction) Garfield and Pitkin Counties	ZONE 1* Basic Hourly Rates	ZONE 2* Basic Hourly Rates	ZONE 3* Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$4.80	$5.25	$5.70	.47	.52		.05
Group 2	6.20	6.65	7.10	.47	.52		.05
Group 3	6.48	6.93	7.38	.47	.52		.05
Group 4	6.68	7.13	7.58	.47	.52		.05
Group 5	6.52	6.97	7.42	.47	.52		.05
Group 6	7.00	7.45	7.90	.47	.52		.05

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Aspen, Glenwood, Springs, and Rifle.

*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named Cities.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

Delta, Gunnison, Mesa and Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	$4.80	5.25	5.79	.47	.52		.05
Group 2	6.30	6.75	7.20	.47	.52		.05
Group 3	6.58	7.03	7.48	.47	.52		.05
Group 4	6.80	7.25	7.70	.47	.52		.05
Group 5	6.85	7.30	7.75	.47	.52		.05
Group 6	7.00	7.45	7.90	.47	.52		.05

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Grand Junction, Gunnison, Montrose, and Naturita.

**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
*Zone I	$7.99	.68	.75	.55	.06
*Zone II	8.49	.68	.75	.55	.06
Underground Carpenters					
*Zone I	8.19	.68	.75	.55	.06
*Zone II	8.69	.68	.75	.55	.06
Working on Creosoted Material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at jobsite					
*Zone I	8.29	.68	.75	.55	.06
*Zone II	8.74	.68	.75	.55	.06
CEMENT MASONS:					
*Zone I	7.51	.47	1.15	.30	.09
*Zone II	8.01	.47	1.15	.30	.09

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	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educatic and/or Appr. T
LABORERS (Heavy Construction)	*Zone I	*Zone II				
Group 1	$6.20	$6.70	.47	.52		.05
Group 2	6.30	6.80	.47	.52		.05
Group 3	6.60	7.10	.47	.52		.05
Group 4	6.75	7.25	.47	.52		.05
Group 5	6.95	7.45	.47	.52		.05
LABORERS (Tunnels)						
Group 1	6.20	6.70	.47	.52		.05
Group 2	7.10	7.60	.47	.52		.05
Group 3	7.20	7.70	.47	.52		.05
Group 4	7.28	7.78	.47	.52		.05
Group 5	7.35	7.85	.47	.52		.05
Group 6	7.50	8.00	.47	.52		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)						
Group 1	7.20	7.70	.47	.52		.05
Group 2	7.35	7.85	.47	.52		.05
Group 3	7.45	7.95	.47	.52		.05
Group 4	7.63	8.13	.47	.52		.05
Group 5	7.73	8.23	.47	.52		.05
Group 6	7.78	8.28	.47	.52		.05

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LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C076-5087

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educati and/or Appr. T
	*Zone I	*Zone II				
Group 1	$7.15	$7.90	.40	.69	.30	.06
Group 2	7.50	8.25	.40	.69	.30	.06
Group 3	7.85	8.60	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.30	9.05	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	7.30	8.05	.40	.69	.30	.06
Group 2	7.65	8.40	.40	.69	.30	.06
Group 3	7.75	8.25	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.55	9.30	.40	.69	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor, Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

DECISION NO. C076-5087

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educati and/or Appr. T
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$7.15	$7.65	.45	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle ; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	7.75	.45	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	7.85	.45	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	7.90	.45	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	7.45	7.95	.45	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	8.00	.45	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	7.55	8.05	.45	.30	.30	

DECISION NO. C076-5087

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educati and/or Appr. T
	*Zone I	*Zone II				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$7.60	$8.10	.45	.30	.30	
TRUCK DRIVER, Snow Plow	7.70	8.20	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.75	8.25	.45	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	8.35	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	8.50	.45	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.05	8.55	.45	.30	.30	
MECHANIC	8.15	8.65	.45	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	8.75	.45	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	8.85	.45	.30	.30	
DUMP TRUCKS, over 75 cu. yds to and including 104 cu. yds.	8.45	8.95	.45	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	8.65	9.15	.45	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. CO76-5087

HEAVY CONSTRUCTION

(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

*Zone Descriptions

A. Counties entirely within Zone 1:
Delta Garfield Mesa

B. Counties entirely within Zone 2:
Gunnison Pitkin

C. Legal description of the portion of Montrose County which is included within Zone 1, as follows:
All of Montrose County lying north of the North Line of Ouray County and said North Line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian

D. Legal description of the portion of Montrose County which is included within Zone 2, as follows:
All of Montrose County except that part lying north of the North Line of Ouray County and said North Line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian

STATE: Hawaii COUNTIES: Statewide
DECISION NUMBER: HI76-5092 DATE: Date of Publication
Supersedes Decision No. HI76-5081 dated August 27, 1976, in 41 FR 36380.
DESCRIPTION OF WORK: Building (including single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.03	.58	$1.40		.05
BOILERMAKERS	9.15	.40	1.00		.03
BRICKLAYERS; Stonemasons	7.45	.65	.75		.10
CARPENTERS:					
Carpenters; Hardwood Floorlayers; Patent Scaffold Erectors; Pneumatic Nailer; Shinglers	8.64	.62	1.40	.85	.06
Millwrights	8.89	.62	1.40	.85	.06
Power Saw Operator (2 HP and above)	8.79	.62	1.40	.85	.06
CEMENT MASONS:					
Cement Masons	8.10	.85	1.00	.30	.10
Trowel Machine Operators	8.25	.85	1.00	.30	.10
DRYWALL APPLICATOR	8.64	.62	1.40	.85	.06
ELECTRICIANS:					
Electricians; Linemen	9.62	4% + .60	13% +1.74	11.2%	.20
Technicians	9.91	4% + .60	13% +1.74	11.2%	.20
Line Equipment Men	8.66	4% + .60	13% +1.74	11.2%	.20
Groundmen	7.22	4% + .60	13% +1.74	11.2%	.20
Cable Splicers	10.58	4% + .60	13% +1.74	11.2%	.20
ELEVATOR CONSTRUCTORS	10.68	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FENCE ERECTORS (Chain Link)	4.70	.19	.24	.10	.04
GLAZIERS	8.92	.73	.75	.72	.12
IRONWORKERS:					
Bridge; Ornamental; Reinforcing; Structural	9.65	.80	.85	.86	.05
LATHERS	9.86	.66	.85		.04
LINE CONSTRUCTION WORKERS:					
Electricians; Linemen	9.62	4% + .60	13% +1.74	11.2%	.20
Technicians	9.91	4% + .60	13% +1.74	11.2%	.20
Line Equipment Men	8.66	4% + .60	13% +1.74	11.2%	.20
Groundmen	7.22	4% + .60	13% +1.74	11.2%	.20
Cable Splicers	10.58	4% + .60	13% +1.74	11.2%	.20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	$7.95	.65	.75		.10
PAINTERS:					
Brush	8.81	.62	1.50		.10
Tapers	9.01	.62	1.50		.10
Spray	9.31	.62	1.50		.10
PLASTERERS	8.95	.85	1.00	.15	.16
PLASTERERS' HOD CARRIERS:					
Hod Carriers	7.06	.59	.76	.33	.13
Mortar Mixers	7.26	.59	.76	.33	.13
PLUMBERS; Steamfitters	9.80	1.09	1.70	1.25	.20
ROOFERS	8.40	.70	.45		.10
SHEET METAL WORKERS	10.05	.76	1.82 +.40	.88	.38 + .02
SOFT FLOOR LAYERS	9.30	.60	.40	.15	.08
SPRINKLER FITTERS	11.26	.60	.90		.08
TERRAZZO WORKERS:					
Terrazzo Workers and Tile Setters	7.95	.65	.75		.10
Terrazzo Base Grinder	7.19	.65	.75		.10
Terrazzo and Tile Helpers	6.14	.65	.75		.10
TRUCK DRIVERS:					
Flatbed	7.68	.65	.70		
Dump, 8 yds. and under; Water truck (up to and including 2000 gals.)	7.95	.65	.70		
Water truck (over 2000 gals.)	8.26	.65	.70		
Tandem, Semi-trailer or Semi-dump	8.91	.65	.70		
Slip-in or Pup	9.23	.65	.70		
End dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor trailer (hauling equipment)	9.34	.65	.70		
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. 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.
DREDGING:					
Hydraulic suction dredges; Clamshell dredges; Boat operators; Derricks:					
Leverman	$10.04	.65	$1.70	.70	.15
Operators (Derricks, Piledrivers, and Cranes)	10.29	.65	1.70	.70	.15
Assistant Engineer (steam or electric)	9.68	.65	1.70	.70	.15
Welder	9.68	.65	1.70	.70	.15
Boat Operator	9.74	.65	1.70	.70	.15
Deckmate; Barge Mate (seagoing)	9.23	.65	1.70	.70	.15
Winchman (stern winch on dredge)	8.91	.65	1.70	.70	.15
Fireman	7.95	.65	1.70	.70	.15
Oiler; Deckhand (can operate anchor scow under direction of deckmate)	7.68	.65	1.70	.70	.15
Boat Deckhand	7.13	.65	1.70	.70	.15
Leveeman; Bargeman	7.51	.65	1.70	.70	.15
Master Boat Operator	10.04	.65	1.70	.70	.15
LABORERS:					
Group 1	7.21	.64	.76	.33	.13
Group 1-a	7.71	.64	.76	.33	.13
Group 1-b	7.71	.64	.76	.33	.13
Group 1-c	7.96	.64	.76	.33	.13
Group 1-d	8.16	.64	.76	.33	.13
Group 1-e	5.75	.64	.10	.33	
Group 2	7.46	.64	.76	.33	.13
Group 3	7.66	.64	.76	.33	.13

DECISION NO. HI76-5092

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	$7.40	.65	1.70	.70	.15
Group 2:	7.51	.65	1.70	.70	.15
Group 3:	7.68	.65	1.70	.70	.15
Group 4:	7.95	.65	1.70	.70	.15
Group 5:	8.26	.65	1.70	.70	.15
Group 6:	8.91	.65	1.70	.70	.15
Group 7:	9.23	.65	1.70	.70	.15
Group 8:	9.34	.65	1.70	.70	.15
Group 9:	9.45	.65	1.70	.70	.15
Group 9-A:	9.68	.65	1.70	.70	.15
Group 10:	9.74	.65	1.70	.70	.15
Group 10-A:	9.89	.65	1.70	.70	.15
Group 11:	10.04	.65	1.70	.70	.15
Group 12:	10.40	.65	1.70	.70	.15
Asphalt Paving Group:					
Asphalt Raker	7.95	.65	1.70	a	
Asphalt Roller	8.91	.65	1.70	a	
Asphalt Spreader	9.23	.65	1.70	a	

FOOTNOTE:

a. An employee who has completed two to five years service shall receive a vacation on one week with pay. Each additional year an additional one day vacation with pay; Ten or more years a vacation of two weeks each year; For each year of completed service thereafter to and including fifteen(15) years service, an addition of one day vacation with pay; Fifteen(15) or more years of service, a vacation of three weeks each year with pay.

LABORERS

Group 1: All clean-up work of debris, grounds and buildings; Bridge Laborers; Construction Laborers; Dumpman; General Laborers; Limbers, Brush Loaders and Pilers; Maintenance, repair (track and roadbeds)

Group 1-a: Mason Tenders

Group 1-b: High Scaler

Group 1-c: Gunnite Operator

Group 1-d: Powderman

Group 1-e: Landscape and Irrigation Laborers

Group 2: Asphalt Shovelers; Cement Dumpers; Choker Setter and Rigger (clearing work); Concrete Chipping; Driller's Helper; Chuck Tender; Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman - hydraulic monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Sloper; All pneumatic, gas and electric tools not listed in Group 1

Group 3: Asphalt Ironers and Rakers; Barko and similar type tampers; Buggymobile; Chainsaw, Faller, Logloader and Bucker; Concrete Laborers (wet or dry) including Bucket Tender for concrete; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setters; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jackhammer Operator; Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held - gas, air and electric); Riprap, Stonepaver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (bull float in connection with Laborers' work); Vibrator, Burning, Welding, Signaling and Rigging in connection with Laborers' work; Concrete Pump Machine; Joy Drill Model TWM-2A, Gardner, Denver DH-143 and similar type drills; Track Drillers, Diamond Core, Wagon Drillers and Davis Trencher T-66 or similar types

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty shop parts room when needed); Repairman Helper

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Tugger Hoist, single drum

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (jobsite); Dinky Operator

Group 5: Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline or diesel); Agri-cat (Mini Cat)

Group 6: Combination Loader and Backhoe including Hopto (up to and including 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports and canals); Drilling Machinery (not to apply to waterliners, wagon drills or jackhammers); High-line Cable-way Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Pavement Breaker; Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Portable Crushers; Power Jumbo Operator (setting slip forms, etc., in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Small Rubber-tired Tractors; Trencher (up to and including 6'); Slip Form Pumps (power driven hydraulic, electric, gas, etc., lifting device for concrete forms)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter; Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar)(Screedman required); Mine or Shaft Hoist; Pavement Breaker, Truck mounted, with Compressor combination; Pavement Breaker with Compressor Combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grader Plane; Slusher Operator; Trencher (over 6'); Water Tanker (pulled by Euclid, T-Pulls, DW-10, 20, 21 or similar); Mixermobile (over 5 tons); Small Tractor (with boom D-6 or similar)

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch-Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd to and including 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and including 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yard to and including 3/4 yd.); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu, yds.); Wheel Trencher (over 6')

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons)(single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclid, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type Earthmoving Machine (single engine with tandem scraper); Tractor, Compressor, Drill Combination; Tractor (tandem scraper); Tractors (D-9 or equivalent)

Group 10-A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu. yd.)

Group 11: Automatic Skip Form Paver (concrete or asphalt) (Gradesetter, Screedman required); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earth-moving Machine (multiple propulsion power units and two or more scrapers) (up to and including 35 cu. yds. struck "MRC"); Highline Cableway; Lift Slab Machine; Loader (over 12 yds.); Power Shovels, Clamshells, Draglines, Back-hoes, Gradealls (over 1 yd. and up to 7 yds.); Power Blade Operator (16 or over); Pre-stress Wire Wrapping Machine; Self-porpelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, Mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

DECISION NO. HI76-5092

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" MRC); Power Shovels and Draglines (7 cu. yds. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yds. Euclids, T-Fulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

STATE: Idaho COUNTIES: Statewide
DECISION NUMBER: ID76-5088 DATE: Date of Publication
Supersedes Decision No. ID76-5066 dated July 23, 1976, in 41 FR 30515.
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS: -					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north half), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$11.75	.44	$1.02		
Remainder of Counties and Idaho County (south half)	9.99	.52	1.02		
BOILERMAKERS	10.65	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties	10.20	.40	.40		
Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties	9.25	.50	.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	9.75				
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	9.40	.35	.40		
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	10.36	.55	.40 + .30		.04
CARPENTERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the northern boundary of Township #29 North), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Carpenters	9.74	.60	.55		.055
Piledrivermen; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	9.89	.60	.55		.055
Shingler (wood and composition)	9.94	.60	.55		.055
Carpenters (burned, charred, creosoted or similarly treated material); Boom Man	9.99	.60	.55		.055

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Benewah, Bonner, etc. (Cont'd):					
Millwrights and Machine Erector	$10.24	.60	.55		.055
Piledriver (creosoted material)	10.14	.60	.55		.055
Remainder of Counties and Idaho County (south of the northern boundary of Township #29 North):					
Carpenters; Floor Layers; Shinglers; Drywall Applicator and Installer	8.79	.52	.45	.45	.10
Saw Filer; Piledriverman; Bridgeman and Wharf Builders	8.96	.52	.45	.45	.10
Millwrights; Machine Erectors; Piledriverman's Boom Man	9.08	.52	.45	.45	.10
CEMENT MASONS:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Cement Masons	9.64	.50	.75		.04
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	9.79	.50	.75		.04
Remainder of Counties and Idaho County (south of 46th Parallel):					
Cement Masons	8.67	.45	.45	.30	.10
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	8.87	.45	.45	.30	.10
ELECTRICIANS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties:					
Electricians	10.20	.45	1% + .50		1%
Cable Splicers	11.22	.45	1% + .50		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (Cont'd):					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Electricians	$11.60	.35	1% + .40		.02
Cable Splicers	12.00	.35	1% + .40		.02
Remaining Counties:					
Electricians; Technicians	10.00	.45	1% + .50		1%
Cable Splicers	11.00	.45	1% + .50		1%
ELEVATOR CONSTRUCTORS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Elevator Constructors	10.51	.495	.32	3% + a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3% + a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Remaining Counties, except Adams, Lemhi, Valley, Washington Counties:					
Elevator Constructors	10.03	.545	.35	3% + a	.02
Elevator Constructors' Helpers	7.02	.545	.35	3% + a	.02
Elevator Constructors' Helpers (Prob.)	5.015				
GLAZIERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Gooding County (western part of County from a line running north and south through the eastern limits of the City of Bliss); Idaho County (southern part of County from a line running east and west through the north limits of Elk City), Owyhee, Payette, Valley, Washington Counties	8.37	.25	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS (Cont'd):					
Benewah, Clearwater, Idaho County (north of 46th Parallel), Latah, Lewis, Nez Perce Counties	$7.28	.31	.25	.28 + b	
Bonner, Boundary, Kootenai, Shoshone Counties	8.79	.35	.10	.64	
Remaining Counties	7.12	.21		b	
IRONWORKERS:					
Ornamental; Reinforcing; Structural:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	11.00	.73	1.00		.05
Those portions of Adams, Idaho, Valley, Washington Counties located south of the 46th Parallel and north of the Weiser-Gibbonsville line	9.90	.58	1.00	.25	.05
Remaining Counties and those portions of Adams, Idaho, Valley, Washington Counties located south of the Weiser-Gibbonsville line	9.89	.55	1.00		.02
LATHERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	10.35	.50			
Remaining Counties	9.00				
MARBLE SETTERS:					
Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties	8.45	.50	.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	9.75				
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	10.36	.55	.40 + .30		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Ada, Adams, Boise, Canyon, Elmore (except Mt. Home AFB), Gem, Gooding (western third of County including City of Bliss), Idaho County (south of 46th Parallel), Owyhee, Payette, Valley, Washington Counties:					
Painters and Tapers	$8.10	.45	.30		.07
Elmore (Mt. Home AFB):					
Painters and Tapers	9.10	.45	.30		.07
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except the City of Bliss and western third of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, Twin Falls Counties:					
Brush; Roller, Perfataper	8.06	.35	.10		.005
Structural Steel; Swing Stage; Spray	8.51	.35	.10		.005
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Brush	9.42	.40	.70		.02
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle); Finish Drywall Taper	9.67	.40	.70		.02
Swing Stage; Over 30 ft. high	9.77	.40	.70		.02
Bitumastic; Sand Blast; Bridge; Towers; Stacks; Steeples; Tanks on legs	9.82	.40	.70		.02
PLASTERERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	9.68	.50			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS (Cont'd):					
Remaining Counties	$8.57	.45	.45	.30	
PLUMBERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	11.60	.65	1.10	1.00	.11
Remaining Counties and Idaho County (south of 46th Parallel):					
Plumbers	9.49	.47	.50		.10
Helpers	70%JR	.47	.50		.10
ROOFERS:					
Ada, Adams, Blaine County (north half), Boise, Canyon, Custer, Elmore, Gem, Idaho County (south of 46th Parallel), Lemhi, Owyhee, Payette, Valley, Washington Counties:					
Roofers; Kettlemen	8.30	.60	.30		.05
Roofers working with coal tar and pitch products	10.30	.60	.30		.05
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	9.15		.40		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties:					
Roofers	9.04	.50	.50		.01
Blaine County (south half), Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties:					
Roofers and Kettlemen	6.90	.10			
Clearwater, Idaho County (north of 46th Parallel), Latah, Lewis, Nez Perce Counties					
Roofers; Kettlemen; Waterproofer	10.05				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, Teton Counties	$9.18	.37	3% + .20	.75	.06 + .02
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	12.10	.57	1.205		.08 + .02
Remaining Counties	10.21	.57	.50		.12 + .02
SOFT FLOOR LAYERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Gooding (western third of County including City of Bliss), Idaho County (south of 46th Parallel), Owyhee, Payette, Valley, Washington Counties	7.00	.25	.10		.10
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	7.89	.25	.40	.31	
Remaining Counties	7.50				
SPRINKLER FITTERS	11.13	.60	.90		.08
TERRAZZO WORKERS AND TILE SETTERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	9.05	.40	.40		
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	10.36	.55	.40 + .30		.04

WELDERS: Receive the rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate for 6 months' to 5 years' service, to Vacation Plan. Six Paid Holidays: A through F.

b. All employees who have been employed for a period of one year shall have 2 weeks' vacation with pay. Also 7 Paid Holidays: A through F plus Washington's Birthday.

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:					
(AREA 1):					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Group 1	$8.10	.65	.70		.02
Group 2	8.25	.65	.70		.02
Group 3	8.35	.65	.70		.02
Group 4	8.40	.65	.70		.02
Group 5	8.45	.65	.70		.02
Group 6	8.50	.65	.70		.02
Group 7	8.55	.65	.70		.02
Group 8	8.70	.65	.70		.02
Group 9-A	8.15	.65	.70		.02
Group 9-B	8.20	.65	.70		.02
Group 9-C	8.60	.65	.70		.02
Group 9-D	8.65	.65	.70		.02
LABORERS:					
(AREA 2):					
Remaining Counties and that portion of Idaho County south of 46th Parallel:					
Group 1	6.87	.60	.77	.20	.10
Group 2	6.97	.60	.77	.20	.10
Group 3	7.07	.60	.77	.20	.10
Group 4	7.17	.60	.77	.20	.10
Group 5	7.22	.60	.77	.20	.10
Group 6	7.47	.60	.77	.20	.10
Group 7	7.72	.60	.77	.20	.10
Underground work:					
Group 8	7.02	.60	.77	.20	.10
Group 9	7.17	.60	.77	.20	.10
Group 10	7.47	.60	.77	.20	.10

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LINE CONSTRUCTION (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicers; Leadman Pole Sprayer	$11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer man	7.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%
LINE CONSTRUCTION (AREA 2) (Remaining Counties)					
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV, street and highway lighting and motor traffic controls:					
Groundman	6.98	.35	1%		3/4%
Equipment Operators	8.44	.35	1%		3/4%
Cable Splicers	10%overJR	.35	1%		3/4%
Lineman	9.27	.35	1%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality					
Groundman	6.71	.35	1%		3/4%
Equipment Operator	7.87	.35	1%		3/4%
Lineman	8.74	.35	1%		3/4%

POWER EQUIPMENT OPERATOR (Area 1) (Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	ZONE 1*	ZONE 2*	ZONE 3*	H & W	Pensions	Vacation	Education and Appr. ...
Group 1	$8.05	$8.55	$9.00	.75	.85		.03
Group 2	8.35	8.85	9.30	.75	.85		.03
Group 3	8.90	9.40	9.85	.75	.85		.03
Group 4	9.05	9.55	10.00	.75	.85		.03
Group 5	9.20	9.70	10.15	.75	.85		.03
Group 6	9.45	9.95	10.40	.75	.85		.03
Group 7	9.70	10.20	10.65	.75	.85		.03

*ZONE 1: Area within a fifteen (15) mile radius from the center of the following Cities: Lewiston, Idaho and Spokane, Washington.
*ZONE 2: Area within a fifteen (15) mile to forty-five (45) mile radius from the center of the above-named Cities.
*ZONE 3: Area over a forty-five (45) mile radius from the center of the above-named Cities.
With the exception that the area within a fifteen (15) mile radius of the center of the City of Coeur d' Alene, Idaho shall be considered within Zone 1.

POWER EQUIPMENT OPERATORS (Area 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.17	.60	.75		.10
Group 2	8.33	.60	.75		.10
Group 3	8.70	.60	.75		.10
Group 4	9.01	.60	.75		.10
Group 5	9.18	.60	.75		.10
Group 6	9.36	.60	.75		.10
Group 7	9.72	.60	.75		.10
Group 8	9.95	.60	.75		.10
Group 9	10.18	.60	.75		.10
Group 10	10.42	.60	.75		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
(AREA 1):					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce; Shoshone Counties:					
Group 1	$8.88	.97	.70		
Group 2	8.93	.97	.70		
Group 3	8.98	.97	.70		
Group 4	9.08	.97	.70		
Group 5	9.28	.97	.70		
Group 6	9.33	.97	.70		
Group 7	9.38	.97	.70		
Group 8	9.43	.97	.70		
Group 9	9.53	.97	.70		
Group 10	9.58	.97	.70		
Group 11	9.88	.97	.70		
Group 12	10.03	.97	.70		
Group 13	10.18	.97	.70		
Group 14	10.33	.97	.70		
TRUCK DRIVERS:					
(AREA 2):					
Remaining Counties and that portion of Idaho County south of 46th Parallel):					
Group 1	7.97	.60	.65	.25	.10
Group 2	8.03	.60	.65	.25	.10
Group 3	8.09	.60	.65	.25	.10
Group 4	8.15	.60	.65	.25	.10
Group 5	8.20	.60	.65	.25	.10
Group 6	8.46	.60	.65	.25	.10
Group 7	8.52	.60	.65	.25	.10
Group 8	8.58	.60	.65	.25	.10
Group 9	8.69	.60	.65	.25	.10
Group 10	8.75	.60	.65	.25	.10
Group 11	8.81	.60	.65	.25	.10
Group 12	8.87	.60	.65	.25	.10
Group 13:					
Class A	8.35	.60	.65	.25	.10
Class B	8.46	.60	.65	.25	.10
Class C	8.69	.60	.65	.25	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd):					
(AREA 2) (Cont'd):					
Group 13 (Cont'd):					
Class D	$8.87	.60	.65	.25	.10
Class E	8.98	.60	.65	.25	.10
Class F	9.10	.60	.65	.25	.10
Class G	9.38	.60	.65	.25	.10
Class H	9.61	.60	.65	.25	.10
Class I	9.84	.60	.65	.25	.10
Group 14	9.26	.60	.65	.25	.10

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LABORERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to including stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right-of-way markers); General Laborers; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw, walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flow-crete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Colarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

Group 7: Brush Machine (to include Horizontal Construction Joint Clean-up Brush Machine, power propelled); Drills (to include Down-the-hole Drills with 3¼ inch piston or larger and Out-of-the hole Drills with 4½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include Jet Blasting Nozzleman over 1,200 ponnds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

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LABORERS (AREA 1) (Cont'd)

Benewah, Bonner Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:

Class A: Bull Gang, Pump Crete Crewman including distributing Pipe, assembling and dismantle and Nipper

Class B: Brakeman, Dumpman

Class C: Miner and Nozzleman for Concrete and Laser Beam Operator on tunnels

Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: General Laborers; Sloper, clearing and grading; Form Stripper; Concrete Crew; Concrete Curing Crew; Carpenter Tender; Asphalt Laborer; Hopper Tender; Flagman, (including Pilot Car); Watchman; Heater Tender; Stake Jumper; Choker Setter; Spreader and Weighman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Helper; Cribbing and Shoring (in open ditches); Machinery and Parts Cleaner; Leverman - manual or mechanical; Demolition - Salvage; Landscaper; Tool Room Man; Janitor

Group 2: Chuck Tender; Driller Helper; Air Tampers; Gunite Nozzleman Tender; Pipewrapper Tar Pot Tender; Concrete Sawyer; Signalman, handling cement; Dumpman; Steam Nozzleman; Air and Water Nozzleman (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Grout Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caisson; Jackhammer; Paving Breaker; Powderman Helper; Asphalt Raker, Gasoline powered Tamper; Electric Ballast Tamper; Sand Blasting Form Setter - airport paving; Gunman (gunite); Manhole Setter; Hand guided Machines, such as Roto Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (highway curb and gutter); Vibrator (4" and over); Timber Faller and Bucker; Metal Pan Installer

Group 4: Hod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-Tile Tender

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LABORERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 5: Highscaler; Wagon Drill; Grade Checker; Gunite Nozzleman; Diamond Drillers on Drills

Group 6: Drill with Manufacturers' rating 3" or over

Group 7: Powderman

UNDERGROUND WORK

Group 8: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Muckers; Bull Gang

Group 9: Form Setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spiling and/or Caisson Workers; Vibrator (over 4")

POWER EQUIPMENT OPERATORS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender; Mucking Machine; Pumpman; Rollers, all type on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (Hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

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POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (Concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Power or Curb Extruder (Asphalt and concrete); Pump (Grout or Jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher; Grizzle and Screening Plant Operator; H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (under 1,000 tons); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's Reverse Circulation and similar); Loader Operator (Front End and Overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired scrapers, multiple engines with two scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 yards to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)
Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant Feeder (mechanical); Deckhand; Drill Helpers; Grade Checkers; Heater Tender; Land Plane; Oilers; Pumpman; Rear Chainman

Group 2: Air Compressor; Asphalt Refrigeration Plant Operator; Bell Boy; Bit Grinder; Blower Operator (Cement); Bolt Threader Machine Operator; Broom; Cement Hog; Concrete Mixer; Concrete Saw - Multiple Cut; Discing - Harrowing or Mulching (regardless of motive power); Distributor Leverman; Drill Steel Threader Machine Operator; Fireman - all; Heavy Duty Mechanic Helper or Welder Helper; Hoist - single drum; Hydraulic Monitor Operator - skid mounted; Oiler (single piece of equipment); Pugmixer - box or screed Operator; Spray Curing Machine; Tractor - rubber-tired farm type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs); Battery Tunnel Locomotive; Belt Finishing Machine; Cable Tenders (underground); Chip Spreader Machine (self-propelled); Head Chainman; Hoist, 2 or more drums or Tower Hoist; Hydralift - Fork Lift and similar (when hoisting); Oilers (underground); Power Loader (Bucket Elevator, Conveyors); Rodman; Road Roller (regardless of motive power)

Group 4: Boring Machine (earth or rock)(Quarry Master - Joy)(Tractor mounted); Drills: Churn - Core - Calyx or Diamond; Front End and Overhead Loaders and similar machines - (up to and including 4 yards) - (Rubber-tired); Grout Pump; Hydra-hammer; Locomotive Engineer; Longitudinal Float Machine; Mixermobile; Spreader Machine; Tractor - Rubber-tired - using Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and similar, Asphalt Spreaders

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 5: Concrete Plant Operator; Concrete Road Paver (dual); Elevating Grader Operator; Euclid Elevating Loader; Generator Plant Operator - Mechanic (diesel - electric); Instrument Man; Post Hole Auger or Punch Operator; Power Shovels and Draglines - under 1 yard; Pump-crete; Refrigeration Plant Operator; Road Roller (Finishing High Type Pavement); Skidder - rubber-tired; Subgrader; Multiple Station Beltline Operator (Teton Dam Project only); Service Oiler

Group 6: Asphalt Pavers - self-propelled; Asphalt Plant Operator; Blade Operator (motor patrol); Concrete Slip Form Paver; Cranes - up to and including 50 ton; Crusher Plant Operator; Derrick Operator; Drilling Equipment (Bit under 8 inches)(Robbins Reverse Circulation and similar); Front End and Overhead Loaders and similar Machines (over 4 yards to and including 7 yards); Koehring Scooper; Heavy Duty Mechanic or Welder; Mucking Machine (underground); Multi-batch Concrete Plant Operator; Piledriver Engineer; Power Shovels and Draglines (1 yard to and including 3½ yards); Tower Crane Operator; Tractor - Crawler type - including all attachments; Refrigeration Plant Operator (over 1,000 tons); Trimmer Machine Operator; Tournapulls - Euclid and similar - to and including 40 yards

Group 7: Cableway Operator; Continuous Excavator (Barber Greene WL-50); Cranes - over 50 ton; Dredges; Drilling Equipment (Bit 8 inches and over)(Robbins Reverse Circulation and similar); Fine Grader - CMI or Equivalent; Front End and Overhead Loaders and similar Machines - (over 7 yards); Power Shovels and Draglines over 3½ yards; Quad type Tractors with all attachments; Tournapulls - Euclid and similar - over 40 yards to and including 50 yards; Multiple Scraper Units

Group 8: Tournapulls - Euclid and similar - over 50 yards to and including 75 yards

Group 9: Tournapulls - Euclid and similar - over 75 yards to and including 100 yards

Group 10: Tournapulls - Euclid and similar - over 100 yards

TRUCK DRIVERS (AREA 1)
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 1: Flat Bed Truck, Single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (steam cleaner and washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons and under

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TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross, Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 to 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubbertired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 to 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (Over 6,001 to 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 to 10,000 gallons);

Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Trucks (10,001 to 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 to 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dump, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

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POWER EQUIPMENT OPERATORS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: Leverman loading at bunkers; Pilot Car or Escort Driver

Group 2: Flat bed - 2 axle and pickup hauling materials; Water Tank Truck (1,800 gallons and under); Fork Lift (3,000 and under)

Group 3: Flat Bed - 3 axle; Fuel Truck (1,000 gallons and under); Greaser; Tireman; Serviceman; Buggymobile; Man Haul (Shuttle Truck or Bus)

Group 4: Transit Mix Truck - 3 yards and under; Warehouseman; Truck Helpers; Slurry or concrete pumping truck

Group 5: Flat Bed using power takeoff; Water tank Truck (over 1,800 to 4,000 gallons); Semi-trailer - Low Boy - up to 96,000 lbs. GVW; Bulk cement tanker-up to 96,000 lbs. GVW; Fork Lift - over 3,000 lbs. (Bull lift, Hydro lift); Ross, Hyster and similar straddle equipment; "A" Frame Truck (Swedish Crane, Iowa 3,000 Hydro-lift)

Group 6: Transit Mix Truck, over 3 yards - 6 yards

Group 7: Water Tank Truck - over 4,000 gallons; Fuel Truck - over 1,000 gallons; Distributor or Spreader Truck

Group 8: Transit Mix Truck - over 6 yards - 8 yards; Dumptors; Field Tireman; Serviceman

Group 9: Transit Mix Truck - over 8 yards to 10 yards; Snow Plow (Truck mounted)

Group 10: Low Boy - 96,000 lbs. GVW and over; Bulk Cement Tanker - 96,000 lbs. GVW and over

Group 11: Transit Mix Truck - over 10 yards

Group 12: Turnarocker and similar equipment

Group 13: Truck - side, end and bottom dump
Class A: 6 yards and under
Class B: Over 6 yards - including 12 yards
Class C: Over 12 yards - including 20 yards
Class D: Over 20 yards - including 30 yards
Class E: Over 30 yards - including 40 yards
Class F: Over 40 yards - including 50 yards
Class G: Over 50 yards - including 75 yards
Class H: Over 75 yards - including 100 yards
Class I: Over 100 yards

Group 14: Truck Mechanic

STATE: Kentucky COUNTY: Boyd
DECISION NUMBER: KY76-1110 DATE: Date of Publication
Supersedes Decision No.: KY75-1100 dated September 26, 1975, in 40 FR-44454
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	11.05	.50	.70		.03
Boilermakers - Blacksmiths	10.25	.60	.80		.02
Bricklayers:					
Bricklayers	9.86				
Stone masons	9.86				
Carpenters:					
Carpenters	8.32	.40	.50		.03
Millwrights	10.79	.40	.37		.03
Piledrivermen	8.61	.40	.50		.03
Cement masons	10.11				.01
Electricians:					
Electricians	9.80	.30	1%+.32	1.02	.04
Cable splicers	9.79	.30	1%+.32	1.02	.04
Linemen	8.31	.25	1%+.32	1.02	.02
Groundmen	6.65	.25	1%+.32	1.02	.02
Cable splicers	9.14	.24	1%+.32	1.02	
Elevator Constructors	9.38	.445	.29	½+a+b	.02
Elevator Constructors' helpers	70%JR	.445	.29	½+a+b	.02
Elevator Constructors' helpers (prob.)	50%JR				
Ironworkers:					
Structural, Ornamental, Reinforcing	10.26	.65	.70		.01
Lathers	7.865		.10		
Leadburners	8.25	.30		d	.01
Painters:					
Commercial:					
Brush	7.53		.25		
Roller	7.69		.25		
Spray	8.05		.25		
Industrial:					
Brush	8.68		.25		
Roller & Spray	9.26		.25		
Plasterers	10.11				.01
Plumbers & Steamfitters:					
Within a 5 mile radius of 17th Street and Winchester Avenue, Ashland	9.72	.50	.85	c+1.00	.10
Over 5 mile and within a 15 mile radius of 17th Street and Winchester Avenue, Ashland	9.92	.50	.85	c+1.00	.10

KY76- 1110- (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers & Steamfitters Cont'd:					
Over 15 and within 30 mile radius of 17th and Winchester Avenue, Ashland	10.12	.50	.85	c+1.00	.10
Over 30 miles radius of 17th Street and Winchester Avenue, Ashland	10.22	.50	.85	c+1.00	.10
Roofers	9.75		.40		
Sheet metal workers	10.58	.45+e	.40		.05+.02
Soft floor layers	8.32	.40	.50		.03
Sprinkler fitters	11.40	.60	.90		.08
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% of regular hourly rate to Vacation Pay Credit for employee who worked in business less than 5 years.

c. Two Paid Holidays: C and F.

d. Nine Paid Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calender days prior to the holiday and the regular scheduled work days immediately preceding and following the holidays.

e. Employer contributes 3% of gross income to Stabilization Agreement of Sheet Metal Industry fund.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

KY76-1110 - (Cont'd)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	6.57	.25	.25		
Group 2	6.72	.25	.25		
Group 3	6.74	.25	.25		
Group 4	6.77	.25	.25		
Group 5	6.82	.25	.25		
Group 6	7.07	.25	.25		
Group 7	7.27	.25	.25		
Group 8	7.77	.25	.25		

LABORERS

Group 1: Laborers, carpenters' helpers, concrete men, wreckers, wall men, handlers of empty oxygen and acetylene bottles

Group 2: Hod carriers, mortar men, cement finishers' helpers, lathers and plasterers' tenders.

Group 3: Wrapping, heating and applying hot and cold tar on all pipes, applying tape on pipes and operating of tester

Group 4: Deck hand and scow men

Group 5: Jackhammer and electrical, gas or air power driven tools, burning torch, wagon drill operators and tile layers, handling or all creosote material, signal men, tool room men, asphalt raker and sandblasters

Group 6: Rock and powdermen

Group 7: Sand hog or mucker, tunnel miners

Group 8: Caisson workers

KY76-1110 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.80	.35	.35		.05
CLASS B	7.51	.35	.35		.05
CLASS C	6.89	.35	.35		.05

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamsheel, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller, (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, hop tow or push boat. concrete paver, Gradeall, hoist, hyster, pumpcrete, Ross carrier, side boom, tail boo, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, Ke Cal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader

CLASS B:
All air compressor (600 cu. ft, per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless or ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributor. cement gun, conveyor, mud jack joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment deckhand oiler, hydraulic post driver, and drill helper

KY76-1110 - (Cont'd)

TRUCK DRIVERS:-

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	7.91	a	b	.80	
Group 2	8.01	a	b	.80	
Group 3	8.16	a	b	.80	
Group 4	8.21	a	b	.80	
Group 5	8.26	a	b	.80	
Group 6	8.31	a	b	.80	
Group 7	8.56	a	b	.80	

TRUCK DRIVERS

Group 1: Warehousemen; yardmen, truck helpers, pickups, station wagons, panel trucks, flatbody material trucks (straight jobs), greasers, washers, tiremen, gas pumps attendants, dump trucks (up to 5 cu. yds.)

Group 2: Tank trucks (straight)

Group 3: Dump trucks (5 cu. yds. or over), semi-dump trucks, semitrailers whether flat, rack or pole and hauling or pushed by trucks or tractors, agitator or mixer trucks (up to 5 cu. yds.), farm type tractors, tank truck (semi)

Group 4: Lowboys,trailers, winch trucks, fork trucks, distributors trucks (front and back end), truck cranes, monorail

Group 5: Euclids, dempsters, turnarockers, ross carriers, athey wagons or similar equipment, A-Frame, hydro-lifts, dual purpose trucks and mechanics

Group 6: Agitators or mixer trucks (5 cu. yds. and over)

Group 7: Material checkers and receivers mechanics helpers

FOOTNOTES:
a. $58.50 per month for employees employed over 30 days or more.
b. $34.67 per month for employees employed over 30 days or more.

SUPERSEDEAS DECISION

STATE: Nevada
DECISION NUMBER: NV76-5089
COUNTIES: Washoe County, Nevada
DATE: Date of Publication
Supersedes Decision Number NV76-5065 dated July 2, 1976, in 41 FR 27628.
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	12.00	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	10.75	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.65	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	10.75	.50	.60		.01
BRICK TENDERS:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	9.10	.50	.90	.55	.05
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	10.00	.50	.90	.55	.05
CARPENTERS:					
Zone 1: Area within 5 road miles of the following communities: Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, 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	7.48	.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	$8.08	.65	$1.01	$1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Residential Carpenter	8.28	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities:					
Residential Carpenter	8.98	.65	1.01	1.00	.05
CEMENT MASONS:					
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; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	8.65	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	8.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.15	.65	.75	1.00	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd):					
Zone 2-Highway Construction:					
Area outside of Zone 1:					
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
Zone 2-Nonhighway Construction:					
Area outside of Zone 1:					
2-A: Area over 15 but not over 50 miles to the center of the jobsite:					
Cement Masons	9.40	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	9.65	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.90	.65	.75	1.00	.03
2-B: Area over 50 miles to center of jobsite:					
Cement Masons	10.65	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11.15	.65	.75	1.00	.03
DRYWALL INSTALLERS:					
Zone 1: Area within 5 road miles of the following communities: Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRYWALL INSTALLERS (Cont'd):					
Zone 1 (Cont'd): 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
Zone 3: Area over 20 and not more than 40 road miles from the above communities	10.40	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities	11.10	.65	1.01	1.00	.05
ELECTRICIANS:					
Electricians; Technicians	11.84	.65	1% + .77		.08
Cable Splicers	13.02	.65	1% + .77		.08
ELEVATOR CONSTRUCTORS	12.39	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.745	.37	1.20		
IRONWORKERS:					
Fence Erectors	10.14	1.09	1.83	1.15	.04
Ornamental; Reinforcing; Structural	11.03	1.09	1.83	1.15	.04
LATHERS	10.86	.56	.20		.01
PAINTERS:					
Brush	10.95	.70	.75		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	11.20	.70	.75		
PLASTERERS	9.35	.50	1.00		
PLASTERERS' TENDERS	7.75	.50	.45		
PLUMBERS; Steamfitters	10.64	.73	.80	1.95	.10
ROOFERS	9.90	.45	.20		.02
SHEET METAL WORKERS	9.40	.94	1.80	.94	.03+.02
SOFT FLOOR LAYERS	10.80	.70	.20	2.4%	
SPRINKLER FITTERS	14.80	.60	.90		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS; TILE SETTERS:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	$10.75	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.65	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	10.75	.50	.60		.01

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.
Building construction:					
Zone 1: Area within 5 road miles of the following communities: Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, 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; also the Tahoe Basin from the Summit to the Lake:					
Group 1	$7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.35	.50	.90		.10
Group 2	8.45	.50	.90		.10
Group 3	8.60	.50	.90		.10
Group 4	8.85	.50	.90		.10
Group 5	9.15	.50	.90		.10
Group 6-A	9.15	.50	.90		.10
Group 6-B	8.85	.50	.90		.10
Group 6-C	8.50	.50	.90		.10
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Cont'd):					
Building construction (Cont'd):					
Zone 3 (Cont'd):					
Group 1	$8.55	.50	.90		.10
Group 2	8.65	.50	.90		.10
Group 3	8.80	.50	.90		.10
Group 4	9.05	.50	.90		.10
Group 5	9.35	.50	.90		.10
Group 6-A	9.35	.50	.90		.10
Group 6-B	9.05	.50	.90		.10
Group 6-C	8.70	.50	.90		.10
Zone 4: Area over 40 road miles from the above communities:					
Group 1	9.25	.50	.90		.10
Group 2	9.35	.50	.90		.10
Group 3	9.50	.50	.90		.10
Group 4	9.75	.50	.90		.10
Group 5	10.05	.50	.90		.10
Group 6-A	10.05	.50	.90		.10
Group 6-B	9.75	.50	.90		.10
Group 6-C	9.40	.50	.90		.10
Highway construction:					
Area 1:					
Group 1	7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10
Area 2:					
Group 1	8.90	.50	.90		.10
Group 2	9.00	.50	.90		.10
Group 3	9.15	.50	.90		.10
Group 4	9.40	.50	.90		.10
Group 5	9.70	.50	.90		.10
Group 6-A	9.70	.50	.90		.10
Group 6-B	9.40	.50	.90		.10
Group 6-C	9.05	.50	.90		.10
For "Area Definitions", see the last page of the decision.					

LABORERS

Group 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) - all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) - handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackmen (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 TWM-2A, Gardner Denver Model DN 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 Powdermen, 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, Rodman
Group 6-B: Gunman, Materialman
Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.75	$9.90	$1.12	$2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1.12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20
For "Area Definitions" see the last page of the decision.						

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Assistant to Engineer, including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman, Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Concrete Mixer, Skip type; Dinky; Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning, and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small Rubber-tired Tractors; Self-propelled Tape Machine

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 7 (Cont'd):
Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plant; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt)

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy Duty Repairman and/or Welder; 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 (Gurries or other types)

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Chief of Party; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2 1/2 cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earth Moving Machines (Euclid, Dozers, etc.); Pre-stress Wire Wrapping Machine; Rubber-tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (Reclaim Station); Single Engine Scraper (over 35 cu. yds.); Train Loading Station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEFFCO or similar)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons)(hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" m.r.c.); Power Shovels, Clamshells, Draglines, Backhoes, Gradeall (over 1 yd. and up to and including 7 cu. yds. m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber-tired Earth-moving Machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine Earth-moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Remote-controlled Earth-moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

	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.	$8.45	$9.60	.51	.65		.05
4 yds. and under 8 yds.	8.65	9.80	.51	.65		.05
8 yds. and under 18 yds.	8.85	10.00	.51	.65		.05
18 yds. and under 35 yds.	9.00	10.15	.51	.65		.05
35 yds. and under 60 yds.	9.25	10.40	.51	.65		.05
60 yds. and under 75 yds.	9.40	10.55	.51	.65		.05
75 yds. and under 100 yds.	9.55	10.70	.51	.65		.05
100 yds. and over	9.70	10.85	.51	.65		.05
TRANSIT MIX:						
Under 8 yds.	8.85	10.00	.51	.65		.05
8 yds. and including 12 yds.	8.95	10.10	.51	.65		.05
Over 12 yds.	9.15	10.30	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gals.	8.65	9.80	.51	.65		.05
2,500 gals. and over	8.85	10.00	.51	.65		.05
DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	9.10	10.25	.51	.65		.05
FLATRACK; Industrial Lift with mechanical tailgate:						
Single unit - 2 axle	8.65	9.80	.51	.65		.05
Single unit - 3 axle	8.75	9.90	.51	.65		.05
BUS AND MANHAUL DRIVERS, Single unit; Pickup:						
Up to 18,000 pounds	8.50	9.65	.51	.65		.05
18,000 pounds and over	8.60	9.75	.51	.65		.05

	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd):						
WINCH TRUCKS, A-FRAME:						
Under 18,000 pounds	$8.60	$9.75	.51	.65		.05
18,000 pounds and over	8.70	9.85	.51	.65		.05
HEAVY DUTY TRANSPORT (Highbed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed or flatbed pull trailers	9.00	10.15	.51	.65		.05
BOOTMAN, Combination; Bootman and road oiler	8.90	10.05	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel driver; Fuel man and Fuel island man	8.60	9.75	.51	.65		.05
HELICOPTER PILOT (When transporting men or material)	9.40	10.55	.51	.65		.05
LIFT JITNEYS AND FORK LIFTS	8.70	9.85	.51	.65		.05
WAREHOUSEMAN SPOTTERS; Teamsters	8.55	9.70	.51	.65		.05
TIRE REPAIRMAN	8.85	10.00	.51	.65		.05
TRUCK REPAIRMAN	9.15	10.30	.51	.65		.05

AREA DEFINITIONS

Laborers (Heavy and Highway), Power Equipment Operators and Truck Drivers

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.

DECISION NO. PA76-3250

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propessed), hoist one drum (regradless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self- propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), (The following machines shall be considered minor) compressors (2), generators (2), mortar machine over 10 cu. ft., and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in bank) (within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - . Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine, pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A Crane truck oiler & fireman

CLASS 6-B Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C Oiler - Truck crane 100 ton and over

SUPERSEDEAS DECISION

STATE: Nevada
DECISION NUMBER: NV76-5091

COUNTIES: Clark County (excluding the Nevada Test Site), Nevada
DATE: Date of Publication

Supersedes Decision Number NV76-5074 dated August 6, 1976, in 41 FR 33162.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.36	.78	$1.02		
BOILERMAKERS	12.00	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons	10.87	.45	.50		.02
CARPENTERS:					
Zone 1: Area within the city limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; area within a 5 mile radius of Tonopah, Nevada; 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

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Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Zone 3: Area over 20 miles and not more than 40 miles from the communities described above:					
Carpenters	$11.21	.55	.90	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	11.36	.55	.90	1.00	.10
Piledrivermen	11.41	.55	.90	1.00	.10
Millwrights	11.81	.55	.90	1.00	.10
Zone 4: Area over 40 miles from the communities described above:					
Carpenters	12.71	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	12.86	.55	.90	1.00	.10
Piledrivermen	12.91	.55	.90	1.00	.10
Millwrights	13.31	.55	.90	1.00	.10
CEMENT MASONS:					
Cement Masons	8.90	1.00	.40	2.00	.08
Cement Floor Finishing Machine; Color Work	9.15	1.00	.40	2.00	.08
ELECTRICIANS:					
Electricians; Technicians	13.41	.73	1% + .40		.08
Cable Splicers	13.74	.73	1% + .40		.08
ELEVATOR CONSTRUCTORS	12.00	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	12.63	.35	.40		.05
IRONWORKERS:					
Fence Erectors	10.14	1.09	1.83	1.15	.04
Ornamental; Reinforcing; Structural	11.03	1.09	1.83	1.15	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$9.30	.50	$1.00	$1.00	.06
MARBLE MASONS; Terrazzo Workers; Tile Setters	10.87	.45	.50		.06
PAINTERS:					
Brush; Roller	10.72	.75	.35		.05
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Tapers	11.07	.75	.35		.05
PLASTERERS	9.98	1.00	.40	1.20	.08
PLUMBERS; Steamfitters	11.05	1.05	1.90	1.85	.08
ROOFERS	11.68	.65			
SHEET METAL WORKERS	10.23	.83	1.60	1.00	.02 + .05
SOFT FLOOR LAYERS	12.12	.40			.15
SPRINKLER FITTERS	14.80	.60	.90		.08

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	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	9.25	.95	2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04
TRUCK DRIVERS					
Group 1	8.45	.40	.60		
Group 2	8.56	.40	.60		
Group 3	8.61	.40	.60		
Group 4	8.77	.40	.60		
Group 5	8.95	.40	.60		
Group 6	9.45	.40	.60		

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 Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborers including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (leadman); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all Materials; Making and Caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader, Buggymobile; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Operator; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper Pot Tender and Form Man; Tree Climber, faller, Chain Saw Operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric, and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model T.W.-M-2A Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUP 1: Brakeman; Compressor Op.; Engineer Oiler; Generator Op.; Heavy Duty Repairman Helper; Pump Op.; Signalman; Switchman

GROUP 2: Concrete Mixer Op., Skip Type; Conveyor Op.; Fireman; Generator, Pump or Compressor (2-5 inclusive) Portable units, over 5 units, 10¢ per hour for each additional unit up to nine units; Hydrostatic Pump Op.; 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 Operator; Chainman; Elevator Op. (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Saw Op.; Power-driven Jumbo Form Setter Op.; Power Concrete Curing Machine Op.; Ross Carrier Op. (jobsite); Stationary Pipe Wrapping and Cleaning Machine Op.

GROUP 4: Asphalt Plant Fireman; Boring Machine Op.; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine Op.; Concrete Pump Op. (small portable); Bridge Type Unloader and Turntable Op.; Dinkey Locomotive or Motorman (up to and including 10 ton); Equipment Greaser (Grease Truck); Helicopter Hoist Op.; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper Op.; Roller Op. (compacting); Screed Op. (Asphalt or Concrete); Rodman; Trenching Machine Op. (up to 6 ft.);

GROUP 5: Asphalt Plant Engineer; Concrete Batch Plant Op.; Backhoe Op. (up to and including 3/4 yd.); Bit Sharpener; Concrete Joint Machine Op. (Canal and similar type); Concrete Planer Op.; Derrickman (oilfield type); Deck Engine Op.; Drilling Machine Op. (including water wells); Forklift Op. (under 5 ton capacity); Hydrographic Seeder Machine Op.; (straw, pulp, or seed); Instrumentman; Machine Tool Op.; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Op. (concrete - Clary-Johnson-Bidwell or similar); Pavement Breaker Op.; Road Oil Mixing Machine Op.; Roller Op. (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yd. struck); Self-propeller Tar Pipelining Machine Op.; Slip Form Pump Op. (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive Op. (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Operator (Crawler and Wheel type over 3/4 yds. and up to and including 1 1/2 yds.); Tractor Op. - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Welder - General

GROUP 6: Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Op. (Barber-Greene or similar type); BHL Lima Road Pactor, Wagner Pactor or similar, Op., Bridge Crane Op.; Cast in Place Pipe Laying Machine Op.; Combination Mixer and Compressor Op. (Gunite work); Concrete Pump Op. (truck mounted); Concrete Mixer Op. - Paving;

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Crane Op. (up to and including 25 ton capacity); Crushing Plant Op.; Drill Doctor; Elevating Grader Op.; Forklift Op. (over 5 tons); Grade Checker; Grade-All Op.; Grouting Machine Op.; Heading Shield Op.; Heavy Duty Repairman; Hoist Op. (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine Op. (Vagtborg and similar type); Lift Mobile Op.; Loader Op. (Athey, Euclid, Sierra and similar type); Material Hoist Op.; Mucking Machine Op. (1/4 yd. rubber-tired, rail or track type); Pneumatic Concrete Placing Machine Op. (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun Op.; Rotary Drill Op. (excluding Caisson Type); Rubber-tired Earth Moving Equipment Op. (single engine Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper Op. (self-loading - Paddel wheel type, John Deere, 1040 and similar single unit); Rubber-tired Earth Moving Equipment Op., multiple engine (up to and including 25 yds. struck); Skiploader Op. (Crawler and Wheel type - over 1 1/2 yds. up to and including 6 1/2 yds.); Surface Heaters and Planer Op.; Trenching Machine Op. (over 6 ft. depth capacity, manufacturers rating); Tower Crane Op.; Tractor Compressor Drill Combination Op.; Tractor Op. (any type larger than D-5 - 100 Flywheel h.p. and over, or similar); (Bull Dozer, Tamper, Scraper and Push Tractor, single engine); Tractor Op. (Boom Attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine Op.; Tunnel Locomotive Op. (over 30 tons); Shovel, Backhoe, Dragline, Clamshell Op. (over 3/4 yds. and up to 5 cu. yd. M. R. C.)

GROUP 7: Crane Op. - over 25 ton up to and including 100 tons M. R. C.); Derrick Barge Op.; Dual Drum Mixer; Hoist Op., Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive Op. (Diesel, gas or electric); Motor Patrol - Blade Op. (single engine); Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Party Chief; Rubber-tired Earth Moving Equipment Op. (single engine over fifty (50) yds. struck); Rubber-tired Earth Moving Equipment Operator (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Op. (Crawler and wheel type over 6 1/2 yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds., M. R. C.); Welder - Certified; Woods Mixer Op. and similar Pugmill equipment; Heavy Duty Repairman - Welder combination

GROUP 8: Auto Grader Op.; Automatic Slip Form Op.; Crane Op. - over 100 tons; Hoist Op., Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator Op.; Mechanical Finishing Machine Op.; Mobile Form Traveler Op.; Motor Patrol Op. (multi-engine); Pipe Mobile Machine Op.; Rubber-tired Earth Moving Equipment Op. (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self-Loading Scraper Op. (Paddle Wheel - Auger type self-loading - 2 or more units); Rubber-tired Scraper Op. - pushing one another without Push Cat, Push-Pull (.50¢ per hour additional to base rate); Tandem Equipment Op. (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel Mole Boring Machine

POWER EQUIPMENT OPERATORS (Cont d)
(Except Piledriving and Steel Erection)

GROUP 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS

GROUP 1: Busses, Job Site, Up to 25 Passengers; Dump (less than 12 yds.); Pickups; Service Truck Driver, Teamster Equipment (Highest Rate For Dual Craft Operation); Truck Repairman Helper; Trucks (less than 15 tons); Warehouseman; Water and Fuel (under 2,500 gals.)

GROUP 2: Bootman; Busses, Job Site More Than 25 Passengers; Dump (12 yds. but less than 16 yds.); Road Oil Spreader; Trucks (15 and 20 tons); Trucks Working On Gas and Oil Pipeline, Including Winch Truck and All Size Trucks; Truck Greaser; Water and Fuel (2,500 gals. to 4,000 gals.)

GROUP 3: Dumpcrete (less than 6½ yds.); Tireman; Transit-mix (under 3 yds.)

GROUP 4: Dump (16 yds. up to and including 22 yds.); Dumpcrete (6½ yds. and over); Dumpster; Euclid Type Spreader; Fork Lift; Ross Carrier-Highway ; Transit-mix (3 yds. but less than 6 yds.); Trucks (20 tons but less than 30 tons); Water and Fuel (4,000 gals. but less than 6,000 gals.)

GROUP 5: Dump (over 22 yds.); Transit-mix (6 yds. or more); Truck Repairman; Truck (30 tons and over); Water and Fuel (6,000 gals and over)

GROUP 6: DW 10 and DW 20 Euclid Type Equipment; LeTorneau Pulls; Terra Cobra and Similar; PB and Similar, When performing Work Within Teamster jurisdiction, Regardless Of Attachments Including Power Units Pulling Off Highway Belly Dumps In Tandem

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: See below*
DECISION NUMBER: NC76-1109 DATE: Date of Publication
Supersedes Decision No.: NC76-1006 dated January 9, 1976 in 41-FR 1697
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Beaufort, Bertie, Chowan, Dare, Edgecombe, Franklin, Halifax, Hertford, Martin, Nash, Northampton, Pitt, Vance, Warren, & Wilson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning & heating mechanic	4.50				
Bricklayers	5.00				
Carpenters	4.52				
Cement masons	4.78				
Drywall finishers	5.94				
Drywall hanger	6.09				
Electricians	4.46				
Insulation installer	3.64				
Laborers:					
Laborers	2.78				
Asphalt rakers	3.25				
Mortar mixers	3.00				
Pipelayers	3.26				
Painters, brush	4.16				
Plumbers & Pipefitters	4.71				
Roofers	4.78				
Soft floorlayers	4.44				
Tile setters	4.63				
Truck Drivers	3.00				
POWER EQUIPMENT OPERATORS:					
Backhoe	3.89				
Bulldozers	4.33				
Cranes	4.32				
Forklift	3.25				
Front end loader	4.09				
Motor grader	3.50				
Paver	4.00				
Roller	3.18				
Scraper	3.72				
Tractor	4.00				

SUPERSEDEAS DECISION

STATE: OHIO

COUNTIES: Franklin, Madison and Pickaway

DECISION NUMBER: OH76-2115

DATE: Date of Publication

Supersedes Decision No. OH76-2044 dated April 9, 1976, in 41 FR 15313

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	$11.32	.30	.85		.02
BOILERMAKERS	9.25	.60	.80	1.00	.02
BRICKLAYERS	9.89	.35	.55		.01
CARPENTERS:					
Carpenters and Soft Floor Layers	9.37	.40	.50		.02
Millwrights	10.27	.40	.50		.02
Piledrivermen	9.82	.40	.50		.02
CEMENT MASONS	9.35	.50	.20		.03
ELECTRICIANS:					
Pickaway County; the Townships of Deer Creek, Perry, Pickaway, Salt Creek and Wayne	10.65	.29	1%		.02
Franklin County, Eastern part of Madison County and remainder of of Pickaway County	10.98	.28	1%+.60		.03
Western part of Madison County	9.75	.45	1%+.65		.02
ELEVATOR CONSTRUCTORS' HELPERS	11.16	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS (PROB.)	50%JR				
GLAZIERS	9.77		.32		.005
IRONWORKERS:					
Franklin County	10.35	.75	1.35		.05
Pickaway and Madison Counties	10.50	.75	1.35		.05
LABORERS:					
Laborers	7.49	.55	.40		.05
Mortar Mixers	7.69	.55	.40		.05
Mason and Plasterers' Tenders	7.69	.55	.40		.05
Asphalt and Black Top Rakers	7.69	.55	.40		.05
Scaffold Builders	7.69	.55	.40		.05
Jackhammer Operator	7.69	.55	.40		.05
Air or electric Pneumatic tool Operator	7.69	.55	.40		.05
Power driven tool and power Buggy	7.69	.55	.40		.05
Power Wheel Barrow Operator	7.69	.55	.40		.05
Wreckers and	7.69	.55	.40		.05
LATHERS	9.95	.35	.10		.01
LEADBURNERS	10.50		.35	a	.01
LINEMEN	$9.11	.35	1%		¼ of 1%
MARBLE, TILE and TERRAZZO WORKERS	10.00				
PAINTERS:					
Brush, paperhanger, wall washer and rollers	9.45	.55	.30		
Structural steel and swing stage	9.75	.55	.30		
Spray	9.95	.55	.30		
Sandblast and steam clean, bridges	10.15	.55	.30		
Drywall taper and finishers	9.85	.55	.30		
PLASTERERS	9.24	.50	.30		.02
PLUMBERS and STEAMFITTERS	11.67	.55	.80		.05
ROOFERS	10.545	.60	.65		.02
SHEET METAL WORKERS	10.42	3%+.45	.80		.05
SPRINKLER FITTERS	12.05	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (Where Applicable)
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 has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

DECISION-NO. OH76-2115

OHIO 8-PEO P

POWER EQUIPMENT-OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$11.11	.46	1.00		.11
GROUP B	10.95	.46	1.00		.11
GROUP C	10.59	.46	1.00		.11
GROUP D	9.81	.46	1.00		.11
GROUP E	9.48	.46	1.00		.11
GROUP F	8.03	.46	1.00		.11

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one-bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango

DECISION NO.: PA76-3250

DATE: Date of Publication

Supersedes Decision No.: PA76-3168, dated May 21, 1976 in 41 FR 21122.

DESCRIPTION OF WORK: Building Construction (excluding single damily 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					
ZONE 1	$11.10	.60	.70		
ZONE 2	10.28	.30	.30		.02

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson
ZONE 2 - Crawford and Venango

BOILERMAKERS					
ZONE 1	9.815	7.5%	7%		.01
ZONE 2	10.88	.50	.85		.01

AREA COVERED BY BOILERMAKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Venango
ZONE 2 - Crawford

BRICKLAYERS & STONEMASONS					
ZONE 1	9.80	.60	.80		.03
ZONE 2	10.15	.45	.70		
ZONE 3	10.46	.30	.40		
ZONE 4	10.10	.50	.50		

AREA COVERED BY BRICKLAYERS & STONEMASONS ZONES

ZONE 1 - Cambria
Zone 2 - Clarion, Clearfield, Jefferson, Venango
ZONE 3 - Crawford
ZONE 4 - Cameron
ZONE 5 - Bedford

DECISION NO. PA76-3250

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & SOFT FLOOR LAYERS					
ZONE 1	$ 9.24	6%	8%	6%	.4%
ZONE 2	10.20				
ZONE 3	9.00	5½%	5%	2%	½%

AREA COVERED BY CARPENTER & SOFT FLOOR LAYERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Remainder of Crawford County
ZONE 2 - Titusville in Crawford County
ZONE 3 - Venango County

CEMENT MASONS					
ZONE 1	9.93	.60	1.59		
ZONE 2	9.25	12%	6%		
ZONE 3	9.78	.30	.40		
ZONE 4	9.65	.45	.45		

AREA COVERED BY CEMENT MASONS

ZONE 1 - Clearfield, Jefferson
ZONE 2 - Bedford, Cameron
ZONE 3 - Crawford
ZONE 4 - Clarion & Venango

ELECTRICIANS					
ZONE 1	10.60	.35	1%+.20	.60	.05
ZONE 2	9.25				
ZONE 3	11.75	.40	1%		½ of 1%
ZONE 4	11.50	3%	3%		½%

DECISION NO. PA76-3250

AREA COVERED ELECTRICIANS ZONES

ZONE 1 - Bedford, Cambria, Clearfield, Clarion & Jefferson
ZONE 2 - Cameron
ZONE 3 - Crawford
ZONE 4 - Venango

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS					
ZONE 1	$ 7.89	.35	.44	.33	.01
ZONE 2	9.41	.30	.20		

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Allegheny County
ZONE 2 - Crawford & Venango County

IRONWORKERS					
ZONE 1	10.29	.785	1.03		.03
ZONE 2	9.34	.50	.60		
ZONE 3	10.00	1.11	1.01		.10
ZONE 4	9.77	.40	.85		.07
ZONE 5	9.685	.70	1.155		.07

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Cambria & Clarion
ZONE 2 - Bedford County
ZONE 3 - Crawford County
ZONE 4 - Venango County
ZONE 5 - Cameron, Clearfield & Jefferson

DECISION NO. PA76- 3250

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
ZONE 1					
CLASS I	$ 7.94	.71	.60		
CLASS II	8.065	.71	.60		
CLASS III	8.19	.71	.60		
CLASS IV	8.44	.71	.60		
CLASS V	8.64	.71	.60		
ZONE 2					
CLASS I	7.49	.71	.60		
CLASS II	7.565	.71	.60		
CLASS III	7.59	.71	.60		
CLASS IV	7.64	.71	.60		
CLASS V	7.74	.71	.60		
CLASS VI	7.99	.71	.60		
CLASS VII	8.04	.71	.60		
ZONE 3					
CLASS I	7.80	8%	6.5%		3.5%
CLASS II	8.05	8%	6.5%		3.5%
CLASS III	8.60	8%	6.5%		3.5%
ZONE 4					
CLASS I	8.03	.72	.60		
CLASS II	8.13	.72	.60		
CLASS III	8.48	.72	.60		
CLASS IV	8.58	.72	.60		
CLASS V	8.33	.72	.60		
CLASS VI	8.73	.72	.60		
CLASS VII	8.33	.72	.60		
CLASS VIII	8.58	.72	.60		

DECISION NO. PA76-3250

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
ZONE 5					
CLASS I	$ 6.95	10%	8%		
CLASS II	7.45	10%	8%		
CLASS III	7.55	10%	8%		
CLASS IV	7.45	10%	8%		
CLASS V	7.00	10%	8%		
ZONE 6					
CLASS I	7.10	10%	8%		
CLASS II	7.60	10%	8%		
CLASS III	7.70	10%	8%		
CLASS IV	7.60	10%	8%		
CLASS V	7.15	10%	8%		

LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Clarion & Jefferson Counties

CLASS I - Laborers, carryable pumps, west brick buggy or similar vibrator operators, walk behind forklift or similar (non self-propelled), stripper & mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, incl. starting & stopping)

CLASS II - West brick buggy or similar (self-propelled), pwer wheelbarrows & buggies, walk behind forklift or similar (self-propelled), wagon drill helper, drill mounted on truck, track or similar), blaster's helpers, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster

CLASS III - Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, inc. starting & stopping), grout machine feeder & pump operator, wagon drill operator, concrete saw operator wagon

CLASS IV - Gunnite nozzleman

CLASS V - Blaster

ZONE 2 - Venango County

CLASS I - Building laborer, west brick buggy or similar, walk behind forklift or similar (non self-propelled), stripper and mover of forms, window cleaner, cement finisher, tool room man, footers

CLASS II - Powered wheelbarrows, buggies

CLASS III - Mason tender, pipe layer, bottom man (10' below grade)

CLASS IV - Mortar mixer, mason plaster, concrete, other, hod carrier - mason, plaster (any method), scaffold builder, concrete buster-jackhammer (air tool, electric, other) other mechanical or power tools concrete saw, carryable pumps and operating all operators of compacting equipment, grout machine

DECISION NO. PA76-3250

LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED (CONT'D)

ZONE 2 (Cont'd)

CLASS IV (Cont'd) - feeder and pump operator, all material conveyors (regardless of power used, including starting & stopping), bell and bottom man on furnaces & stacks

CLASS V - Burner (demolition) groundman, jack hammer man, drill man blaster helper, wagon drill helper

CLASS VI - High (climber)

CLASS VII - Blaster, wagon drill operator

ZONE 3 - Cameron County

CLASS I - Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building material handlers (loading and Unloading) concrete pitman, puddler, mason tender

CLASS II - Mechanical tampers (power) powered wheelbarrows and buggies & worklifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (includes drill mounted trucks, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burnercutting torch, carryable pumps, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plasterers tender, form cleaning machine operator, plaster applicating and/or pump machine operator, paving breaker asphalt raker, lancer, berfix cutting fool, gunnite potman, blacksmith, tool dresser (cable tools)

CLASS III - Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and temper, walder, drill (cable tools)

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LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED (CONT'D)

ZONE 4 - Crawford County

CLASS I - Common laborers

CLASS II - Mason tender, hod carriers, mortar mixers, scaffold builder

CLASS III - Pipelayers (concrete & clay)

CLASS IV - Blaster, mechanical tampers, powered wheel-barrow, wagon drill operators

CLASS V - material, buggy handler, blaster helper, all power tool operators, wagon drill helpers & drill runner

CLASS VI - Burners

When working in piers, trenches, open coffer dams & caissons at depths more than ten (10) feet below the lowest adjacent grade:

CLASS VII - Bottom man

CLASS VIII - All power operators, drill man

CLASS IX - Drill man

ZONE 5 - Bedford County

CLASS I - Unskilled laborers

CLASS II - Ditch, trench or sumpwork exceeding 10' in depth including caissons

CLASS III - Blasters

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LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED (CONT'D)

ZONE 5 (Cont'd)

CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' in height, suspension or workmen in swinging-tapes, suspended scaffolds, swings, bosun's chair

CLASS 5 - Plasterer tenders

ZONE 6 - Cambria and Clearfield Counties

CLASS I - Unskilled laborers

CLASS II - Ditch, trench or sumpwork exceeding 10' in depth including caissons

CLASS III - Blasters

CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' in height, suspension or workmen in swinging-tapes, suspended scaffolds, swings, bosun's chair

CLASS 5 - Plasterer tenders

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LANDSCAPE:					
ZONE 1					
CLASS I	$ 5.05	.40	.50		
CLASS II	5.20	.40	.50		
CLASS III	5.55	.40	.50		
ZONE 2					
CLASS I	5.95	.40	.50		
CLASS II	6.10	.40	.50		
CLASS III	6.45	.40	.50		

DECISION NO. PA76-3250	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LANDSCAPE: (Cont'd)					
ZONE 3					
CLASS I	$ 6.80	8%	6.5%		3.5%

LANDSCAPE LABORERS DEFINITION AND AREA COVERED

ZONE 1 - Clarion, Crawford, Jefferson & Venango Counties

CLASS I - Landscape laborer

CLASS II - Skilled landscape laborers

CLASS III - Landscape tractor operator

ZONE 2 - Cambria, Clearfield and Bedford Counties

CLASS I - Landscape laborer

CLASS II - Skilled landscape laborers

CLASS III - Landscape tractor operator

ZONE 3 - Cameron County

CLASS I - Wrecking laborer

DECISION NO. PA76-3250	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	$ 8.97		.20		.01
ZONE 2	8.97		.35		.01
ZONE 3	8.53	.45	1.10		.01
LEAD BURNERS	9.25	.35		a	.01
LINE CONSTRUCTION					
ZONE 1					
CLASS I	11.32	.30	1%		3/8%
CLASS II	6.79	.30	1%		3/8%
CLASS III	7.92	.30	1%		3/8%
ZONE 2					
CLASS I	10.00	.20	1%		3/8%
CLASS II	7.10	.20	1%		3/8%
CLASS III	6.80	.20	1%		3/8%

AREA COVERED BY LATHERS ZONES

ZONE 1 - Clearfield & Jefferson Counties
ZONE 2 - Bedford, Cameron & Cambria Counties
ZONE 3 - Clarion County

LINE CONSTRUCTIONS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clarion, Clearfield & Jefferson Counties

CLASS I - Lineman

CLASS II - Groundman

CLASS III - Winch truck operator

ZONE 2 - Cameron, Crawford & Venango Counties

CLASS I - Linemen dynamite man, heavy equipment operator

CLASS II - Winch truck operator

CLASS III - Groundman

DECISION NO. PA76-3250	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS					
ZONE 1	$ 9.80	.60	.80		.03
ZONE 2	9.78	.30	.40		
ZONE 3	9.65	.45	.45		
ZONE 4	9.24	.45	.75		
ZONE 5	8.80	.60	.80		.03

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Cambria County

ZONE 2 - Crawford County

ZONE 3 - Venango County

ZONE 4 - Jefferson County

ZONE 5 - Bedford County

MARBLE SETTERS HELPERS: Counties covered Bedford, Cambria, Clarion and Jefferson	7.95		.10		
MILLWRIGHTS	8.79	5%	3% + .25	.19%	½%

DECISION NO. PA76-3250	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1					
Commercial					
Brush & Roller	$ 8.54	.65	.45		.12
Spray	9.04	.65	.45		.12
Industrial					
Brush	9.44	.65	.45		.12
Spray	9.94	.65	.45		.12
Roller	10.45	.65	.45		.12
ZONE 2					
Brush	6.75			b	
Spray	7.25			b	
ZONE 3					
Commercial					
Brush & Roller	8.40	.45	.60		
Spray	9.40	.45	.60		
Industrial					
Brush & Roller	8.90	.45	.60		
Spray	9.90	.45	.60		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bedford, Cambria counties, Beaver, Ringgold, Porter Twps. in Jefferson County

ZONE 2 - Brockway Twp., in Jefferson County

ZONE 3 - Cameron, Clarion, Clearfield, Crawford, Venango Counties, remainding Twps in Jefferson County

PILEDRIVERMEN	10.24	5%	10%		50%
PLASTERERS					
ZONE 1	9.78	.30	.40		
ZONE 2	9.65	.45	.45		
ZONE 3	9.39	.39	.70		
ZONE 4	8.50				.01

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AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Crawford County
ZONE 2 - Clarion, Venango Counties
ZONE 3 - Clearfield, Jefferson Counties
ZONE 4 - Bedford, Cambria Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS					
ZONE 1	$10.16	.30	.25		.04
ZONE 2	10.81	.41	.50		.04
ZONE 3					
Contracts Under $10,000	9.44	.60	.65		.08
Contracts Over $10,000	9.95	.60	.65		.08
ZONE 4	10.10	.71	.75		.20

AREA COVERED PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Clarion County
ZONE 2 - Twps. in Crawford County, Beaver, Spring, Cussawago, Venango, Cambridge, Rockdale, Bloomfield and Sparta
ZONE 3 - Venango County & Remainder of Crawford County
ZONE 4 - Bedford, Cambria, Cameron, Clearfield, Jefferson

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	$11.175	.65	.80		.09
CLASS 1 - A	11.425	.65	.80		.09
CLASS 1 - B	11.675	.65	.80		.09
CLASS 1 - C	11.925	.65	.80		.09
CLASS 2	11.025	.65	.80		.09
CLASS 3	9.65	.65	.80		.09
CLASS 3 A	10.15	.65	.80		.09
CLASS 4	9.00	.65	.80		.09
CLASS 5	7.95	.65	.80		.09
CLASS 6	8.25	.65	.80		.09
CLASS 6 - A	8.35	.65	.80		.09
CLASS 6 - B	8.50	.65	.80		.09
CLASS 6 - C	8.75	.65	.80		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type Under 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead)(truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oiler to be discussed at pre job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types)(when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors) Chicago Boom Attached hoist (50 ft. or over) (stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180° swing hop to or similar type with 360° swing kocal koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - Boom Mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

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CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors) Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2- Asphalt plant operator, Athey loader, Auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushinf & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator (New buildings), euclid loader, excavating equipment (all Other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), hi-lift - less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, muching machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (The following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over) 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½" discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairman)

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CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propessed), hoist one drum (regradless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self- propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), The following machines shall be considered minor) compressors (2), generators (2), mortar machine over 10 cu. ft., and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in bank) (within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - . Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine, pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A Crane truck oiler & fireman

CLASS 6-B Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C Oiler - Truck crane 100 ton and over

DECISION NO. PA76-3250	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
ZONE 1	$ 9.44	.30	.30		
ZONE 2	10.53	.77	1.50		.06

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Crawford, Venango Counties
ZONE 2 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson

SHEET METAL WORKERS					
ZONE 1	$ 9.58	.75	.80		.055
ZONE 2	9.76	1.17	1.03		.05
ZONE 3	9.76	.62	1.50		.06

AREA COVERED BY SHEET METAL ZONES

ZONE 1 - Cameron, Clearfield, Crawford & Venango
ZONE 2 - Bedford
ZONE 3 - Cambria, Clarion & Jefferson

TRUCK DRIVERS					
ZONE 1					
CLASS I	6.96	c	d		
CLASS II	7.04	c	d		
CLASS III	7.11	c	d		
CLASS IV	6.86	c	d		
ZONE 2					
CLASS I	6.96	6.5%	5.6%	e	
CLASS II	7.01	6.5%	5.6%	e	
CLASS III	7.03	6.5%	5.6%	e	
CLASS IV	7.12	6.5%	5.6%	e	
CLASS V	7.05	6.5%	5.6%	e	
CLASS VI	7.32	6.5%	5.6%	e	
CLASS VII	7.14	6.5%	5.6%	e	
CLASS VIII	7.30	6.5%	5.6%	e	
ZONE 3					
CLASS I	7.20	.20	.20		
CLASS II	7.30	.20	.20		
CLASS III	7.40	.20	.20		
CLASS IV	7.50	.20	.20		
CLASS V	7.35	.20	.20		
CLASS VI	7.45	.20	.20		
CLASS VII	7.40	.20	.20		

DECISION NO. PA76-3250	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D)					
ZONE 3					
CLASS VIII	$ 7.70	.20	.20		
CLASS IX	7.80	.20	.20		
CLASS X	7.45	.20	.20		
CLASS XI	7.70	.20	.20		
ZONE 4					
CLASS I	5.75	f	g	h	

TRUCK DRIVERS CLASSIFICATION DEFINITION AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clearfield & Jefferson Counties

CLASS I - Service, dump, flat top, jeep, fuel & water

CLASS II - Transit mix, dump trailer, winch truck

CLASS III - Euclids & tractor trailer

CLASS IV - Helper

ZONE 2 - Clarion & Venango Counties

CLASS I - Warehouseman, Chauffeur, and Ambulance Driver, Service Truck (pick-up, Jeep, Busses, Station Wagon, Panel truck, Escort Vehicle, including Fuel and Water Trucks)

CLASS II - Dump and Flat Top (including Fuel and Water Trucks, Fork Lift in Warehouse or job site storage area and single Axle Trucks with power tail-gate); Distributor Truck over 33,000 lbs. gross weight (Oil, Tar Asphalt products Two man operation, Both men)

CLASS III - Transit Mix, Single Axle

CLASS IV - Transit Mix, Single Tandem Axle

CLASS V - Heavy Duty Tractor and Trailer with High Bed, 4 wheels

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TRUCK DRIVERS CLASSIFICATION DEFINITION AND AREA COVERED (CONT'D)

ZONE 2 (Cont'd)

CLASS VI - Heavy Duty Tractor and Trailer with Low Bed, 6 to 16 Wheels and Pole Trailer and Wide Load

CLASS VII - Distributor Truck up to 33,000 lbs. gross weight (Oil, Tar Asphalt products) One Man Operation; Truck with Dolly and Scissor Truck; Truck with Dump Trailer or Tandem, including Fuel and Water, Tandem Axle Truck with power Tailgate and Scissor Truck; Euclids or Equivalent, Tri-axle including Mixer, drivers towing equipment

CLASS VIII - Winch Truck and Form Truck

ZONE 3 - Cameron County

CLASS I - Trucks up to 30,000 lbs. includes pickups, fuel and water trucks), warehousemen

CLASS II - Trucks over 30,000 lbs. (includes fuel and water trucks)

CLASS III - Tri-Axle Trucks over 30,000 lbs. (includes fuel and water trucks)

CLASS IV - Low Boy

CLASS V - Concrete Mixer Trucks

CLASS VI - Concrete Mixer Trucks (Tri-Axle)

CLASS VII - Semi-Trailer

CLASS VIII - Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)

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TRUCK DRIVERS CLASSIFICATION DEFINITION AND AREA COVERED (CONT'D)

ZONE 3 (Cont'd)

CLASS IX - Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)

CLASS X - A-Frame and Winch Trucks (when used for hauling material on bed of truck)

CLASS XI - Distributor Truck (Oil, Tar, Asphalt, etc.)

ZONE 4
CLASS I - Truck Drivers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

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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, plus Washington's Birthday and Good Friday, providing the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

b. Paid Holidays: Labor Day, provided the employee has worked six calendar months and appears on the payroll during the pay period in which the holiday occur.

c. $59.90 per month

d. $14.00 per week

e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

f. Employer contributes $69.94 per month to a Health and Welfare Fund.

g. Employer contributes $14.00 per week.

h. One(1) week vacation after one year's work; two(2) week vacation after five(5) years of service.

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Elk, Forest, McKean & Warren

DECISION NO.: PA76-3251

DATE: Date of Publication

Supersedes Decision Nos: PA76-3155 dated March 26, 1976 in 41 FR 12862.

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					
ZONE 1	$11.10	.60	.70		
ZONE 2	11.04	.35	.50		.02
ZONE 3	10.41	1.02	.55		.04

AREA COVERED BY ASBESTOS WORKERS

ZONE 1 - Elk County
ZONE 2 - Forest County
ZONE 3 - McKean & Warren Counties

BOILERMAKERS	9.815	7.5%	7%		.01
BRICKLAYERS, CEMENT MASONS & STONEMASONS					
ZONE 1	10.10	.50	.50		
ZONE 2	10.15	.45	.70		

AREAS COVERED BY BRICKLAYERS ZONES

ZONE 1 - Elk, McKean & Warren Counties
ZONE 2 - Forest County

CARPENTERS & SFOT FLOOR LAYERS					
ZONE 1	9.24	6%	8%	6%	.4%
ZONE 2	8.60	5½	5%	2%	½%

AREA COVERED BY CARPENTERS & SOFT FLOOR LAYERS ZONES

ZONE 1 - Elk, Forest, all of McKean County except Kane & Bradford
ZONE 2 - McKean County - Twps of Kane, Bradford & Warren County

ELECTRICIANS					
ZONE 1	10.20	4½%	3%+1%	6%	½ of 1%
ZONE 2	9.75	.55	1%+.30		1%

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AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Elk, Forest & Warren Counties
ZONE 2 - McKean County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS					
ZONE 1	$ 9.41	.30	.20		
ZONE 2	9.74	1.40	.55		.10

AREA COVERED BY GLAZIER ZONES

ZONE 1 - Forest & Warren Counties
ZONE 2 - McKean County

IRONWORKERS					
ZONE 1	10.00	1.11	1.10		.10
ZONE 2	9.685	.70	1.155		.07

AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Forest & Warren Counties
ZONE 2 - Elk & McKean Counties

LABORERS					
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (Loading and Unloading), concret pitman, puddler, mason tender	7.80	8%	6.5%		3.5%
Mechanical tamper (power) powered wheelbarrows and buggies & worklifts, sweepers and similar, mortar mixer, ball bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burnercutting					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (CONT'D)					
torch, carryayable pumps, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plaster tender, form cleaning machine operator, plaster applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool dresser (cable tools)	$ 8.05	8%	6.5%		3.5%
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and temper, walder, driller (cable tools)	8.60	8%	6.5%		3.5%
LANDSCAPE:					
Wrecking Laborers	6.80	8%	6.5%		3.5%
Low Burner	7.05	8%	6.5%		3.5%
Jackhammer Operator	7.05	8%	6.5%		3.5%
High Burner	7.85	8%	6.5%		3.5%
High Burner Helper	7.55	8%	6.5%		3.5%
LEADBURNERS	9.25	.50	.80	c	.08
LINE CONSTRUCTION					
Linemen, dynamite man, heavy equipment operator	10.00	.20	1%		3/8 of 1%
Winch truck op.	7.10	.20	1%		3/8 of 1%
Groundman	6.80	.20	1%		3/8 of 1%
MARBLE SETTERS					
Elk, McKean & Warren Cos.	10.10	.50	.50		
MILLWRIGHTS					
ZONE 1	8.79	5%	3%+.25		½%
ZONE 2	8.90	.35	.20		.02
ZONE 3	8.65	.25			.02

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AREAS COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Elk & Forest Counties
ZONE 2 - McKean County
ZONE 3 - Warren County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
ZONE 1					
Brush & Roller	$ 6.75		a		
Spray	7.25		a		
ZONE 2					
Commercial					
Brush & Roller	9.10	.55	.80		-
Spray	10.10	.55	.80		
Industrial					
Brush & Roller	9.60	.55	.80		
Spray	10.60	.55	.80		
ZONE 3					
Brush	7.56	6%			
Spray	8.14	6%			
ZONE 4					
Brush & Roller	8.10				
Spray	9.25				

AREAS COVERED BY PAINTERS ZONES

ZONE 1 - Elk
ZONE 2 - Forest County; Township in Warren County; Spring Creek, Southwest Triimp and Eldred, township in McKean County, Wetmore, Hamlin, Hamilton, Sergent, and Norwich
ZONE 3 - Remainder of Warren County
ZONE 4 - Remainder of McKean County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	$10.07	5%	8%		.50 of 1%
PLASTERERS					
Elk, McKean & Warren Cos.	9.60	.50	.50		
PLUMBERS & STEAMFITTERS					
ZONE 1	9.73	.68	.68		.19
ZONE 2					
Contracts under $10,000	9.04	.50	.65		.08
Contracts over $10,000	9.55	.50	.65		.08
ZONE 3					
Contracts under $500.00	7.82	.33	.50		.04
Contracts over $500.00	10.39	.33	.50		.04
ZONE 4	9.72	.30	.50		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	$11.175	.65	.80		.09
CLASS 1 - A	11.425	.65	.80		.09
CLASS 1 - B	11.675	.65	.80		.09
CLASS 1 - C	11.925	.65	.80		.09
CLASS 2 -	11.025	.65	.80		.09
CLASS 3	9.65	.65	.80		.09
CLASS 3 A	10.15	.65	.80		.09
CLASS 4	9.00	.65	.80		.09
CLASS 5	7.95	.65	.80		.09
CLASS 6	8.25	.65	.80		.09
CLASS 6 - A	8.35	.65	.80		.09
CLASS 6 - B	8.50	.65	.80		.09
CLASS 6 - C	8.75	.65	.80		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type Under 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead)(truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oiler to be discussed at pre job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types)(when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes), hi-lift 4 yds. or over, hoist-hod 2 cages up to 10 floors) Chicago Boom Attached hoist (50 ft. or over) (stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180° swing hop to or similar type with 360° swing kocal koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - Boom Mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

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CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors) Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2- Asphalt plant operator, Athey loader, Auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushinf & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator (New buildings),euclid loader, excavating equipment (all Other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), hi-lift - less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, muching machine, pipe cleaning machine,refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (The following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over) 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½" discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairman)

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CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propessed), hoist one drum (regradless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self- propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), (The following machines shall be considered minor) compressors (2), generators (2), mortar machine over 10 cu. ft., and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in bank) (within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine, pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand,helicopter signalman, oiler, mechanic helper

CLASS 6-A Crane truck oiler & fireman

CLASS 6-B Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C Oiler - Truck crane 100 ton and over

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AREAS COVERED BY PLUMBERS & STEAMFITTERS ZONES

ZONE 1 - Elk County
ZONE 2 - Forest County & Tidioute Twp in Warren County
ZONE 3 - McKean County
ZONE 4 - Remainder of Warren County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
ZONE 1	$10.53	.77	1.50		.06
ZONE 2	8.50	.50	.45	.15+b	

AREAS COVERED BY ROOFERS ZONES

ZONE 1 - Elk & Forest Counties
ZONE 2 - McKean & Warren Cos.

SHEET METAL WORKERS	9.58	.75	.80		.055
SPRINKLER FITTERS	11.61	.60	.90		.08
SOFT FLOOR LAYERS					
ZONE 1	8.65	5%	8%	6%	.40 of 1%
ZONE 2	6.90	.35	.20		.02
ZONE 3	8.15	.25			.02

AREAS COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Elk, Forest Counties
ZONE 2 - McKean County
ZONE 3 - Warren County

TILE SETTERS & TERRAZZO WORKERS					
ZONE 1	10.10	.50	.50		
ZONE 2	9.65	.45	.45		

AREA COVERED BY TILE SETTERS & TERRAZZO WORKERS

ZONE 1 - Elk, McKean & Warren Counties
ZONE 2 - Forest County

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WELDERS - rate of craft

FOOTNOTES:

a. Paid Holiday: Labor Day, provided the employee has worked six calendar months and appears on the payroll during the pay period in which the holiday occurs.

b. One to three months service 10 hours, three to six months service 20 hours, six to nine months service 30 hours, nine to twelve months 40 hours paid vacation.

c. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD76-5093 DATE: Date of Publication
Supersedes Decision No. SD76-5054 dated June 11, 1976, in 41 FR 23925
DESCRIPTION OF WORK: Builsing 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	$9.49	.35	.40		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS; Stonemasons	9.70	.35	.40		
CARPENTERS:					
Carpenters; Piledrivermen	8.83		.20		.05
Millwrights	9.79		.20		.05
CEMENT MASONS	8.40				
ELECTRICIANS:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	9.52	.40	1%	6%	1½%
Cable Splicers	10.47	.40	1%	6%	1½%
Over 30 miles from Sioux Falls Post Office					
Electricians	10.52	.40	1%	6%	1½%
Cable Splicers	11.47	.40	1%	6%	1½%
GLAZIERS	6.34				
LABORERS:					
Laborers	4.35				
Mortar Mixers, paving breakers, jack hammer operator	4.45				
Nozzleman (gunnite, sandblast and shotcrete)	4.60				
LATHERS	8.81				.01
PAINTERS:					
Brush	6.79				
Spray	7.29				
Tapers	7.04				
PLASTERERS	7.53				.01
PLUMBERS; Steamfitters	8.99	.32	.15	.19	.03
SHEET METAL WORKERS	8.62		.15	.35	
SPRINKLER FITTERS	9.45	.60	.90		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD76-5094 DATE: Date of Publication
Supersedes Decision No. SD76-5055 dated June 11, 1976, in 41 FR 23926
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	$9.49	.35	.40		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.60		.15		
CARPENTERS:					
Carpenters, Acoustical and Drywall Applicators	9.01		.30		.05
Piledrivermen	9.26		.30		.05
Millwrights	9.51		.30		.05
CEMENT MASONS	7.85	.35	.40		
ELECTRICIANS:					
Within 15 miles radius of Rapid City Post Office					
Electricians	8.85	.30	1%	6%	1½%
Cable Splicers	9.40	.30	1%	6%	1½%
Outside of 15 miles radius of Rapid City Post Office					
Electricians	9.25	.30	1%	6%	1½%
Cable Splicers	9.80	.30	1%	6%	1½%
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Sheeter; Structural	9.15	.55	.85		.25
LABORERS:					
Laborers; Power Tool Operator or all Mechanical Air, Gas, Electrical Tools, including self-propelled Buggies, Wagon and Air Track Drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason Tender; Plaster Tender	5.65	.50	.15		
Gunnite Nozzlemen; Powdermen; Miner; Timberman	6.15	.50	.15		
PAINTERS:					
Brush	5.25				.005
Drywall-Finishers and Tapers	5.40				.005
All painting over 30 ft.; Paint Mitt; Sandblasting; Spray Steel (structural); Swing Stage; Windowjack	5.75				.005

DECISION NO. SD76-5094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$6.55				
PLUMBERS; Steamfitters	8.53	.30	.20		.03
SHEET METAL WORKERS	8.65				.005
SPRINKLER FITTERS	9.45	.60	.90		.08
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO.: TX76-4151 DATE: Date of Publication
Supersedes Decision No. TX76-4086, dated May 21, 1976, in 41 FR 21148.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy-& highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.00	.70	.70		.06
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	10.13	.38	.50		.05
CARPENTERS:					
Carpenters	9.40	.65	.60		.05
Millwrights	9.76	.65	.60		.05
Piledrivermen	9.40	.65	.60		.05
CEMENT MASONS:					
Harris County	9.25	.49	.42		.05
Galveston County	9.25	.49	.42		
ELECTRICIANS:					
Harris County	11.05	.40	3%		.04
Galveston County	11.34	.40	1%+.40		.06
ELEVATOR CONSTRUCTORS	9.76	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				—
GLAZIERS	10.07	.60	.425		.01
IRONWORKERS	9.63	.55	.85		.075
LABORERS:					
GROUP 1 - Common	6.93	.28	.40		.02
GROUP 2 - Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator	7.105	.28	.40		.02
GROUP 3 - Lather tender; Mortar mixers; Plaster tenders & hod carriers	7.205	.28	.40		.02
GROUP 4 - Well driller	7.48	.28	.40		.02
GROUP 5 - Well driller tender	7.055	.28	.40		.02
GROUP 6 - Blaster, powderman	7.355	.28	.40		.02
LATHERS (Harris County only)	9.52	.50	.35		.02
LINE CONSTRUCTION:					
Lineman & cable splicer	11.26	.40	1%		1/2%
Groundmen (1st 6 mos.)	3.94	.40	1%		1/2%
Groundmen (2nd 6 mos.)	4.73	.40	1%		1/2%
Groundmen	6.53	.40	1%		1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE MASONS:					
Harris County	$ 9.51				
Galveston County	8.41				
MARBLE MASONS ' HELPERS	7.15				
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	9.51				
GROUP 2 - All pneumatic and electric tools and steam cleaning	9.865				
GROUP 3 - All tape and float on drywall	9.635				
GROUP 4 - All paper and vinyl hanging	9.76				
GROUP 5 - All spray painting, sandblasting & waterblasting	9.905				
GROUP 6 - Steeple jack work, hot materials	10.165				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	9.295	.365	.35	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	9.67	.365	.35	.40	.04
GROUP 3 - Tape, float & drywall	9.42	.365	.35	.40	.04
GROUP 4 - Steeple jack work, hot materials	9.92	.365	.35	.40	.04
Galveston County:					
GROUP 1 - Painters on new work	9.00	.55	.45	.665	.02
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	9.25	.55	.45	.665	.02
GROUP 3 - Painters on rework & repaint	8.245	.55	.45	.665	.02
PIPEFITTERS:					
Harris County and that part of Galveston County west of the Trinity River	9.90	.40	.60		.045

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPEFITTERS (CONT'D):					
That part of Galveston County east of the Trinity River:					
Commercial work up to $50,000	$ 9.785	.375	.45		.03
Commercial work $50,000 & over	10.215	.375	.45		.03
PLASTERERS	9.70	.52	.30		.02
PLUMBERS:					
Harris County	9.92	.40	.60		.10
Galveston County:					
Commercial work up to $50,000	9.785	.375	.45		.03
Commercial work $50,000 & over	10.215	.375	.45		.03
ROOFERS:					
Roofers	8.14	.20	.25	.25	.03
Kettlemen	7.42	.20	.25	.25	.03
Helpers	5.27	.20	.25	.25	.03
SHEET METAL WORKERS:					
Harris County	9.465	.225	.475	.20	-.045
Galveston County	8.75	.15	.25		.10
SOFT FLOOR LAYERS	9.17	.35	.45		.09
SPRINKLER FITTERS	10.90	.60	.90		.08
TERRAZZO WORKERS:					
Harris County	9.51				
Galveston County	8.41				
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helpers	7.15				
Terrazzo floor machinemen	7.30				
Terrazzo base machinemen	7.45				
TILE SETTERS:					
Harris County	9.51				
Galveston County	8.41				
TILE SETTERS' HELPERS	7.15				
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash, grease, tireman, fuel pump operator when used on construction jobs	7.84				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	8.23				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	8.45				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
GROUP 4 - Euclids (not self-loading	$ 8.61				
GROUP 5 - Warehousemen	8.10				
GROUP 6 - Material checkers; pick-up drivers	9.14				
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 A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.87	.35	.65		.06
GROUP 2	8.38	.35	.65		.06
GROUP 3	7.84	.35	.65		.06
GROUP 4	7.66	.35	.65		.06

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more, Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machine (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck Crane Driver; Gasoline of diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis
DECISION NO.: TX76-4152 DATE: Date of Publication
Supersedes Decision No. TX76-4090, dated May 21, 1976, in 41 FR 21157.
DESCRIPTION OF WORK: Building Construcyion (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.88	.42	.60		.08
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	8.94	.45	.30		.04
CARPENTERS:					
Carpenters	9.31	.38	.40		.04
Millwrights	9.56	.38	.40		.04
CEMENT MASONS	8.04	.40	.20		
ELECTRICIANS & CABLE SPLICERS	10.30		1%		.8%
ELEVATOR CONSTRUCTORS	8.79	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.56		.20		.01
IRONWORKERS	8.85	.55	.60		.12
LABORERS:					
GROUP 1 - General laborer and pier hole men	5.105	.275	.30		.02
GROUP 2 - Mason tender; Pipelayer (concrete & clay); Cement finisher tender; Scaffold builder; Gunnite & cement work mixer & power tool operator	5.255	.275	.30		.02
GROUP 3 - Plaster tender; Hod carrier; Mortar mixers; Lather tender; Water or damp proofers	5.43	.275	.30		.02
GROUP 4 - Gunnite over 1½" thick; Nozzlemen; Machine operator; Powderman & blaster	5.505	.275	.30		.02
LATHERS	9.825				.01
LINE CONSTRUCTION:					
Linemen	9.90	.40	1%		1/2%
Groundmen	5.45	.40	1%		1/2%
Groundmen (1st year)	4.95	.40	1%		1/2%
MARBLE SETTERS	7.45				
MARBLE SETTERS' HELPERS	4.87				

DECISION NO. TX76-4152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush; Taping & floating of sheetrock	$ 7.60				
GROUP 2 - Paperhangers; Chipper, burner, torch; Skeleton steelwork erected	7.85				
GROUP 3 - Spray; Steam cleaning, sand blast & other powered equipment	8.10				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) - 25c per hour above all base rates					
PLASTERERS	9.29	.25	.20		.01
PLUMBERS & STEAMFITTERS	9.55	.30	.30		.05
ROOFERS:					
Roofers	5.23				.01
Kettlemen	5.08				.01
SHEET METAL WORKERS	9.08	3%+.30	.50		.07
SOFT FLOOR LAYERS	9.17	.35	.45		.09
SPRINKLER FITTERS	10.90	.60	.90		.08
TERRAZZO WORKERS	7.45				
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	7.45				
TILE SETTERS' HELPERS	4.87				
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 rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher, Operated on Job; Welding Machine, 6 to 12, Two 125 cu. ft. Compressors; Well Points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loader, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Firemen

GROUP 4 - Oiler

SUPERDEAS DECISION

STATE: VIRGINIA

COUNTIES: Bland, Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise & Wythe

DECISION NO.: VA76-3253

Supersedes Decision No. AQ-2020, dated October 5, 1973, in 38 FR 27744.

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt raker	$ 3.50				
Carpenter structure	4.40				
Carpenter structure helper	3.65				
Concrete finisher	3.98				
Ironworker - reinforcing	4.64				
Laborer, unskilled	2.85				
Mechanic	4.25				
Mechanic helper	3.50				
Painter, bridge	3.25				
Pipelayer	3.00				
Powderman blaster	4.28				
Sign erector	3.72				
Truck Driver:					
Heavy duty (over 7 c.y.)	3.00				
Single-rear axle	3.00				
Power Equipment Operators:					
Asphalt distributor	3.03				
Asphalt paver	3.53				
Backhoe	4.24				
Bulldozer	4.47				
Bulldozer, utility	3.97				
Crane, derrick, dragline (over 1 yd.)	4.73				
Drill	3.50				
Loader (2 yds. & under)	3.89				
Loader (over 2 yds.)	4.37				
Motor grader (rough)	4.75				
Oiler-greaser	3.00				
Power tool operator	4.00				
Roller	3.10				
Roller (finish)	3.14				
Scraper-pan	4.47				
Stone spreader	3.00				

STATE: WISCONSIN COUNTIES: Milwaukee, Ozaukee, Waukesha and Washington

DECISION NUMBER: WI76-2116 DATE: Date of Publication

Supersedes Decision No. WI76-2061 dated May 14, 1976, in 41 FR 20149

DESCRIPTION OF WORK: Building Construction (including Residential Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.22	.45	.60	.75	.04
BOILERMAKERS	10.30	.85	1.00		.02
BOILERMAKERS' HELPERS	9.275	.70	1.00		.02
BRICKLAYERS:					
Bricklayers andStonemasons	10.44	.80	.60	.56	
CARPENTERS:					
Carpenters	9.76	.80	.70	.51	.06
Millwrights	10.19	.80	.70	.51	.06
Piledrivermen	10.21	.80	.70	.51	.06
CEMENT MASONS	9.09	.60	.60	.50	
ELDCTRICIANS	10.58	.85	1%+.20	10%	1.25%
ELEVATOR CONSTRUCTORS	11.17	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.82	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.585				
GLAZIERS	9.59	.87	.65		
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.06	.95	.70	1.15	.15
LATHERS	8.71	.60	.60	.91	.03
LINE CONSTRUCTION:					
Linemen	9.37	.35	1%		.5%
Equipment Operator	7.77	.35	1%		.5%
Truck Driver - Truck w/Boom	6.46	.35	1%		.5%
Groundman - Experienced	5.88	.35	1%		.5%
PAINTERS:					
Brush	8.85	.50	.60	.50	.02
Swing Stage, up to 80 ft.	9.00	.50	.60	.50	.02
Structural steel	9.20	.50	.60	.50	.02
Spray and Sandblasting	9.20	.50	.60	.50	.02
Swing Stage, 80 ft. and over	9.10	.50	.60	.50	.02
PLASTERERS	8.81	.75	.60	.66	.01
PLUMBERS and GASFITTERS	10.33	.90	.90		.09
ROOFERS:					
Mastic Work:					
Spreaders	9.91	.80	.70	.51	
Rubbers and Kettlemen	9.71	.80	.70	.51	
Additional Help	9.46	.80	.70	.51	
Tower Work:					
Without swings	9.86	.80	.70	.51	
With swing or bos'n chair	10.16	.70	.70	.51	
Slate, Tile and Transite Work:					
Roofers	9.86	.70	.70	.51	

DECISION NO. WI76-2116

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Composition, damp and waterproof roofers	$9.71	.80	.70	.51	
SHEET METAL WORKERS	9.83	.88	1.05	.75	.10
SOFT FLOOR LAYERS	9.30	.80	.70	.51	.06
SPRINKLER FITTERS	11.75	.60	.90		.02
STEAMFITTERS	10.66	1.00	.70	.50	.07
TERRAZZO WORKERS	9.89	.45	.60		
TILE SETTERS	9.59	.45	.60		
TILE SETTERS' HELPERS	8.10	.30	.60		

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. Holiday: A through F

b. Employer contributes 4% or regulat 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 has worked in business less than 5 years.

DECISION NO. WI76-2116

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
General Laborers, Form Stripper Concrete Worker, Mason Tender	$8.69	.65	.70	.51	
Scaffold Builder, Pitman or Dumpman, Building Wrecker, Hod Carrier, Mortar Mixer, Vibrator Operator, Kettleman, Air Spade Operator	8.80	.65	.70	.51	
Barco Tamper, Jackhammer Operator Sheeting Driver, Gunnite Man Concrete Buster	8.91	.65	.70	.51	
Topman on Chimney (up to 50')	8.80	.65	.70	.51	
Nozzleman	9.20	.65	.70	.51	
Plasterer Laborer	8.90	.65	.70	.51	
Topman (every additional 50 ft.)	9.05	.65	.70	.51	
Caisson Worker	9.35	.65	.70	.51	
Caisson Worker - Top Man	9.00	.65	.70	.51	
Bridge, Road and Railway Con Construction:					
General Laborer	8.74	.65	.70	.51	
Vibrator, Pitman, and Dumpman	8.80	.65	.70	.51	
Bullfloat, Strikeoff Man, Puddler, Cement Dumper	8.95	.65	.70	.51	
Formsetter	9.02	.65	.70	.51	

DECISION NO. WI76-2116

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.02	.70	.90		.10
GROUP II	9.77	.70	.90		.10
GROUP III	9.47	.70	.90		.10
GROUP IV	9.37	.70	.90		.10
GROUP V	9.16	.70	.90		.10
GROUP VI	8.92	.70	.90		.10

GROUP I: Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II: Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III: Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and Firemen (pile drivers and derricks)

GROUP IV: Hoists (automatic), Forklift (12' to 25'), Tampers-compactors (riding type), Assistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), Stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V: Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI: Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), Combination small equipment operator; Air, electirc Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and greaser, Boiler operators (temporary heat), Rotary drill helper, Conveyor, Forklift (12' and under)

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federal register

FRIDAY, SEPTEMBER 24, 1976



PART VI:

CIVIL SERVICE COMMISSION

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PRIVACY ACT OF 1974

Systems of Records

CIVIL SERVICE COMMISSION

PRIVACY ACT OF 1974

Notice of Systems of Records

The purpose of this document is to give notice that the systems of records identified in the notice published in the Federal Register at 40 FR 39239, as revised and adopted by the notice published in the Federal Register at 40 Fr 54356, continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552(e) (4) as added by section 3 of the Privacy Act of 1974.

United States Civil Service Commission,

James C. Spry,
Executive Assistant to the Commissioners.

CSC—1

System name: Defense Mobilization Emergency Cadre Records—CSC

System location: Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: CSC employees who are members of the Defense Mobilization Cadre.

Categories of records in the system: Contains the name, address, telephone number, date of birth, physical description, private automobile information on members of the Defense Mobilization Cadre.

Authority for maintenance of the system: Federal Civil Defense Act of 1950 and Executive Order 11490.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records will be used only in case of a nuclear attack on the United States as follows:

a. to provide a means for returning Commission employees who have become separated from their duty station to duty.

b. To give the Commission a basis for continuing on its roster of active employees those who are prevented from performing their regular job assignments.

c. To establish a central point where Commission managers can get information about their employees.

d. To provide maximum utilization of skills of surviving Commission employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained on cards.

Retrievability: Records are indexed by name and emergency cadre.

Safeguards: Records are maintained in card file equipment. Records are available only to authorized personnel whose duties require access.

Retention and disposal: Records are maintained as long as the individual is an emergency cadre member. Expired records are burned.

System manager(s) and address: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Contact the Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Date of birth.
c. Address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as above.

Record source categories: Information is provided by the individual.

CSC—2

System name: Civil Service Retirement and Insurance Records—CSC

System location: Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

Categories of individuals covered by the system: The category of individuals is indicated below.

a. Former Federal employees and Members of Congress who performed service subject to the Civil Service Retirement (CSR) System.

b. Current Federal employees who have:
(1) performed Federal service subject to the CSR System other than that with their present agency; or
(2) filed a designation of beneficiary for benefits payable under the CSR System; or
(3) requested BRIOH to review a claim for health benefits made under the Federal Employees Health Benefits Program; or
(4) filed a service credit application in connection with former Federal service not subject to the CSR System.

c. Former Federal employees who died subject to or who retired under the CSR System, or their surviving spouses and/or children, who have received or are receiving CSR benefits, Federal Employees' Group Life Insurance benefits, or Federal Employees Health Benefits.

d. Former Federal employees who died subject to or who retired under a Federal Government retirement system other than the CSR System, or their surviving spouses and/or children, who have received or are receiving Federal Employees' Group Life Insurance benefits and/or Federal Employees Health Benefits.

e. Applicants for Federal employment found unsuitable for employment on medical grounds.

Categories of records in the system: This System is comprised of those retirement service history records of employees' service in the Federal government other than that for the agency in which they may presently be employed. It also contains information developed in support of claims for benefits made under the retirement, health benefits and life insurance programs for Federal employees which the Bureau of Retirement, Insurance and Occupational Health (BRIOH) administers. These records contain the following information.

a. Documentation of Federal service subject to the CSR System.

b. Documentation of service credit and refund claims made under the CSR System.

c. Retirement claim files, including documents supporting the retirement application, health benefits and life insurance eligibility, medical records supporting disability claims and designations of beneficiary.

d. Claim review files pertaining to requests that claims made under the Federal Employees Health Benefits Program be reviewed by BRIOH.

e. Suitability determination files on applicants for Federal employment found unsuitable for employment on medical grounds.

f. Documentation of claims made for life insurance and health benefits by annuitants under a Federal Government retirement system other then the CSR System.

g. Health Unit Medical records for CSC employees.

Authority for maintenance of the system: Section 3301 and chapters 83, 87, and 89 of title 5, United States Code and Public Laws 83-598, 84-356, and 86-724.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used:

a. To disclose to the Office of Workers' Compensation Program; Veterans Administration Pension Benefits Program; Social Security Old Age, Survivor and Disability Insurance and Medical Programs; military retired pay programs; Federal civilian employee retirement programs other than the Civil Service Retirement System's or other national, state, county, municipal, or other publicly recognized charitable or social security administrative agency of information needed to adjudicate a claim for benefits under BRIOH or the receipient's benefit program(s), or of information needed to conduct an analytical study of benefits being paid under such programs.

b. To disclose to the Federal Employees' Group Life Insurance Office, 4 East 24th Street, New York, NY 10010, of information necessary to support an individual's claim for life insurance

benefits under the Federal Employees' Group Life Insurance Program.

c. To disclose to a health insurance carrier or plan participating in the Federal Employees' Health Benefits Program of information necessary to support an individual's claim for health insurance benefits under the program.

d. To disclose to any inquirer, if sufficient information is provided to assure positive identification of an individual on whom a department or agency maintains retirement or insurance records, of the fact that an individual is or is not on the retirement rolls and, if so, the type of annuity (employee or survivor) being paid.

e. When an individual to whom a record pertains dies, disclosure of information in the individual's record to the person appointed as representative of the estate, to the person designated by the representative, or to a designated beneficiary, of information which might properly be disclosed to the individual. When a representative of the estate has not been appointed, the individual's next of kin may be recognized as the representative of the estate.

f. To disclose to the Internal Revenue Service, Department of the Treasury, of earnings information as required by the Internal Revenue Code of 1954.

g. To disclose to the Department of the Treasury of information necessary to issue benefit checks.

h. To disclose to a Federal, State, or local law enforcement agency, of information indicating a possible violation of law, whether civil, criminal, or regulatory in nature.

i. To disclose to a Federal, State, or local law enforcement agency information necessary to obtain relevant information to a BRIOH determination concerning an individual' eligibility for or entitlement to coverage under the retirement, life indurance and health benefits programs administered by BRIOH.

j. To disclose to an official of any Federal agency information he or she needs to know in the performance of his or her official duties related to the hiring, retention, separation or retirement of an employee, or issuance of a grant, license, or other benefit.

k. To disclose information to the Office of Management and Budget at any stage of the legislative coordination and clearance process in connection with private relief legislation as set forth in Circular No. A-19.

l. To disclose to an official of any Federal agency any information he or she needs to know in the performance of his or her official duties related to compiling descriptive statistics and making analytical studies in support of the function for which the records were collected and maintained, or for related personnel research functions and/or manpower studies.

m. to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

n. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who, in the judgment of the Commission, is responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained on magnetic tapes, disks, and in paper folders.

Retrievability: Records are indexed by name, social security number, date of birth, and/or claim number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such success. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: All records relating to a claim for retirement, life insurance and health benefits are maintained permanently. Medical records not associated with a disability retirement claim file are retained for 1 to 7 years.

System manager(s) and address: Director, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

Notification procedure: Same as above. Individuals wishing to inquire whether this system of records contains information about them should address their inquiries, providing their full name, any former names, date of birth, name and address of office in which currently and/or formerly employed in the Federal service, and annuity account number, if assigned, to: Director, Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Contesting record procedures: Same as above. Individuals wishing to inquire whether this system of records contains information about them should address their inquiries, providing their full name, any former names, date of birth, name and address of office in which currently and/or formerly employed in the Federal service, and annuity account number, if assigned, to: Director, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Record access procedures: Individuals wishing to see information in their records or contest information about them should address their inquiries, providing their full name, any former names under which they were employed, date of birth, social security number, name and address of office in which currently and/or formerly employed in the Federal service, and annuity account number, if assigned, to: Director, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as the above.

Record source categories: The information in this system is obtained from the following sources: a. The individual whom the information is about. b. Agency Pay, Leave and Allowance Records. c. GSA National Personnel Records Center.

a. The individual whom the information is about.
b. Agency pay, leave, and allowance records.
c. GSA National Personnel Records Center.
d. Federal civilian retirement systems other than the Civil Service Retirement System.
e. Military retired pay system records.
f. Office of Workers' Compensation Programs.
g. Veterans Administration Pension Benefits Programs.
h. Social Security Old Age, Survivor and Disability Insurance and Medicare Programs.
i. Health insurance carriers and plans participating in the Federal Employees' Health Benefits Program.
j. The Office of Federal Employees' Group Life Insurance.
k. Civil Service Commission Government-wide System of General Personnel Records or equivalent agency file.
l. The individual's co-workers and supervisors.
m. Physicians who have seen or treated the individual.

CSC—3

System name: Executive Assignment and Inventory Records—CSC

System location: Bureau of Executive Manpower, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system:

a. Current and former incumbents of positions at grades GS-16 through GS-18 under the Executive Assignment System or positions at equivalent levels over which the CSC exercises at least partial approval authority.

b. Current and former incumbents of career or schedule C positions compensated under the Executive Schedule.

c. Current and former incumbents of positions at grades GS-16 through GS-18, or equivalent levels when the individual noncompetitively acquires status under Civil Service Rule III.

d. In addition to the individuals indicated in "a" above, other current and former employees in the executive branch in grades 15 through 18 under the General Schedule, or at equivalent pay levels under other salary systems, not specifically excepted from inventory coverage; the principal groups of employees excepted from inventory coverage include employees in the commissioned service systems, Administrative Law Judges at grade GS-15, employees of the Panama Canal company, the Canal Zone Government, and the Soldiers' Home, employees involved in intelligence matters where the release of personnel information would be detrimental to national security, foreign nationals employed outside the United States, and employees hired on a consultant, part-time, or intermittent basis.

Categories of records in the system: These records include:

a. Demographic information and background data on experience, education, publications, awards, and career interests of employees in the inventory.

b. A record of referrals identifying position, agency, and individuals referred.

c. Information about the qualifications of appointees.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302, 3309, 3313, 3318, 3324, 3325, 3326, 5114, 5333, 5532, 5723; 10 U.S.C 1581; P.L. 81-691, P.L. 85-322, P.L. 85-726; and E.O. 11315.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as follows:

a. To identify and refer qualified Federal employees or qualified applicants for vacancies at grades GS-16 through GS-18, or equivalent levels.

b. To make lateral referrals for positions at GS-15 or equivalent level, in conjunction with the Federal Automated Career System (FACS).

c. To refer qualified Federal employees or retirees to State and local Governments and international organizations for employment considerations.

d. To provide agencies with inventory extracts of their employees.

e. To provide some of the information required in the annual report to the Congress mandated by 5 U.S.C. 5114.

f. To respond to inquiries from individuals, employing agencies, the Congress, or other third parties when such response is not otherwise prohibited by law or regulation.

g. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collkected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

h. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders, magnetic tapes, punched cards, and microfiche.

Retrievability: Records are indexed by name and social security number.

Safeguards: Records are available only to authorized personnel of the Commission and agencies whose duties require access.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Director, Bureau of Executive Manpower, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Same as the above. It is necessary to furnish the following information in order to identify the individual whose records are requested.

a. Full name.
b. Date of birth.
c. Social security number.
d. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: Director, Bureau of Executive Manpower, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as the above.,

Record source categories: Information is provided by the individual named in the record, employing agency, and obtained from official documents of the Commission.

CSC—4

System name: Federal Executive Development Program Records—CSC

System location: Bureau of Executive Manpower, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Federal employees at grade GS-15, or equivalent level who applied and were nominated by their agency for the Federal Development program.

Categories of records in the system: These records contain demographic information and background data on experience, education, awards, and career interests; agency recommendations and supervisory evaluations; records of the evaluation process used by the selection panel in choosing the finalists; and data on assignments and progress under the program.

Authority for maintenance of the system: Executive Order 11315.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as follows:

a. To respond to inquiries from individuals, employing agencies, Congress, or other third party when such response is not prohibited by law or regulation.

b. For production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

c. To select final candidates and to arrange work assignments.

d. to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are in locked cabinets. Records are available only to authorized personnel of the Commission and agencies whose duties require access.

Retention and disposal: The Federal Executive Development Program records are kept indefinitely.

System manager(s) and address: Director, Bureau of Executive Manpower, U.S. Civil Service Commission, 1900 E Street, N. W., Washington, D.C. 20415.

Notification procedure: Same as above. It is necessary to furnish the following information in order to identify the individual whose records are requested.

a. Full name.
b. Date of birth.
c. Social security number.
d. Program year. (Year nominated or selected for program.)
e. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: Director, Bureau of Executive Manpower, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as the above.

Record source categories: Information is provided by the individual, supervisors, and other management officials, selection panel, and obtained from agency records.

CSC—5

System name: Litigation and Political Activity (Hatch Act) Records— CSC

System location: Office of the General Counsel, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Persons who file civil actions against the Civil Service Commission and persons covered by the Hatch Act who have had allegations of prohibited political activity complaints filed against them.

Categories of records in the system: Litigation files consist of administrative appeal records, investigative files, documents from retirement files, and official personnel folders. Also, documents generated in a civil action including the complaint, answer, motions, briefs, and court orders and decisions. Political Activity (Hatch Act) files consist of information and evidence gathered in the course of investigation of allegations, letters of charges, employee's answers, close-out letters, administrative briefs and memoranda, correspondence from Congress and individuals having an interest in the case, and the final administrative decision.

Authority for maintenance of the system: 5 U.S.C. 1301-1308, 5 U.S.C. 1504, and Executive Order 10577.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below.

a. To defend the Civil Service Commission against law suits.

b. To enforce the provisions of the Hatch Act.

c. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where

there is an indication of a violation or potential violation of civil or criminal law or regulation.

d. To request information from a Federal, State, or local agency maintaining civil, criminal, or other information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a grant, license, or other benefit.

e. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage: Records are maintained in file folders.

Retrievability: Litigation records are indexed by name of the parties bringing suit and the civil action number. Hatch Act records are indexed by name and state.

Safeguards: Records are available only to authorized personnel of the General Counsel's office.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Same as above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Record in which interested.
c. State of residence at time of action.
d. Civil action number, if any.
e. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as above.

Record source categories: Information is obtained from the Commission's executive files, individual to whom record pertains, employing agency, investigations, fellow employees, employee representatives, witnesses at administrative hearings, and court proceedings.

CSC—6

System name: Motor Vehicle Operator and Accident Report Records—CSC

System location: Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Employee of the Civil Service Commission.

Categories of records in the system: Authorization to issue a Government motor vehicle operator's permit and reports, correspondence, and fiscal documents concerning automobile accidents.

Authority for maintenance of the system: Civil Service Commission Administrative Manual Supplement 177-C and Chapter 171 of Title 28, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below.

a. For litigation in a Federal court when necessary.

b. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where a statute, rule, regulation, or order where there is an indication of a violation or there is an indication of a violation or potential violation of civil or criminal law or regulation.

c. To request information from a Federal, State, or local agency maintaining civil, criminal, or other information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a grant, license, or other benefit.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are available only to authorized personnel whose duties require access.

Retention and disposal: Motor vehicle operator records are maintained for three years and are destroyed by shredding. Accident reports are maintained for six years and are destroyed except in cases involving litigation which are maintained indefinitely.

System manager(s) and address: The system managers are as indicated below.

a. For motor vehicle operator records: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

b. For accident reports records: General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Same as above. It is necessary to furnish the following information in order to identify the individual whose records are requested.

a. Full name.
b. Record in which interested.
c. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records by writing the system manager indicated above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained from the individual, Commission employees and parties involved in accident, witnesses to accident, police reports, and reports of investigation by Commission investigators, supervisory personnel in the Commission, and officials of the General Services Administration.

CSC—7

System name: Pay, Leave, and Travel Records—CSC

System location: Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Employees of the Civil Service Commission.

Categories of records in the system: Contains various records required to administer the pay, leave, and travel requirements of the Civil Service Commission.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below.

a. To authorize payroll deductions for allotments, saving bonds, charitable contributions, union dues, health benefits and life insurance; collect indebtedness for over-payment of salary and unpaid internal revenue taxes; pay income tax obligation to Internal Revenue Service; authorize mailing or holding salary checks or saving bonds; authorize issuing of salary checks by Treasury Department; obtain reimbursement of travel expenses for official business; report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; and provide for a summary of employees payroll data and retirement contributions.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

c. For litigation in a Federal court when required.

d. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

e. To refer pertinent infomation to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

f. To request information from a Federal, State, or local agency maintaining civil, criminal, or other information relevant to an agency decision concerning the hiring or retention of an employee,

issuance of a security clearance, the letting of a contract, or issuance of a grant, license, or other benefit.

g. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressioal office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage: Records are maintained in file folders, on cards, magnetic tapes, and in loose leaf binders.

Retrievability: Records are indexed by name.

Safeguards: Records are available only to authorized personnel whose duties require access.

Retention and disposal: Records are maintained for varying periods of time from one year to permanently. Disposal is by shredding.

System manager(s) and address: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as the above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Date of birth.
c. Social security number.
d. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as above.

Record source categories: Information is provided by management officials and by the individual on whom the record is maintained.

CSC—8

System name: Personnel Research Test Validation Records—CSC

System location: U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415 and each of the Commission's regional offices listed below.

Categories of individuals covered by the system: Federal employees; applicants for Federal employment; state and local government applicants and employees.

Categories of records in the system: These records include education and employment history, test scores, responses to test items and questionnaires, interview data and ratings of supervisors regarding the individuals to whom the records pertain.

Authority for maintenance of the system: Title 5, U.S. Code Section 3301, Section 1303.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Data are collected on a project-by-project basis and are used for the construction analysis and validation of written tests; for research on personnel measurement and selection methods. Routine use includes the exchange of personnel records between the Commission and a specific Federal agency for personnel research purposes and the use of personal identifier such as employee name to identify employees included in research studies that extend over a periof of time (longitudinal studies). No personnel decisions are made in the use of these research records. Many data are collected under conditions assuring their confidentiality. This confidentiality will be protected. Personal information in this system of records is used by the personnel research staff in the commission or the specific Federal agency involved. These records may be also used as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage: Records are maintained in file folders, on punched cards, magnetic tape.

Retrievability: Records are maintained by project. Personal information can be retrieved by name or personal identifier only for certain research projects such as those that involve longitudinal studies.

Safeguards: Records are kept in locked files, locked room, and access is limited to authorized research staff.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Personnel Research and Development Center, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415 and Director of each regional office of the Commission (see address of each regional office in the appendix).

Notification procedure: Same as the above.

Record access procedures: None. See exemption below.

Contesting record procedures: Same as the above.

Record source categories: Individual Federal, state or local employees or applicants, supervisors, assessment center assessors or data from agency or Commission personnel files and records.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(6) all material and information in this system of records about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a (c)(3); (d); (e)(4)(G), (H), and (I); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication annually in the Federal Register, and provisions regarding agency rules in that portions of this system relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service. The specific material that is exempted is as follows:

a. Answer keys.
b. Ratings given for the purpose of validating examinations.
c. Rating sheets
d. Rating schedules, including crediting plans.
e. Transmutation tables.
f. Test booklets.
g. Test item files.

CSC/GOVT—1

System name: Appeals, Grievances, and Complaints Records—CSC

System location:

U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, offices of the Civil Service Commission, as indicated in the appendix and agency personnel or disignated offices.

Categories of individuals covered by the system: Applicants for Federal employment, current and former Federal employees, agencies, and annuitants who appeal a determination made by an official of an agency or the Civil Service Commission to the Civil Service Commission, a Board established to adjudicate appeals, or an agency.

Categories of records in the system: This system of records contains information or documents relating to a decision or determination made by an agency or the Commission affecting an individual. This system of records includes files of appeals under Part 772 of the Commission's regulations, classification appeal perfomance rating appeal files. Fair Labor Standards Act complaints, grievance files, and EEO complaint files.

Authority for maintenance of the system: Title 5, U.S.C., Sections 1302, 3301, 3302, 4308, 5115, 5338, 5351, 5388, 7151, 7154, 7301, 7501, 7512, 7701, 8347, Executive Orders 9830, 10577, 10987, 11222, 11478, and Pub. L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint, or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a court subpoena and/or refer to a district court in connection with a civil suit.

d. To adjudicate an appeal, complaint, or grievance.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower stu-

dies; may also be utilized to respond to general requests for statistical information [without personal identification of individuals] under the Freedom of Information Act or to locate individuals for personnel research.

f. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, presecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

g. To request information from a Federal, State, or local agency maintaining civil, criminal, or other information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a grant, license, or other benefit.

h. To disclose information to the Office of Management and budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

i. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are maintained up to two years from the closing of the case and are transferred to the GSA Regional Federal Records Centers. They are destroyed by the Federal Records Centers when the records are seven years old.

System manager(s) and address:

a. Appeals Review Board appeal and reopening petition Control Index Card file: Chairman, Appeals Review Board, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

b. Appeals under Part 772: Director, Federal Employee Appeals Authority, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

c. Classification appeals to the Commission, performance rating appeals, and complaints records: Director, Bureau of Personnel Management Evaluation, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

d. Agency adverse action appeals records (initiated prior to September 9, 1974), classification appeals in agencies, EEO complaint files, and grievances records: Personnel Officer or designated official. Local Agency Installation.

Notification procedure: Same as above. Individuals who have filed appeals or grievances are aware that fact and have been provided a copy of the record. They may, however, contact the appropriate system manager indicated above regarding the existence of such records pertaining to them. It is necessary to furnish the following information:

a. Full name.
b. Date of birth.
c. Agency in which employed and the approximate date.
d. Kind of action taken by the agency when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of an appeal or grievance record is permitted during the prosecution of an appeal, grievance, or complaint by the individual to whom the record pertains. However, after an appeal, grievance, or complaint case has been closed: an individual may gain access to, or contest the official copy of, an appeal, grievance, or complaint record by writing the appropriate system manager indicated above. Individuals should provide their name, date of birth, agency in which employed, approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

Contesting record procedures: Same as the above.

Record source categories: The sources of these records are indicated below.

a. Individual to whom the record pertains.
b. Agency and/or Commission officials.
c. Affidavits or statements from employee.
d. Testimony of witnesses.
e. Official documents relating to the appeal, grievance, or complaint.
f. Correspondence from specific organization or persons.

CSC/GOVT—2

System name: Confidential Employment and Financial Interest Statements—CSC

System location: The records are located in agencies and the Civil Service Commission as indicated below.

a. Office of the General Counsel, U.S. Civil Service Commission, 1900 E Street., Washington, D.C. 20415.

b. Office of the General Counsel or designated official, Department or Agency with which employed, Washington, D.C.

Categories of individuals covered by the system: Agency heads; Presidential appointees in the Executive Office of the President; Presidential appointed full-time members of committees, boards or commissions; and agency employees that are required by Executive Order 11222 to file such statements, including former employees.

Categories of records in the system: Contains statements of personal and family holdings and other interests in business enterprises; listing of creditors, outside employment and opinion of counsel; and confirmation material.

Authority for maintenance of the system: Executive Order 11222

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below.

a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency whether Federal, state, or local charged with the responsibility of investigating or implementing the statute, or rule, regulation or order issued pursuant thereto.

b. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposals below.

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: These records are located in lockable metal file cabinets.

Retention and disposal: These records are disposed of two years after separation of employee or five years upon approval of the Civil Service Commission.

System manager(s) and address: The System Managers are indicated below.

a. For agency heads; presidential appointees in the Executive Office of the President; Presidential appointed full-time members of committees, or commissions, Commissioners and employees of the Civil Service Commission:

Office of the General Counsel, U.S. Civil Service Commission, 1900 E Street N.W., Washington, D.C.

b. For all employees other than those indicated above:

Office of the General Counsel, Department or Agency with which employed, Washington, D.C.

Notification procedure: Same as the above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Department or agency and component.
c. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contting the records by contacting in person or by writing the appropriate System Manager indicated above.

Contesting record procedures: Same as the above.

Record source categories: Individuals on whom records are maintained.

CSC/GOVT—3

System name: General Personnel Records—CSC

System location: These records are located in agencies and the National Personnel Records Center as indicated below.

a. Current Federal employees: Personnel Offfice or designated office, Department or Agency with which employed, Local Installation.
b. Former Federal employees: National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

Categories of individuals covered by the system: Current and former Federal employees.

Categories of records in the system: These records contain information about an individual such as the birth date; Social Security Number; veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letters of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training files; minority group designator files; records relating to life insurance, health benefits, and designation of beneficiary; performance ratings; awards; medical records; performance appraisals; appraisals of potential; Central Personnel Data File (CPDF); and mobility assignment files under the Intergovernmental Personnel Act; and agency adverse action files.

Authority for maintenance of the system: Title 5, U.S.C. Section 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be:

a. Used in the selection process by the agency maintaining the record in connection with appointments, transfers, promotions, or qualifications determinations. To the extent relevant and necessary, it will be furnished upon request to other agencies for the same purpose.
b. Disclosed to other Government agencies maintaining relevant enforcement or other information if necessary to obtain from these agencies information pertinent to decisions regarding hiring or retention.
c. Disclosed to prospective employers or other organizations, at the request of the individual.
d. Disclosed to officials of foreign Governments for clearance before employee is assigned to that country.
e. Disclosed to educational institutions for training purposes.
f. Disclosed to the Department of Labor; Veterans' Administration; Social Security Administration; Department of Defense; Federal agencies who may have special civilian employee retirement programs; National, State, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under the Bureau of Retirement, Insurance, and Occupational Health or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such programs.
g. Disclosed to health insurance carriers or plans participating in Federal Employees' Health Benefits Program in support of a claim for health insurance benefits.
h. Disclosed to Federal Employees' group Life Insurance Program in support of an individual's claim for life insurance benefits.
i. Disclosed to labor organizations in response to requests for names of employees and identifying information.
j. If information indicates a possible violation of law, it may be disclosed to law enforcement agencies.
k. Disclosed to district courts to render a decision when an agency has refused to release to current or former Federal employee a record under the Freedom of Information Act.
l. Disclosed to district courts for use in rendering a decision when an agency has refused to release a record to the individual under Freedom of Information Act (FOIA).
m. Used to provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.
n. Used in the production of summary descriptive statistics and analytical studies; may also be used to respond to general requests for statistical information (without personal identifier) under FOIA: or to locate individuals for personnel research or other personnel research functions.
o. Disclosed to the Office of Management and budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.
p. Disclosed to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.
q. Disclosed to an agency upon request for determination of an individual's entitlement to benefits in connection with the Federal Housing Administration programs.
r. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safequards, Access, Retention and Disposal below.

Storage: The records are maintained in file folders, magnetic tape, punched cards, microfiche, lists, and forms.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms with access limited to those whose official duties require access.

Retention and disposal: The Official Personnel Folder (OPF) is retained by the employing agency as long as the individual is employed with that agency. When the individual transfers to another Federal agency or to another appointing office, the OPF is sent to that agency or office. Within thirty (30) days after an individual separates from the Federal service, the OPF is sent to the National Personnel Records Center. Adverse action files are retained by the agency indefinitely. Other records are maintained for 2 years or destroyed when an individual leave the agency.

System manager(s) and address: The System Managers are indicated below.

a. For current Federal employees: Personnel Officer or other designated official, Department or Agency with which employed, Local Installation.
b. For former Federal employees; Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415

Notification procedure: The procedures are indicated below.

a. If interest is in a specific agency or departmen inquiries, including name, date of birth, and Social Security Number, should be addressed to: Director of Personnel, Department or Agency concerned, Washington, D.C.
b. Other inquiries, including name, date of birth, and Social Security Number, should be addressed to: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415

Record access procedures: The procedures are indicated below.

a. Current Federal employees who wish to gain access to their records should contact their: Personnel Office, or designated office, Agency or Department with which employed, Agency or Department Installation.
b. Former Federal employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and Social Security Number, to: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415, or by contacting in person or writing one of the Commission's offices indicated in the apendix that is nearest to where he or she resides.

Contesting record procedures: The procedures for contesting records are indicated below.

a. Same as above for current Federal employees.

b. For former Federal employees: Direct such a request in writing, including name, date of birth, and Social Security Number to: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information the individual supplied, except information provided by agency officials on pay, leave and allowance records.

CSC/GOVT—4

System name: Personnel Investigations Records—CSC

System location: U.S. Civil Service Commission, Bureau of Personnel Investigations, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: The category of individual is indicated below.

a. Current and former applicants for employment in the Federal service, including Government corporations, Government controlled corporations and other establishments in the executive branch, and in the Government of the District of Columbia.

b. Current and former Federal employees, including employees of Government corporations, Government controlled corporations and other establishments in the executive branch, and employees of the Government of the District of Columbia.

c. American citizens who are current or former applicants for employment with International Organizations.

d. American citizens who are current or former employees of International Organizations.

e. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

f. Individuals considered for assignment as representatives of the Federal Government in volunteer programs.

g. Individuals who are neither applicants nor employees of the Federal Government, but are or were involved in Federal programs under a cooperative assignment or similar agreement.

h. Individuals who are neither applicants nor employees of the Federal Government, but are or were involved in matters related to the administration of the merit system.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for any violations against the law; reports of interviews with present and former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, employers, educational institutions attended; and other information developed from the above.

Authority for maintenance of the system: The authorities for maintenance of the system are indicated below.

a. Section 2, Civil Service Act of 1883—original authority, now codified in Title 5, CFR Section 5.2, Civil Service Rule V.

b. Sections 1303 and 1304, Title 5, U.S. C.

c. Sections 8(b), 8(c), 9(a), 9(c), 14 Executive Order 10450.

d. Public Law 92-261 and Sections 713.216 and 713.220 of the Civil Service Regulations.

e. Section 7701, Title 5, U.S. C. (formerly Section 14 of the Veterans Preference Act of 1944, as amended), and Executive Order 10988.

f. Sections 1501-1508 and 7324-7327 of Title 5, U.S. Code (formerly Section 12(b) of the Hatch Act).

g. Section 2165 of Title 42, U.S. Code (formerly the Atomic Energy Act of 1954, as amended).

h. Section 2585 of Title 22, U.S. Code (formerly P.L. 87-297).

i. Executive Order 10422, as amended.

j. Section 2455 of Title 42, U.S. Code (formerly the National Aeronautics and Space Act, P.L. 85-568).

k. Section 1434 of Title 22, U.S. Code (formerly P.L. 80-402).

l. In addition to the provisions cited above, there are various acts of Congress that contain implied authority for the Commission to investigate, such as laws prohibiting the purchase and sale of office, holding of two offices, conspiracy and other prohibitory statutes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows:

a. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

b. To designated officers and employees of other agencies and departments of the Federal Government to avoid duplication when such agency or department conducts an investigation of the individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, loyalty to the United States Government, or access to classified information or restricted areas.

c. To designated officers and employees of other agencies and departments of the Federal Government having the responsibility to grant security clearance, make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement.

d. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

e. To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

f. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropiate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; such referral shall also include, and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other interagency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties.

g. To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on matters.

h. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

i. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Some files are maintained in folders in a room with a windowless door which is locked with a manipulation-proof combination lock and protected by a police alarm system. Older files are in storage at the GSA Records Center, Suitland, Maryland. Other files are maintained in metal file cabinets which are secured by use of bars and combination locks when not in use. The index for this system of records is contained in Rotary Wheeldex machines which are covered and locked when not in use.

Retrievability: Records are indexed by name in alphabetical order.

Safeguards: All officials and employees are required to have an appropriate security clearance before they are allowed access to the files and records.

Retention and disposal: The procedures are indicated below.

a. File cards from the index to the system of records which show the existence of an investigative file are maintained for 20 years plus the current year, or longer if further investigative activity was initiated within the past 20 years. File cards which show completion

of clear National Agency Checks or National Agency Checks and Inquiries are maintained for two years plus the current year.

b. Other cards are removed from the index and stored. In 1980 the stored cards and corresponding investigative files will be destroyed.

c. Files destroyed by the CSC are burned. The means of disposal of investigative files is determined by the National Archives and Records Service.

System manager(s) and address: Director, Bureau of Personnel Investigations, United States Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Same as above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Date of birth.
c. Place of birth.
d. Any available information regarding the type of record involved.
e. Category of individual under which the individual believes he or she fits.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting the records through: Director, Bureau of Personnel Investigations, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as above.

Record source categories: Information contained in the system was obtained from the following categories of sources:

a. Applications and other personnel and security forms furnished by the individual.
b. Investigative and other record material furnished by Federal agencies.
c. Notices of personnel actions furnished by Federal agencies.
d. By personal investigation or written inquiry from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(l), (2), (5), and (6) all information about an individual in the records that meets the criteria stated in 5 U.S.C. 552a(k)(1), (2), (5), and (6) are exempt from the requirements of 5 U.S.C. 552a(c)(3), and (d) relating to access and contest and making an accounting of disclosure to the individual named in the record for the following reasons:

a. In that personnel investigations from time to time obtain information relevant to the matter under investigation which is properly classified by another agency and which pertains to national defense or foreign policy, application of exemptions (k)(1) will be required to prevent the individual from gaining access to such information under subsection (d) of the Act.

b. In that personnel investigations involve civil law enforcement in connection with the administration of the merit system, the effectiveness of which would be impaired should the individual obtain access to the investigative record of the matter, the application of exemption (k)(2) may be required to prevent the individual from gaining access under subsection (d) of the Act. Also, as the access by the individual to an accounting of disclosures of the record of such an investigation may impair a law enforcement function, the application of the exemptions to subsection (c)(3) of the title will be required.

c. In that a personnel investigation can involve information obtained from a source who furnished such information under a properly granted promise that the identity of the source would be held in confidence the application of exemption (k)(5) will be required to honor such a promise should the individual request access to the record under subsection (d).

d. In that personnel investigations in connection with the administration of the examining function of the merit system may involve the collection of test material, the application of exemption (k)(6) will be required to prevent the exposure of such material which would compromise the examining process.

CSC/GOVT—5

System name: Recruiting, Examining, and Placement Records—CSC

System location: Civil Service Commission Job Information Centers; area, regional, and central offices of the Civil Service Commission as indicated in the list below; and personnel and other offices of Federal agencies that are authorized to make appointments to positions and to act for the Commission by delegated authority.

Categories of individuals covered by the system: Persons who have applied for Federal employment or are employees or former employees of the Federal Government.

Categories of records in the system: These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions of offenses against the law; results of written tests; appraisal of potential; honors, awards, or fellowships; military service; veteran preference, birthplace; birth date; Social Security Number; names of relatives who are employed in the Federal service; legal residence; and home address of persons who have applied for Federal employment or are employees or former employees of the Federal Government.

Authority for maintenance of the system: Title 5 U.S. C., Sections 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 4103, 5532, 5533, and 5723.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

a. To refer applicants to Federal agencies for employment consideration.
b. To refer applicants to State and local Governments, congressional offices, international organizations, and other public offices with permission of an applicant for the purpose of employment consideration.
c. To refer current and former Federal employees to Federal agencies for consideration for transfer, reassignment, reinstatement, and/or promotion, as applicable.
d. To refer current Federal Government employees for consideration for reassignment and promotion within the employing agencies.
e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.
f. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.
g. To request information from a Federal, State, or local agency maintaining civil, criminal, or other information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a grant, license, or other benefit.
h. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.
i. To provide an educational institution with information on an appointment of a recent graduate to a Federal position at a certain grade level.
j. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained on magnetic tapes, disks, punched cards, microfiche, cards, lists, and forms.

Retrievability: Records are indexed by name, date of birth, and Social Security Number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Quality assurance checks and appropriate computer-related safeguards are employed. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records in this system are retained and disposed of per the requirements of GSA Records Schedule 1.

System manager(s) and address:

a. For applicants who filed an application with an Area Office: Director, Bureau of Recruiting and Examining, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

b. For individuals who filed an application with a specific agency: The personnel or designated office of the agency installation where application was made.

Notification procedure: The procedures are indicated below.

a. For applicants: Area Office to which the individual applied. (See address of area offices listed in the appendix below.) Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, title of examination or announcement with which concerned, and geographic area in which consideration was requested.

b. For current Federal employees: If the application was made to a specific agency, the personnel office of the agency where application was made. Individuals should provide name, date of birth, Social Security Number, vacancy announcement number (if known), and title of position for which applied.

Record access procedures: Same as above.

Contesting record procedures: The procedures are indicated below.

a. For applicants: Area office to which the individual applied. (See address of area offices listed below.)

b. For current Federal employees: If the application was made to a specific agency, the personnel office of the agency installation where application was made.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualifications; results of examination which are made known to applicants and vouchers supplied by references the applicant lists.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(k)(6) all material and information about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication annually in the Federal Register, and provisions regarding agency rules in that portion of this system relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service. The specific material that is exempted is as follows:

a. Answer keys.
b. Ratings given for the purpose of validating examinations.
c. Rating schedules, including crediting plans.
d. Rating sheets.
e. Test booklets.
f. Test item files.
g. Transmutation tables.

APPENDIX

Information regarding the location of systems of records that may contain personal information on an individual may be obtained by contacting in person or in writing one of the Commission's offices indicated below that is nearest to where he or she resides.

Regional and Area Civil Service Commission Offices

ATLANTA REGION

1340 Spring St., N.W., Atlanta, Georgia 30309.

Area Offices

Southerland Building, 306 Governors Dr., SW., Huntsville, Alabama 35801.
107 St. Francis St., Mobile, Alabama 36602.
3101 Maguire Blvd., Orlando, Florida 32803.
Federal Office Building, 275 Peachtree St., NE., Atlanta, Georgia 30303.
Federal Building, 451 College St., Macon, Georgia 31201.
600 Federal Place, Louisville, Kentucky 40202.
302 N. State St., Jackson, Mississippi 39201.
310 New Bern Ave., Raleigh, North Carolina 27601.
Federal Office Building, 334 Meeting St., Charleston, South Carolina 29403.
167 N. Main St., Memphis, Tennessee 38103.

BOSTON REGION

John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Area Offices

Federal Building, 450 Main St., Hartford, Connecticut 06103.
Federal Building, Augusta, Maine 04330.
John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.
Federal Building, Portsmouth, New Hampshire 03801.
Federal—Post Office Building, Kennedy Plaza, Providence, Rhode Island 02903.
Federal Building, Burlington, Vermont 05401.

CHICAGO REGION

Federal Office Building, 29th Floor, 230 South Dearborn St., Chicago, Illinois 60604.

Area Offices

219 S. Dearborn St., Chicago, Illinois 60604.
U.S. Courthouse and Federal Building, 46 E. Ohio St., Indianapolis, Indiana 46204.
144 W. Lafayette St., Detroit, Michigan 48226.
Federal Building, Room 196, Fort Snelling, Twin Cities, Minnesota 55111.
1240 E. Ninth St., Cleveland, Ohio 44199.
40 W. Fourth St., Room 600, Dayton, Ohio 45402.
161 W. Wisconsin Ave., Milwaukee, Wisconsin 53203.

DALLAS REGION

1100 Commerce St., Dallas, Texas 75202.

Area Offices

Room 3305, Federal Office Building, 700 W. Capitol Ave., Little Rock, Arkansas 72201.
Federal Building, 610 South St., New Orleans, Louisiana 70130.
421 Gold Ave., SW., Albuquerque, New Mexico 87101.
210 NW. 6th St., Oklahoma City, Oklahoma 73102.
1100 Commerce St., 6th Floor, Dallas, Texas 75202.
411 N. Stanton St., El Paso, Texas 79901.
702 Caroline St., Houston, Texas 77002.
643 E. Durango Blvd., San Antonio, Texas 73205.

DENVER REGION

Building 20, Denver Federal Center, Denver, Colorado 80225.

Area Offices

U.S. Post Office Building, 18th and Stout Streets, Denver, Colorado 80202.
130 Neill Ave., Helena, Montana 59601.
657 2nd Ave., North Fargo, North Dakota 58102.
Federal Building—U.S. Courthouse, Room 201, 515 9th St., Rapid City, South Dakota 57701.
350 S. Main St., Room 484, Salt Lake City, Utah 84101.
1805 Capitol Ave., Cheyenne, Wyoming 82001.

NEW YORK REGION

New Federal Building, 26 Federal Plaza, New York, New York 10007.

Area Offices

970 Broad St., Newark, New Jersey 07102.
26 Federal Plaza, New York, New York 10007.
301 Erie Blvd., West Syracuse, New York 13202.
Pan American Building, 255 Ponce De Leon Ave., Hato Rey, Puerto Rico 00917.

PHILADELPHIA REGION

William J. Green, Jr., Federal Building, 600 Arch St., Philadelphia, Pennsylvania 19106.

Area Offices

Federal Office Building, 844 King St., Wilmington, Delaware 19801.
Federal Building, Lombard St. and Hopkins Place, Baltimore, Maryland 21201.
William J. Green, Jr., Federal Building, 600 Arch St., Philadelphia, Pennsylvania 19106.
Federal Building, 1000 Liberty Ave., Pittsburgh, Pennsylvania 15222.
Atlantic National Bank Building, 415 St. Paul Blvd., Norfolk, Virginia 23510.
Federal Building, 500 Quarrier St., Charleston, West Virginia 25301.

ST. LOUIS REGION

1256 Federal Building, 1520 Market St., St. Louis, Missouri 63103.

Area Offices

New Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.
120 S. Market St. Wichita, Kansas 67202.
601 E. 12th St., Kansas City, Missouri 64106.
1520 Market St., St. Louis, Missouri 63103.
215 N. 17th St., Omaha, Nebraska 68102.

SAN FRANCISCO REGION

Federal Building, Box 36010, 450 Golden Gate Avenue, San Francisco, California 94102.

Area Offices

522 North Central Ave., Phoenix, Arizona 85004.
851 S. Broadway, Los Angeles, California 90014.
650 Capitol Mall, Sacramento, California 95814.
380 W. Court St., San Bernardino, California 92401.
110 West C St., Suite 2100, San Diego, California 92101.
450 Golden Gate Ave., San Francisco, California 94102.
1000 Bishop St., Suite 1500, Honolulu, Hawaii 96813.
50 S. Virginia St., Reno, Nevada 89505.

SEATTLE REGION

Federal Building, 26th Floor, 915 Second Avenue, Seattle, Washington 98174.

Area Offices

617 G St., Anchorage, Alaska 99501.
Federal Building, 550 W. Fort St., Boise, Idaho 83702.
319 SW. Pine St., Portland, Oregon 97204.
Federal Building, 26th Floor, 915 Second Ave., Seattle, Washington 98174.

Accordingly, with these changes and additions, the proposed notices of systems of records are adopted.

United States Civil Service Commission,

(SEAL)

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-27346 Filed 9-16-76;8:45 am]

federal register

FRIDAY, SEPTEMBER 24, 1976



PART VII:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PRIVACY ACT OF 1974

Republication of Privacy Act Systems of Records

The Privacy Act of 1974, 5 U.S.C. 552a(e)(4) (Pub. L. 93-597), requires that each agency publish in the Federal Register at least annually a notice of the existence and character of systems of records it maintains. Pursuant to that requirement, the Equal Employment Opportunity Commission (hereinafter, the Commission) hereby republishes the systems of records currently maintained by the agency.

The Commission previously published at 40 FR 39219 (August 27, 1975) and 40 FR 45111 (September 30, 1975) notices of the systems of records it maintains. The Commission also published at 41 FR 34815 (August 17, 1976) notice that, as an additional routine use of information maintained in systems ,EEOC–1, –2, and 4–13, disclosures may be made from those systems to a congressional office in response to an inquiry from the congressional office made at the request of that individual. There have been no other amendments or additions to the Commission's notices regarding Privacy Act systems of records it maintains.

Signed at Washington, D.C., this 15th day of September 1976.

Ethel Bent Walsh,
Vice Chairman.

EEOC—1

System name: Affirmative Action Plan Employee Data—EEOC

System location: Equal Employment Opportunity Commission Dallas regional office (see appendix).

Categories of individuals covered by the system: Employees of private employers and of state and local governments within the Dallas region.

Categories of records in the system: Includes employee's name, social security number or job code, job classification, rate of pay, date of entry on duty, date of entry into present job class, ethnic group and sex.

Authority for maintenance of the system: 42 U.S.C. 2000e-4(g); 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by EEOC Dallas regional office personnel for the development of affirmative action plans.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on computer print-outs and letter size paper.

Retrievability: Stored alphabetically by the name of employee.

Safeguards: Stored in filing cabinets. Access is limited to authorized EEOC personnel.

Retention and disposal: Maintained until the information is superceded or obselete, then manually destroyed.

System manager(s) and address: Director, Equal Employment Opportunity Commission Dallas regional office (see appendix).

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) Full name of the individual (2) mailing address to which the reply should be sent.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Information furnished by employing unit.

EEOC—2

System name: Attorney Referral List—EEOC

System location: All district offices (see appendix).

Categories of individuals covered by the system: Attorneys.

Categories of records in the system: Contains attorneys' names, business addresses, telephone numbers, and years of experience. Some offices may maintain the following additional information: (1) the kinds of cases the attorneys are interested in; (2) whether the attorney will handle cases investigated by EEOC; and (3) description of cases handled for plaintiffs and defendants.

Authority for maintenance of the system: 42 U.S.C. 2000e-4(g); 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by EEOC personnel as a source of attorneys to whom charging parties can be referred to handle the litigation of their Title VII complaints.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on prepared forms and 3x5' cards.

Retrievability: Indexed alphabetically by names of the attorneys.

Safeguards: Access to this system of records is restricted to EEOC district office personnel who have a legitimate use for the information contained therein. This system is stored in a filing cabinet.

Retention and disposal: Maintained until the Commission is notified that an attorney no longer wishes to be included on the referral list. Upon such notification, records are destroyed by manual shredding.

System manager(s) and address: The District Counsel at each EEOC district office (see appendix).

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested; (1) full name of the individual; (2) mailing address to which reply should be sent.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Attorneys.

EEOC—3

System name: Charge of Discrimination Case Files—EEOC

System location: District office where the charge of discrimination was filed (see appendix).

Categories of individuals covered by the system: Any aggrieved individuals who charge that an unlawful employment practice within the meaning of Title VII of the Civil Rights Act of 1964, as amended, has been committed by an employer, employment agency, labor organization or joint labor-management apprenticeship committee.

Categories of records in the system: Grievance filed by charging party alleging n discrimination, original communication, perfected charge, amended charge; copy of deferral letter to state; communication requesting assumption of jurisdiction; receipt for copy of charge; receipt for notification of charge; analysis of deferral agency action or nonaction; charging party's statements and affidavits; report of initial and exit interviews; follow-up letter from charging party; statements and affidavits of charging party's witnesses; statement of respondent and respondent's witnesses; respondent's statement of position; correspondence and documentation related thereto; documentary evidence gathered from respondent such as charging party's records of jobs and earnings, records of jobs and earnings of co-workers, seniority list, job titles and an analysis of such documents; affidavits or statements of any additional witnesses interviewed and copies of any documents submitted by them; observations made on a tour of respondent's facilities, organizational charts, diagrams, summaries of comments made by employees regarding work facilities, EEO data, EEO Report forms; community background data such as racial and ethnic composition, education level by minority group status and sex, average income by minority status and sex, and history of employment relationships; collective bargaining agreements when relevant to the issue and related supplements or modifications to the contracts; copies of any subpoenas issued, and any petitions to modify or revoke; copies of any temporary restraining orders issued to seek preliminary relief in the case; investigator's notices and analysis of data; Decisions and Letters of Determination; conciliation agreements; statements or affidavits of additional witnesses contacted in connection

with the investigation made; and any additional evidence gathered during the course of the investigation.

Authority for maintenance of the system: 5 U.S.C. 301; 42 U.S.C. 2000e-5, -8, and -9; 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system of records is to provide for the federal prohibition agianst employment discrimination in the private and public sector based on race, color, religion, sex or national origin. The records are the official file to be utilized by authorized EEOC personnel, including investigators, conciliators, attorneys, research assistants and analysts, Commissioners, Compliance personnel and Regional and District Directors, in making an official determination regarding the validity of the charge of discrimination and as supportive material for any cases which are subsequently conciliated, or litigated by the EEOC or the Department of Justice. Other uses include the following: (1) to conduct compliance reviews with local, state and federal agencies, such as the Office of Federal Contract Compliance, Department of Justice, Department of Labor, Office of Revenue Sharing of the Treasury Department, Law Enforcement Assistance Administration, and other federal agencies as may be appropriate or necessary to carrying out the Commission's functions under the Title (See 42 U.S.C. 2000e-4(g)(1), 8(b) and (d); (2) sharing information contained in these records with state and local agenices administering state or local fair employment practices laws (See 42 U.S.C. 2000e-4(g)(1), 8(b) and (d); (3) sharing information in case files with the following person(s) in contemplation of or in connection with Title VII litigation:

(a) Charging Parties and their attorneys;

(b) Aggrieved persons in case files involving Commissioner Charges and their attorneys provided that such persons have been notified of their status as aggrieved persons pursuant to section 1601.25(c) of the Commission's Procedural Regulations;

(c) Persons or organizations filing on behalf of an aggrieved person, provided that the aggrieved person has given written authorization to the person who filed on his or her behalf to act as the aggrieved person's agent for this purpose and their attorneys;

(d) Employees of Commission-funded groups such as the Mexican-American Legal Defense and Education Fund and Lawyer's Committee for Civil Rights Under Law for the purpose of reviewing information in case files to determine the appropriateness of referral to private attorneys as a service to charging parties, provided that the Commission-funded group is reviewing the information at the request of the charging party;

(e) Respondents and their attorneys, provided that the charging party or aggrieved person has filed suit under Title VII; and (4) cooperating with private Title VII litigants and prospective Title VII litigants by allowing, when requested, access to information in other case files involving the same respondent, provided that the information in the other case files is relevant or material to the private litigant's case.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders, tape and computer print-outs.

Retrievability: Cross-indexed by charging party name, respondent name, and charge number; may be retrieved by any of the above three indexes.

Safeguards: Records are handled by authorized personnel of the Equal Employment Opportunity Commission and others; see routine uses. Premises are locked when authorized personnel are not on duty. Periodic security checks and emergency planning.

Retention and disposal: Case files which are received in the Office of Compliance and the Office of General Counsel are returned to their respective field offices. Files are retired to Federal Records Center one year after the year of the last action, including action in the federal courts or the last compliance review (the final report submitted by the respondent after conciliation to indicate compliance); destroyed after three additional years, except landmark cases, which are retained.

System manager(s) and address: District Director of the field office where charge was filed

Systems exempted from certain provisions of the act: System is exempt under 5 U.S.C. 552a(k)(2).

EEOC—4

System name: Commissioners' Biographical File—EEOC

System location: Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506.

Categories of individuals covered by the system: Current and former Commissioners of EEOC.

Categories of records in the system: Includes name, date and place of birth, education and employment histories, Congressional confirmation hearing transcript, speeches, and publications.

Authority for maintenance of the system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the staff of the Office of Congressional Affairs to answer public and Congressional inquiries regarding EEOC Commissioners.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on paper.

Retrievability: Indexed alphabetically by last name of the Commissioner.

Safeguards: Stored in standard file cabinets. Available to office employees and Commissioners.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: Director, Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506.

Notification procedure: Inquiries concerning this system of records should be addressed to the system namager. All inquiries should furnish the full name of the individual, and the mailing address to which the reply should be mailed.

Record access procedures: Same as the above.

Contesting record procedures: Same as the Above.

Record source categories: The Commissioner to whom the record pertains, publications, and original data generated by the Commission.

EEOC—5

System name: Correspondence and Congressional Inquiries—EEOC

System location: Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506.

Categories of individuals covered by the system: Current and former EEOC employees, charging parties, members of the general public.

Categories of records in the system: Includes name of inquiring individuals and information submitted by them; date inquiry received; date response due; to whom inquiry assigned; date response sent out; issue raised in the inquiry.

Authority for maintenance of the system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used (a) as a control of incoming correspondence, a record file as to the nature and status of the correspondence, a reference of assignment for outgoing response, a reference to previous correspondence on the same subject; and (b) to avoid duplication of responses and to assure a reply to Congressional inquiries.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in loose-leaf notebooks and on control slips.

Retrievability: Indexed numerically by date of incoming letter and alphabetically by name of the inquiring member of Congress and inquiring party.

Safeguards: Stored in standard file cabinets. Access to the records of daily incoming and outgoing correspondence is limited to office employees. Records of these files are stored in locked desk drawers.

Retention and disposal: Retained for six months after completion of necessary action, then destroyed manually. Material relating to specific subjects becomes part of the subject's official file.

System manager(s) and address: Director, Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Correspondence from members of Congress and their staffs, charging parties, members of the general public, and data generated within the Commission.

EEOC—6

System name: Employee Alcoholism and Drug Abuse Records—EEOC

System location: Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506, regional and district offices and regional litigation centers (see appendix).

Categories of individuals covered by the system: Current and former employees of EEOC.

Categories of records in the system: Contains information relating to individuals who are referred to the Public Health Service, other agency operating health facilities, alcoholic and drug abuse treatment and/or rehabilitation centers, and private physicians.

Authority for maintenance of the system: 5 U.S.C. 301; 5 U.S.C. 7901; 42 U.S.C. 218; 44 U.S.C. 396(a); 29 CFR 1510; 45 CFR 57.1 et seq.; 38 Federal Register, Part 1401; CSC FPM Letters No. 792-6 and -7; Bureau of the Budget Circular A-68, August 28, 1964; Bureau of the Budget Circular A-72, June 18, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized personnel of the EEOC Headquarters, regional and district offices, personnel division upon the individual's request; by governmental personnel for purposes of attaining benefits; for disclosure in connection with judicial or administrative proceedings; for disclosure to medical personnel to meet a medical emergency; for disclosure to qualified personnel for purposes of research, audits, or program evaluation; for disclosure of a minor patient to his/her parents under the guidelines set forth in 21 CFR, Part 140.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by the names of the persons on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. HM Individual health record card: six years after last entry. Log of visit to facility: if summarized, three months after last entry; if not summarized, two years after last entry. Health record case files, related forms, correspondence and papers which document employee medical history except pre-employment health qualification placement records, disability retirement exams, and fitness for duty examinations which become a part of the OPF (Standard Form 66) upon separation, are maintained for a period of six years after date of last entry.

System manager(s) and address: Director of Personnel, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506, District and Regional Directors, and Regional Attorneys, EEOC district and regional locations (see appendix).

Notification procedure: Individuals who have been referred to PHS, or other agency operating health facilities are aware of that fact and any inquiries concerning this system should be addressed to the Director of Personnel, headquarters, or the District or Regional Directors and Regional Attorneys at the district and regional locations where individual is currently employed. Individuals should provide their full name, date of birth and social security number.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: The individual to whom the record pertains; private physicians; medical institutions; Veterans Administration benefits program; office of workers' compensation programs; pay and leave allowance cards; health benefits records system; CSC personnel management evaluation and audit record system.

EEOC—7

System name: Employee Pay and Leave Records—EEOC

System location: All locations listed in appendix.

Categories of individuals covered by the system: Current and former employees of EEOC.

Categories of records in the system: Time and attendance cards and forms; leave records (employee name, branch or office, pay period ending, leave and overtime used during the pay period); requests for leave (earned or advance) or leave of absence; requests for and authorization of overtime; annual attendance record (indicates name, social security number, service computation date, hours and dates worked and taken as leave, pay plan, salary and occupation code, grade, leave earned and used); bond issuance and bond balance.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: May be used by authorized EEOC personnel to keep a daily record of leave and overtime acquired and used; as a basis for maintaining an employee's official time card; and as a counseling aid for employees and to assist in evaluating an employee's performance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on prepared forms and on punched and unpunched cards.

Retrievability: Indexed alphabetically by name, social security number, and/or chronologically by event and name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Files are stored in standard cabinets, safes and secured rooms.

Retention and disposal: Maintained from three months to one year. They are then manually destroyed.

System manager(s) and address: Director of each Commission Office or Division at headquarters; Regional and District Directors (see appendix).

Notification procedure: Employees of the Commission wishing to know whether information about them is maintained in this system of records should address inquiries to the Director of the Office or Division where employed or to the District or Regional Director if employed at a field installation (see appendix). Former employees separated from the Commission and no longer in the federal service should address all inquiries to the National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118. The individual should provide his or her full name, date of birth, social security number and mailing address.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Official personnel folders, data submitted by employees, and data submitted by the offices where the individuals are or were employed.

EEOC—8

System name: Employee Travel Records—EEOC

System location: Headquarters, district and regional offices.

Categories of individuals covered by the system: Current and former employees of EEOC.

Categories of records in the system: Includes travel vouchers and requests, official travel authorizations, shelter and sustenance records, copies of government transportation requests, audit statements indicating name, title, office, duty station of traveler and purpose of travel; dates and itinerary; mode of transportation, allowances and justification for special modes thereof; record of travel advances and cash payments received; application and accounting for advance travel funds, and travel reports.

Authority for maintenance of the system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized per-

sonnel in the Financial Services Division at headquarters and regional and district offices as a record of planned and completed travel expenses as a justification of government travel disbursements and to record accounts receivable by the government for accounts advanced for official travel purposes.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on prepared forms (8 1/2 x 11' paper).

Retrievability: Indexed alphabetically by name of traveler and chronologically by date of occurrence.

Safeguards: Stored in standard file cabinets. Access to any information contained therein is limited to employees whose official duties require such access.

Retention and disposal: Filed for two years after occurrence, then manually shredded.

System manager(s) and address: Executive Director, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506.

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual, (2) social security number, (3) mailing address to which reply should be mailed, (4) date(s) of travel.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Bills, receipts and claims presented by employees and original data generated by the Commission.

EEOC—9

System name: Labor-Management Negotiated Agreements—EEOC

System location: Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506. Regional and district offices.

Categories of individuals covered by the system: Current and former employees of EEOC.

Categories of records in the system: Contains information or documents relating to the Commission's labor-management relations program, including information and decisions by the Department of Labor, - Impasses Panel, and Federal Labor Relations Council.

Authority for maintenance of the system: 5 U.S.C. 301; 5 U.S.C. 7001; 44 U.S.C. 396(a); Lloyd-LaFollette Act of 1912; Executive Order 11491, as amended; 5 CFR 711.101-711.102.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized EEOC personnel to respond to inquiries or requests from parties to the negotiated agreement; inquiries from other federal agencies; a court subpoena or to refer to a District Court; requests by parties having standing under Executive Order 11491, as amended; and in a proceeding authorized by Executive Order 11491, as amended.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders, binders, and on index cards.

Retrievability: Indexed by subject matter and the names of parties involved.

Safeguards: Limited to individuals whose official duties require access and the parties having a standing in a particular labor-management proceeding.

Retention and disposal: Maintained up to five years and sent to the National Archives.

System manager(s) and address: Director of Personnel, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506. District and Regional Directors at regional and district offices (see appendix).

Notification procedure: Employees and former employees of EEOC wishing to know whether information about them is maintained in this system of records should address inquiries to the Director of Personnel, at the above address, if they are or were employed at headquarters, Washington, D. C. or to the District and Regional Directors at the installation where the individual is or was employed (see appendix). The individuals should provide their full name, date of birth and social security number.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: The individual to whom the record pertains; members of the bargaining unit; EEOC officials whose official duties require access to the records; authorized officials from the Department of Labor, Civil Service Commission, Federal Mediation and Conciliation Service, Federal Labor Relations Council, Federal Service Impasses Panel, and other third parties to disputes resolution, including arbitrators; other federal agencies having a standing in the Commission's dispute or requesting information; research groups; courts and information; research groups; courts and litigation; the Congress upon request.

EEOC—10

System name: Voluntary Programs Skills Bank—EEOC

System location: Office of Voluntary Porgrams, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506.

Categories of individuals covered by the system: Members of the general public and employees of the federal government who have voluntarily submitted resumes or statements of personal qualifications for inclusion within the skills bank.

Categories of records in the system: Includes name, address, date of birth, education, employment history, military and criminal histories, special qualifications, voting residence, social security number, letters of recommendation, etc.

Authority for maintenance of the system: 42 U.S.C. 2000e-4(g); 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized EEOC personnel in the Office of Voluntary Programs for technical aid to employers requesting Commission assistance in an effort to engage in a remedial action program; assistance to individuals seeking employment; referrals for employment.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Submitted data stored on paper and punch cards.

Retrievability: Indexed by names of individuals, skills and qualifications.

Safeguards: Maintained by authorized personnel only and when not in use kept in locked file cabinet.

Retention and disposal: System kept indefinitely and updated annually. When data is disposed of it is manually shredded.

System manager(s) and address: Director, Office of Voluntary Programs, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506.

Notification procedure: Individuals who have submitted resumes or statements of personal qualifications are aware of the record on themselves maintained by the Commission. They may, however, contact the system manager regarding the existence of such records pertaining to them. The request should include the full name, date and place of birth of the individual and social security number.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: The individual to whom the record pertains.

EEOC—11

System name: Correspondence File—EEOC

System location: Seattle District Office and Chicago District Office (See Appendix).

Categories of individuals covered by the system: Charging parties, applicants for employment and members of the general public.

Categories of records in the system: Includes name of inquiring individuals and information submitted by them; date inquiry received; date response sent out; issue raised in the inquiry; to whom inquiry assigned.

Authority for maintenance of the system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used (a) as a control of incoming correspondence, a record file as to the nature and status of the correspondence, a reference of assignment for outgoing response, a reference to previous correspondence on the same subject; and (b) to avoid duplication of responses and to assure a reply to all those who have sent inquiries to this office.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on paper in file folders.

Retrievability: This system is indexed numerically by date of inquiry and alphabetically by name of inquirer for each yearly quarter.

Safeguards: The files are stored in locked file cabinets. Access to the files is limited to office employees.

Retention and disposal: Retained for one (1) year after completion of necessary action, then destroyed manually.

System manager(s) and address: Director, Seattle District Office, Equal Employment Opportunity Commission, Times Square Building, 4th Floor, 414 Olive Way, Seattle, Washington 98101.

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual , (2) mailing address to which reply should be mailed, (3) date(s) of correspondence.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Correspondence from charging parties, applicants for employment and the general public.

EEOC—12

System name: Officials' Biographical File — EEOC

System location: Office of Public Affairs, Equal Employment Opportunity Commission, Columbia Plaza, 2401 E Street, N. W., Washington, D.C.

Categories of individuals covered by the system: Current and past EEOC officials.

Categories of records in the system: Includes name, date and place of birth, education and employment histories, job duties, past experiences.

Authority for maintenance of the system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the staff of the Office of Public Affairs to answer public inquiries regarding EEOC officials.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on paper in file folders.

Retrievability: This system is indexed alphabetically by last name of official.

Safeguards: The files are stored in a standard file cabinet which is available to office employees.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: Director, Office of Public Affairs, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D.C. 20506.

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual, (2) mailing address to which reply should be mailed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The official to whom the information pertains.

EEOC—13

System name: Employee Productivity Listing — EEOC

System location: Dallas Regional Office (See Appendix).

Categories of individuals covered by the system: Current Equal Opportunity Specialists, EEOC employees.

Categories of records in the system: Includes name of employee, tabulation of units of work completed, job title and/or grade, month and year.

Authority for maintenance of the system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for purposes of assignment making and employee evaluation.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on paper in file folders.

Retrievability: This system is indexed alphabetically by last name of employee or numerically by employee code.

Safeguards: The files are stored in standard file cabinets or desk drawers. Access is limited to supervisory personnel, Director and Deputy Director.

Retention and disposal: Retained through an evaluation year, unless an adverse action, EEOC complaint or award nomination has been submitted in which case the records are kept until the action is completed. They are then manually destroyed.

System manager(s) and address: Regional Director, Dallas Regional Office (See Appendix).

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual, (2) social security number, and (3) mailing address to which reply should be mailed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Work units are submitted by employees.

APPENDIX

ATLANTA REGION
Atlanta Regional Office
Citizens Trust Bldg., Suite 1150
75 Piedmont Avenue, N. E.
Atlanta, Georgia 30303
Atlanta Regional Litigation Center
1389 Peachtree Street, N. E.
Atlanta, Georgia 30309
Atlanta District Office
Citizens Trust Bldg. 10th Floor
75 Piedmont Avenue, N. E.
Atlanta, Georgia 30303
Birmingham District Office
2121 - 8th Avenue, North, Room 824
Birmingham, Alabama 35203
Charlotte District Office
411 North Tryon Street, 2nd Floor
Charlotte, North Carolina 28302
Jackson District Office
203 West Capitol Street, 2nd Floor
Jackson, Mississippi 39201
Memphis District Office
The Dermon 1 Bldg., Suite 1004
46 North Third Street
Memphis, Tennessee 38103
Miami District Office
Biscayne Terrace Hotel, 10th Floor
340 Biscayne Boulevard
Miami, Florida 33132
CHICAGO REGION
Chicago Regional Office
600 South Michigan Avenue, Room 611
Chicago, Illinois 60605
Chicago Regional Litigation Center
536 South Clark Street, Room 902A
Chicago, Illinois 60605
Chicago District Office

Federal Building, Room 234
536 South Clark Street
Chicago, Illinois 60605
Cincinnati District Office
Federal Building, Room 7019
550 Main Street
Cincinnati, Ohio 45202
Cleveland District Office
Engineers' Building, Room 402
1365 Ontario Street
Cleveland, Ohio 44114
Detroit District Office
Michigan Building, Suite 600
220 Bagley Avenue
Detroit, Michigan 48226
Indianapolis District Office
Federal Building
U.S. Courthouse
46 East Ohio Street, Room 456
Indianapolis, Indiana 46204
Milwaukee District Office
Veterans Administration Bldg.
342 North Water Street, 6th Floor
Milwaukee, Wisconsin 53202

DALLAS REGION
Dallas Regional Office
1100 Commerce Street, Room 5A4
Dallas, Texas 75202
Dallas District Office
400-A Lancaster-Keist Shopping Center
Suite 10
Dallas, Texas 75216
Albuquerque District Office
National Building, Suite 1717
505 Marquette Avenue, N. W.
Albuquerque, New Mexico 87101
Houston District Office
Federal Building, Room 1101
2320 LaBranch
Houston, Texas 77004
New Orleans District Office
Masonic Temple Bldg. Room 1711
333 St. Charles Avenue
New Orleans, Louisiana 70130
San Antonio District Office
301 Broadway, Suite 200
San Antonio, Texas 78205

KANSAS CITY REGION
Kansas City Regional Office
601 East 12th Street, Room 113
Kansas City, Missouri 64106
Kansas City District Office
911 Walnut Street, Room 500
Kansas City, Missouri 64106
St. Louis District Office
Locust Building, Room 917
1015 Locust Street
St. Louis, Missouri 63101

NEW YORK REGION
New York Regional Office
26 Federal Plaza, Room 1615
New York, New York 10007
New York District OFfice
90 Church Street, Room 1301
New York, New York 10007
Boston District Office
150 Causeway Street, Suite 1000
Boston, Massachusetts 02114
Buffalo District Office
One West Genesee Street, Room 1020
Buffalo, New York 14202
Newark District Office
9 Clinton Street, Room 310
Newark, New Jersey 07102

PHILADELPHIA REGION
Philadelphia Regional Office
127 North 4th Street, 3rd Floor
Philadelphia, Pennsylvania 19106
Philadelphia Regional Litigation Center
127 North 4th Street, Suite 200
Philadelphia, Pennsylvania 19106
Philadelphia District Office
219 North Broad Street, 2nd Floor
Philadelphia, Pennsylvania 19107
Baltimore District Office
Rotunda Building, Room 210
711 West 40th Street
Baltimore, Maryland 21211
Pittsburgh District Office
Federal Building, Room 2038A
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222
Washington District Office
1717 H Street, N. W., Suite 400
Washington, D. C. 20006

SAN FRANCISCO REGION
San Francisco Regional Office
300 Montgomery Street, Suite 740
San Francisco, California 94104
San Francisco Regional Litigation Center
Grosvenor Plaza, Suite 1010
1390 Market Street
San Francisco, California 94102
San Francisco District Office
Grosvenor Plaza, 3rd Floor
1390 Market Street
San Francisco, California 94102
Denver Regional Litigation Center
1531 Stout Street
Denver, Colorado 80202
Denver District Office
Ross Building, 6th Floor
1726 Champa Street
Denver, Colorado 80202
Los Angeles District Office
1543 West Olympic Boulevard, Suite 340
Los Angeles, California 90015
Phoenix District Office
Greater Arizona Savings Building
112 North Central Avenue, Suite 601
Phoenix, Arizona 85004
Seattle District Office
Times Square Building, 4th Floor
415 Olive Way
Seattle, Washington 98101

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
2401 E Street, N. W.
Washington, D. C. 20506

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  Federal Liaison Director
  Training Center Director
  Field Operations Unit
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  Program Development and Implementation Division
OFFICE OF
  Decisions Division
  National Programs Division
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