

Year:	Demand (thousand tons)
1977	5,400
1978	10,000
1979	13,000
1980	18,000
1981	20,200
1982	41,400
1983	41,400
1984	41,400

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Wright 7 (in a probable regional supply/demand relationship related to the location of this powerplant) from BOM Districts 7 through 20 and 22 as follows:

Year:	Production (thousand tons)
1977	7,901
1978	17,684
1979	39,832
1980	47,221
1981	57,937
1982	60,817
1983	64,593
1984	77,716

1. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from BOM Districts 7 through 20 and 22 expected to result from this NOI, from all other Notices of Intention to Issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons)
1977	4,229
1978	8,270
1979	10,917
1980	14,659
1981	16,383
1982	18,735
1983	18,735
1984	18,735

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand from BOM Districts 7 through 20 and 22 for coal with a 1.01-1.40 percent sulfur content (which includes the 1.3 percent maximum sulfur content as described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to Issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons) Sulfur 1.01 to 1.4
1977	1,482
1978	2,741
1979	3,152
1980	3,283
1981	3,283
1982	3,607
1983	3,607
1984	3,607

The regional planned production of coal, stated in paragraph A.3.a., above, with the characteristics described in paragraph A.3.a.,

above, far exceeds the potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 7 through 20 and 22 uncommitted coal production that meets the requirements of Wright 7 as described in paragraph A.3.a., above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to Issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA. Coal for Wright 7 will probably be bought from producers according to regional supply/demand relationships related to the powerplant's location from BOM Districts 7 through 20 and 22. FEA observes, however, that this powerplant could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Mid-western and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal transportation.*—1. *Location of powerplants and coal supply.* Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study"), coal for Wright 7 would probably come from Bureau of Mines (BOM) District 19 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to this powerplant, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as an alternate route. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* The primary route for coal delivery to the Wright 7 would originate coal on the Union Pacific (UP) to Fremont, Nebraska. The coal would be delivered to the plant by the Chicago and North Western (C&NW). The total distance is approximately 700 miles.

An alternate route from the primary supply area would involve originating on the UP to Brush, Colo. The Burlington Northern (BN) would bring the coal to Fremont. C&NW would make the final delivery.

3. *Originating trunk carrier.* The UP, the originator of coal for Wright 7, has approximately 7,000 hopper cars with an estimated average capacity of 85 tons. Using an aver-

age number of deliveries of 20 per year per 85-ton, the UP may need as many as 40 additional cars to handle the demand from Wright 7. This assumes that the railroad will neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity. The UP indicated that it is willing to acquire any needed capacity involved in shipment to the Wright 7 and that it will modify its expansion plans with demand conditions.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

The UP indicated that transportation facilities at those mine sites within BOM District 19 are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* The Chicago and North Western is the destination carrier for the Wright 7. The C&NW owns the railroad siding into the plant. At present the C&NW delivers coal to Wright 7. The plant has adequate unloading equipment to handle the coal deliveries. This equipment is presently in operating condition, and is being used to unload coal.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery to Wright 7 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to FEA by the Federal Power Commission and Fremont, FEA proposes to find that the issuance of a Prohibition Order to Wright 7 will not impair the reliability of service in the area served by the powerplant since there will be no outage as a result of a Prohibition Order to Wright 7.

The Fremont Department of Utilities has advised FEA that Wright 7 was designed to burn gas and coal and is currently burning coal. There will therefore be no impairment of reliability of service within the meaning of ESECA in the area served by Wright 7 as a result of a Prohibition Order.

[FR Doc. 77-12160 Filed 4-28-77; 8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT Intention To Issue Prohibition Orders to Certain Powerplants

The Federal Energy Administration (FEA) hereby gives notice of its intention to issue a Prohibition Order, pursuant to the authorities granted it by Section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, as amended (ESECA), and Chapter 10, Code of Federal Regulations (10 CFR), Parts 303 and 305 to the following powerplant:

Docket No.	Owner	Generating station	Unit No.	Location
OFU-139	Philadelphia Electric Co.	Cromby	2	Phoenixville, Pa.

FEA hereby also gives notice of the opportunity for oral and written presentation of data, views, and arguments by interested persons regarding this proposed Prohibition Order.

The proposed order would prohibit the above-named powerplant from burning natural gas or petroleum products as its primary energy source.

Prior to issuance of a Prohibition Order to a powerplant, section 2(a) of ESECA and 10 CFR 303.36(b) and 305.3(b) require that FEA find that the powerplant had the capability and necessary plant equipment to burn coal as of June 22, 1974. A Prohibition Order may not be issued unless FEA can find that the prohibition of the utilization of natural gas or petroleum products as a primary energy source is practicable and consistent with the purposes of ESECA, that coal and coal transportation facilities will be available during the period the Prohibition Order will be in effect, and that the prohibition will not impair the reliability of service in the area served by the powerplant. FEA's proposed findings, as well as its proposed conclusions and rationale with respect to these findings, for each powerplant are set out in the Appendix to this notice. These findings, conclusions and rationale may be amended as a result of comments received by FEA pursuant to this notice and other information available to FEA. The findings, conclusions and rationale will be included, with any amendments, for each Prohibition Order that is issued.

Upon completion of the proceedings described in this notice, FEA may determine to issue a Prohibition Order to the above-named powerplant. This Prohibition Order will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the powerplant is able to burn coal and to comply with all applicable air pollution control requirements without a compliance date extension under section 119(c) of such Act, or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the powerplant will be able to comply with all applicable air pollution control requirements of section 119 of that Act, and (2) FEA has considered the environmental impact of the order, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected powerplant with a Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7. The date the Prohibition Order will be effective will be stated in the Notice of Effectiveness.

10 CFR 305.9 requires that, prior to the issuance of a Notice of Effectiveness to a powerplant, FEA shall perform an analysis of the Environmental impact of the issuance of such Notice of Effectiveness. That analysis shall result in either (1) issuance of a declaration that the Prohibition Order will not, if made effective by issuance of a Notice of Effectiveness, be likely to have a significant im-

act on the quality of the human environment, or (2) the preparation by FEA of an environmental impact statement covering significant site-specific impacts that are likely to result from the Prohibition Order and that have not been adequately addressed in the Final Environmental Statement (FES 75-1, dated April 25, 1975) or in other official documents made publicly available.

If FEA prepares an environmental impact statement covering significant site-specific impacts resulting from a Prohibition Order, the statement shall be prepared and published for comment in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to 10 CFR 303.173 to comment on the contents of a draft environmental impact statement. With respect to comments regarding any impact on air quality that might result from a proposed Prohibition Order, however, it should be recognized that ESECA has assigned to EPA the primary responsibility for analyzing the effect of any such order on the Nation's air quality and for determining the applicable air pollution control requirements that apply to the powerplant that has been issued an order. It is expected that, in almost every case, a powerplant to which a Prohibition Order is issued will be eligible to apply to EPA for a compliance date extension. In connection with that application, EPA must provide an opportunity for written comment and oral presentation of data, views and arguments by interested persons. Enclosed with the Notice of Effectiveness may be a compliance reporting schedule to insure that the powerplant will be able to comply with the prohibition of the burning of natural gas or petroleum products as a primary energy source on the effective date specified in the Notice of Effectiveness.

Public comment on the proposal to issue a Prohibition Order to the powerplant listed above is invited in the form of written and oral presentation of data, views and arguments.

Comments should address (1) the adequacy and validity of each of the proposed findings and the conclusions and rationale in support of these findings, (2) the environmental impact of the issuance of a Prohibition Order, including any site-specific environmental impacts, and (3) any other aspects of impacts of the proposed Prohibition Order believed to be relevant.

Pursuant to 10 CFR 303.173 (c) and (d), FEA hereby announces that a public hearing to receive oral presentation of data, views and arguments of interested persons will be held beginning at 9:00 a.m. on May 10, 1977, in Conference Room 11B, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. Any person who has an interest in the subject of the hearing or who is a representative of a group or class of persons which has an interest in the subject of the hearing may make a written request or a verbal request if confirmed in writing, for an

opportunity to make an oral presentation. That request should be directed to Ed Gray, FEA Region III, Room 1001, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, (215) 597-3607. The request should be received before 4:30 p.m., Tuesday, May 3, 1977. The request should describe the person's interest in the issue(s) involved; if appropriate, it should state why the person is an appropriate representative of the group or class of persons which has such an interest; it should give a concise summary of the proposed oral presentation and a phone number where the person may be contacted through May 9, 1977. Speakers will be contacted by an FEA representative before 4:30 p.m., Thursday, May 5, 1977, and should submit ten (10) copies of their oral presentation, if possible, unless such presentation is less than five (5) pages, in which case only one copy is required, to Ed Gray, Federal Energy Administration, Room 1001, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, before 4:30 p.m., Monday, May 9, 1977.

Detailed technical data, views, and arguments should be contained in a written submission in support of the oral presentation. The oral presentation itself should be a summary of those written comments.

While FEA will endeavor to provide adequate opportunity to all who desire to speak, FEA reserves the right to limit the number of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited on the basis of the number of persons requesting to be heard. The FEA will prepare an agenda that shall provide, to the extent possible, for the presentation of all relevant data, views, and arguments.

An FEA official will be designated to preside at the hearing which will not be a judicial or evidentiary hearing. During oral presentations only those conducting the hearing may ask questions. There will be no cross-examination. At the conclusion of all initial oral presentations, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit written questions to the presiding officer to be asked of any person making an oral presentation. The presiding officer will determine whether to ask questions, having first determined whether the question is relevant, and whether adequate time may be afforded for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and it, together with any written comments submitted in the course of the hearing, will be retained by the FEA and made available for inspection and copy-

ing at the public reading room located in Room 2107, Federal Building, 13th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, and the FEA Regional Office, Room 1001, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit written comments consisting of data, views, or arguments with respect to this proposed Prohibition Order to Executive Communications, Box MC, Federal Energy Administration, Federal Building, Room 3309, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Comments and other documents submitted to FEA Executive Communications should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Order for the Cromby Powerplant." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., Monday, May 30, 1977, all oral presentations, and all other relevant information submitted to or otherwise available to FEA will be considered by FEA prior to issuance of a Prohibition Order.

Any information or data considered to be confidential by the person furnishing it must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

Copies of the regulations implementing section 2(a) and (b) of ESECA (10 CFR Parts 303 and 305) are available from the following FEA Regional Offices:

REGION, ADDRESS AND PHONE

- I. Robert Mitchell, Regional Administrator, 150 Causeway Street, Room 700, Boston, Massachusetts 02113—617-223-3701.
- II. Alfred Kleinfeld, Regional Administrator, 26 Federal Plaza, Room 3206, New York, New York 10007—212-264-1021.
- III. J.A. LaSala, Regional Administrator, 1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102—215-597-3390.
- IV. Donald Allen, Regional Administrator, 1655 Peachtree Street, N.E., 8th Floor, Atlanta, Georgia 30309—404-526-2837.
- V. N. Allen Andersen, Regional Administrator, Federal Office Building, 175 West Jackson Blvd., Room A-333, Chicago, Illinois 60604—312-353-0540.
- VI. Delbert Powler, Regional Administrator, Post Office Box 35228, 2626 W. Mockingbird Lane, Dallas, Texas 75235—214-749-7345.
- VII. Neil Adams, Regional Administrator, 1150 Grand Avenue, Kansas City, Missouri 64108—816-374-2061.
- VIII. Dudley Faver, Regional Administrator, Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226—303-234-2420.
- IX. William Arntz, Regional Administrator, 111 Pine Street, San Francisco, California 94111—415-556-7216.
- X. Jack B. Robertson, Regional Administrator, 1992 Federal Building, 915 Second Avenue, Seattle, Washington 98174—206-442-7280.

Any questions regarding this Notice should be directed to the FEA National Office as follows: Federal Energy Administration, Code OCU (Prohibition Order: Cromby Powerplant), Washington, D.C. 20461, 202-566-7941.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*), as

amended by Pub. L. 94-163; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*), as amended by Pub. L. 94-385; E.O. 11790 (39 FR 23185))

Issued in Washington, D.C., April 25, 1977.

Eric J. Fygi,
Acting General Counsel,
Federal Energy Administration.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings and to consider certain factors before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplant named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
0FU-139	Philadelphia Electric Co.	Cromby	2	Phoenixville, Pa.

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

Philadelphia Electric Company shall be referred to as the "utility" and as "Philadelphia Electric".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplant Number 2 at the Cromby Generating Station (Cromby 2) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Philadelphia Electric in information filed with FEA dated July 10, 1975, indicated that the powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boiler had been designed and constructed or modified to burn coal as its primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Based on information Philadelphia Electric filed with FEA dated July 10, 1975, and other information available to FEA, the following plant equipment or facilities at Cromby 2 would have to be acquired or refurbished in order for this powerplant to burn coal as its primary energy source: (1) Coal burners and mills, (2) ash handling system, (3) superheater tube shields, and (4) combustion controls.

C. FEA proposes to find that on June 22, 1974, Cromby 2 had all other significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the equipment and facilities listed in paragraph B, above, do not individually or in combination constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Cromby 2 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Cromby 2 will be operated at a 64 percent capacity factor, has a remaining useful life of 14 years (as of the date of this NOI), is expected to have at least 9 years remaining useful life after con-

version of the powerplant, and on the facts and interpretations stated below:

A. *The burning of coal is practicable.—1. Costs associated with burning coal.*

a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Cromby 2 are estimated to be approximately \$20,396,000, which assumes that flue gas desulfurization equipment (including venturi scrubber) will be required at a cost of \$20,342,000 to comply with the air pollution control requirements of the Clean Air Act. This estimate is based on a PEDCO-Environmental Specialists, Inc. report entitled Coal Conversion Cost Reasonableness Analysis for the Cromby 2 Plant, Feb. 25, 1977 (hereafter "PEDCO Report").

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately \$10,284,000 per year including \$8,857,000 for operation and maintenance of air pollution control equipment. This estimate is based on the PEDCO Report.

c. *Fuel costs.* (i) Based on information supplied by Philadelphia Electric, the price of petroleum products available to Cromby 2 is approximately \$2.45 per million Btu's for oil. This represents \$14.60 per barrel of oil, assuming 5.96 million Btu's per barrel.

(ii) Based on information supplied by PEDCO-Environmental Specialists, Inc. the price of coal available to Cromby 2 is approximately \$1.08 per million Btu's. This represents \$26.78 per ton of coal, assuming 24.8 million Btu's per ton.

(iii) FEA estimates that the burning of coal by this powerplant will result in a reduction of approximately \$1.37 per million Btu's, or \$15,021,000 per year in fuel costs. This estimate is based on fuel consumption presuming Cromby 2 is operated at a 64 percent capacity factor and with an average heat rate of 9,789 Btu's per kilowatt hour.

d. *Total annual costs associated with conversion.* As a result of the conversion of Cromby 2, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately \$16,184,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Cromby 2 is reasonable. Financial impacts of the conversion

will be felt by the utility and by the consumer.

As a result of conversion, the utility will incur additional annual capital investment costs, including financing costs, of approximately \$5,900,000 (this represents an amortized cost over the 9 years remaining useful life of this powerplant after conversion, and is based on a fixed charge rate of 28.9% of the total initial capital investment of \$20,396,000) and additional annual operating and maintenance costs, exclusive of fuel costs, of approximately \$10,284,000 (these figures are derived from the figures in paragraphs A.1. a., and b.), but will experience an annual fuel cost savings of approximately \$15,021,000. (See paragraphs A.1.c.) The estimated net annual increase in cost of producing electricity at Cromby 2 after conversion will be \$1,163,000.

Increased costs for conversion will be mitigated by the decrease in fuel costs. The net result, however, will be an increase in the cost of producing electricity at Cromby 2. The costs to the utility resulting from this Prohibition Order ultimately will be recovered in rates.

The use of coal at Cromby 2 will result in an estimated annual equivalent savings of 1,844,000 barrels of oil that otherwise would be used in providing steam for electric power generation. The cost of conversion per barrel of oil saved is estimated to be \$0.63.

Although conversion to the burning of coal would be expected to increase the cost of producing electricity at Cromby 2, FEA proposes to find that such increased cost, per barrel of oil saved, is not unreasonable. This determination is based on consideration of the substantial savings of oil that will result from this conversion. The determination that the costs of converting are not unreasonable is further supported by consideration of such costs in relation to the expected 9 years remaining useful life of the powerplant after conversion, the size and resources of Philadelphia Electric as examined in the following analysis of financial capability, the nature of the expected operations of this powerplant, and potential future increases in the fuel cost differential in favor of coal.

3. *Financial capabilities of Philadelphia Electric.* a. *Recovery of capital investment.* FEA proposes to find that compliance with a Prohibition Order to Cromby 2 would be economically feasible. FEA's analysis took into consideration the \$20,396,000 additional capital investment required for Philadelphia Electric to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other Notices of Intention, to date, if any, to issue prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Philadelphia Electric powerplants. FEA related these additional capital investment costs to Philadelphia Electric's estimate of its 1977-79 construction budget of \$2 billion, the total capitalization of Philadelphia Electric of \$3.5 billion, and the 9 years remaining useful life after conversion of Cromby 2.

FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financial capabilities of the utility to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration would be \$16,184,000. This also represents the total estimated annual incremental increase in

revenue requirements of Philadelphia Electric. (FEA also took into consideration revenue requirements of Philadelphia Electric resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Philadelphia Electric powerplants.) This estimate of \$16,184,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled Computer Methodology For Coal Conversion Cost Reasonableness Determination, August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystems Computer Model results, FEA performed a financial analysis based on a Price Waterhouse and Co. report entitled Identification Of Possible Financial Effects Of Converting Certain Electric Generating Facilities To The Use Of Coal, October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be \$16,320,000, which assumed a predicted effect on Philadelphia Electric's financial statement and represents revenues required to offset any potential loss in Philadelphia Electric's net earnings per share as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs of \$16,184,000 associated with conversion ultimately will be recovered in rates. However, due to the potential offsetting value of fuel cost savings of approximately \$15,021,000 attributable to compliance with this NOI and all other NOI's currently under consideration, the net annual revenue requirements of Philadelphia Electric should increase by approximately \$1,163,000.

4. *Consumer Impact.* The potential initial impact of a Prohibition Order to Cromby 2 is a net increase in revenues required from Philadelphia Electric consumers of approximately \$0.00048 per kilowatt hour of electricity sold by Philadelphia Electric. This estimate is based on FEA's analysis of the Ultrasystems Computer Model.

The actual amount of the increase will depend on the actual amount of the investment necessary to comply with a Prohibition Order, the methods which Philadelphia Electric selects to finance the increased cost associated with burning coal as a primary energy source at Cromby 2, the extent to which the cost increase is spread among Philadelphia Electric consumers, the regulations or policies of the regulatory agencies with jurisdiction over Philadelphia Electric regarding inclusion of such cost increases in consumer rates, the actual amount of the fuel differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Cromby 2 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for this powerplant to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Cromby 2 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is con-

sistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to this powerplant during the period until December 31, 1984.*

A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable. (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) [hereafter "BOM Survey"]). Within these recoverable reserves approximately 200 billion tons contain 1% or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansions plans that extend that far into the future; however, the projected total planned national coal production for 1985 already meets 99 percent of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	Production potential (million tons)
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An EPA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976, (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	Production (million tons)
1977	48.4
1978	122.3
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	Demand (million tons)
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to Issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August 1976 (hereafter "Coal Conversion Study")):

Year:	Demand (million tons)
1977	4.5
1978	9.1
1979	12.0
1980	17.0
1981	19.2
1982	27.6
1983	27.6
1984	27.6

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Cromby 2. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which was not committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for this powerplant.* FEA's "Coal Conversion Study" has determined that a pulverized-coal, dry bottom boiler of the type used at Cromby 2 will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

BTU's/lb	13,100
Moisture (percent)	15
Ash (percent)	19
Volatile (percent)	15
Ash softening temperature (°F)	2,200
Sulfur (approximate) (percent)	2.7

Minimum.
Maximum.

b. *Characteristic coal demand from this powerplant.* The potential demand for coal of the type described above, which would result from this NOI is estimated to be as follows:

Year:	Demand (thousand tons)
1982 and thereafter	443

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Cromby 2 in a nationwide market as follows:

Year:	Production (thousand tons)
1977	13,258
1978	26,667
1979	50,263
1980	58,353
1981	69,045
1982	72,867
1983	77,854
1984	94,105

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to Issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. National ESECA Prohibition Order demand as stated in paragraph A.2.c., above is:

Year:	Demand (thousand tons)
1977	4,500
1978	9,100
1979	12,000
1980	17,000
1981	19,200
1982	27,600
1983	27,600
1984	27,600

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Cromby 2 (in a probable regional supply/demand relationship related to the location of this powerplant) from Bureau of Mines Districts 1 through 15 as follows:

Year:	Production (thousand tons)
1977	13,258
1978	26,667
1979	50,263
1980	58,353
1981	69,045
1982	72,867
1983	77,854
1984	94,105

1. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.a., above, exceeds the potential demand for coal regardless of characteristic from Bureau of Mines Districts 1 through 15 expected to result from this NOI, from all other Notices of Intention to Issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons)
1977	2,877
1978	5,256
1979	7,027
1980	11,932
1981	14,138
1982	22,179
1983	22,179
1984	23,179

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand for coal from BOM Districts 1 through 15 with a 2.21-2.71 percent sulfur content (which includes the 2.7 percent maximum sulfur content described in paragraph A.3.a., above) resulting from

this NOI, from all other Notices of Intention to Issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons) percent sulfur 2.21 to 2.71
1977	508
1978	897
1979	1,242
1980	1,563
1981	1,733
1982	5,519
1983	5,519
1984	5,519

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds this potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines District 1 through 15 uncommitted coal production that meets the requirements of Cromby 2 as described in paragraph A.3.a., above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to Issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Cromby 2 will probably be bought from producers according to regional supply/demand relationships related to the powerplant's location from Bureau of Mines Districts 1 through 15. FEA observes, however, that this powerplant could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal transportation.*—1. *Location of powerplant and coal supply.* Based on an FEA Study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study"), coal for Cromby 2 would probably come from Bureau of Mines (BOM) District 1 as the primary source of supply and from District 8 as the alternate source of supply. While these supply areas are the nearest available sources able to supply complying coal to the powerplant, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as two alternate routes. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* A primary route for coal delivery for Cromby 2 would originate on Consolidated Railroad Corporation (Conrail), and be delivered to the plant via Coalport, Harrisburg, and Lancaster, Pennsylvania. The total rail distance is approximately 300 miles.

One alternate route from BOM District 1 would involve originating and delivering coal by Conrail, via Keating, Williamsport, and Reading, Pennsylvania.

Another alternate route from an alternate supply would be to originate coal from BOM District 8 to Hagerstown, Maryland, on the Norfolk and Western (N&W) Railroad. Conrail would deliver the coal from Hagerstown, Maryland to the powerplant.

3. *Originating trunk carrier.* Conrail, the expected originating carrier of coal from Cromby 2, has approximately 52,000 hopper cars with an estimated average capacity of 80 tons. Using an average number of deliveries of 10 per year per 80-ton car, Conrail may need as many as 550 additional cars to handle the increased demand from Cromby 2. This estimate assumes that the railroad would neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity.

Conrail indicated that it is willing to acquire any needed capacity involved in shipment to Cromby 2 and that it would modify its expansion plans with demand conditions. The railroad also indicated that its carrying capacity could be expanded as quickly as the utility prepares to burn coal.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

Conrail indicated that transportation facilities at those mine sites within BOM District 1, served by Conrail are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate of intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* The primary and alternate destination carrier for Cromby 2 is Conrail. Conrail jurisdiction includes spur tracks to the plant, which are reported by the utility to be in good condition. Car dumpers are in place and operable for unloading coal.

Philadelphia Electric has indicated that all coal receiving facilities serving Cromby 2 are adequate to handle the projected demand through 1985.

There are no other obstacles to the delivery of coal to Cromby 2.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no major constraints to coal delivery over the primary route to the Cromby 2 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohibition Order to Cromby 2 will not impair the reliability of service in the area served by the powerplant. This proposed finding is based on the facts and interpretations stated below:

A. *Description of the dispatching system.* 1. The Cromby Station is owned by Philadelphia Electric, which is a member of the Pennsylvania/New Jersey/Maryland (PJM) power pool, which is within the geographical area of the Mid-Atlantic Area Council regional electric reliability council.

2. The term "dispatching system" as used in the proposed finding means the PJM.

3. The gross capacity, as of September 1976, of all dispatching system powerplants was 44,543 MW. (See line 7, attachment 1)

4. Proposed changes up to the period in which Philadelphia Electric would imple-

ment a Prohibition Order will result in the gross capacity indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Salem 1	Nuclear	Add	+1,000	December 1976
Martin Creek 4	Oil	Add	+850	January 1977
Calvert Cliffs 2	Nuclear	Add	+900	March 1977
Crawford 3	Coal	Retired	-42	Do
Crawford 4	do	do	-5	Do
Gould St. 1	Oil	do	-31	April 1977
Gould St. 2	Oil	do	-33	Do
Easton 21	Oil	Add	+6.25	May 1977
Easton 22	Oil	Add	+6.25	Do
Easton 3	Oil	Retired	-7	Do
Gilbert 5	Oil	Add	+130	Do
Homer City 3	Coal	Add	+693	October 1977
Three Mile Island 2	Nuclear	Add	+927	May 1978
Crawford 1	Oil	Retired	-33	June 1978
Crawford 2	Oil	do	-33	Do
Salem 2	Nuclear	Add	+1,115	May 1979
Indian River 4	Coal	Add	+445.5	Do
Brandon Shores 1	Oil	Add	+610	February 1980
Chalk Point 4	Oil	Add	+601	May 1980
Susquehanna 1	Nuclear	Add	+1,050	November 1980
Easton 4	Oil	Retired	-7	May 1981
Westport 1	Oil	do	-25	January 1982
Westport 13	Oil	do	-20	Do
Westport 14	Oil	do	-20	Do
Brandon Shores 2	Oil	Add	+610	February 1982
Totals: 1982 Spring load period:				
Added				+9004
Retired				-245
Net change				+8759

NOTE.—See line 2 attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E-2 dated October 29, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Cromby 2. FEA assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. *Forecast peak loads for the dispatching system.* 1. A forecasts of peak load for the dispatching system during the period in which Cromby 2 would implement a Prohibition Order is as indicated on line 8 of attachment 1.

2. The forecast peak load has been compared with the load peak in a previous similar period. The annual peak load growth rate for these forecasts is 5 percent.

C. *Maximum projected outages for the dispatching system.* 1. Scheduled outages for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the period in which Cromby 2 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months is estimated to be required for the powerplant to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplant may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, the projected outage is most likely to occur during 1982. The po-

tential loss of capacity from an outage of Cromby 2 would be approximately 220 MW, (line 7, attachment 1) which is included in the total outages indicated on line 6 of attachment 1. The assumed conversion period specified on attachment 1 is shown for the purpose of illustration only.

3. Maximum projected outages within the dispatching system include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders. Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity for the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparing the net dependable capacity to the forecast peak load shown on line 8 of attachment 1 indicates that the reserve capacity shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of this reserve capacity to the forecast peak load shown on line 8 of attachment 1 results in a reserve margin as indicated on line 11 of attachment 1 (as contrasted with a reserve margin as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers this to be an acceptable reserve margin taking into consideration the geographical location of Cromby 2.

5. At the completion of the conversion, there will be a net 5.4 MW derating of Cromby 2 as a result of using coal as its primary energy source.

6. Existing transmission system interconnections may transfer an additional 9,250 MW into the dispatching system. This ca-

capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. *Conclusion.* If dispatching system conditions, including any scheduled outage by Cromby 2, are as presently forecast during the time required to implement a Prohibition Order by Cromby 2 there will be no impairment of reliability of service within the meaning of ESECA in the area served by Philadelphia Electric or in the dispatching system as a result of the Order.

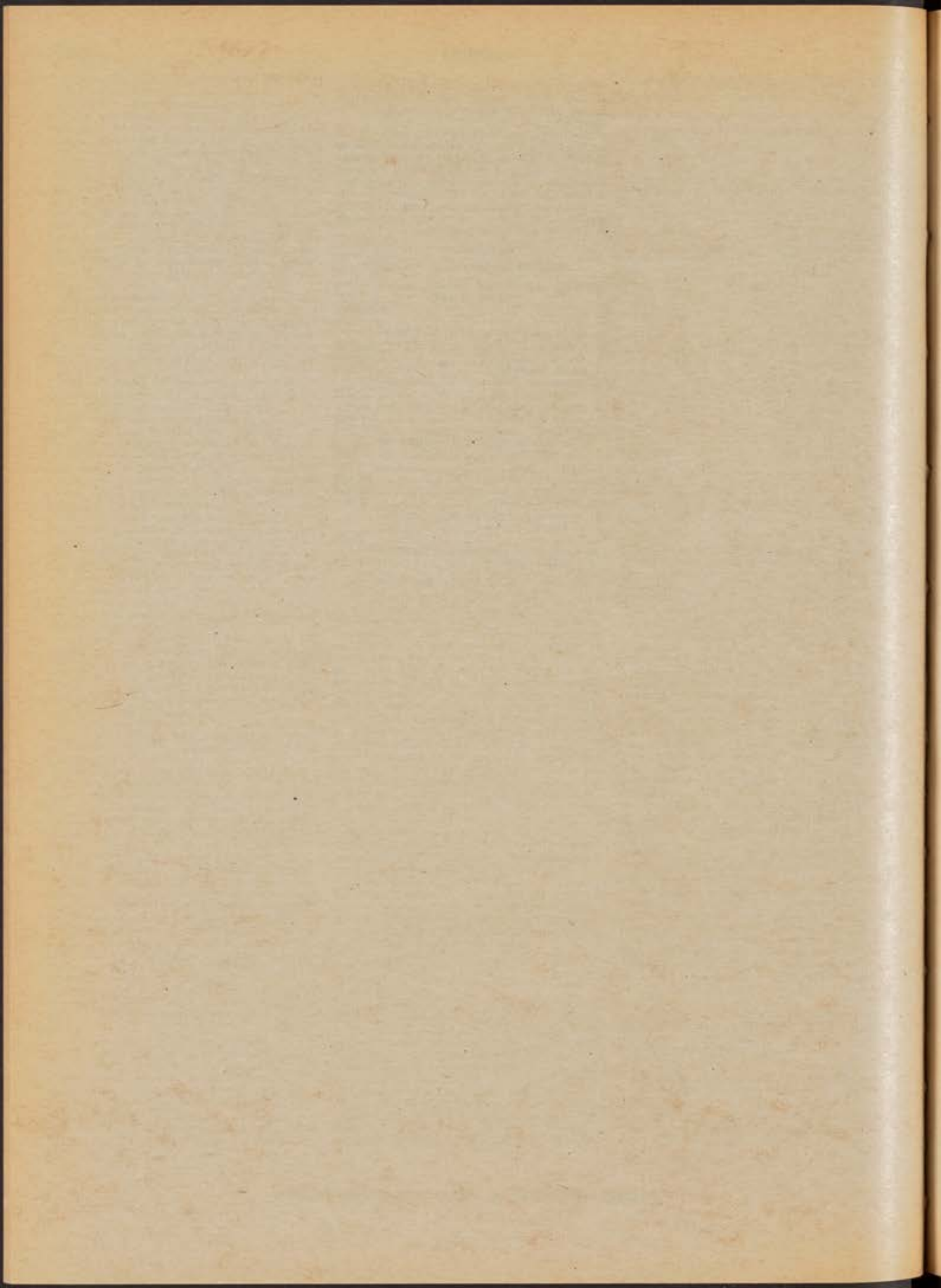
ATTACHMENT 1

PJM RELIABILITY DATA CROMBY

ASSUMED CONVERSION PERIOD MARCH 1 TO
JUNE 30, 1982

	<i>Megawatt capacity</i>
1. Gross capacity of PJM as of September 1, 1978.....	44,543
2. Added capacity.....	8,789
3. Gross capacity.....	53,332
4. Scheduled outages for maintenance	10,132
5. Projected outages due to prohibition orders.....	468
6. Maximum projected outages, due to maintenance and prohibition orders (line 4 and line 5).....	10,600
7. Unit outage.....	220
8. Peak load spring 1982.....	32,923
9. Net dependable capacity.....	42,732
10. Reserve capacity.....	9,809
11. Reserve margin percent (maintenance and prohibition orders)	29.79
12. Reserve margin percent (maintenance only).....	31.22

[FR Doc.77-12161 Filed 4-28-77;8:45 am]



Register Federal Register

FRIDAY, APRIL 29, 1977

PART III



OFFICE OF THE FEDERAL REGISTER



FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material;
January-March, 1977

**OFFICE OF THE FEDERAL REGISTER
FREEDOM OF INFORMATION INDEX REQUIREMENTS**

Guide to Agency Material; January-March 1977

AGENCY: Office of the Federal Register, NARS, GSA.

ACTION: Notice of availability of indexes.

SUMMARY: This notice contains information submitted by agencies to the Office of the Federal Register for the first quarter of 1977 on indexes that the agencies are required to publish and make available under the Freedom of Information Act. This notice is compiled and published to notify the public of the availability of these indexes for sale or public inspection or both.

FOR FURTHER INFORMATION CONTACT:

Doris O'Keefe, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408 (202-523-5230).

SUPPLEMENTARY INFORMATION: 5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Certain amendments (Pub. L. 93-502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first quarter of 1977 in order to notify the public of the availability of these indexes for sale and/or public inspection.

FRED J. EMERY,
Director, Office of the Federal Register.

APRIL 29, 1977.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Agriculture, Agricultural Stabilization and Conservation Service.	ASCS handbooks: Current listing of all administrative staff manuals.	Director, Data Systems Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013. No charge.	Director, Data Systems Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013.
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Department of Agriculture, Rural Electrification Administration.	Index of current REA publications: Electric Program, as of Apr. 6, 1976, with supplement thereto updating the index to Mar. 31, 1977. An alphabetic and numerical index of REA electric program bulletins, staff instructions, contract forms, and specifications.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South, Washington, D.C. 20250. No charge.	Director, Information Service Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South, Washington, D.C. 20250.
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Department of Defense, Department of the Air Force.	Numerical index of departmental forms (AFR 0-0), Aug. 6, 1976. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	DADF at nearest Air Force installation. Shelf stock, \$2.76 per copy; reproduced copies, \$5.50 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	DADF at nearest Air Force installation.
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Do.....	DA pamphlet 310-2: Index of blank forms, December 1976.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: \$3.50. Payable to: Treasurer of United States.	Do.
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Department of Defense, Department of the Navy.	Directives Issuance System Consolidated Subject Index of Unclassified Instructions (NAVPUBNOTE 5215). Published quarterly. Lists instructions issued by Washington headquarters organizations to addressees outside their headquarters.	Commanding Officer, Naval Publications and Forms Center, Philadelphia, Pa. 19120. Price: \$5 per issue. Make check payable to the Treasurer of the United States.	Navy Department Library, 2d floor of building 239 at the Washington Navy Yard, U.S. Naval Station, 9th and M Sts. NW., Washington, D.C. Also available at nearest Navy or Marine Corps activity.
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Do.....	DCPA manual 5450.2: Index of DCPA instructions and manuals, a listing, both numerical and subjective, of the Agency instructions announcing policy, outlining programs, and prescribing internal operating procedures.	Do.....	Do.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Defense Communications Agency.	<p>1. DCA circulars and notices: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA circulars and notices. Those circulars, notices, and changes published during the period July 1-Dec. 31, 1976, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those publications which have been canceled or replaced since July 1, 1976, by a publication of a different number. Publications superseded by a revised issue bearing the same number are not included. Enclosure 2 is an alphabetical listing of current DCA circulars.</p> <p>Enclosure 3 is an alphabetical listing of current DCA Notices.</p> <p>2. DCA instructions: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA instructions. Those instructions and changes published during the period Apr. 1 to Sept. 30, 1976, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those instructions which have been canceled or replaced by an instruction of a different number since Apr. 1, 1976. Enclosure 2 is an alphabetical listing of current DCA instructions.</p>	Defense Communications Agency, Washington, D.C. 20305. No charge.	Defense Communications Agency, 8th St. and South Courthouse Rd., Arlington, Va. 22204.
Defense Nuclear Agency.....	<p>Index to administrative publications, May 10, 1976, with changes. Description: Administrative instructions covering manpower, personnel, international programs, planning and readiness, R. & D., logistics, maintenance, transportation, general administration, organization and function, security, administrative services, public information, legal and legislative policies, comptroller-ship, budgeting, appropriations accounting and control, auditing, and reports control.</p>	Defense Nuclear Agency, Attention: PAO, Washington, D.C. 20305. \$1 by xeroxing, \$0.35 by printing run. Payable to: Treasurer of the United States.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20306.
Do.....	<p>Government reports index: Biweekly, annual cumulation. Description: Indexes DNA and other Government-sponsored research and development reports prepared by Federal agencies or their contractors.</p>	National Technical Information Service, Springfield, Va. 22161. \$125 annual subscription rate. Payable to National Technical Information Service.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20306.
Defense Nuclear Agency, Armed Forces Radiobiology Research Institute.	<p>Index of Armed Forces Radiobiology Research Institute (AFRRRI) instructions, Nov. 10, 1975, with changes. Description: Listing of all AFRRRI instructions in force.</p>	Director, Armed Forces Radiobiology Research Institute, Attention: Administrative Officer, Defense Nuclear Agency, National Naval Medical Center, Bethesda, Md. 20814. 9 pages at \$0.05 per page (\$0.45). Checks payable to Treasurer of the United States.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20306.
Defense Nuclear Agency, field command.	<p>FCDNA instruction 5025.8J. Apr. 30, 1976 with changes. Description: Current index to field command instructions.</p>	Field Command, Defense Nuclear Agency, Attention: Security Specialist, Support Directorate, Kirtland AFB, N. Mex. 87115. No charge.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20306.
Defense Nuclear Agency, field command (FCDNA).	<p>FCDNA instruction 5030.1D; Oct. 31, 1975. Description: Current index to FCDNA agreements, memoranda of understanding, and interservice agreements.</p>	do.....	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20306.
Defense Nuclear Agency, field command, Johnston Atoll (FCJ).	<p>FCJ instruction 5025.8D; Jan. 22, 1975 with changes. Description: Current index to FCJ instructions.</p>	do.....	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20306.
Defense Supply Agency, Defense General Supply Center.	<p>Index of publications: Current listing of policy statements, regulations, handbook, manuals, directives, letters, supplements, procedures, and clause manual.</p>	Commander, Defense General Supply Center, attention of DGS-C-B, Richmond, Va. Reproduced copies \$2. Treasurer of the United States.	Public Affairs Officer, Defense General Supply Center, Richmond, Va. 23297.
Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	<p>Administrative Guidelines Manual, Jan. 1, 1973. Provides guidance to personnel responsible for regulatory decisions. Contains regulatory tolerances and guidance, and authorization for direct action by the field in areas of seizure, citation, and prosecution.</p>	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Supervisor, Public Records and Documents Center (HFC-18), Room 4-62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do.....	<p>Bureau of Foods staff manual guide. Primarily concerned with the preparation of and review of documents within the Bureau of Foods.</p>	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$10. Checks payable to Food and Drug Administration.	Do.
Do.....	<p>Bureau of Drugs staff manual guide. Primarily concerned with the preparation of and review of documents within the Bureau of Drugs.</p>	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$21.50. Checks payable to Food and Drug Administration.	Do.
Do.....	<p>Compliance Policy Guides. Provides a system for the issuing, filing, and retrieval of all official statements of FDA compliance policy.</p>	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.....	<p>Compliance Program Guidance Manual. Provides general guidance to the field as to how certain industries will be inspected, sampled, etc., during a fiscal year. Programs within this manual assign the number of inspections or samples to be done within a specific industry. Over 3,000 pages.</p>	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. 10 cents per page. (Suggest before ordering, to request transmittal checklist to ascertain programs needed.) Checks payable to Food and Drug Administration.	Do.
Do.....	<p>Drug autoanalysis manual. Provides content uniformity test specifications in USP XVII and NFX II. Provides assurance of homogeneity within a single lot for a safe and effective drug supply. Specifications are for all tablet monographs where the active ingredient is present in low quantities (usually 50 mg or less).</p>	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.....	<p>ERDO data code manual. Lists computer code information for programs management system project (PMS) which is used for reporting project information into the program oriented data system (PODS).</p>	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$15. Checks payable to Food and Drug Administration.	Do.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do.....	Field management directives. Used by the field staff to transmit FDA field policy in the areas of operations management, planning and budget guidance, program management, and State program management which gives policy information.	do.....	Do.
Do.....	Food additives analytical manual. Presents a compilation of analytical methodology for additives authorized for use. Compilation consists of methods for additives which can be used only as permitted in foods for human consumption and in feeds and drinking water of animals or treatment of food-producing animals.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.....	Hazard Analysis and Critical Control Point—A System for Inspection of Food Processors. Explains the hazard analysis and critical control point procedure. Used for overseeing industry's processing practices in order to provide the consumer with the best assurance possible of quality control in processing foods.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$181.95. Checks payable to Food and Drug Administration.	Do.
Do.....	Inspector Operations Manual. Provides FDA personnel with standard operating inspectional and investigational procedures. Contains instructions needed by operating inspectors and investigators. Contains authentic objectives, responsibilities, policies, and guides.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$25. Checks payable to Food and Drug Administration.	Do.
Do.....	Inspector Training Manual. Basic training manual for food and drug inspectors and inspection technicians to provide the field with uniform approach to the administration of basic training.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$15. Checks payable to Food and Drug Administration.	Do.
Do.....	Inspector's Manual for State Food and Drug Officials. Divided into 2 parts (1) Operations manual with information applicable to sample collection, inspections, and investigations in all fields of food and drug work; (2) commodities manual divided into specific types of food commodities. Manual for official use of State and local food and drug enforcement officers only.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$63. Checks payable to Food and Drug Administration.	Do.
Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Inspector's Technical Guide. To provide a medium for making all FDA inspectors aware of selected technical information not previously available on a broad scale.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$5.20. Payable to Food and Drug Administration.	Supervisor, Public Records and Documents Center (HFC-18) Room 4-62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do.....	Laboratory Operations Manual. Provides day-to-day guide for laboratory directors and supervisors. Reflects the science advisor program and district laboratory relationships with BDAC field offices and disposition of consumer complaint samples.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$17.50. Checks payable to Food and Drug Administration.	Do.
Do.....	Pesticide Analytical Manual. Brings together the procedures and methods used in the FDA laboratories for surveillance of the extent and significance of contamination of man and his environment by pesticides and their metabolites.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.....	Quantity of contents compendium. Used to measure acceptable levels of shrinkage in food containers. Manual divided into 2 parts: (1) Contains procedures for measuring fill-of-container, statistical evaluation acceptable common or usual declaration of quantity of contents; (2) contains information on sampling where special techniques are required.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$25. Checks payable to Food and Drug Administration.	Do.
Do.....	Regulatory Procedures Manual. Provides guidance on regulatory policy and supporting processing procedures.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$85. Checks payable to Food and Drug Administration.	Do.
Do.....	Staff Manual Guides—Organization and Delegations. Contains directives issued by the Food and Drug Administration to establish policy, organization, procedures or responsibilities in the administrative area. Used to issue continuing instructions or information and remains in effect until rescinded or superseded.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. Vol. I, \$60; Vol. II, \$60; Vol. III, \$30. Checks payable to Food and Drug Administration.	Do.
Do.....	Supervisory Inspectors Guide. Designed to furnish supervisory inspectors with guidelines to assist them in performing their duties.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$28.50. Checks payable to Food and Drug Administration.	Do.
Do.....	Index to Administrative Staff Manuals. Current listing of all staff manuals with indexes and/or table of contents and costs.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$30. Checks payable to Food and Drug Administration.	Do.
Do.....	Statements of policy and interpretations adopted by FDA and not published in the FEDERAL REGISTER.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. \$5.90. Payable to Food and Drug Administration.	Do.
Department of Health, Education, and Welfare, National Institutes of Health (NIH).	NIH Freedom of Information Act Index; from July 4, 1967-July 31, 1976, includes items in the following categories: (1) administrative manuals and memorandum, (2) animal resources and programs, (3) audio-visuals policy and criteria, (4) clinical center operations, (5) contracts policy and guides, (6) employee and committee member handbooks and manuals, (7) grants policy and guides, (8) library resources and guidelines, (9) minority programs, (10) patient policy, (11) research centers guides, (12) safety guides and permits, and (13) site visit formats.	In addition to copies of the NIH FOIA Index maintained by HEW, NIH will make photocopies available if requests are forwarded to: Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. Fees, as prescribed in 45 CFR 5.61, are 15 cents per page with the charge being made if the total amount exceeds \$5. Checks payable to: DHEW—National Institutes of Health.	Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. (301)496-4461.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Health, Education, and Welfare, Public Health Service, Alcohol, Drug Abuse, and Mental Health Administration.	The ADAMHA Freedom of Information Act Index is comprised of various ADAMHA component program guidelines, announcements, handbook listings, policy supplements, instructions, and manual materials. The index is divided to reflect the various ADAMHA components, namely the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, the National Institute of Mental Health, including Saint Elizabeths Hospital and the Office of the Administrator.	Copies of the ADAMHA Freedom of Information Act index are maintained by the HEW, FOI Officer, Room 3360, HEW North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201. ADAMHA will also make copies available if requests are forwarded to: Director, OCPA, ADAMHA, Parklawn Bldg., Room 16-05, 5600 Fishers Lane, Rockville, Md. 20852. Fees are 10¢ per page with the charge being made if the total amount exceeds \$5 and are payable to Treasurer of the United States.	Director, Office of Communications and Public Affairs, Parklawn Bldg., Room 16-25, 5600 Fishers Lane, Rockville, Md. 20852.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	A written description of the general preventive medicine residency program, dated Apr. 29, 1976. Residency assignments, qualifications, appointments, and supervision, as outlined in this document.	Center for Disease Control, Attention: Assistant Director for Operations, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Assistant Director for Operations, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Memorandum dated July 7, 1975. Subject: Medical care, resource personnel. This is the written procedure for handling telephone calls regarding the medical care of certain individuals.	Center for Disease Control, Attention: Director, Office of Biosafety, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Biosafety, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Memorandum dated Apr. 27, 1976. Subject: Hot line, 633-5313. This is the written procedure for handling reports of damage to packages of infectious materials.	.....do.....	Do.
Do.....	Staff publications booklet: An annual bibliographical listing of contributions made by the CDC staff to medical and scientific literature during the previous year.	Center for Disease Control, Attention: Director, Office of Information, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Information, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Minutes of meetings and annual reports of following public advisory committees: Coal Mine Health Research Advisory Committee, Safety and Occupational Health Study Section, Immunization Practices Advisory Committee, Medical Laboratory Services Advisory Committee.	Center for Disease Control, Attention: Director, Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Morbidity and mortality weekly reports. In addition to providing informational morbidity and mortality data on diseases, these reports prescribe policies and interpret policies relative to prevention of diseases as well as health requirements that are covered by regulations.	Center for Disease Control, Attention: Director, Bureau of Epidemiology, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Epidemiology, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Annual report to Congress regarding smoking and health.	Center for Disease Control, Attention: Director, Bureau of Health Education, Atlanta, Ga., 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Health Education, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	"Current Items". This publication from the Bureau of Laboratories is directed generally to heads of State or local laboratories. The publication includes technical procedures and informational data.	Center for Disease Control, Attention: Director, Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE. Atlanta, Ga. 30333.
Do.....	National Institute for Occupational Safety and Health (NIOSH) policy memorandum, dated Sept. 11, 1974, on trade secret information.	Director, National Institute for Occupational Safety and Health, Park Bldg., Room 3-30, 5600 Fishers Lane, Rockville, Md. 20862. No charge for 1 copy.	Director, National Institute for Occupational Safety and Health, Park Bldg., Room 3-30, 5600 Fishers Lane, Rockville, Md. 20862.
Do.....	"NIOSH Policy Letter", dated Nov. 5, 1973, regarding reimbursement to an employer for financial loss (production time; pay) incurred as a result of a NIOSH research project.	.....do.....	Do.
Do.....	The President's report on occupational safety and health, annual report for 1974. This report covers programs of the Department of Labor; Department of Health, Education, and Welfare; and the Occupational Safety and Health Review Commission for calendar year 1974. It contains results of the 1st full year of occupational injury and illness survey.	.....do.....	Do.
Do.....	The Federal coal mine health program in 1973. This is a report of health activities under the Federal Coal Mine Health and Safety Act of 1969.	.....do.....	Do.
Do.....	The Division of Training, National Institute for Occupational Safety and Health, Center for Disease Control, announcement of courses that are available to the public. HEW publication No. (NIOSH) 75-170.	.....do.....	Do.
Do.....	The National Institute for Occupational Safety and Health current intelligence bulletin. This current bulletin alerts members of the occupational health community, government, labor, and industry to new information on potential occupational health hazards.	.....do.....	Do.
Do.....	Proposed interim program guidelines for venereal disease control, dated March 1975.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Venereal disease review criteria, dated Dec. 10, 1971.	.....do.....	Do.
Do.....	Recommended treatment schedules for syphilis, dated 1976.	.....do.....	Do.
Do.....	Gonorrhea. CDC recommended treatment schedules, dated 1974.	.....do.....	Do.
Do.....	Commentary on national strategies to control gonorrhea, dated July 1975.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Program guidelines for the influenza immunization project grants, dated Apr. 14, 1976.	.....do.....	Do.
Do.....	Community-wide influenza campaign, achieving public response.	.....do.....	Do.
Do.....	Influenza immunization operations workbook, dated May 1976.	.....do.....	Do.
Do.....	Supplemental guidelines on informed consent for influenza immunization project grants, dated June 21, 1976.do.....	Do.
Do.....	Guidelines for assessing immunity levels, dated November 1973.do.....	Do.

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Do.....	Immunization Against Disease, 1972 hand-book.	do.....	Do.
Do.....	Public Health Service recommendations for Counting Reported Tuberculosis Cases, dated January 1977.	do.....	Do.
Do.....	Preventive therapy of tuberculosis infection, dated February 1975.	do.....	Do.
Do.....	Memorandum dated Nov. 7, 1975, regarding duration of preventive therapy with isoniazid.	do.....	Do.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Guidelines for prevention of TB transmission in hospitals, dated September 1974.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Recommendations for health department supervision of tuberculosis patients—MMWR, dated Feb. 23, 1974.	do.....	Do.
Do.....	Equipment and procedures for erythrocyte protoporphyrin (EP) analysis as a screening method for pediatric lead poisoning, dated Feb. 3, 1975.	do.....	Do.
Do.....	Urban rat survey—guidelines for classroom use and field training of inspectors who serve in community rodent control programs, dated March 1974.	do.....	Do.
Do.....	Urban rat control project grants program guidelines for applicants, dated 1975.	do.....	Do.
Do.....	Guidelines for grant applications, Childhood lead poisoning control, dated Mar. 14, 1974.	do.....	Do.
Do.....	Policy statement—laboratories performing blood lead determination for community programs receiving lead-based paint poisoning grant funds, dated 1972.	do.....	Do.
Do.....	Increased lead absorption and lead poisoning in young children. A statement by the Center for Disease Control, dated March 1975.	do.....	Do.
Do.....	Policy and procedures for shipping and lending federally owned XRF analyzers, Mar. 25, 1973.	do.....	Do.
Do.....	The "Training Bulletin," which is published every 18 mo. This document lists each of the headquarters, field, or home-study courses that are available through the auspices of CDC during that time period. Specific information is presented that identifies prerequisites for attendance and describes the nature of each course.	Center for Disease Control Attention: Director, Bureau of Training, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Training, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Final denials, revocations, suspensions and limitations of licenses, and letters of exemptions to laboratories subject to the Clinical Laboratories Improvement Act of 1967.	Center for Disease Control, Attention: Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Administrative issuance, Facilities Engineering and Construction Manual, ch. CDC: 3-335, dated May 1, 1972. This issuance provides rules and regulations covering CDC buildings and grounds. It applies to CDC employees and also to visitors, solicitors, etc.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Administrative issuance, Manual Guide—General Administration No. CDC-67, dated Nov. 13, 1970. This issuance provides policy and procedures to CDC employees for claims including those against CDC or against CDC employees as a result of their official duties.	do.....	Do.
Do.....	Administrative issuance, Manual Guide—General Administration No. CDC-1, dated Sept. 30, 1970. This issuance provides policy and procedures for conferences including those cosponsored by CDC and an organization other than a Federal agency.	do.....	Do.
Do.....	Administrative issuance, Manual Guide—ADP Systems No. CDC-1, dated Apr. 22, 1971. This issuance specifies the type of information for CDC organizations to furnish CDC computer systems office for determination as to whether a contract should be entered into with an outside source to perform the ADP services or whether the work can be performed within the Center.	do.....	Do.
Do.....	Administrative issuance, CDC General Memorandum No. 74-9, dated June 20, 1974. This issuance specifies rates for the Center to pay for blood.	do.....	Do.
Do.....	Administrative issuance, Procurement Manual Subpart CDC: 3-75.3, dated May 12, 1972. This issuance specifies CDC delegations of authority for publication of advertisements, notices, or proposals.	do.....	Do.
Do.....	Administrative issuance, Manual Guide—Printing Management No. CDC-6, dated Nov. 5, 1969. This issuance provides CDC policies and procedures for procurement of CDC authored articles which are to be published in private journals and briefly mentions publishers' services, e.g., setting of type, sending proofs, etc.	do.....	Do.
Do.....	Administrative issuance, National Institute for Occupational Safety and Health Administrative Issuance No. 406, dated Sept. 3, 1974. This issuance describes contents and documentation needed for research and technical services contract requests for NIOSH.	do.....	Do.
Do.....	Administrative issuance, Procurement Manual Subpart CDC: 3-3.6, dated Sept. 21, 1970. This issuance prescribes CDC policies and procedures for small purchases particularly through use of imprest funds, and briefly mentions vendors' role.	do.....	Do.

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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. CDC General Memorandum No. 76-8, dated Sept. 22, 1976. This issuance provides instructions to CDC employees for obtaining typewriter repair service and lists individual companies under contract to make repairs.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Administrative issuance. CDC General Memorandum No. 74-1, dated Jan. 10, 1974. This issuance specifies CDC policies and procedures on unauthorized commitments and for obtaining approval for such commitments.	do.....	Do.
Do.....	Administrative issuance. Manual Guide—General Administration No. CDC-52, dated Mar. 12, 1973. This issuance provides policies and procedures for handling public inquiries to CDC during nonwork hours.	do.....	Do.
Do.....	Administrative issuance. Manual Guide—General Administration No. CDC-18, dated Mar. 6, 1969. This issuance provides CDC policies and procedures for obtaining clearance of CDC authored manuscripts, publications, etc., and includes policy on responding to requests from the press, etc.	do.....	Do.
Do.....	Administrative issuance. CDC General Memorandum No. 72-3, dated Feb. 9, 1972. This issuance provides policies and general guidelines to CDC employees on giving assurances of confidentiality in obtaining information from the public.	do.....	Do.
Do.....	Administrative issuance. Manual Guide—Personal Property Management No. CDC-2, dated Apr. 17, 1969. This issuance provides CDC policies and procedures for producing, maintaining, shipping, and storing exhibits and includes procedures for production of exhibits by commercial contractors.	do.....	Do.
Do.....	Administrative issuance. Manual Guide—Safety Management No. CDC-19, dated Mar. 18, 1974. This issuance provides policy to CDC employees for distribution of cultures of microbial agents and of vectors to non-CDC persons.	do.....	Do.
Do.....	Administrative issuance. Manual Guide—Safety Management No. CDC-2, dated Dec. 15, 1975. This issuance provides policy on the need for and use of hazard warning signs that applies to CDC employees and also to visitors.	do.....	Do.
Do.....	Administrative issuance. Manual Guide—Safety Management No. CDC-3, dated June 18, 1973. This issuance provides policies on and procedures for handling compressed gases in cylinders. It applies to CDC employees and also certain policies and procedures apply to vendors.	do.....	Do.
Do.....	Administrative issuance. Personnel Guides for Supervisors, chapter IV, CDC Guide 7-2, dated Mar. 12, 1963, but still current. This issuance provides CDC policies and procedures for handling complaints on employee indebtedness.	do.....	Do.
Do.....	Administrative issuances. Manual Guide—General Administration No. CDC-5, dated Apr. 8, 1971 and National Institute for Occupational Safety and Health Administrative Issuance No. 2, dated Mar. 4, 1974. These issuances provide policies and procedures for making CDC and NIOSH facilities available to guest researchers.	do.....	Do.
Do.....	Administrative issuance. Manual Guide—General Administration No. CDC-61, dated Apr. 26, 1973. This issuance provides CDC policies and procedures for providing to students work experiences which relate to the CDC mission and to the educational objectives of the students.	do.....	Do.
Do.....	Administrative issuance. National Institute for Occupational Safety and Health unnumbered memorandum, dated Mar. 4, 1974. This issuance provides NIOSH policy on loan of property to non-Federal persons or institutions.	do.....	Do.
Do.....	Administrative issuances. Manual Guide—General Administration No. CDC-11, dated June 8, 1973 and National Institute for Occupational Safety and Health policy memorandum, dated June 25, 1973. These issuances provide policies and procedures for the protection of the individuals who are participating or involved in research investigations of the Center and of NIOSH, respectively.	do.....	Do.
Do.....	Administrative issuance. Manual Guide—Travel CDC-10, dated Dec. 26, 1972. This issuance provides CDC policy and procedures for employees renting automobiles for official travel and mentions services provided by the car rental contractors and the conditions of the contracts.	do.....	Do.
Do.....	Administrative issuances. Manual Guide—Travel No. CDC-2 dated Jan. 14, 1974 and Correspondence Manual Chapter 10-40, dated Oct. 1, 1974. These issuances provide instructions to CDC employees for making reservations on common carriers and for picking up the tickets. They list the airlines and their telephone numbers.	do.....	Do.

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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. Manual Guide—General Administration No. CDC-63, Privacy Act, dated Nov. 23, 1976. This issuance provides to CDC employees guidance on carrying out requirements of the act.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Administrative issuance. CDC general memorandum No. 75-10, Freedom of Information Act, dated July 25, 1975. This issuance provides general information to CDC employees on major provisions of the act, procedures for responding to requests for information under the act, and brief data to the CDC employees on the Privacy Act.	Do.....	Do.
Do.....	Administrative issuance. CDC general memorandum No. 75-2, civil defense, dated April 2, 1975. This issuance provides information on the civil defense capacity and equipment of the CDC facilities in the Atlanta area that are officially designated to be used as public shelter areas under the national fallout shelter program.	Do.....	Do.
Do.....	Administrative issuance. CDC unnumbered memorandums, parking at Clifton Rd. facilities, dated July 14, 1975 and Jan. 20, 1976. These issuances provide policy for CDC employees and visitors parking at the Clifton Rd. facilities, Center for Disease Control.	Do.....	Do.
Do.....	Administrative issuance. CDC unnumbered memorandum, directory of licensed day-care facilities in the Metropolitan Atlanta area, dated Mar. 15, 1976. This issuance provides a listing of these facilities.	Do.....	Do.
Do.....	Administrative issuance. CDC unnumbered memorandum, injury compensation, dated Sept. 15, 1975. This issuance provides procedures for CDC employees to follow to document on-the-job traumatic injuries, including submission of reports from attending physicians.	Do.....	Do.
Do.....	Administrative issuance. Manual guide—general administration No. CDC-8, soliciting, vending, and displaying or distributing commercial advertising within CDC, dated Apr. 23, 1975. This issuance provides policy for soliciting, vending, and commercially advertising on property occupied by CDC.	Do.....	Do.
Do.....	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1-2, commercial employment offices, dated Jan. 7, 1976. This issuance provides policy on using commercial employment offices for recruiting personnel.	Do.....	Do.
Do.....	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1-9, dated Feb. 26, 1976. This issuance provides policies, responsibilities, and procedures for the selective placement program for handicapped employees and disabled veterans.	Do.....	Do.
Do.....	Administrative issuance. National Institute for Occupational Safety and Health Administration, issuance No. 6, dated Apr. 15, 1976. This issuance provides policies and procedures for keeping interested governmental, labor, and management groups informed on the initiation and progress of NIOSH field studies.	Do.....	Do.
Do.....	Administrative issuance. National Institute for Occupational Safety and Health Administration, issuance No. 8, dated Oct. 30, 1975. This issuance provides procedures for maintenance of minutes of NIOSH meetings with representatives of nongovernmental groups.	Do.....	Do.
Do.....	Recommendations of the Public Health Service Advisory Committee on Immunization Practices, such as: BCG vaccines, cholera vaccine, diphtheria and tetanus toxoids and pertussis vaccine, immune serum globulin for protection against viral hepatitis, type B, influenza vaccine, measles vaccine, meningococcal polysaccharide vaccines, mumps vaccine, plague vaccine, poliomyelitis vaccines, rabies, Rh immune globulin, Rocky Mountain spotted fever vaccine, rubella vaccine, smallpox vaccine, typhoid vaccine, typhus vaccine, yellow fever vaccine.	Center for Disease Control, Attention: Director, General Services Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, General Services Office 1600 Clifton Rd., NE., Atlanta, Ga. 30333.
Department of Health, Education, and Welfare, Public Health Service, Health Resources Administration (HEW/PHS/HRA).	Health Resources Administration index of policy documents as required by Public Law 90-23 (Freedom of Information), July 1, 1973, to Oct. 1, 1976. The HRA FOIA index is a listing of the following HRA documents: HRA policy, information, and instruction memoranda; supplements and circulars to the Federal personnel and HEW staff manuals; Federal regulations; delegations of authority; organization and functions statements; programmatic circulars, memoranda, instructions, notices, guides, guidelines, and operating manuals used by HRA components.	Associate Administrator, Office of Communications, Health Resources Administration, Room 10A-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees, as prescribed in 45 CFR 5.61, are 10¢ per page with the charge being made if the total amount exceeds \$5. Check payable to DHEW-Health Resources Administration.	Associate Administrator, Office of Communications, Health Resources Administration Room 10A-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, (301) 443-1620.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of Health, Education, and Welfare, Public Health Service, Health Services Administration (HEW/PHS/HSA).	HSA Freedom of Information Act (FOIA) Index: March 1975 to March 1977. The HSA, FOIA index is a compilation of supplements to the departmental manual system, program level operations manuals, circulars, memoranda, notices and guides used by the components of HSA. All information included in this index is current as of Mar. 31, 1977. The respective bureau level indexes are listed as follows: OA—OFFICE OF THE ADMINISTRATOR OCPA—Public Affairs Management System Manual; OPEL—HSA forward plan, fiscal year 1977-81; OM/OCC—HSA procurement operating instructions; OM/OMP—HSA transmittal notices for supplements to DHEW manuals; OM/OFS—policy decisions and opinion. BMS—BUREAU OF MEDICAL SERVICES Division of Hospitals and Clinics Operations Manual; BMS supplements to DHEW manuals; Manual of Operations for PHS Health Unit, DFEH, BMS; CHAMPUS circulars; Contract Physician's Guide; Division of Hospitals and Clinics circular memoranda. IHS—INDIAN HEALTH SERVICES IHS circulars; IHS supplements to DHEW manuals; IHS Operations Manual; General Counsel opinions. BCHS—BUREAU OF COMMUNITY HEALTH SERVICES BCHS administrative guide system; BCIS Operations Manual. BQA—BUREAU OF QUALITY ASSURANCE BQA transmittal system; BQA Procedures Manual; PSRO Program Manual; PSRO Financial Management and Accounting Systems Manual; PSRO Contracts Management Manual; PSRO Management Information System (PMIS) Federal Reports Manual (FRM) medical care evaluation studies; PMIS—FRM—cost reporting; PMIS—FRM—concurrent review reporting; PSRO Hospital Discharge Data Set (PHDD8) Training Manual.	Office of Communications and Public Affairs, DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md. 20857. Checks payable to DHEW/Public Health Service. Mail to HSA Collection Officer, DHEW/PHS/HSA, Room 16-36, 5600 Fishers Lane, Rockville, Md. 20857. Fees charged for research and reproduction of information is based upon the current departmental fee schedule for information under the FOI regulations (45 CFR part 5 subpart E).	Office of Communications and Public Affairs DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md.
HEW/PHS/Office of Administrative Management.	Index to the PHS Manual for financial evaluation of Public Health Service awards, continuous from July 1, 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61 are 10¢ per page, with the charge being made if the total amount exceeds \$5. Checks payable to DHEW, Public Health Service.	Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do.....	A guide to institutional cost sharing agreements for research grants and contracts, supported by the Department of Health, Education, and Welfare, continuous from July 1974.	Copies may be obtained from Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. No charge.	Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do.....	PHS procurement regulations; policies and procedures which implement and supplement the DHEW procurement regulations and the Federal procurement regulations, continuous from May 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61 are 10¢ per page with the charge being made if the total amount exceeds \$5. Checks payable to DHEW, Public Health Service. GPO, 90 cents, Superintendent of Documents (Stock No. 1720-00065).	Copies available: ASC Forms and Publications Services Center, OAM/PHS, 12100 Parklawn Dr., Rockville, Md. 20857. Additional information: Division of Grants and Contracts ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do.....	PHS grants policy statement; comprehensive policy document for use by PHS grantees, continuous from July 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61, as 10¢ per page with the charge being made if the total amount exceeds \$5. Checks payable to DHEW, PHS.	Superintendent of Documents, GPO, Washington, D.C. 20407.
Do.....	Index to PHS supplements to HEW Grants Administration Staff Manual; supplementation and implementations to HEW manual; continuous from January 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61, as 10¢ per page with the charge being made if the total amount exceeds \$5. Checks payable to DHEW, PHS.	Division of Grants and Contracts ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do.....	Tables of contents to PHS supplementation of HEW staff manuals containing authorities, policies, and procedures in the following areas: Emergency, forms management, general administration, organization, ADP systems management, records management, safety management, security, facilities engineering and construction, and procurement.	Director, Division of Directives and Authorities Management, OOMS/OAM/PHS, Room 17-81, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees as described in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds \$5. Checks payable to DHEW, Public Health Service, Office of the Assistant Secretary for Health.	Director, Division of Directives and Authorities Management, OOMS/OAM/PHS, Room 17-81 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do.....	Table of contents to PHS Commissioned Corps Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Chief, Employment Operations Branch, CPOD/OPM/OAM/PHS, Room 4A-18, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do.....	Table of contents to PHS supplementation of the Federal Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Director, Office of Personnel Management, OAM/PHS, Room 18A-55, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do.....	Table of contents to Parklawn guidelines: a series of internal operating guides providing operating instructions and procedures of a continuing nature for occupants of the Parklawn Bldg., Rockville, Md., with regard to operations of the Administrative Services Center, Office of Administrative Management. Guidelines include such subjects as procedures for operation and use of official conference rooms; apportionment and assignment of parking spaces; official hours; and conservation of paper in copying, duplicating, and printing, Parklawn Bldg.	Executive Officer, Administrative Services Center, OAM/PHS, room 5-77, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees, as prescribed in 45 CFR 5.61, are 10¢ per page with the charge being made if the total amount exceeds \$5. Checks payable to Department of Health, Education, and Welfare, Public Health Service, Office of the Assistant Secretary for Health.	Executive Officer, Administrative Services Center, OAM/PHS, Room 5-77 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of the Interior, Bureau of Reclamation.	Reclamation Instructions Index—Apr. 1, 1974. Subject listing of current instructions pertaining to Bureau of Reclamation organization and delegations of authority, policy and procedures, and detailed instructions on limited technical subjects. Guidelines—Task Force Report on Water Marketing Index.	Division of Management Support, E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. No charge.	Division of Management Support, E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. Phone: 303-234-2081.
Department of Transportation, Federal Highway Administration.	Opinions and final orders of the Federal Highway Administration in regard to the regulation of toll bridges—1968-76; 1 page listing of opinions and final orders regarding regulation of toll bridges; issued by the Federal Highway Administrator, which identifies the case and the date issued.	Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240. No charge.	Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240.
Do.....	Cease and desist and driver disqualification final orders by the Federal Highway Administrator; 1969-79; 7-page listing of cease and desist and driver disqualification final orders of the Federal Highway Administrator; items listed are identified by case docket number, name of carrier, and date notice of investigation was mailed.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. No charge.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590.
Do.....	Cross reference index of current Federal Highway Administration directives as of Mar. 31, 1977. The index is alphabetical by subject. Within each subject applicable Federal Highway Administration orders, notices, and manuals are identified (in some cases manuals may be also identified by the applicable volume or other subordinate breakdown). The index is computerized and updated quarterly.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. Shelf stock, \$18.44 per copy; reproduced copies, \$8.90 per copy; shelf stock will be used while it lasts. Checks payable to: The Treasury of the United States.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590; Federal Highway Administration Regional Offices. (For location see 49 CFR pt. 7); Federal Highway Administration Division Offices. (For location see 49 CFR pt. 7.)
Department of the Treasury, Customs Service.	CSA - (Customs Simplification Act) Index (revised) index to letters and letters relating to Customs Simplification Act, from 1956 forward.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: \$1.75. Checks payable to: U.S. Customs Service.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229.
	Synopsis of Decisions on the Duty Assessment Process, 1972; administrative and court decisions and rulings concerning duty assessment process.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: \$3. Checks payable to: U.S. Customs Service.	Do.
	Customs Forms Catalog; Customs and other agency forms currently available from the Customs Service, July 1975.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: Shelf stock, \$2.50; reproduced copies \$6.50. Shelf stock will be used while supply lasts. Checks payable to: U.S. Customs Service. Also, available at District Offices of the Customs Service.	Do.
	KWIC (Key Word in Context) Index, June 1975; current Customs Service circular letters.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: \$1. Checks payable to: U.S. Customs Service.	Do.
Do.....	Legal Keyword Precedent Directory. The directory is a listing by selected keywords of all classification rulings issued since early 1975 that affect a substantial volume of imports or transactions or are otherwise of general interest or importance and of all published classification rulings issued since Aug. 31, 1963, including classification decisions of the Customs Courts, Treasury Decisions, and classification rulings circulated within the Customs Service by the Customs Information Exchange and the Office of Regulations and Rulings. The directory also contains limited information on decisions and rulings pertaining to entry, value, drawback, marking, country of origin, and vessel repairs. The Legal Keyword Precedent Directory is maintained on microfiche and is continually updated.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: Duplicate microfiche are available at a cost of \$0.15 each and are available only in sets; a set presently contains 26 microfiche. Payable to: U.S. Customs Service.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229 and at regional offices of the Customs Service.
Department of the Treasury, Office of the Secretary.	Index of Selected Records; July 1967 to March 1977; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220, \$1.50, Treasury of the United States.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220.
(U.S.) Arms Control and Disarmament Agency.	Index to notices, instructions, regulations, and other ACDA records.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451. No charge.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451.
Civil Service Commission (CSC).	Index to Civil Service Commission information. Period covered: February 1975 to February 1977. A listing of policy and nonpolicy publications and information systems arranged alphabetically by title and subject.	Distribution Unit, Room B-431, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415. Free.	Commission Library or any Commission office, including regional and area offices.
Committee for Purchase from the Blind and Other Severely Handicapped.	Index of additions and deletions to the procurement list, August 1971-March 1977.	Order from: Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 N. 14th St., Suite 610, Arlington, Va. 22201. Price: 10¢ per page, per copy. Make checks payable to: Treasurer of the United States.	Committee for Purchase from the Blind and Other Severely Handicapped. Attention: Freedom of Information Officer.
Consumer Product Safety Commission.	Index: Final Opinions and Orders; Statements of Policy and Interpretations; Administrative and Staff Manual and Instructions.	Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; No charge.	Office of the Secretary, Consumer Product Safety Commission, 1750 K St. NW., Washington, D.C. 20207.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Council on Environmental Quality	<i>Memoranda to the heads of all Federal agencies:</i>		
Do.....	(i) CEQ memo to heads of agency on revised guidelines, Apr. 23, 1971.	Available from CEQ.....	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl., NW., Washington, D.C. 20006; (202) 382-7965.
Do.....	(ii) CEQ memo to agency NEPA liaison on agency NEPA procedures May 14, 1971.	do.....	Do.
Do.....	(iii) CEQ memo to agency NEPA liaison on inclusion of cost-benefit analyses, May 24, 1971.	do.....	Do.
Do.....	(iv) CEQ memo to agency NEPA liaison on <i>Calvert Cliffs</i> decision, July 30, 1971.	do.....	Do.
Do.....	(v) CEQ memo to agency NEPA liaison on extension of deadline on NEPA procedures, Aug. 5, 1971.	do.....	Do.
Do.....	(vi) CEQ memo to heads of agencies on agency NEPA procedures, Sept. 23, 1971.	do.....	Do.
Do.....	(vii) CEQ memo to heads of agencies on agency NEPA procedures, Nov. 2, 1971.	do.....	Do.
Do.....	(viii) CEQ memo to agency NEPA liaison on outline of issues in agency NEPA procedures Dec. 3, 1971.	do.....	Do.
Do.....	(ix) CEQ memo to agency NEPA liaison on extracts from leading NEPA court decisions, Dec. 3, 1971.	do.....	Do.
Do.....	(x) CEQ memo to agency NEPA liaison on cumulative list of environmental impact statements, Dec. 23, 1971.	do.....	Do.
Do.....	(xi) Revised CEQ guidelines on environmental impact statements prepared under section 102(2)(C) of the National Environmental Policy Act, Apr. 23, 1971.	do.....	Do.
Do.....	(xii) Recommendations for improving agency NEPA procedures, May 16, 1972.	do.....	Do.
Do.....	(xiii) Revision of agency procedures for preparation of environmental impact statements, Aug. 2, 1972.	do.....	Do.
Do.....	(xiv) NTIS and the public availability of environmental impact statements under NEPA, Mar. 1, 1974, 102 Monitor vol. 4, No. 2, March 1974, p. 23.	do.....	Do.
Do.....	(xv) Council advisory memorandum #1 on delegation by Federal agencies of responsibility for preparation of EIS's, 102 Monitor, Apr. 30, 1976.	do.....	Do.
Do.....	(xvi) CEQ publications list, Apr. 30, 1976.	do.....	Council on Environmental Quality, Attention: Freedom of Information Officer, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-1415.
Do.....	(xvii) CEQ memo to heads of agencies on SCRAP decision Nov. 26, 1975.	do.....	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-7965.
Do.....	(xviii) CEQ memo to heads of agencies on environmental impact statements Feb. 10, 1976.	do.....	Do.
Do.....	(xix) CEQ position paper "Pollution Control and Employment" February 1976.	do.....	Council on Environmental Quality, Attention: Dr. E. H. Clark, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-6162.
Do.....	(xx) CEQ memo to heads of agencies on prime agricultural lands Aug. 30, 1976.	do.....	Council on Environmental Quality, Attention: General Counsel, 722 Jackson Pl. NW., Washington, D.C. 20006 (202) 382-7965.
Do.....	(xxi) CEQ memo to heads of agencies on NEPA Supreme Court decisions Sept. 16, 1976.	do.....	Do.
Do.....	(xxii) CEQ memo to heads of agencies on NEPA requirement to projects abroad.	do.....	Do.
Do.....	(A) Memorandum of implementation of the agreement between the United States and the U.S.S.R. on cooperation in the field of environmental protection, May 1972, 102 Monitor vol. 2, No. 9, October 1972.	Available by Ordering Cited Copy of the 102 Monitor from GPO.	Council on Environmental Quality, General Counsel's Office, 722 Jackson Place NW., Washington, D.C. 20006 (202) 382-7965.
Do.....	(B) 20 questions and answers explaining NEPA Sec. 102, environmental impact statement process, 102 Monitor, vol. 1, No. 10, November 1971, p. 1.	do.....	Do.
Do.....	(C) Coal surface mining and reclamation study, 102 Monitor, vol. 3, No. 2, March 1973 p. 62.	do.....	Do.
Do.....	(D) Economic impact of environmental programs, 102 Monitor vol. 4, No. 10, November 1974, p. 3.	do.....	Do.
Do.....	(E) Environmental programs and employment, 102 Monitor vol. 5, No. 4, May 1975.	do.....	Do.
Do.....	(F) Council advisory memorandum (memo on) 102 Monitor, vol. 5, No. 3, April 1975.	do.....	Do.
Do.....	(G) Council advisory memorandum #2 on application of NEPA to enforcement of the antitrust laws by the FTC, 102 Monitor, vol. 5, No. 2, March 1975, p. 13.	do.....	Do.
Do.....	(H) CEQ memo to heads of agencies on the Safe Drinking Water Act of 1974, Nov. 19, 1976.	Available from CEQ.....	Do.
Energy Research and Development Administration.	ERDA headquarters reports: Cumulative index issued monthly starting Jan. 1 1975. Includes report number, corporate author, and subject indexes. Includes reports prepared by individual headquarters authors, task forces and study groups, and environmental statements covering ERDA programs and facilities.	ERDA Library and Public Document Room, Washington, D.C. 20545. Copies made available at \$0.08 per page. Payable to: Energy Research and Development Administration.	ERDA Library and Public Document Room, Room 1223, 20 Massachusetts Ave. NW., Washington, D.C. 20545.
Do.....	ERDA manual table of contents: Covers directives; procurement instructions and regulations; and property management regulations, instructions, and bulletins. A cumulative table of contents is issued semi-annually listing ERDA issuances and those AEC issuances still in effect.	do.....	Do.

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ERDA, Office of Counsel.	ERDA waiver determinations. Lists of waiver requests on which a final determination was made during 1975 and 1976. Includes determination numbers of advance waivers and identified inventions, and names of firms or inventors.	do.	Do.
ERDA, Board of Contract Appeals (BCA).	Decisions and orders for the periods Jan. 19, 1975 to December 1975 and December 1976, including indexes.	do.	Do.
Do.	Atomic Energy Commission Reports; Oct. 1956-Jan. 1975, Vols. 1-8; Contains the BCA decisions and orders and indexes.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.	Do.
Equal Employment Opportunity Commission.	Index to Commission Decisions Unpublished.	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. Price: 35¢. Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. 20506.
Do.	Index to Commission Decisions, Published.	do.	Librarian or district office addresses at 29 C.F.R. 1610.4.
Do.	Index to Equal Employment Opportunity Commission Orders.	See above. Price: 15¢; Payable to: U.S. Treasurer.	Do.
Do.	Index to Compliance Manual (Table of Contents).	See above. Price: \$2. Payable to: U.S. Treasurer.	Do.
Do.	Index to General Counsel Manual (Table of Contents).	See above. Price: 45¢; Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St. NW., Washington, D.C. 20506.
Farm Credit Administration.	Index of FCA Information Materials; Jan. 1-Mar. 31, 1977; (1) Publications (those available in supply); (2) news releases—(single copies available free of charge) issued since Jan. 1, 1972; (3) biographies of FCA officials; (4) speeches by FCA officials; (5) FCA regulations and clarification letters; (6) research reports; (7) FCA administrative and Personnel Handbook; (8) Directory of the FCA and Farm Credit Districts; (9) Monthly statistics on farm credit bank lending (list of tables); (10) FCA orders; and (11) FCA organization charts.	Information Division, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578. No charge.	Mr. Roland W. Olson, Assistant Director of Information, Farm Credit Administration, Washington, D.C. 20578.
Federal Reserve System, Board of Governors.	Card index to Board actions of the type that are made available to the public under the Freedom of Information Act from July 4, 1967 to date.		May be inspected in Freedom of Information Office, Room B-1118, Main Board Bldg., 20th and C Sts. NW.
Do.	Microfilm copies of above index covering period July 4, 1967 to Dec. 31, 1976. Subsequent years to be microfilmed.	Order from Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Checks payable to Board of Governors of the Federal Reserve System. \$13.25 a roll.	Freedom of Information Office, Room B-1118, Main Board Bldg., 20th and C St. NW., (202) 452-3684.
Do.	Hard copy bound index for:	do.	Do.
Do.	1967	do.	Do.
Do.	1968-73	do.	Do.
Do.	Copies for additional years in preparation.		
Do.	Individual copy of the card index.	Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Charge not to exceed the direct cost of duplication.	Do.
Do.	Weekly index published and distributed to the public providing identifying information as to any matter issued, adopted or promulgated by the Board from the first week in January 1975 to date (H.2 release).	Publications Services, Division of Administrative Services, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (Mailing list maintained; no charge for current copies.)	Do.
Federal Trade Commission (FTC).	Final orders and opinions (duplicated pages of Index):	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. \$5-17 each.	Public Reference Branch, Federal Trade Commission, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20589.
Do.	Bound volumes of decisions July 1967, to June 1976.	do.	Do.
Do.	Advisory opinions (duplicated pages of Index):	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. \$2.25 each.	Do.
Do.	Bound volume, July 1967 to December 1968. Index of advisory opinions subsequent to above date is in bound volumes of decisions.	do.	Do.
Do.	Final orders and opinions:	Public Reference Branch, FTC, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20589. \$0.10 per page.	Do.
Do.	Supplemental index, July 1973 to March 1977	do.	Do.
Do.	Enforcement statement, July 1967 to March 1977.	do.	Do.
Do.	Trade regulation rules, July 1967 to March 1977.	do.	Do.
Do.	Manuals—operating administrative.	do.	Do.
Do.	Freedom of Information Act, access requests and responses, March 1973-March 1977.	do.	Do.
Do.	Closing letters, investigatory material, March 1974-March 1977.	do.	Do.
Do.	Motions to quash, investigational subpoenas, June 1962-March 1977.	do.	Do.
Do.	Motions to quash, 6(b) Orders and Orders requiring access, November 1975-March 1977.	do.	Do.
Do.	Clearance requests, January 1969-March 1977.	do.	Do.
Do.	Commissioners' outside contacts, April 1974-March 1977.	do.	Do.
Do.	Staff opinion letters, May 1962-March 1977.	do.	Do.
Do.	Freedom of Information Act operating guidelines, December 1976-March 1977.	do.	Do.

See footnotes at end of table.

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General Services Administration (GSA).	GSA Freedom of Information Act index; July 4, 1967 through Mar. 31, 1977. Category A information which is final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect a member of the public.	GSA, Director of Information (AV), Washington, D.C. 20405. Price: \$4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed below: Central Office Library, 18 and F Sts. NW., Room 1033, Washington, D.C. 20405. Business service centers: Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02109. Region 2: 26 Federal Plaza, New York, N.Y. 10007. Region 3: 7 and D Sts. SW., Washington, D.C. 20407. Region 4: 1776 Peachtree St. NW., Atlanta, Ga. 30309. Region 5: 230 South Dearborn St., Chicago, Ill. 60604. Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131. Region 7: 819 Taylor St., Fort Worth, Tex. 76102. Region 8: Building 41, Denver Federal Center, Denver, Colo. 80225. Region 9: 525 Market St., San Francisco, Calif. 94105. Region 10: GSA Center, Auburn, Wash. 98002.
International Boundary and Water Commission, United States and Mexico, U.S. Section.	Brochure: Amistad Dam and Reservoir.	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840. No charge.	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840.
Do.	Brochure: Falcon Dam and powerplant.	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545. No charge.	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545.
Do.	Water Bulletins: Containing data for 1 yr. covering flow of Rio Grande and related data from Elephant Butte, N. Mex., to Gulf of Mexico, re storage in major reservoirs, sources of river flow, diversions, suspended silt, chemical analyses, sanitary aspects of water quality, meteorologic data, and irrigated areas—for years 1931 through 1974.	Principal Engineer, Water Operations, U.S. Section, IBWC, room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902. Price: \$3 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC, Room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902.
Do.	Water Bulletins: Containing data for 1 yr covering flow of Colorado River and other western boundary streams, and related data (including Tijuana, Santa Cruz, and San Pedro Rivers, and Whitewater Draw) for years 1960 through 1973.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above). Price: \$2 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above).
Marine Mammal Commission.	Marine Mammal Commission Recommendations; calendar years 1974-76; list of recommendations made to Federal departments and agencies pursuant to 16 U.S.C. sec. 1402(a), arranged in chronological order, and listing the agency addressed and the subject matter of the recommendation.	Executive Director, Marine Mammal Commission, 1625 I St. NW., Washington, D.C. 20006; no charge.	Executive Director, Marine Mammal Commission, 1625 I St. NW., Washington, D.C. 20006.
National Science Foundation (NSF).	Index of NSF circulars, manuals, and bulletins in effect as of Mar. 31, 1977. A numerical and classification index of agency-wide issuances, encompassing: (a) NSF circulars—convey agency policies, regulations, and procedures of a continuing nature; (b) NSF manuals—provide detailed instructions for implementing operating procedures, requirements, and criteria; and (c) NSF bulletins—used to communicate urgent information concerning changes in policy or procedure prior to its incorporation into a circular or manual, and to communicate other information that is pertinent for a specific period.	NSF Public Information Office, Room 531, 1800 G St. NW., Washington, D.C. 20550. \$0.10 per page, per copy. Payable to: National Science Foundation.	NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550.
Do.	Reviewer/panelist, alphabetical listing for the period of Oct. 1, 1975 to Sept. 30, 1976. Listing contains name, State, and Institution of individuals who have reviewed proposals for the National Science Foundation for the period indicated above.	do.	Do.
Do.	Index of Office of the Director staff memoranda (O/D) in effect, as of Mar. 31, 1977. A numerical index, by calendar year, of issuances used by the Director and Deputy Director of the National Science Foundation to implement policy and to communicate with the staff on subjects of their choice.	do.	Do.
Do.	Numerical index of NSF important notices in effect as of Mar. 31, 1977. An index of notices serving as the primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. The notices convey important announcements of NSF policies and procedures or concerning other subjects determined to be of interest to the academic community and to other selected audiences.	do.	Do.
Do.	Reference file of current internal directorate issuances. A listing, by NSF directorate, of pertinent internal issuances of major NSF organizational components conveying policies, criteria, instructions or procedures amplified at a level below the Office of the Director and to communicate information of specific scope.	do.	Do.
Do.	Index of NSF regulations promulgated in the Code of Federal Regulations under title 41, public contracts, property management; and title 45, public welfare. A listing, by subject title, of current Foundation regulations with a brief description of the content of each.	do.	Do.

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Do.....	Publications of the National Science Foundation. An index by topical classification, as of November 1976, of current NSF publications issued and available to the public. Listings include annual reports, specific program announcements and brochures, science resources studies pamphlets, special studies publications and NSF periodicals. In addition to titles, provides NSF publication numbers and copy prices. (NSF publication 76-43.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Communications Resource Branch (OGFP) Room 531, 1800 G St. NW., Washington, D.C. 20550.
National Science Foundation (NSF).	NSF guide to programs. A composite listing of summary information about NSF support programs, as of September 1976. Provides general guidance and information describing the principal characteristics and basic purposes of each activity; eligibility requirements; closing dates (where applicable); and the address where more detailed information or applications may be obtained. (NSF publication 76-33.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis; or Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. G38-000-00294-5. Unit price: \$1.35.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Communications Resource Branch (OGFP) Room 531, 1800 G St. NW., Washington, D.C. 20550.
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, Apr. 4, 1967 to Mar. 31, 1977. Chronological listing (by date of service) of decisions after hearings on appeal involving airman or air safety certificates. Safety enforcement decisions, May 18, 1967 to Mar. 31, 1977. Alphabetical and numerical listings of EA and EM final opinions/orders of the Board on appeal from initial decisions of NTSB administrative law judges or Commandant, U.S. Coast Guard. NTSB directives checklist as of Jan. 3, 1977. Numerical listing (by NTSB order No.) of staff operations directives.	Copies of indexes and checklist may be obtained by writing to Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Fees for duplication and instructions for payment will be included in letter of acknowledgment to requester.)	Chief, Public Inquiries Section, Room 806-B, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 806-B.
Office of Management and Budget (OMB).	Index to BOB/OMB bulletins, July 4, 1967 to Mar. 31, 1977. Keyword index of OMB bulletins.	Office of Management and Budget. No fee.....	Velma N. Baldwin, Assistant to the Director for Administration.
Do.....	Office of Management and Budget circulars Index, 1948 to Mar. 31, 1977. Arranges current OMB circulars by keywords in the titles of the directives and by a limited number of broader captions.	Do.....	Do.
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Do.....	Listing of Federal management circulars transferred from General Services Administration. Arranged by number, subject, and date.	Do.....	Do.
Pension Benefit Guaranty Corporation, Office of the General Counsel.	Index to Pension Benefit Guaranty Corp. Opinion Manual; Sept. 2, 1974 to Mar. 31, 1977; interpretive letters addressing the provisions of title IV of the Employee Retirement Income Security Act—plan termination insurance program.	The Office of Communications, Pension Benefit Guaranty Corp., Room 7100, 2020 K St. N.W., Washington, D.C. 20006; Charge \$0.10 per page; Payable to The Pension Benefit Guaranty Corp.	The Office of Communications, Attention: Mr. William Fitzgerald, (202) 254-4817, 2020 K St. NW., Washington, D.C. 20006.
Postal Rate Commission.....	Postal Rate Commission Index, from 1971 to Mar. 31, 1977; Opinions and Recommended Decisions, Advisory Opinions and Orders having a precedential value.	Information Officer of the Commission, Postal Rate Commission, Washington, D.C. 20268. No charge.	Commission's Reading Room, Suite 500, 2000 L St. NW., Washington, D.C. 20268.
Postal Service.....	USPS Public Index, July 4, 1967—Mar. 31, 1977. List of USPS Directives and Publications; Index of Final Legal Opinions, Orders; Current Information Services Price List.	USPS Headquarters Library, 475 L'Enfant Plaza West SW., Washington, D.C. 20260. Section I—List of USPS Directives and Publications..... \$1 Section II—Index of Final Legal Opinions and Orders..... \$9 Complete Index..... \$10 Checks payable to U.S. Postal Service.	General Manager, Library Division, USPS Headquarters Library, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.
Renegotiation Board.....	Index of documents, vols. 1, 2, and 3, 1967 to present; Agreements, modification agreements, clearances after assignment, clearances after reassignment, clearances without assignment, clearance agreements, letters not to proceed, final opinions, regional board opinions, orders, modification orders, special accounting agreements, interpretations, general orders, administrative orders that affect the public, memoranda of decision, statements of facts and reasons, summaries of facts and reasons, decisions on applications for stock item exemption, decisions on new durable productive equipment exemption, and decisions on applications for commercial exemption.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446. \$0.15 per page.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446, Room 4310, Telephone: 254-7019.

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Tennessee Valley Authority...	Index to general administrative releases; covers period through March 1977; index to TVA organization bulletins, TVA codes, and TVA instructions.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Price: \$2.00. Checks payable to: Tennessee Valley Authority.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.
Veterans Administration.....	VA Index I-08-1, Index to Veterans Administration Publications, Nov. 1, 1975, annual. Highly technical reference tool by basic classifications subject to current VA directives and annual listing (noncumulative) of rescinded VA directives. Primarily designed for internal use.	Not on sale	Copies may be inspected or copied, and further information obtained at any Veterans Administration field office or Central Office. Not all listed material, however, is maintained at every field station. Visitors to Central Office (810 Vermont Ave. NW., Washington, D.C.) will be received by the Central Office Veterans Assistance Unit in Room 132. Visitors to any VA field station will be assisted and informed where the index may be inspected.
Do.....	Index and digest of decisions of the Veterans Administration Contract Appeals Board.	do.....	Inquiries should be directed to the Chairman, Contract Appeals Board (002C), Veterans Administration, 810 Vermont Ave. NW., Washington, D.C. 20420, telephone 202-275-1750.

¹\$5. a copy.

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[FR Doc.77-12177 Filed 4-28-77;8:45 am]

FRIDAY, APRIL 29, 1977

PART IV



**DEPARTMENT OF
HEALTH,
EDUCATION, AND
WELFARE**

Food and Drug Administration



**CERTAIN FLUOROCARBON
(CHLOROFLUOROCARBON)
PROPELLANTS IN
SELF-PRESSURIZED CONTAINERS**

Warning Statement Requirement

Title 21—Food and Drugs

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

[Docket No. 76N-0459]

CERTAIN FLUOROCARBON (CHLOROFLUOROCARBON) PROPELLANTS IN SELF-PRESSURIZED CONTAINERS

Warning Statement Requirement

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This final rule requires a package label warning statement on foods, over-the-counter (OTC) human drugs, animal food, animal drugs, cosmetics, and nonrestricted medical devices in self-pressurized containers propelled by certain fluorocarbons, specifically, fully halogenated chlorofluoroalkanes (chlorofluorocarbons). This warning is established to alert the consumer that chlorofluorocarbons may harm the public health and environment by reducing stratospheric ozone. This warning will not be required on products specified in the regulation in which the use of a chlorofluorocarbon propellant is essential.

EFFECTIVE DATE: All finished products initially introduced into interstate commerce on or after October 31, 1977 shall comply with this regulation.

FOR FURTHER INFORMATION CONTACT:

Buzz L. Hoffmann, Deputy Director, Environmental Impact Staff (HFS-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4502.

RELATED ACTIONS: 1. The Consumer Product Safety Commission (hereafter referred to as the "Safety Commission") has published elsewhere in this issue of the FEDERAL REGISTER a proposed rule to require a warning, similar to the one established by this rule, on all products containing chlorofluorocarbon propellants that are subject to the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) (CPSA) (Ref. 18).

2. The Food and Drug Administration (FDA) will publish shortly in the FEDERAL REGISTER a proposed rule that would prohibit the use of chlorofluorocarbon propellants in all products subject to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.) (FFDCA), except for specified essential uses. In the same issue of the FEDERAL REGISTER, the Environmental Protection Agency (EPA) will propose a rule that would restrict nonessential propellant uses of chlorofluorocarbons under the Toxic Substance Control Act (15 U.S.C. 2601 et seq.) (TSCA).

SUPPLEMENTARY INFORMATION: The warning established by this rule was proposed in the FEDERAL REGISTER of November 26, 1976 (41 FR 52071). In a notice of intent published in that same issue of the FEDERAL REGISTER (41 FR 52070), the Commissioner stated his in-

tention to phase out nonessential uses of at least chlorofluorocarbons in products subject to the FFDCA. No change has been made in the text of the warning as proposed, but minor revisions have been made in the final regulation. Under these revisions, propellant uses of chlorofluorocarbons are subjected to the regulation, animal food is expressly subject to the regulation, the form of the animal drug regulation is changed, the minimum type size requirement of 1/16 inch is applicable to all products subject to the regulation, and additional drug and device products have been determined to be essential and are exempted from the regulation. The reasons for the changes are discussed below.

APPLICABILITY OF REGULATION

The final regulation contains a provision limiting the applicability of the regulation to the use of chlorofluorocarbons in whole or in part as a propellant to expel other liquid or solid contents under pressure. The propellant uses of chlorofluorocarbons are the easiest uses to judge in terms of essentiality because the use involves simply a means of product delivery. Alternative product delivery systems for almost all products have long existed. The propellant uses are also by far the major uses of chlorofluorocarbons in FDA-regulated products. The nonpropellant uses of chlorofluorocarbons involve various functions, and more analyses of the alternatives are necessary before restricting these uses.

Better Federal coordination is promoted by limiting regulatory action at this time to propellant uses of chlorofluorocarbons. At this time, EPA intends to restrict only propellant uses of chlorofluorocarbons; around June 1978, EPA intends to issue a proposal relating to nonpropellant uses (Ref. 19). FDA has coordinated, and will continue to coordinate, its regulatory action with regard to chlorofluorocarbons with the other Federal agencies having regulatory responsibilities. Accordingly, FDA will proceed with a proposal to prohibit nonessential nonpropellant uses of chlorofluorocarbons after appropriate consultation with other agencies.

The Food and Drug Administration's definition of "propellant" in the final rule and in the phaseout proposal is similar to the definition of "aerosol propellant" that EPA plans to use in its proposed rule. Under the definition, a chlorofluorocarbon is not considered a propellant if the pressurized container contains only chlorofluorocarbons or only gases.

Because only propellant uses are being regulated at this time, the warning and proposed phaseout will not apply to pressurized cylinders of chlorofluorocarbons and ethylene oxide used for sterilization purposes, or to cylinders used simply to transport chlorofluorocarbons for industrial uses, as in the case of cylinders transporting liquid food freezant. Also not covered by the present action are FDA-regulated products containing only chlorofluorocarbons in which the chlorofluorocarbon is the active ingredient.

The warning and proposed phaseout are also not applicable to the use of chlorofluorocarbons as a stabilizer in food toppings and spreads, even though the chlorofluorocarbon has an incidental propellant effect. The data submitted in response to the notice of intent indicate that in these products the chlorofluorocarbon is used in small amounts, usually less than 1 percent of the product, to stabilize the food after dispensing and to prevent waste. The phaseout of this will be considered with the nonpropellant uses.

Generally, the warning is applicable whenever a chlorofluorocarbon is used in whole or in part as a propellant, even though the chlorofluorocarbon has another function, or the product contains another propellant or has a barrier pack to prevent release of the propellant during use. A chlorofluorocarbon propellant could be considered to serve several functions in many instances simply because of its general characteristics, e.g., as a fire retardant, or coolant. If the existence of a dual function generally exempted products from the regulations, the scope would be reduced and the purpose of reducing nonessential product delivery uses would be diluted. Accordingly, the regulation is expressly applicable whenever a chlorofluorocarbon is used in whole or in part as a propellant. The only exceptions are stated in the regulation and, as already discussed, in these products the chlorofluorocarbon has a distinct nonpropellant purpose not generally found in products. These uses of chlorofluorocarbons will be phased out, if not found to be essential, when action is taken later with respect to all the nonpropellant uses of chlorofluorocarbons.

The final regulation is also revised to delete the term "volatile." Chlorofluorocarbon propellants are or become gases after release and pose similar risks of ozone depletion. As used in the proposal, the term "volatile" was intended to be simply descriptive and not to limit the scope of the regulation. Thus, the deletion of this term should have no effect.

COMMENTS ON PROPOSAL

One hundred and sixty-two comments were received in response to the proposal to require the warning established by this rule. One hundred and thirty-three comments endorsed the Commissioner's decision to initiate regulatory action to phase out chlorofluorocarbons, with 79 of these comments expressly endorsing the requirement for a warning. Fifteen comments opposed the initiation of any regulatory action, 13 of which expressed opposition to the warning requirement. Fourteen comments were concerned with exceptions for specific categories of products, or with alternative products, and expressed no clear views for or against regulatory action. The Commissioner's discussion of the comments received and his response to them are set forth below.

All comments received within a week of the close of the comment period have been analyzed and counted with the timely comments. Some comments were

received even later. The final procedural regulations governing FDA rulemaking procedures have only recently been published (see the FEDERAL REGISTER of January 25, 1977 (42 FR 4680) and subsequent recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), and the Commissioner has exercised some leniency in accepting late comments. The comments received more than a week late have been screened, and none presented any new matter significantly different from the issues raised in the timely comments. Their numbers have not been calculated, however, in the description below of the comments received.

To give a comprehensive and orderly discussion of the scientific issues, all the comments raising scientific questions are discussed below irrespective of whether they were submitted in response to the proposal to require the warning (Docket No. 76N-0459) or in response to the notice of intent (Docket No. 76N-0460). Furthermore, the Commissioner has discussed some late comments raising scientific issues because of his continuing efforts to monitor new scientific developments. Similarly, to permit an orderly discussion, all comments relating to the essentiality of products subject to the warning requirement are discussed below irrespective of the docket to which the responses were submitted.

Because the proposed warning was the first step in the overall regulatory action being taken, the Commissioner included in the docket for the warning proposal all comments that related to the general need for regulatory action as well as those that bore the designated docket number. A few comments submitted specifically in response to the notice of intent discussed issues that bore on the warning proposal. The Commissioner recognizes that some persons may have been confused about the proper docket to which they should have submitted their comments. Accordingly, the Commissioner has reviewed the comments in the docket for the notice of intent and, if a comment was timely and dealt expressly with the proposed warning, he has discussed the comment below to the extent pertinent to the warning. Some comments included in the docket for the warning requirement raised issues that related solely to the intended phaseout, and these issues will be discussed in the preamble to the proposed phaseout.

LEGAL ISSUES: STATUTORY AUTHORITY

1. Three comments asserted that the Commissioner lacked statutory authority to require the proposed warning either for cosmetics or for all products. One of the comments argued that section 201(n) of the FFDCA (21 U.S.C. 321(n)) does not authorize the Commissioner to require affirmative disclosures in cosmetic labeling, and that it allows the Commissioner to take account of material omissions in labeling only in the case of express claims made in the labeling. The comments also argued that the Commissioner could require warnings under sec-

tion 201(n) of the FFDCA only with respect to a "serious hazard" and risks to the immediate user of the product under customary conditions of use, but not risks to the health of other persons who may be indirectly injured as a result of the use of the product. All three comments protested that the Commissioner does not have any authority, either under the FFDCA or under the National Environmental Policy Act (NEPA), to regulate environmental damage caused by products subject to the FFDCA. Another comment stated that FDA has statutory authority, comparable to that of EPA and the Safety Commission, to regulate environmental and health risks posed by products within FDA's jurisdiction.

The Commissioner rejects the comments that he lacks statutory authority to issue this regulation. The Commissioner has relied for the warning requirement not only on section 201(n) of the FFDCA but also on the adulteration and misbranding provisions of the FFDCA, and on NEPA, and has discussed in the preamble to the proposed rule the basis for reliance on these provisions. He agrees that the FFDCA authorizes warnings and affirmative disclosures only with respect to serious hazards but, as more fully described below, unlike the comments, the Commissioner believes that the hazard to which this warning is directed is a serious one. Every product subject to the FFDCA, including a cosmetic, makes an implied claim of safety. Accordingly, section 201(n) of the FFDCA requires an affirmative disclosure of any serious hazard the product poses. The Commissioner has previously explained (see the FEDERAL REGISTER of March 3, 1975 (40 FR 8912)) his basis for believing that section 201(n) of the FFDCA requires affirmative disclosures about safety risks.

The health risks against which the act is directed are not limited solely to risks to the immediate user. Some sections of the FFDCA, such as section 601(c), expressly refer to risks that may render the product "injurious to health," a phrase that Congress used in the same sense as the term "injurious to users" found in other provisions such as section 601(a). This indicates that Congress used both terms in a broad sense reflecting a general concern for all health risks found in products subject to the FFDCA. Risks to the health of the immediate user under the intended conditions of use are most frequently the focus of regulatory concern. The FFDCA provides authority, however, to protect the public against other risks. The Commissioner has, for example, required warnings about the risk of death from intentional misuse of products, and risks of explosion from improper storage or disposal of self-pressurized containers, a risk which affects other persons besides the intended user, e.g., 21 CFR 101.17 (formerly 1.13 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), 369.21, and 740.11. The Commissioner's authority to issue those regulations has been

upheld in an initial challenge (*Cosmetic, Toiletry and Fragrance Assn v. Schmidt*, 400, Supp. 57 (D.D.C. 1976), appeal pending). The failure to warn householders of substantial risks of injury or illness, such as flammability risks, posed by foods, drugs, and cosmetics may make the product misbranded (16 CFR 1500.81).

The usual condition of use of self-pressurized containers involves a release of chlorofluorocarbons into the atmosphere. Thus, the risks from chlorofluorocarbon release is a hazard associated with customary use of the products.

Recent congressional action reflects a recognition that FDA has authority to regulate unreasonable risks to health or the environment which are directly or indirectly caused by foods, food additives, drugs, cosmetics, and devices. Congress exempted these products from the recently enacted TSCA. By creating the exemption, Congress did not intend to leave any gaps in the regulatory authority to deal with risks posed by chemicals. As stated by the House Committee, in H. Rept. 94-1341, 94th Cong., 2d Sess., page 10 (1976): "The intent of the committee in excluding these items is to exclude from coverage under the bill items which may be regulated under the Federal Food, Drug, and Cosmetic Act. By adopting the definitions given the items by the Act the Committee has made the exclusion of these items from the bill coextensive with the authority to regulate them under the Federal Food, Drug, and Cosmetic Act." In view of Congress' concern with preventing unreasonable direct and indirect health and environmental risks posed by chemicals, Congress would not have created the exemption if it did not accept as the appropriate interpretation of the FFDCA that FDA can regulate these risks when posed by foods, food additives, drugs, cosmetics, and devices.

Furthermore, industry representatives have argued that the States do not have authority to require warnings about environmental and other risks posed by products containing chlorofluorocarbons, in part, because, State authority is preempted by FDA's statutory authority to require cautionary labeling. One trade association brought to the attention of a State agency FDA's notice in the FEDERAL REGISTER of July 16, 1975 (40 FR 29914), relating to ozone depletion risks from fluorocarbons, with the comment that "It is clear that the Federal Government not only has jurisdiction over aerosol products, but also is actively exercising that jurisdiction * * *" (Ref. 20). The preemption argument is premised on the existence of statutory authority in FDA to require cautionary labeling with respect to all types of risks posed by products subject to the FFDCA. Thus, at least until FDA initiated this action, many segments of the affected industry have apparently accepted that FDA's authority reaches the risks from ozone depletion posed by the use of chlorofluorocarbons in products subject to the FFDCA.

LEGAL ISSUES: NEED FOR UNIFORM FEDERAL APPROACH

2. One comment contended that the warning was discriminatory, and therefore illegal under the Administrative Procedure Act (5 U.S.C. 706(2)(A)), because FDA did not have a "uniform approach" for regulating the aerosol products under its jurisdiction that was "consistent" with the approach of the other Federal agencies regulating aerosol products containing chlorofluorocarbons. According to the comment, EPA has been asked by FDA and the Safety Commission to be the lead agency in developing a uniform regulatory approach, and EPA has considerable experience and expertise in environmental matters. Therefore, FDA should withdraw the proposed warning and coordinate its actions with EPA in phasing out uses of chlorofluorocarbons. The comment further stated that FDA's proposed warning was inconsistent with the statement required by EPA on pesticides, and that FDA's proposal was developed "apparently" without consultation with EPA. It was also argued that Congress endorsed a postponement of any proposals for regulatory action until January 1978, as evidence by the provisions authorizing EPA to issue regulations in 1978 governing substances that affect the stratosphere, as found in bills to amend the Clean Air Act that passed each House in the last session of Congress. Other comments also criticized FDA for acting differently from EPA, but did not assert that FDA action was illegal simply because it was different from EPA's approach.

The Commissioner believes that coordination among Federal agencies is appropriate and has pursued coordination actively on this matter. Already in the record, as reference 17, is a letter from the then Commissioner to the Council on Environmental Quality (hereafter referred to as "the Council") in which the then Commissioner stated his intention to initiate a phaseout of the use of chlorofluorocarbons in products subject to the FFDCAs. He suggested that the Council coordinate Federal regulatory activity through the Interagency Task Force on Inadvertent Modification of the Stratosphere (IMOS Task Force) and that the Council designate EPA as lead agency to coordinate the environmental impact statement. As a result, the Council held meetings with the affected Federal regulatory agencies (Ref. 21). All the agencies agreed to cooperate in preparing the necessary documents relating to the environmental impact of the action being taken, with EPA taking the lead in coordinating the preparation of these documents. EPA has coordinated this effort through the working group responsible for developing the EPA phaseout proposal. FDA personnel have participated in the meetings of the working group which is chaired by EPA. The working group has also served to keep each agency informed of the steps of the other agencies in preparing for the phaseout.

A commitment to coordination, however, does not mean that all agencies will act identically, or that any one agency has the lead responsibility to determine the approach that should be taken by all. The aim of coordination is to explore the possibilities of taking similar action, and to understand the reasons for a different approach if one agency believes it advisable. The Commissioner rejects the argument that the approach of FDA is illegal merely because it is not identical with the approach adopted by another agency. Each agency has the responsibility for administering a distinct statute, and its actions apply to different types of industries and uses. Thus, the particular regulatory situation an agency deals with may warrant different treatment. In addition, judgments may differ on matters of policy. Each agency has the ultimate responsibility to be sure that it has acted appropriately under its particular act.

The Environmental Protection Agency and FDA plan to propose essentially parallel and complementary phaseout actions. The proposals differ in matters of form, but that difference is largely attributable to the differences in terminology and structure of the statutes and existing regulations each administers. The Safety Commission has preliminary found that the use of certain chlorofluorocarbon propellants present an unreasonable risk of injury and has instructed its staff to prepare a draft notice proposing to declare products subject to the CPSA containing the propellants to be banned hazardous products (Ref. 22). The Safety Commission also stated that if EPA proposes a rule under TSCA which renders action by the Safety Commission unnecessary the Safety Commission may terminate its proceeding.

The Federal agencies have differed to some extent in their approach to a labeling requirement about the presence of chlorofluorocarbon propellants. All three agencies have recognized the suitability of imposing some type of labeling requirement, but they have differed in their approach to the text and the applicability of the requirement, in part because of reasons of policy, and in part because of differences in the type of products they regulate.

The Safety Commission has published elsewhere in this issue of the FEDERAL REGISTER a proposed rule that would require a warning on all the aerosol products containing chlorofluorocarbons it regulates. The text of the warning proposed by the Safety Commission will be similar to the one required by FDA in this regulation.

The Environmental Protection Agency has also required labeling but only in the form of a descriptive statement on pesticides that "This product contains chlorofluorocarbon 11 (or 12)." EPA has not required a warning on pesticides, or any labeling on any other products it regulates. The Food and Drug Administration informed the Council, EPA, and the Safety Commission in early October that FDA intended to propose a warning statement as the first step in a phaseout

program. The Environmental Protection Agency subsequently issued its notice providing for labeling on pesticides but not a warning. The Food and Drug Administration considered the text of the EPA labeling notice before it issued its proposed regulation; FDA decided that a warning requirement was more appropriate. In the Commissioner's judgment, consumers may not understand the significance of a presence of a chlorofluorocarbon in a product, and the hazard posed, from a statement that simply states that the product contains a chlorofluorocarbon. Some consumers may assume the statement is made to indicate an especially valuable ingredient, and they may interpret the statement as a reason for purchasing the product. Thus, on policy grounds, FDA adheres to the view that a warning statement should be required.

The Environmental Protection Agency has made only pesticides subject to its labeling requirement. Many of the other uses of chlorofluorocarbons regulated by EPA are industrial ones, and labeling on the immediate container of industrial products may have less impact on purchases.

The Commissioner also points out that most nonessential uses of chlorofluorocarbon propellants occur in products subject to FDA's jurisdiction. Eighty percent of the releases of chlorofluorocarbons from self-pressurized containers in the U.S. has been from FDA-regulated products. Thus, the Commissioner believes he has a special responsibility to ensure that action is taken promptly to reduce the risk from these nonessential uses under FDA's jurisdiction. The establishment of the warning requirement, provided for in this document, helps to meet that responsibility.

The Commissioner rejects the argument that FDA should not act because of the timetable for regulatory action found in unenacted bills to amend the Clean Air Act in the last session of Congress. The bills were not enacted and, like all bills, they are not the authoritative expression of congressional intent. Furthermore, the bill reported by the Conference would have allowed EPA to act before 1978 if the Administrator found that regulation was necessary to prevent an effect that might reasonably have been anticipated to endanger the public health or welfare (Ref. 23). Furthermore, the bills did not repeal FDA's existing authority, and the Conference Report indicates that there was no intention to supersede or preempt the authority other Federal agencies might have with respect to the same or similar hazards presented by products within their jurisdiction.

LEGAL ISSUES: INSUFFICIENT BENEFIT AND NEED FOR ENVIRONMENTAL IMPACT STATEMENT

3. Three comments stated that the Commissioner's warning proposal was irrational because it provided too speculative and small a benefit, even under FDA's estimates, to justify the requirement or to warrant the cost of relabel-

ing. Furthermore, the comments argued that the warning would have even less effect on ozone reduction and on health than assumed by FDA. Alternatively, the comments argued, if the proposed warning would have sufficient impact to be justified, any final regulation mandating a warning would be unlawful under NEPA and FDA's environmental regulations in 21 CFR Part 25 (formerly 21 CFR Part 6, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) unless accompanied by a comprehensive final environmental impact statement.

The Commissioner has discussed below in more detail the reasons why some comments did not view the warning as having a sufficient benefit to be rational. He concludes that, notwithstanding the continued uncertainty about the precise degree of ozone depletion, and the exact extent of adverse health and environmental consequences that may occur, the risk of harm is substantial and is sufficient to warrant taking regulatory action at this time to reduce nonessential uses of chlorofluorocarbons. The requirement is a rational first step in the program to reduce and phase out nonessential uses of chlorofluorocarbons. It can be implemented relatively quickly, and it should discourage nonessential users temporarily. While the warning is in effect, FDA can proceed with the consideration of a phaseout action based upon a comprehensive consideration of the full environmental and inflation impact of a phaseout, coordination of the action with other Federal agencies, and examination of any new information or research developed in this period.

Several comments stated that the remarks of the Commissioner in the preamble to the proposed regulation, referring to the limited and temporary nature of the warning, revealed that the Commissioner recognized that the warning would have no appreciable benefit. The comments misconstrued the Commissioner's views. The Commissioner believes the warning is beneficial and useful as an interim measure. The warning should reduce use of chlorofluorocarbons to some extent, facilitate informed consumer choice, and promote a reasonable transition to a phaseout of nonessential uses.

The remarks of the Commissioner quoted in the comments were made to explain why a separate environmental impact statement need not be prepared for the warning requirement. Important though the warning is, in comparison with the proposed phaseout, the impact of the warning is not significant. The warning will have less effect because it is temporary and it will not ban manufacture or use of any products. It is not possible to know the extent to which the warning itself will reduce use. The effect of the warning, whatever its degree, will be subsumed within the overall regulatory action being taken. This warning is the initial step of the total phaseout action. The environmental effect of the overall action has been evaluated comprehensively in connection with

the phaseout of nonessential propellant uses of chlorofluorocarbons in FDA-regulated products which FDA will propose shortly. The draft environmental impact statement relating to the phaseout will be publicly available within a short period. Thus, the Commissioner continues to believe that a separate environmental impact statement for the warning need not be prepared and completed before a final rule requiring a warning is issued.

At the meetings held by the Council to coordinate Federal agency action with respect to fluorocarbons (Ref. 21), FDA described its intent to require a warning as an initial step, propose a phaseout later, and prepare an environmental impact statement only for the phaseout. The Council representatives concurred in the position that a separate environmental impact statement is not necessary for the warning requirement.

The Commissioner notes that he has prepared an environmental impact analysis report and an environmental assessment report on the effects of a warning. The warning is being required for environmental and health reasons. The preamble to the proposed rule discusses the reasons in detail, and this document responds to the comments received from the public on the preamble. Thus, in substance, the Commissioner has already stated the environmental impacts of a warning and the public has had an opportunity to comment. If anyone believes that the overall phaseout action, or the warning which is a part of that action, has an adverse environmental effect that has not been considered, they may comment on the phaseout proposal and the draft environmental impact statement. The Commissioner will monitor comments received, and will act promptly if the comments indicate the need for any changes.

Lastly, the Commissioner points out the time period during which the warning is to be in effect is uncertain. In response to comments, as discussed below, he has extended the effective date for including the warning in the labeling. In the phaseout proposal, he has established the tentative target dates for the phaseout. These dates may be extended, however, in response to comments or to achieve suitable coordination with EPA's actions to phaseout nonessential aerosol propellant uses. Thus, the warning could be in effect for less than 2 years, but it is also possible that the duration of the warning could be longer. The Commissioner views the warning as rational, notwithstanding its temporary duration, because the warning can be implemented promptly and can continue until the phaseout regulation becomes effective.

SCIENCE-RELATED COMMENTS

ESTIMATES OF OZONE DEPLETION AND NEED FOR FURTHER RESEARCH

4. Five comments were received regarding the uncertainties in the predictions of stratospheric ozone depletion resulting from chlorofluorocarbon releases. Some of the comments characterized the risks of ozone depletion and adverse con-

sequences from chlorofluorocarbon release as a "speculative possibility" because of the remaining scientific uncertainties. The comments urged that any regulatory action be delayed at least 2 years, until research was completed to explore the scientific uncertainties. All the comments referred to the report (Ref. 8) on "Halocarbons: Environmental Effects of Chlorofluoromethane Release" of the Committee on Impacts of Stratospheric Change of the National Academy of Sciences (NAS Committee) and criticized the Commissioner for not following the NAS Committee's recommendation that regulatory action be delayed for up to 2 years to permit further research. The uncertainties mentioned in these comments included photochemical reaction coefficients and atmospheric transport rates, the nature and amount of "minor species" in the atmosphere, the processes which may control their abundance, the limitations in the representation of atmospheric dynamics by one-dimensional models, speculation about other possible sources of ozone, discovery of new "sinks," such as hydrochlorofluorocarbon 21, which might lower ozone depletion levels, and the existence of chemical and feedback processes not included in the NAS model. One comment submitted late listed several research projects sponsored by an industry association to resolve uncertainties.

The Commissioner is aware that there are uncertainties, but he stated in the preamble to the proposed rule the reasons why he believed action was warranted at this time despite the existence of some uncertainties and the recommendation for further research by the NAS Committee. The best available information still indicates that chlorofluorocarbon release will affect stratospheric ozone to some extent. The principal uncertainty relates simply to the amount of ozone that will be depleted. The NAS Committee found in its report that selective regulation of chlorofluorocarbon 11 and 12 is "almost certain" to be necessary. The Commissioner believes, based on his continued monitoring of the scientific research, that the NAS estimate of ultimate reduction of stratospheric ozone on the order of 7 percent still has general support among the scientific community as the best estimate based on currently available information.

Further research as recommended by the NAS Committee might serve to establish that the ozone depletion level is around 2 percent. The NAS Committee believed that the consequences of a 2 percent reduction are tolerable, but the Commissioner disagrees, as already

¹ The NAS Committee report and the companion report of the NAS Panel on Atmospheric Chemistry, "Halocarbons: Effects on Stratospheric Ozone" (Ref. 9) have recently been published by NAS and are on sale through the National Academy of Sciences, Printing and Publication Office, 2101 Constitution Ave. NW., Washington, DC 20418. The NAS Committee report is \$6.25 (Order No. 2529), and the NAS Panel report is \$10.25 (Order No. 2532).

stated in the preamble to the proposal. Thus, further research to establish only that the ozone depletion rate is as low as 2 percent would not provide any justification for delaying regulatory action. A delay in protecting the public is not warranted simply to know the precise degree of unjustified risk to which the public might be exposed.

The further research referred to by NAS and in the comments might also uncover inadequacies in the current estimates or explore unidentified factors that might further neutralize the effect of chlorofluorocarbons and even reduce the estimate of ozone depletion significantly below 1 percent. The NAS Committee recommended waiting for further knowledge to reduce these uncertainties, but it recommended against waiting longer than 2 years before making a decision to regulate. The NAS Committee chairman has testified that he doubts that the NAS Committee would be uncomfortable with the actions so far proposed by the regulatory agencies (Ref. 24). He also indicated that "(w)ithout the (National Aeronautical and Space Administration (NASA)) program directed to stratospheric research the Committee could not have honestly stated that it expected important gains in knowledge over the next two years" (Ref. 24).

NASA has released a preliminary report updating the scientific assessments about chlorofluorocarbons 11 and 12 which was based on workshops conducted by the Goddard Space Flight Center (Ref. 25). The preliminary report states that there is "little doubt" that ozone in the stratosphere will be destroyed by the release of chlorofluorocarbons 11 and 12 and concludes, on the basis of the known information, that the ultimate ozone reduction will be between "5 and 9 percent" if release continues at 1975 production rates. A final report from NASA is expected to be released in September 1977.

The Commissioner recognizes that there are still uncertainties about the estimates made in the NAS reports and the preliminary NASA report. Some of the areas of uncertainty were specifically addressed in the comments on the proposed rule and have been discussed in more detail below. Ongoing and new research could change the best current estimates of ozone depletion attributable to chlorofluorocarbon emissions. Continued research to resolve the remaining scientific uncertainties is desirable, and the Commissioner will continue to monitor the scientific developments and will consider any comments on these matters submitted in response to the proposed phaseout. As he has already indicated, he will revoke the warning requirement if further research shows it is warranted. But precisely because the research is probing into new areas, it is not possible to predict whether and how the research will change current estimates or how long it would take to confirm whatever initial results the research produces. As stated by one of the scientists for DuPont in congressional testimony, "The major

surprises are * * * likely to come in the area of unknown chemistry on which one cannot really speculate. The current government and industry research programs should greatly reduce the possibility of surprises of this kind within the next year or two" (Ref. 26).

The fact remains that the best information currently available indicates that chlorofluorocarbon release poses risks that have unacceptable consequences. In view of the nonessentiality of propellant uses of chlorofluorocarbons, the Commissioner does not believe it warranted to delay a warning requirement to await the results of further research because of the "possibility of surprises" that might change the assessment that chlorofluorocarbons pose an unacceptable risk. As one of the comments supporting the Commissioner's action phrased it, in referring to the requests for time to do further research: "By all means perform your study, but do it in a smaller laboratory. Too many people live in this one."

5. A comment disputed the statements in a letter from F. S. Rowland, cited in the preamble to the proposed warning (Ref. 14), that on the basis of scientific developments, ozone depletion from chlorofluorocarbon release could be estimated as roughly 13 to 16 percent. The comment contained statements criticizing the Commissioner for including the letter, and the higher ozone depletion estimates it contained, as part of the basis for issuing the proposed rule.

The letter was cited as one of several recent developments that suggested that the ozone depletion figures might be even higher than the 7.5-percent figure estimated by NAS. The Commissioner believes it was a relevant report and the citation of it permitted the scientific community and the public to comment on it. However, the comments received indicate that the methods at arriving at higher estimates made in the letter are disputed. Accordingly, the Commissioner is taking this action on the basis that the best current estimate of the amount of ozone depletion that will result from continued chlorofluorocarbon release is a range with a median on the order of 7 percent.

MINOR SPECIES AND POSSIBLE "SINKS" FOR CHLOROFUOROCARBON

6. Several comments referred to the significant effect chlorine nitrate could have on the calculations of ultimate ozone depletion resulting from emissions of chlorofluorocarbons 11 and 12. The inclusion of chlorine nitrate in some computer models measurably reduces the predicted impact of these chlorofluorocarbons on stratospheric ozone.

The preliminary NASA update (Ref. 25) did not use the pressure dependencies for the rate of formation of chlorine nitrate assumed by the NAS Panel and recommended a rate independent of pressure. While this change taken alone would reduce the NAS ultimate ozone depletion estimate by a factor of 2, it has not significantly altered the overall estimate of the amount of ozone depletion in the preliminary NASA update.

Furthermore, Professor Gutowsky, head of the NAS Panel on Atmospheric Chemistry, has stated (Ref. 27) that, as far as he had been able to ascertain, the constants recommended by the NASA staff were not intended to be a "complete, definitive reevaluation of the kinetics data" and that the near-maximum constants used for chlorine-nitrate "are not in accord with some of the experimental data."

7. A comment suggested the possibility of an additional stratospheric sink for chlorine radicals, that of hydroxyl chloride. According to the comment, catalytically active chlorine oxides may react with water in the stratosphere to form hydroxyl chloride which will not react readily with ozone.

The Commissioner notes that even if this intermediate compound were formed, it would be much less effective than chlorine nitrate in preventing ozone destruction for two reasons. First, it would not tie up catalytically active nitrogen oxides in addition to catalytically active chlorine, as chlorine nitrate does. In addition, hydroxyl chloride is likely to be more rapidly photodissociated (Ref. 25). Thus, the hydroxyl chloride sink would not appear likely to have a major impact on estimates of ozone depletion, but any further research on this possibility will be monitored by the Commissioner.

8. Three comments discussed the possibility of tropospheric degradation of chlorofluorocarbon 11 to hydrochlorofluorocarbon 21. This claim was based on two independent measurements in the troposphere at levels approximating 10 parts per trillion (ppt). Based on production figures, DuPont could only account for enough hydrochlorofluorocarbon 21 to give a fraction of a ppt in the troposphere. The hypothesis was advanced that the higher levels might be a result of the breakdown of chlorofluorocarbon 11. If so, this would significantly reduce the tropospheric lifetime of chlorofluorocarbon 11. Should a similar conversion of chlorofluorocarbon 12 to hydrochlorofluorocarbon 22 exist, ozone depletion estimates might be lowered by a factor of 3. The comments noted that Professor Gutowsky (Ref. 27) stated that the detection of hydrochlorofluorocarbon 21 in the atmosphere is "an important finding, the details and implications of which should be checked out promptly and thoroughly."

The Commissioner agrees that further research on this hypothesis would be useful. Until these estimates are confirmed, however, they must be viewed with caution. The high level detected might be a result of instrument contamination, and this possibility is currently being considered by the investigators involved. In fact, one of the researchers recently confirmed that his reported measurements were actually the result of instrumental contamination and that he could find no detectible levels of hydrochlorofluorocarbon 21 in the troposphere (Ref. 28).

9. One comment indicated that the reaction of chlorofluorocarbons with stratospheric ions could represent a possible tropospheric sink. A separate comment

and supporting scientific paper concluded, however, that, "At this point atmospheric ion chemistry does not seem to represent a significant tropospheric sink for any of the halocarbon compounds."

The Commissioner concludes that further study is necessary before ion-molecule reactions are considered to be a significant factor in estimates of ozone depletion resulting from chlorofluorocarbon emissions.

TROPOSPHERIC LIFETIMES

10. An unpublished scientific paper was submitted which indicates that chlorofluorocarbons 13, 113, 114, and 115 (all fully halogenated chlorofluoroalkanes like chlorofluorocarbons 11 and 12) have long tropospheric lifetimes and thus if released into the troposphere would be transported into the stratosphere where they would be photolyzed, releasing catalytically active chlorine, in the manner described for chlorofluorocarbons 11 and 12 (Ref. 29).

This paper supports the Commissioner's view that the release of any fully halogenated chlorofluoroalkane poses a threat to stratospheric ozone similar to those documented for chlorofluorocarbons 11 and 12. Thus, the paper provides additional support for the action being taken in this regulation which is applicable to all chlorofluorocarbons.

11. Several papers were submitted reporting data on the reaction rates of chlorofluorocarbons and hydrochlorofluorocarbons with the hydroxyl radical (Ref. 30). The faster this reaction rate the more likely the compound is broken down in the troposphere, thus preventing the transport of chlorine into the stratosphere where it could catalytically destroy ozone.

These papers show that chlorofluorocarbons react least rapidly of all halocarbons tested with hydroxyl radical and thus would pose the greatest risk to stratospheric ozone.

STRATOSPHERIC OZONE AND ULTRAVIOLET RADIATION MEASUREMENTS

12. One comment questioned the theory that chlorofluorocarbons may deplete stratospheric ozone because no decrease in ozone has been measured. According to the comment, numerous records show that global ozone has tended to increase over most of the period since 1950, in the fashion predicted by the known cycles of ozone concentrations, and the record appears ample to reveal any contrary trend of detectable magnitude.

The staff of the National Oceanic and Atmospheric Administration (NOAA) confirms that there has been an upward trend in ozone concentrations in the period from 1962 to 1970 (Ref. 31), but a gradual lowering trend has occurred since 1970. Before 1962, the data are too sparse to make any scientifically sound judgment on trends in ozone concentration. If chlorofluorocarbons have depleted stratospheric ozone at a rate that would ultimately reach 7 percent, the present deviation from natural ozone

trends would only be in the order of 1 percent (Ref. 4). NOAA estimates that with today's monitoring limitations, one would have to measure changes of 2 to 3 percent to conclude that global ozone levels had deviated from natural trends (Ref. 31). The limitations on human ability to determine changes in global ozone levels depend less on the sensitivity of the method, since existing methods can detect close to 1 percent deviation, than on the uneven distribution of sampling sites throughout the world. Ozone changes over North America and Europe, where most of the monitoring stations are located, may not be representative of ozone changes over the rest of the world. Therefore, even with data showing no detectable changes in stratospheric ozone today, one could not conclude that predicted reductions in global ozone resulting from past chlorofluorocarbon emissions have not occurred.

13. One comment noted that chlorofluorocarbon release is a current concern, even though it has not yet caused measurable ozone depletion, because a decrease could not be detected until further harm is irreversible. The comment suggested, though, that with better and more numerous tracking stations to monitor ozone depletion levels, small decreases in ozone could be detected in time to keep the maximum ozone decrease to only 2.3 percent if uses are ceased immediately upon detection of the decrease.

As noted above, the difficulties in setting up tracking stations are considerable. Moreover, the Commissioner considers the consequences of ozone depletion at the ultimate rate of 2 percent to be intolerable. The detection and identification of an actual ozone reduction if the ultimate depletion rate were 2 percent would take a considerable number of years and require careful calibrations (Ref. 9 at 15-16). The Commissioner will consider any comments submitted on the proposed phaseout relative to the feasibility of more monitoring stations, but will not delay regulatory action to await further exploration of this possibility.

14. One comment stated that a report from the Smithsonian Institution indicated that there has been no increase in the amount of ultraviolet radiation that is hitting the earth, based on studies over the last 5 years.

A communication from the Radiation Biology Laboratory of the Smithsonian Institution indicates that the comment has misinterpreted the data published by the Smithsonian (Ref. 32). The Smithsonian data measurements were of the total ultraviolet radiation band, i.e., all radiation of a wavelength of less than 400 nanometers. The region affected by fluorocarbons is the band of biologically active ultraviolet radiation (UVB) that lies below 320 nanometers, which constitutes only about 2 percent of the total band. The communication from the Smithsonian Institution explained that since UVB is "so much smaller" than the total ultraviolet radiation band "it would be extremely difficult if not impossible to

determine any ozone changes or UVB * * * changes using the larger band."

IMPACT OF WARNING OF NONMELANOMA SKIN CANCER INCIDENCE

15. Two comments stated that FDA should focus greater attention on the overall problem of skin cancer rather than on the small contribution of chlorofluorocarbons to this disease. Furthermore, the comments suggested that changes in lifestyle have made such a great contribution to the increased incidence of skin cancer that the risks from chlorofluorocarbon release are trivial in comparison, or at least that the consequences of a further release during the 2-year period that the warning would be in effect are trivial. The argument was made that moving south could result in similar ultraviolet radiation exposures as would a 2-year delay in the cessation of U.S. chlorofluorocarbon releases. Following this line of reasoning, the comments stated, would lead to the absurd suggestion that we should warn people about the hazards of moving south, put warning labels on bathing suits and the like.

The comment is similar to some points raised earlier in a letter to FDA (Ref. 33). The writer urged, in particular, that greater emphasis be put on use of more effective sun-screen agents in sunburn preventatives and similar lotions. FDA responded (Ref. 34) that:

We agree that the increase in incidence of skin cancer resulting from chlorofluorocarbon releases into the atmosphere will only be a part of the total increase in incidence of such cancers (chlorofluorocarbon releases in 1950 are only now beginning to result in observed cancers). We agree that attempts should be made to prevent all cases of skin cancer (all cancers for that matter). For those adverse health effects associated with natural background exposures to ultraviolet radiation, we advocate good public education and information programs so that people are made aware of these associations and can themselves decide the best method of prevention (avoidance, clothing, sun screens, etc.).

The Commissioner recognizes that changes in lifestyle have contributed significantly to the increased incidence of skin cancer. People should be educated about the accompanying hazards of increased exposure to the sun, but these educational efforts should not be made to appear ridiculous, as in the case of warnings on bathing suits. The Commissioner believes in contrast that the warning on aerosols containing chlorofluorocarbons will be taken seriously by the public, and it may lead to an increased general awareness of the risks from exposure to ultraviolet radiation. It also allows the consumer to make an informed-cost versus benefit choice between, on the one hand, health and environmental risks, and, on the other hand, convenience or other satisfactions from the product.

In any event, changes in lifestyle are difficult to achieve, no matter what educational or other efforts are undertaken. Thus, the risks from increase in ultraviolet radiation should, in the Commis-

sioner's judgment, be assessed in relationship to the existing rates of skin cancer, on the assumption that the preference for light dress in summer weather and increased exposure to sunlight will continue. On that basis, the estimates made in the preamble to the proposed rule about the increased incidence of skin cancer that would result from increased ultraviolet radiation continue to be valid, as discussed further below. Those risks should not be discounted in the expectation that people will change their lifestyle. Furthermore, many people might value the opportunity to be directly in the sunshine more highly than whatever benefits are conveyed by self-pressurized containers with chlorofluorocarbons.

The Commissioner rejects the argument that he should ignore the risks of skin cancer from chlorofluorocarbon emissions because the contribution of other factors to the incidents caused is also large. The incidents that may result from chlorofluorocarbon emissions are significant, and it is within the Commissioner's authority and ability to do something to reduce this part of the risk. Most of the factors contributing to this risk are beyond the Commissioner's regulatory authority. But he has authority to examine the effectiveness of sun screens in sunburn preventatives and other sun preparations. The Commissioner agrees with the point that increased attention needs to be given to effective sun screens. The OTC drug review will examine sunburn lotions and other sun preparations, and the Commissioner intends to weigh the concerns expressed about the effectiveness of sun screens in reviewing these products.

16. One comment questioned the statement in FDA's response to the letter, referred to in the previous comment, that "chlorofluorocarbon releases in 1950 are only now beginning to result in observed cancers."

The statement should have indicated that chlorofluorocarbon releases may result in skin cancer, that no actual cases attributable to this cause have yet been identified, and that, because of the latency period of cancer, cases resulting from chlorofluorocarbon emissions in 1950 are likely to be discernible only beginning now.

17. One comment used DuPont's present best estimate of ozone depletion of 3.7 percent to recalculate FDA's estimate in the preamble to the proposed rule of the number of cases of nonmelanoma skin cancer which might be prevented by imposing a warning label requirement. Use of the DuPont estimate would, of course, lower the number of cases of nonmelanoma skin cancer which would be prevented by imposing a warning label requirement, for it would lower the projected number of cases of skin cancer to be expected.

The Commissioner believes that most current estimates of ozone depletion are still generally around 7 percent rather than the 3.7-percent level estimate by DuPont, which is among the lowest esti-

mates currently being made. Furthermore, the Commissioner regards a 3.7-percent ozone depletion level as posing unacceptable risks. In addition, some recent scientific developments indicate that the original FDA estimate may be conservative.

Based on the report of the IMOS Task Force, the NAS Panel report, and an earlier NAS study (Refs. 4, 9, and 10), FDA used a 1:2 overall amplification rate to calculate the relationship between ozone depletion and the incidence of nonmelanoma skin cancer in making the estimates set forth in the preamble to the proposed rule. A study by Fears (Ref. 35) reports that a 20-percent increase in UVB would result in an increase in cases of nonmelanoma skin cancer from about 35 percent in northern latitudes of the United States, e.g., North Dakota, to about 70 percent in southern latitudes, e.g., Florida. According to these researchers, the relationship between ozone depletion and the increased incidence of nonmelanoma skin cancer is in the order of 1:3.5 to 1:7 in the continental United States. Dr. Alex Green has stated that the approach in the Fears study and in a study conducted by him and his associates gives a biological amplification factor, which is one element in determining the overall amplification factor, that is "substantially greater than the unit factor given in the IMOS report" (Ref. 36).

An overall amplification factor considerably greater than 1:2 has been reported by Rundel and Nachtwey using a model described in Appendix A of the FDA draft environmental impact statement for the proposed phaseout (Ref. 37).

Using the modifications in the skin cancer data reported above, the FDA estimate of numbers of new cases of nonmelanoma skin cancer which might be prevented by not delaying 2 years to initiate regulation and which might be reduced by the warning label requirement would be revised upward, rather than downward as suggested by the comment, by at least a factor of 2. Revised estimates, based on the recent developments, of the number of cases that might be affected by a 2-year delay in regulatory action have been included in the draft environmental impact statement relating to the proposed phaseout. Additional studies to determine more definitely the biological amplification of UVB to incidences of nonmelanoma skin cancer are desirable, and a study of this matter is being initiated by the National Cancer Institute.

18. A related comment suggested that the FDA calculation of the amount of nonmelanoma skin cancer that might occur if regulatory action were delayed was in error because not all of the 300,000 annual cases of nonmelanoma skin cancer are necessarily associated with DUV exposure.

Other factors in addition to solar UVB radiation are known to contribute to nonmelanoma skin cancer, among them ionizing radiation from x-ray sources or radioactive materials, polycyclic aromatic hydrocarbons and chronic irrita-

Melanoma skin cancer is not certain, but

tions and burns. Perhaps 10 to 20 percent of nonmelanoma skin cancer occurs on parts of the body not ordinarily exposed to sunlight, thus indicating that other factors play a role. The extent to which these other factors contribute to nonmelanoma three kinds of evidence—latitude dependence, body location, and occupational differences—all combine to point closely to the exposure to the sun as a prime cause and to increased incidence as a quite certain consequence of increased UVB! (Ref. 8).

IMPACT OF WARNING ON MELANOMA SKIN CANCER INCIDENCE

19. One comment noted that FDA had not made any claim that the incidence of melanoma skin cancer would be affected by the warning label requirement or the proposed phaseout.

Solar ultraviolet radiation may not be as important a contributing factor to melanoma skin cancer as it is for nonmelanoma skin cancer. Melanoma skin cancer occurs with some frequency on parts of the body not exposed to sunlight. Because of these greater uncertainties, FDA did not make an estimate in the preamble to the proposed rule of the number of increased cases of melanoma that might occur if regulatory action is postponed for 2 years. The Commissioner continues to rely on the NAS Committee assessment that malignant melanoma "may well be related to exposures to solar ultraviolet radiation. The relationship which this Committee believes to be likely but yet not completely proven, is not a simple one" (Ref. 8 at 13). A recent report indicates that the incidence of melanoma is increasing (Ref. 38).

NONHUMAN BIOLOGICAL EFFECTS

20. Two comments questioned the potential impact of chlorofluorocarbon releases on plant and animal life. The statement was made that plants and animals are able to tolerate the natural 11-year cycle of variations in the ozone level which are about 7 percent. Another comment urged an immediate ban because of the importance of the ozone layer in protecting the earth from ultraviolet radiation which allows life to form.

The Commissioner notes that NOAA estimates that the variation in the natural 11-year cycle is closer to 5 percent than the 7 percent referred to in the comments (Ref. 31). No data were submitted in the comments to show that these cyclic variations in ozone are not at least in part responsible for well-known cyclic changes, such as those in the distribution of species, reproduction or photosynthesis rates, and migration or behavioral patterns. Thus, perhaps natural fluctuations of ozone do affect plants and animals. Moreover, the existing cyclic variations have resulted in a constant UVB exposure over time. The increase in UVB predicted to result from chlorofluorocarbon emissions would be a

long-term cumulative increase, and it is this kind of exposure which concerns biological scientists. The sensitivity of specific plants and animals to UVB is likely to depend upon many factors, e.g., effectiveness of DNA (Deoxyribonucleic acid) repair mechanisms, avoidance responses, lifespans, and reproductive rates. Plants sensitive to UVB are likely to be the most vulnerable organisms in terrestrial ecosystems because they cannot readily avoid exposure. Depressed rates of photosynthesis and growth are among observed plant responses to high levels of ultraviolet radiation in the vicinity of 300 nanometers (Ref. 39). The broader view of the possible biological impact of cumulative increases of UVB hitting the earth includes the potential impact to ecosystems containing ultraviolet-sensitive plant and/or animal species. Due to the paucity of research in this area, however, UVB effects on ecosystems are uncertain to a considerable degree; the fact remains that, in the judgment of the NAS Committee, the UVB effect on plants and animals are a "strong concern" and a "matter of urgency" for long-term research (Ref. 8). The Commissioner concludes that these risks should be taken into account along with the other risks in judging the need for regulatory action, but they do not warrant an immediate ban without observing the regular procedures for preparing an environmental impact statement and proposing a phaseout.

21. The comment was made that, "Other things equal, there is no plant that cannot be transplanted 150 miles nearer the equator and survive." The comment believed that this indicated a UVB-increase comparable to a move of this distance would have no effect.

Survival of plants is not the only relevant consideration. For example, a reduction in crop yield, particularly agricultural crops, is of considerable significance. The Commissioner concurs with the NAS Committee that additional research is necessary to better understand the effects of UVB on plants and animals.

EFFECTS ON CLIMATE

22. Some comments characterized as merely speculative the possibility that chlorofluorocarbon releases could affect the climate either through ozone depletion or infrared absorption in the troposphere, and they objected to the Commissioner's inclusion of this risk as a basis for the action being taken. The comments also cited Professor Gutowsky's congressional testimony (Ref. 27) that:

Finally, I am a bit troubled by the inclusion at this time of possible climatic effects of (chlorofluorocarbons) as a reason for their regulation. All environmental changes introduced by man are not necessarily bad * * *.

(A) global warming produced by the greenhouse effect of (chlorofluorocarbons) might extend the growing season further north in Canada and the Soviet Union. Furthermore, the natural trends in global climate span periods ranging from centuries to many thousands of years, and there is some evi-

dence that the natural trend is changing from a warming to a cooling cycle.

Many uncertainties exist about the climate effects. The NAS Committee also recommended further research on these effects as a "matter of urgency" and it recognized that some scientists would emphasize the "possible critical importance of even small effects on climate" and would urge, on this basis, immediate decision to regulate spray can uses. The Commissioner believes the critical importance of climatic effects warrants their being taken into account in assessing regulatory action, notwithstanding the gaps in knowledge about climate. Since regulatory action is justified because of the other risks from chlorofluorocarbons, the Commissioner need not decide now if the climatic risks alone would warrant the initiation of a phaseout or some other type of regulatory action.

The Commissioner rejects the suggestion that chlorofluorocarbon releases should be continued because the releases might have a beneficial climatic effect. We know too little about global weather patterns and long-range climatic cycles at this point to attempt to alter climate and weather on this scale deliberately.

23. One comment said that there was no inherent time delay between chlorofluorocarbon emissions and resulting climate changes. The comment asserted that no climatic changes had occurred recently which could be attributable to chlorofluorocarbons and that any alterations in climate which might occur could rapidly be reversed by decreasing chlorofluorocarbon release at the time such changes were observed.

The basic premise of this comment appears to be incorrect, since the magnitude of the possible climatic effects from chlorofluorocarbon emissions is not known, and since the NAS Committee report indicates that there could be a considerable delay between chlorofluorocarbon release and the cessation of whatever climatic effects it caused. The report stated that if chlorofluorocarbons 11 and 12 releases were to continue at a constant rate, "the amount of direct climatic effect would also flatten out, approaching a steady state, again reaching half of this value in about 50 years. The increase of infrared absorption and emission would similarly reach half of this ultimate value in about 50 years. Resulting climatic effects might be further delayed because of slowness in response in the climatic mechanism" (Ref. 8).

24. Some comments noted that volcanic emissions and other sources of intermittent releases of chlorine have not resulted in climatic alterations.

Again, it must be emphasized that it is the gradual long-term accumulations of chlorine in the troposphere and stratosphere, rather than natural cyclic or intermittent events resulting in ozone reduction, which pose the greatest threats to man directly and through impacts on plants, animals, and climate.

OTHER SCIENCE-RELATED COMMENTS

25. A comment mentioned the formation of chlorine ions in the ionosphere,

a region of the atmosphere above the stratosphere, which could affect electron concentrations at this high altitude and lead to changes in global high frequency communication links, since high frequency radio waves are absorbed by electrons in the ionosphere.

This observation indicates that chlorofluorocarbon release could have additional undesirable consequences, but at present this possibility is only speculative. Certainly, further research on the matter would be desirable.

26. One comment questioned the theory underlying the proposed rule because ozone is created by ultraviolet radiation and any ozone destroyed would allow play for more ultraviolet radiation to create additional ozone. Furthermore, ozone exists as a pollutant at the surface of the earth, and, since it is lighter than fluorocarbons, it is more likely than fluorocarbons to rise to the stratosphere to replenish the supply of ozone. The comment hypothesized that an "Upper Air Commission" had misread research results which show that ozone destroys fluorocarbons, not the reverse.

Ozone in the stratosphere is indeed constantly formed by ultraviolet radiation, but, the currently known information indicates that the stratospheric ozone would be destroyed by chlorofluorocarbons faster than it could be replenished by the action of ultraviolet radiation. The other theories advanced in this comment do not have general scientific support. The stability of chlorofluorocarbons, in contrast to ozone, enables them to survive in the troposphere and rise over time to the stratosphere, where, in a catalytic reaction, they can break down the ozone found there. The Commissioner is unaware of any "Upper Air Commission" and finds no basis for accepting the theory advanced in the comment that there has been a mixup in research results.

COMMENTS ON THE TEXT OF AND NEED FOR THE WARNING

27. A few comments objected to the use of the term "warning" in the proposed labeling statement and the identification of the type of risk posed by chlorofluorocarbons. Some urged that, at the most, there be a labeling statement that the product contains a chlorofluorocarbon, or that chlorofluorocarbons "may affect the upper atmosphere." The comments viewed these statements as sufficient to meet the thrust of the NAS Committee's recommendation that "informative labeling" about the presence of chlorofluorocarbons be included on products. In addition, the Commissioner's action in a notice published in the FEDERAL REGISTER of November 26, 1976 (41 FR 52078) proposing to change the nomenclature for cosmetic ingredient labeling, under 21 CFR 701.3, from a propellant designation to a chlorofluorocarbon designation was claimed to be sufficient to inform consumers about chlorofluorocarbons.

A separate label statement that simply states that a product contains a particular ingredient does not inform the con-

sumer of the risks associated with the ingredient, and of the reason for singling out the ingredient for mention. The statement could even be misconstrued as a claim that the presence of a chlorofluorocarbon enhances the value or desirability of the product. A statement that chlorofluorocarbons may affect the upper atmosphere does not apprise the consumer of the terrestrial consequences of the atmospheric effects which are the real cause for concern. Ingredient labeling, even with improved nomenclature, is not sufficient since all consumers may not recognize the ingredient of concern by name or be aware of the risks posed. Furthermore, an ingredient statement does not purport to be a warning.

In addition, a listing of inactive ingredients need not appear on products that are only drugs. Products that are cosmetics, or both cosmetics and drugs, would have to include the new nomenclature for chlorofluorocarbon propellants in the ingredient statement in accordance with a delayed effective date as established in the final rule. No cutoff can be established under the Fair Packaging and Labeling Act (15 U.S.C. 1454 et seq.) pursuant to which cosmetic ingredient labeling has been required, for initial introduction into interstate commerce, thus making the timing of the use of the new nomenclature more uncertain.

The NAS Committee recommended "informative labeling" as "an aid to consumer self-restraint . . . and to consumer preparation for possible later regulation." The Commissioner believes that a warning statement is likely to achieve these purposes more effectively than would a simple change in nomenclature in the statement of ingredients or a descriptive statement that the product contained certain ingredients. Accordingly, the Commissioner concludes that a warning statement is appropriate.

28. A comment suggested that the warning refer specifically to the risk of an increased incidence of skin cancer as a result of the effect of chlorofluorocarbons on the environment.

The suggested revision of the proposed text is not being made. The public is, understandably, exceptionally alarmed by risks of cancer. A reference to a cancer risk on the label should be accompanied by a careful explanation which may require a lengthy text. Furthermore, a reference specifically to cancer, even though stated to be an environmental effect, could without further explanation lead some consumers to believe the risk is greater for the individual user of the product, an implication that is not as likely with the reference to the "public health" in the warning established by this regulation. The public may be concerned about the past uses of self-pressurized containers and the consequences to the health of the immediate user. The brief warning established by this regulation informs the public of the general nature of the consequences of chlorofluorocarbon without alarming the public unwarrantedly about past individual exposures.

29. One comment urged a uniform Federal approach to labeling requirements because it might discourage a proliferation of diverse State labeling requirements about chlorofluorocarbon risks. It would be difficult for manufacturers to comply with diverse State labeling requirements in view of the national distribution of many products. Another comment urges prompt Federal regulatory action on aerosols containing chlorofluorocarbons to avoid a "crazy-quilt" of State laws requiring warnings and/or banning products that may be incongruent.

The Commissioner believes the comments have considerable merit. The Food and Drug Administration strongly encourages uniformity in the labeling requirements of State agencies and the Federal government. The issuance of the FDA warning may be accepted by State governments as adequate to satisfy their concerns. Thus, the interest in uniform labeling requirements provides additional grounds for issuing this regulation.

The Commissioner does not object to State laws or regulations prohibiting the use of chlorofluorocarbons in foods, drugs, devices and cosmetics or establishing an earlier date for the phase-out of the use of chlorofluorocarbons in these products within a State than the dates proposed by the Commissioner. State laws or regulations prohibiting use of chlorofluorocarbons are not in conflict with FDA's general objective of phasing out nonessential uses of chlorofluorocarbons, and these provisions do not pose the same risk of consumer confusion and disruption that may be presented by diverse label warning requirements. States may, however, find it unnecessary to take separate action to prohibit use of chlorofluorocarbons because of the action being taken by FDA.

The Food and Drug Administration agrees that uniformity among Federal labeling requirements is also desirable. As already discussed, however, FDA believes that a warning requirement is necessary rather than a descriptive statement of contents like the one EPA has established for pesticides. Federal labeling requirements apply to different products, and variations among Federal requirements do not increase the burdens on any individual manufacturer. Thus, there is not as great a need for uniformity among Federal requirements as there is between Federal and State requirements. Furthermore, since FDA regulates most of the uses of chlorofluorocarbons in self-pressurized containers, the establishment of a similar approach by FDA and the Safety Commission for the warning requirement may be sufficient to reduce the possibility of diverse State warning requirements with respect to chlorofluorocarbons.

30. Some comments asked that the proposed warning be required even on self-pressurized containers used for essential products containing chlorofluorocarbons. They thought the presence of the warning would give the manufacturer a continuing incentive to find al-

ternatives to the use of chlorofluorocarbons.

The warning has not been required for products in which the presence of the warning might discourage consumers from using products that are essential. The Commissioner agrees that alternatives to the use of chlorofluorocarbons should be sought even for uses that are essential. Whenever alternatives become technically feasible, FDA will reconsider the regulations in effect governing the use of chlorofluorocarbons and all exemptions for essential uses. Furthermore, interested persons may request reconsideration of the exemptions at any time if they become aware of technically feasible alternatives.

31. Some comments suggested that the warning should indicate other risks posed by use of self-pressurized containers, including the risk of death from intentional misuse. One comment suggested that aerosols bear crossbones on the labeling to alert consumers to a risk of death from "irreversible heart action" after breathing fluorocarbons. The comment attributed several deaths of young people to this cause.

The risk of breathing fluorocarbons referred to in the comments appears to be the risk from intentional misuse of self-pressurized containers with hydrocarbon and halocarbon propellants. The FDA has already taken action with respect to this hazard and has required containers with these propellants to bear a warning about the risk of death from intentional misuse, e.g., 21 CFR 740.11.

32. Two comments urged that the warning advise use in a well-ventilated room and caution against use of self-pressurized containers containing chlorofluorocarbons by persons with chronic lung or heart disease. Another comment urged a ban because inhalation of chlorofluorocarbons may cause direct adverse physiological reactions for asthmatics and people who become sensitized.

The comments were directed at issues that are distinct from the concerns that prompted the proposed warning; therefore, those persons commenting should file a citizen's petition to propose a new rule to cover the hazards addressed in the comments, and the petition should include any data or studies they rely on to show that chlorofluorocarbons pose the risks described. The Commissioner points out that he discussed in detail in the document published in the FEDERAL REGISTER of March 3, 1975 (40 FR 8912) the evidence of various risks from aerosols to the immediate users. He gave his basis for concluding that the need for certain other warnings about cardiac toxicity and adverse effects on the pulmonary system had not been sufficiently demonstrated at that time.

33. Three comments argued that no warning should be required with respect to the risks from chlorofluorocarbons because it would dilute the effectiveness of other warnings that are required on products to alert consumers to more imminent hazards.

The Commissioner rejects the comments. The consumer should be alerted

to all the serious hazards posed by a product. While the impact of warnings might be reduced if numerous statements were included, the Commissioner concludes that the warnings on self-pressurized containers are not so numerous as to make the dilution effect an overriding concern at this time.

34. A number of the comments urging a phaseout came from school children. Some expressed concern that the adverse consequences of present uses would occur in the future and would affect them and future generations more than it would affect the adults who use the products now.

The Commissioner recognizes the fact that the ill effects of chlorofluorocarbons may fall more on future generations than on the present generation of users. This confirms the need to proceed with a mandatory phaseout rather than rely completely on voluntary self-restraint coupled with a warning.

HAZARDS FROM ALTERNATIVES

35. In one comment a beautician reported that in her personal experience as a beautician, alternative propellants and product delivery systems used for cosmetics in lieu of chlorofluorocarbons caused eye irritations and other adverse effects. The comment urged FDA to check on the safety of the alternatives and to consider whether the alternative products posed worse hazards than chlorofluorocarbons. The comment asked whether companies have a responsibility to test cosmetics for safety before marketing them. Several other comments expressed concern about the flammability of alternative hydrocarbon propellants.

The Commissioner recognizes that it is possible that alternative products may also pose hazards of various types. The present action relates only to the adverse effects of chlorofluorocarbons upon stratospheric ozone, and the potential physiologic hazards from other products are not within the scope of this regulation. It is the Commissioner's position that manufacturers should substantiate the safety of all their products before marketing, and under 21 CFR 740.10, cosmetic manufacturers are required to warn consumers if they have failed to perform testing to substantiate the safety of products. Furthermore, products must bear warnings necessary or appropriate to prevent a health hazard that may be associated with the product (21 CFR 740.1). If the adverse reactions associated with a product are unreasonable, in number or severity, FDA will take regulatory action. Citizens may petition FDA to take regulatory action with respect to any risk posed by regulated products. It would not be appropriate, however, to leave an unsafe product on the market, because the possible risks of alternatives were not yet fully known and might also be unacceptable. Instead, no unsafe products should be marketed. The Food and Drug Administration endeavors to ensure the safety of all cosmetics and products it regulates; FDA resources are limited, however, and in some in-

stances, including with respect to cosmetics, FDA's statutory authority needs strengthening. Within these constraints, FDA will continue to act to ensure the safety of all the products subject to the FFDCA.

PLACEMENT AND SMALL CONTAINERS

36. Many comments urged the Commissioner to ensure that the warning was prominent by requiring it to appear on the front of the package, rather than on the back, and in type size at least 1/16 inch in height. One comment pointed out that no minimum type size requirement exists for warnings on animal drugs.

The Commissioner agrees that the warning should be prominent, but he believes that the proposed requirement is adequate to ensure this result. The warning must be conspicuous at the time of purchase, and ordinarily this requirement could not be satisfied by putting the warning only on the back. The warning need not necessarily appear on the front of the package. For example, it may appear on the top of the cap, on a hang tag, or another place conspicuous at the time of purchase. A minimum 1/16-inch type size is required under the general regulations applicable to certain required labeling on foods and cosmetics, and warnings on OTC drugs in self-pressurized containers (21 CFR 101.15(d) (formerly 21 CFR 1.9(d), prior to recodification published in the *FEDERAL REGISTER* of March 15, 1977 (42 FR 14302)), 369.21, and 740.10). If this warning were required to be in a larger minimum type size, it would distract attention from other equally important warnings and information. The minimum type size requirements were fixed with regard to the small size of some containers and the various types of labeling information that is required to appear on packages.

In considering these comments, the Commissioner carefully reviewed the size and placement requirements in the proposal, and noted that, in the case of medical devices and animal drugs, no general minimum type size requirements now exist. Accordingly, he has amended the proposed regulation to make these products subject to the same minimum 1/16-inch type size requirement applicable to other products to which the regulation applies.

37. Two comments requested an exemption for "miniature" self-pressurized containers with 1 ounce or less of contents because of the length of the warning and the difficulties in fitting the warning into the space available on small containers.

The Commissioner anticipated the label space constraints inherent in small packages of self-pressurized containers and specified in the proposed rules that "the warning may appear on a firmly affixed tag, tape, cord, or sticker or similar overlabeling attached to the package." Although these alternatives involve additional expense, it is clear that they are practical means of labeling small self-pressurized containers.

38. A comment urged the Commissioner to require the proposed warning on both

the immediate container and the labeling visible at the time of purchase.

The Commissioner adequately discussed in the preamble to the proposed rule his reasons for believing that a warning at the time of purchase would be sufficient. The comment provided no new information to alter the Commissioner's analysis.

GENERAL EXCEPTIONS FROM WARNINGS

39. Some comments expressed support for the Commissioner's decision not to make the warning applicable to prescription drugs and urged a similar exemption from the phaseout regulation.

The Commissioner accepts the comments with respect to the warning, but he is proposing to make the phaseout applicable to prescription drugs unless the use of chlorofluorocarbons in them is essential, as discussed further in the phaseout proposal.

40. One comment suggested that an exemption should be provided for medical uses, irrespective of their essentiality, because as a group the total amount of chlorofluorocarbons used for this purpose was small and would not pose a substantial risk. Other comments suggested that small packages of aerosol products, e.g., those having less than 1 ounce capacity, be exempted from the proposed warning statement requirement and the proposal to phase out nonessential uses of chlorofluorocarbons because the amount of chlorofluorocarbons released in the atmosphere by small aerosol packages amounts to only a fraction of 1 percent of the total amount of chlorofluorocarbons released.

The comments are not accepted. Various minor uses of chlorofluorocarbons may appear to present a minimal risk when considered individually but when cumulated the total becomes significant. Moreover, it would be inequitable to exempt a few uses on this basis apart from the essentiality of the use. The whole class of nonessential uses should be treated the same.

ESSENTIAL USES: GENERAL COMMENTS

41. A number of comments were addressed to the criteria for determining which products are essential and should not be phased out or required to bear a warning. It was suggested that the rule relating to the warning requirement contain a procedure for petitioning to have products exempted from the warning, and that the obligation to include a warning in labeling be stayed at least for OTC drug uses while such petitions were pending.

The final rule establishing the warning requirement indicates the products which are exempt as essential products. No special procedure has been included for obtaining additional exemptions from the warning requirement. The Commissioner has considered all the requests for exemptions received in response to the proposal and has discussed below his disposition of them. Persons who believe additional exemptions are warranted may file a citizen's petition under 21 CFR 10.30 (formerly 21 CFR 2.7, prior to recodification published in

the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), to amend the regulation. A stay of the regulations will not be granted absent an extraordinary showing that it is warranted. If a stay were routinely granted with the filing of a petition, numerous unwarranted requests might be made merely to obtain the benefit of the stay.

The phaseout proposal indicates that a product will be considered essential only if there is no technically feasible alternative to the use of the chlorofluorocarbon in the product, the product provides a substantial health benefit, environmental benefit, or other public benefit that would not otherwise be obtainable, and the use does not involve a significant release of chlorofluorocarbons into the atmosphere or the release is justified by the benefit. The same criteria guided essentiality determinations with respect to the warning. A procedure for requesting determinations that a product is essential has been included in the phaseout proposal. It is appropriate to include such a procedure in the phaseout regulation, even though it is not in the warning regulation, because of the indefinite long-term effect of the prohibition and the possibility that new products providing life-saving or other essential benefits may be developed. The criteria for essentiality are similar for both the phaseout and the warning. The Commissioner notes, though, that there is less reason to regard products as exempt from the warning, since the warning does not prevent marketing or use of products.

42. One comment criticized the Commissioner's criteria for essentiality, insofar as they applied to the warning and the phaseout, since they did not recognize that a product may be essential because it "confers unique benefits because of its aerosol form." In addition, several comments criticized the Commissioner's determination that most products in self-pressurized containers are nonessential, and mentioned the consumer preference for self-pressurized containers, exactness of dose, and longevity of storage as factors showing essentiality.

The Commissioner believes the essentiality criteria provide for an appropriate recognition of all factors that may make a product essential. A self-pressurized container could be considered essential if the form conveys a substantial benefit not obtainable from alternate means of delivery. The Commissioner still finds that almost all uses of chlorofluorocarbons as propellants in FDA-regulated products are not essential, but serve principally as conveniences. Counterparts to self-pressurized containers exist that perform essentially the same function. The application of the essentiality criteria to specified products raised in the comments is discussed below.

43. Several comments requested that all OTC drug manufacturers using chlorofluorocarbon propellants in their drug products be permitted to continue marketing such products without the

necessity of a warning statement until the chlorofluorocarbon ban becomes effective. It was asserted that all OTC drugs in self-pressurized containers confer a benefit which far outweighs the relative risk of environmental harm, especially since the use of chlorofluorocarbons in OTC drug products constitutes such a small percentage of chlorofluorocarbon propellant use. In addition, these comments emphasized the essential part that OTC drugs play in our health-care system. Alternatively, the same comments suggested that all OTC "medicines" containing chlorofluorocarbons that confer a health benefit or that provide more than consumer convenience be exempt from the warning statement. Another comment supported an exemption for medical products in which the dose delivered is significant.

As stated in the preamble to the proposed warning statement, the warning is being proposed for virtually all uses of chlorofluorocarbons in self-pressurized containers because most uses are, in the Commissioner's judgment, not essential. Therefore, the Commissioner cannot accept the suggestion to exclude all OTC drugs from the warning statement because it is obvious that not all chlorofluorocarbon uses in OTC drugs are essential. Antiperspirants, for example, are OTC drugs because of their effect on the structure and function of the body, and a self-pressurized package is not essential for these products. In fact, even the comments acknowledge in their alternative suggestion that the use of a self-pressurized container for some OTC drugs provides merely a convenience and not a health benefit.

The fact that the use of chlorofluorocarbon propellants in OTC "medicines" is estimated by the comments to be small—about 3 percent—of the total amount of chlorofluorocarbon propellants used in FDA-regulated products is not the only criterion to be used in determining whether or not the warning statement should appear on OTC drugs. In addition to the amount of chlorofluorocarbons used, the issues of feasible alternatives to the use of chlorofluorocarbons and the benefit, if any, derived from the use of the chlorofluorocarbons must be considered. If the dose delivered is significant, and other systems cannot provide an equivalent control of the dose, this would be an important factor in establishing that a specific product is essential. If suitable alternatives exist, however, or if there is no significant benefit derived from the use of the chlorofluorocarbon, the warning statement is appropriate despite the fact that the amount of chlorofluorocarbon used in the product is quite small.

Likewise, the inclusion of the warning statement on certain OTC drugs does not imply that these OTC drugs are not an essential part of our health system. It merely means that the use of chlorofluorocarbons in the product containing the warning is nonessential, i.e., that other suitable means of product delivery exist and the products themselves, in a self-pressurized container, serve only as

a convenience, providing no special benefits that outweigh the risks posed.

Furthermore, the distinction between OTC drug products that are "medicines" and those that are not, is a distinction suggested by the comments, whose meaning is uncertain. The amount of chlorofluorocarbons in the "medicines" category depends upon the meaning to be given to the term. If a product were to be considered a "medicine," and therefore exempt from the warning and phaseout merely because it made a therapeutic claim, it could lead to a proliferation of questionable claims.

The Commissioner concludes that an OTC drug product should be exempt from the warning statement only if it is determined by FDA that the use of a chlorofluorocarbon propellant in the specific product is essential.

Each comment received requesting an exemption for a specific OTC drug product or class of OTC drug products from the warning statement or the phaseout has been considered and discussed below in determining what OTC drug products should be exempt from the warning statement. The Commissioner has also discussed below comments on the notice of intent that bore on the essentiality of prescription drugs, even though prescription drugs are not subject to the warning, if the essentiality issue for the prescription drug was similar to that for an OTC drug.

ESSENTIAL USES: SPECIFIC PRODUCTS

44. In addition to several comments requesting that all OTC drug products be exempted from the warning statement, many other comments requested that one or more specific OTC drug products, or classes of OTC drug products, be exempted from the warning statement. Many of these same comments also requested that a specific product or class of products, be exempted from the phaseout regulations. Some of the types of drug products covered by these comments include: topical analgesics, sunburn remedies, topical antimicrobial agents, insect bite products, topical antifungal agents, surgical spray dressings, and topical anti-inflammatory agents. The comments argued that the benefits of the products for human health far outweigh the problem of ozone depletion. Many of the comments stressed the unavailability of suitable replacements for the chlorofluorocarbon propellants, the small amount of these propellants used in drug products, and the efficient, nontraumatizing mode of application afforded by aerosols. Some of the comments also pointed out that the possibility of secondary infections, present when an ointment or lotion had to be applied with the fingers, would be greatly reduced.

With respect to many of the products identified in the comments, the Commissioner believes that having the drug in a self-pressurized container is a convenience to the user. For example, it is recognized that using a self-pressurized container is not as messy as applying an ointment or cream. The fact that the drug is available in other delivery forms

indicates, however, that the aerosol dosage form is not necessary for the drug to achieve its desired effect. Even the aerosol drug products used to treat skin infections are available in other dosage forms. Thus, it would appear that manufacturers have not considered the possibility of secondary skin infections to be of such a concern to preclude their marketing of these other dosage forms.

The active ingredients of many of the drug products for which an exemption was requested are currently being sold in other forms, such as ointment, lotions, creams, and powders. Thus, it appears that other forms of product delivery exist. Further, it would seem that for some of these products where the actual amount of active ingredient delivered is not critical, an alternative propellant or a mechanical pump could be used in place of the chlorofluorocarbon. Accordingly, the Commissioner concludes that the essentiality of their use has not been established.

45. Several comments requested that drugs in self-pressurized containers intended for inhalation in the treatment of bronchial asthma be declared essential and thus exempt from both the warning requirement and the proposed phaseout regulations. The products mentioned in the comments were either steroid-containing products or OTC and prescription adrenergic bronchodilator drug products. One comment requested that "all metered-dose medicinal aerosols for inhalation therapy" be exempted from the phaseout regulations. Another comment requested that metered-dose steroid aerosol products intended for application to the nasal mucosa be exempted. One comment urged that the exemption in the proposed rule for drugs intended for "bronchial asthma attacks" be broadened to include a prophylactic inhalant used to prevent asthmatic attacks.

Justifications included in these comments for the continued use of chlorofluorocarbons in products for inhalation centered around several different facts. The first fact was that, unlike other commercially available propellants, the chlorofluorocarbons maintain a constant internal canister pressure throughout the shelf life of the product. As a result, a self-pressurized container containing a chlorofluorocarbon can deliver a potent therapeutic drug in precisely metered doses, with the last dose containing the same quantity of drug as the first dose. Further, these drugs, because of their chlorofluorocarbon propellant, provide a uniform distribution of the therapeutic agent in small particle size to hard-to-reach mucous membranes. Application of these therapeutic agents in this manner achieves the therapeutic objective with lower doses of medication than do systemic doses. Another factor cited in support of these products is that other forms of the product do not produce the same clinical effect.

The Commissioner recognizes the importance of chlorofluorocarbons in providing effective metered doses for use in inhalation therapy of certain diseases

and, in general, accepts these comments. He does not, however, believe that an exemption should be worded as broadly as "all metered-dose medicinal aerosols for inhalation therapy." Such a broad exemption would cover products even if another suitable form of product delivery exists for the treatment of the particular disease for which the drug is recommended. The Commissioner believes, therefore, that the proposed exemptions should not be in broad terms but should assure that only essential uses of self-pressurized containers with chlorofluorocarbon propellants are exempted.

Based on the comments received, the Commissioner is proposing that the following metered-dose drug products for inhalation be considered essential: (1) Metered-dose steroid products for nasal inhalation, (2) metered-dose steroid products for oral inhalation for treatment of bronchial asthma, and (3) metered-dose adrenergic bronchodilators for oral inhalation for treatment of bronchial asthma. The first two types of metered-dose aerosols are all prescription drugs. Some products in the third category are OTC products, while others are prescription products, depending upon the active ingredient. The Commissioner is exempting all these products from the proposed phaseout. The warning requirement does not apply to prescription drugs. As proposed, the warning requirement exempted OTC drugs intended for direct inhalation for treatment of bronchial asthma attacks. However, to be more specific, the Commissioner now believes that this class of products should be identified as metered-dose adrenergic bronchodilators for inhalation. The regulation has been revised accordingly.

The prophylactic inhalant to prevent asthma attacks referred to in one of the comments is a prescription drug which would not be subject to the warning requirement. The Commissioner agrees the use is essential and it is covered by an exemption in the proposed phaseout regulation for metered-dose steroid drugs for inhalation.

46. One comment requested that the proposed warning statement exemption for OTC drugs be broadened to include "metered-dose aerosols for medicinal therapy." The comment neither identified any specific product covered by such a phrase nor did it indicate if such products were OTC or prescription products. The comment did, however, refer to the successful use of a metered-dose aerosol drug product containing a decongestant as a substitute for a plastic squeeze bottle. By using the metered-dose aerosol product, the comment indicated that the possibility of contaminating the contents of the squeeze bottle through mucous and associated bacteria being drawn back into the container would be eliminated.

The Commissioner recognizes the essentiality of metered-dose aerosols for delivering certain drugs. As stated above, OTC metered-dose adrenergic bronchodilators for inhalation have been exempted from the warning statement. The

Commissioner concludes, however, that not every OTC drug in a metered-dose aerosol would necessarily constitute an essential use of chlorofluorocarbons. Some of these products could be in a metered-dose aerosol form merely for convenience purposes. Therefore, the comment as submitted is not accepted. It is noted, however, that, in addition to being used for OTC drug products, metered-dose aerosols are also used for prescription drugs, and as already discussed, several types are considered to be essential and are exempt from the proposed phaseout.

With respect to the alleged advantage of a self-pressurized container over a squeeze bottle for nasal application, the Commissioner is not aware of any contamination problems associated with squeeze bottles, possibly because most of the nasal sprays in squeeze bottles contain a bacterial preservative. However, if such contamination of nasal sprays in squeeze bottles is presently a problem, comments should be submitted on this issue on the proposed rule to phaseout chlorofluorocarbon propellant uses. Therefore, the comment as submitted is not accepted.

47. Three comments requested that OTC contraceptive vaginal foams be exempt from the phaseout regulations and/or from the warning statement. These comments indicated that the chlorofluorocarbon propellants are currently the only available propellants that achieve foams of proper consistency and stability. It was stated that the foam drug products are dependent upon two characteristics to achieve their contraceptive effect: one the active spermicidal agent, and the other the physical barrier provided to the cervical os due to the consistency of the foam. In addition, it was emphasized that contraceptive foam products are an essential form of birth control for a segment of the population, and the use results in very little release of chlorofluorocarbons to the atmosphere since these products contain 10 percent or less of chlorofluorocarbons.

The Commissioner agrees that contraceptive vaginal foams should be exempted from the proposed phaseout regulations. While other contraceptive methods exist, the contraceptive vaginal foams provide a method, available over the counter, that is found acceptable by a small select population of females. No satisfactory substitute propellant has been found to date according to the submissions, and there is the risk of reduced effectiveness or safety of the product through use of the wrong propellant. In the absence of another suitable delivery system for applying these spermicidal agents, the Commissioner concludes that in view of the benefit of the contraceptive vaginal foams that would not be obtainable without the chlorofluorocarbons and the small amount of propellant used, these products should be exempt from the proposed phaseout regulations and from the warning statement required on nonessential uses of chlorofluorocarbons.

48. Two comments urged the Commissioner to determine that cytology fixa-

tives, medical adhesive sprays and removers, pre-tape sprays and surgical lubricants are essential and that their health benefits far outweigh the ozone depletion risks. One comment indicated that the only available alternative propellants that would function properly in the cytology fixative and other sprays were flammable and introduce a usage hazard in hospital, clinic, and laboratory environments.

The cytology fixative spray results in a superior tissue preparation, especially in the preparation of Pap smears. The Commissioner concludes that this use should be regarded as essential, and it has been exempted from the warning and the proposed phaseout. The comments did not provide sufficient information however, to establish that any of the other devices discussed in these comments are essential. The use of a self-pressurized container to apply medical adhesives, lubricants, and other substances appears to be a convenience and alternative means of application are possible, e.g., liquid adhesives for topical application. Accordingly, these uses of chlorofluorocarbon propellants will be subject to the warning requirements, and are proposed to be phased out, but the Commissioner will consider further information submitted in response to the phaseout proposal that relates to whether these uses are essential.

49. One comment declared that certain personal hygiene aerosol products, including foot powder spray and foot and shoe cooling sprays, are "important in terms of personal comfort, antiperspirant and deodorizing activity for feet." Continuing to market these products was reported as essential to the company's economic well being.

The Commissioner does not disagree with the contention that the personal hygiene products named may be important to some persons for comfort, but alternate delivery systems are available for these products, e.g., powders. No alternatives may exist that provide the equivalent coolant effect, but this effect is a temporary convenience, and interrelated with the propellant use.

50. One comment inquired about the applicability of the warning requirement to prescription animal drugs, and another comment urged that prescription drugs considered essential for human use be deemed essential as animal drugs as well.

The Commissioner intends to make the regulation applicable to all animal drugs. Essentiality requires an examination of alternatives and the benefits of use of products and these factors may vary with the circumstances. No specific information was submitted to show that any particular animal drugs in self-pressurized containers with chlorofluorocarbon propellants were essential, and accordingly, no exceptions have been made for animal drugs. Any person who believes a use is essential should submit comments in response to the proposed phaseout showing why the particular use is believed to be essential under the criteria stated in the proposal.

TIMING OF REGULATORY ACTION; EFFECTIVE DATE

51. Several comments specifically supported the Commissioner's decision to initiate regulatory action at this time without waiting for up to 2 years, as recommended by the NAS Committee, for additional research. As already discussed, other comments urged a delay to await further research. Still other comments expressed a strong preference for immediate regulatory action, with several comments expressly endorsing an immediate ban on use of chlorofluorocarbons. Some comments, favoring an immediate ban, disagreed with the proposal to require a warning on the grounds that a warning would be futile and/or delay a ban.

The Commissioner disagrees with the comments to the extent they urged immediate action without observance of the usual notice-and-comment procedures for issuing rules. Observance of these procedures is consistent with the IMOS Task Force recommendation that agencies initiate regulatory action at present so that thorough and thoughtful action could be given to the action. Furthermore, an immediate ban would not have permitted preparation of a draft environmental impact statement for the phaseout, and coordination of the ban with other Federal agencies. The Commissioner also believes that a reasonable period for a phaseout should be permitted; accordingly, he has not proposed an immediate ban. In the Commissioner's judgment, the warning will be helpful in reducing uses on an interim basis, and it will become effective shortly.

52. A few comments urged that regulatory action be delayed until alternative hydrochlorofluorocarbon propellants are available, or it is definitely known that they are unsafe and would not be marketed in the future for personal care products. They viewed hydrocarbon propellants as undesirable in terms of product performance, consumer preference and the increased risks of flammability. Rather than have aerosol fillers cease to make aerosol products or switch to hydrocarbons, only to switch again at extra cost to hydrochlorofluorocarbons if they became available, FDA was urged to wait "a little more time" for the completion of toxicological testing on hydrochlorofluorocarbon propellants that could be used as substitutes for chlorofluorocarbon propellants. A comment stated without explanation that more information on the toxicity of hydrochlorofluorocarbons would be available within 90 days.

DuPont, a leading producer of hydrochlorofluorocarbons, has reported (Ref. 40) that adverse toxicological findings were found for certain hydrochlorofluorocarbons in initial screening tests for mutagenicity and/or teratogenicity. As a result, long-term inhalation studies were planned and "in all likelihood" the company will not offer certain hydrochlorofluorocarbons for use in personal products until "approximately January 1, 1980." Information was also submitted to show that hydrochlorofluorocarbons do not pose a significant risk of causing

ozone depletion or other adverse environmental effects.

A delay to await the availability of alternative hydrochlorofluorocarbon propellants is likely to involve a considerable delay well into 1980, with no assurance that the alternatives would be found to be safe and available. Alternative product delivery systems, such as pumps and nonspray products, already exist for most products in self-pressurized containers using chlorofluorocarbons. Accordingly, the Commissioner concludes that a delay to await further testing of hydrochlorofluorocarbons that may possibly be used as substitutes is not warranted.

53. One comment from an industry association reported that the use of chlorofluorocarbon propellants in self-pressurized containers is declining and that today two-thirds of all aerosols on the market use other propellants. The comment suggested that this decline in use warranted postponement of all regulatory action.

The Commissioner believes that the decline in the use of chlorofluorocarbon propellants is a welcome development. Other reports indicate that there has been a decline in the use of chlorofluorocarbon propellants (Ref. 41). The Commissioner also recognizes that alternative product delivery means are being extensively promoted and as a result, the use of chlorofluorocarbon propellants may decline further. The switch to alternatives by manufacturers may be in anticipation of the issuance of the final rule requiring the warning and the effect a warning will have on consumer purchases. If the Commissioner indicated he would withhold all regulatory action for a considerable period, the decline may cease. Thus, the present decline is not a justification for postponing all action.

The decline in use of chlorofluorocarbon propellants is, however, a development which is relevant in establishing an effective date for the warning requirement. Under the proposed regulation, the warning would have been required on products initially introduced into interstate commerce 30 days after the final rule was issued. This time span was short, and it was recognized that it would necessitate costly overlabeling, and perhaps some distribution difficulties, but it was believed necessary to require fast implementation of the warning requirements so that consumers could become aware of the risk and, through their purchasing decisions, reduce the use of chlorofluorocarbon propellants. At the time the regulation was proposed, it was not possible to foresee the extent to which industry would promote alternative product delivery means, apparently in anticipation of the potential consumer reaction to the warning.

The Commissioner believes that his basic aim of reducing nonessential uses of chlorofluorocarbon propellants is being achieved even before the final rule requiring a warning becomes effective. Accordingly, it is possible, consistent with the overall aim of reducing use, to extend the time for complying with the warning requirement. By extending the effective date, the warning can be implemented

with a lesser amount of costly overlabeling, and with less potential for disruption in distribution, as discussed further below. The establishment of a final rule requiring a warning with a fixed effective date in the relatively near future, will maintain the incentive manufacturers have to develop and promote alternative delivery systems in anticipation of the consumer reaction to the warning. Thus, despite the extended time to comply with the warning, the warning requirement can still be expected to achieve its basic purpose of reducing use in the interim, pending a phaseout.

54. A number of comments strenuously objected to the Commissioner's proposal to require the warning on all products labeled or initially introduced into interstate commerce on or after 30 days from the issuance of a final rule requiring a warning. The effective date was viewed as especially onerous to the extent it would have required additional labeling on fully labeled products in inventory. Some comments asserted that the effect of the proposed 30-day effective date was to deprive companies of their right to comment since the only way to comply with the requirement, if retained, would be to order complying labels even before a final rule was adopted.

The comments also urged that the warning be required only on new permanent labeling ordered after the effective date, and that no requirement be imposed that would necessitate the use of stickers. Stickers were described as impractical because of poor adhesives and expense.

In support of these views, a trade association submitted a survey of its members of the cost of and time needed for compliance with the requirement for warning labeling. The time to label existing inventory with stickers or other overlabeling was estimated to be between 5 and 31 weeks, with most companies requiring more than 11 weeks. The direct cost was estimated at between 6 and 8 million dollars, and it was reported that many companies would have to suspend shipments for a month or more resulting in lost sales. The time estimates were made in relation to "ideal conditions." If all companies were placing rush orders at the same time, the time would be greater, and might even double. Another comment considered anything less than 6 months to sticker existing inventory to be "impossible."

The direct cost of labeling new production with stickers was estimated to be nearly \$3 million. The trade association estimated that between 4 and 15 weeks would be needed for companies to be prepared to apply stickers to new production, with most companies being ready in 11 weeks. It was reported that some companies would have especially severe difficulties in complying because they did not have machines on hand to apply overlabeling.

The survey also included estimates of the time needed to include the warning in a permanent labeling change. The total time for processing a permanent labeling change under ideal conditions from art work through initial shipment

of a newly labeled product in interstate commerce was estimated as varying from 6 weeks to over 45 weeks, with two-thirds of the companies needing about 6 months. It was noted that the length of time between production and interstate shipment was long in some instances because some manufacturers produce a year's supply at a time and inventory it for shipment.

The comments urged several different schedules for putting the warning requirement into effect, with most supporting a 30-day effective date for ordering labeling, 6 months for labeling products, and 12 months for initial introduction into interstate commerce. It was noted that an early effective date would have a relatively greater impact on smaller companies.

The Commissioner is persuaded that the 30-day effective date would impose unusual practical difficulties particularly with respect to stocks of fully labeled containers on hand. Accordingly, he has changed the effective date provision to minimize the need to overlabel existing inventory. The warning will be required on all products initially introduced into interstate commerce 6 months after the date of publication of this final rule. Most companies can complete a permanent labeling change within 6 months according to the industry survey.

Use of some stickers or other overlabeling may nonetheless still be necessary for some companies. This will particularly affect products, for which a large supply is produced at a single time, to achieve economies of scale, with shipments being made throughout a later period. The entire existing inventory does not, however, have to be overlabeled before the effective date. The companies need only relabel the amount about to be introduced into interstate commerce. The comments did not indicate how much time was needed to meet current distribution requirements and maintain distribution on a continuing basis. The Commissioner believes 6 months should be reasonably adequate for this purpose.

Setting the effective date earlier than 6 months might increase the impact on products with heavier sales in the Christmas season which are ordinarily shipped into interstate commerce several weeks in advance. An earlier date would, though, necessitate increased use of stickers and other overlabeling on these products as well as on many other products that do not have this type of seasonal pattern.

The Commissioner rejects the suggestion that a 12-month effective date for compliance be established for products initially introduced into interstate commerce. The establishment of an effective date for initial introduction into interstate commerce is important to prevent stockpiling of noncomplying products by manufacturers for delayed shipment. While a 1-year effective date would virtually eliminate the need for any overlabeling, it would delay inordinately the appearance of the warning on all newly shipped products. This could reduce the

incentive manufacturers presently have to develop alternative products. If the effective date were set at the maximum period the slowest company needed to implement permanent labeling changes, it would delay the warning a considerable time and long past the time most producers would need to include the warning in labeling. Accordingly, the effective date has been set at 6 months since by this date many companies can include the warning in permanent labeling, with no need to overlabel, and those companies who cannot complete a permanent change within 6 months should be able to overlabel their remaining inventory without inordinate difficulty.

The Safety Commission staff has also attempted to minimize the need for overlabeling in developing its recommendations for an effective date for the warning labeling that the Safety Commission proposes to require (Ref. 42).

Initial introduction into interstate commerce of a finished product for purposes of this regulation means the first shipment of the product into interstate commerce by the firm marketing the product. There must be both physical movement in interstate commerce, and passage of title to the product. Thus, mere shipment of a product across State lines from a contract filler to the manufacturer of the product would not constitute initial introduction into interstate commerce. All products initially introduced into interstate commerce before the effective date may continue to be distributed and sold even though they do not bear the warning statement. A finished product is a product which has been completely manufactured, packaged, and labeled.

55. One comment criticized the warning proposal because the time schedule for comments did not allow time for comments on a study being done by International Research and Technology Corporation and Policy Models, Inc., (IRT Study) under contract with EPA, on the economic impact of a phaseout of chlorofluorocarbons propellants. The Commissioner also received two requests that additional time be allowed for the submission of comments on the draft Policy Models, Inc., study. The Commissioner extended the time for submission of comments to the docket for the notice of intent on the draft report done for EPA. One of the associations requesting the extension subsequently submitted a late comment to the docket for the proposed warning stating that "we reserve the right" to submit comments to FDA on the final report assessing the economic impact of a phaseout.

The Food and Drug Administration has prepared an inflation impact statement of the phaseout of chlorofluorocarbon propellants being proposed by FDA. The statement was developed, in large part, on the basis of the data reported in the IRT Study. Comments may be submitted on the FDA inflation impact statement to the docket for the proposed phaseout. In developing its phaseout proposal, FDA considered the comments on the draft IRT Study sub-

mitted in response to the grant of an extension of time to comment. The Commissioner notes that the submissions emphasized the economic impact reported in the IRT Study and the many uncertainties facing the aerosol industry about the safety and feasibility of potential substitute propellants. This information essentially duplicates the timely comments submitted on the warning proposal, which have been discussed above in this document.

The Food and Drug Administration prepared an inflation impact assessment for the warning requirement at the time of the proposal, and considered the relevant comments submitted. Furthermore, the phaseout action being proposed by FDA will subsume whatever inflation impact the warning will have in reducing use of chlorofluorocarbon propellants. The agency's inflation impact statement for the proposed phaseout evaluates the impact comprehensively for the overall action being taken. Thus, the Commissioner concludes that with respect to the warning he has adequately fulfilled his obligations under Executive Order No. 11821, OMB Circular A-107 and HEW guidelines to consider the inflation impact of regulatory actions.

MISCELLANEOUS COMMENTS

56. A few comments urged action to prevent advertising of products containing chlorofluorocarbons.

The Commissioner has no jurisdiction over advertising, except for advertising for prescription drugs, products that are not subject to the warning requirement. He points out that when use is prohibited, advertising to promote the products can be expected to cease.

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Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 301, 402, 403, 501, 502, 505, 507, 512, 601, 602, 701(a), 52 Stat. 1041-1043 as amended, 1046-1048 as amended, 1049, 1051-1053 as amended, 1054-1055, 57 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 321(n)), 331, 342, 343, 351, 352, 355, 357, 360b, 361, 362, and 371(a)) and the National Environmental Policy Act of 1969 (sec. 102(2), 83 Stat. 853 (42 U.S.C. 4332)), and under authority delegated to the Commissioner (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER A—GENERAL

PART 101—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. By adding new paragraph (c) to § 101.17 to read as follows:

§ 101.17 Food labeling warning statements.

(c) *Self-pressurized containers with a chlorofluorocarbon propellant.* (1) In addition to the warning required by paragraphs (a) and (b) of this section, the label on each package of a food in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.

(2) The warning required by paragraph (c) (1) of this section shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package. The warning shall comply in all other respects with § 101.2, e.g., type-size requirements.

(3) The warning required by paragraph (c) (1) of this section is applicable only to self-pressurized containers that use chlorofluorocarbons in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant, but the warning is not applicable to the use of chlorofluorocarbon as a stabilizer in food toppings and spreads.

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 369—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Subpart B—Warning and Caution Statements for Drugs

2. By adding to § 369.21 the following new paragraphs at the end of the listing

for Drugs in Dispensers Pressurized by Gaseous Propellants to read as follows:

§ 369.21 *Drugs; warning and caution statements required by regulations.*

DRUGS IN DISPENSERS PRESSURIZED BY GASEOUS PROPELLANTS

In addition to the above warnings, the label on each package of a drug in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing the ozone in the upper atmosphere.

This required warning for self-pressurized containers that contain a fully halogenated chlorofluorocarbon shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package.

The warning for self-pressurized containers that contain a fully halogenated chlorofluorocarbon is not required and should not be used for metered-dose adrenergic bronchodilators for oral inhalation and contraceptive vaginal foams.

The warning is required only on self-pressurized containers that use a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

PART 501—ANIMAL FOOD LABELING

Subpart A—General Provisions

3. By adding to § 501.17 new paragraph (c) to read as follows:

§ 501.17 *Animal food labeling warning statements.*

(c) *Self-pressurized containers with a chlorofluorocarbon propellant.* (1) In addition to the warning required by paragraphs (a) and (b) of this section, the label on each package of a food in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing the ozone in the upper atmosphere.

(2) The warning required by paragraph (c) (1) of this section shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling at-

tached to the package. The warning shall comply in all other respects with § 501.2, e.g., type-size requirements.

(3) The warning required by paragraph (c) (1) of this section is applicable only to self-pressurized containers that use a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

PART 505—INTERPRETIVE STATEMENTS RE: WARNINGS ON ANIMAL DRUGS FOR OVER-THE-COUNTER SALE

Subpart B—Required Warning and Caution Statements

* 4. By adding to § 505.10 the following new listing for Dispensers Pressurized by Gaseous Propellants for Drugs, to read as follows:

§ 505.10 *Animal drug warning and caution statements required by regulations.*

DISPENSERS PRESSURIZED BY GASEOUS PROPELLANTS FOR DRUGS

The label on each package of a drug in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.

This required warning for self-pressurized containers that contain a fully halogenated chlorofluorocarbon shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package. The warning shall appear prominently and conspicuously as compared to other words, statements, designs, or devices and in bold type on contrasting background, but in no case may the letters be less than 1/16 inch in height.

The warning is required only on a self-pressurized container that uses a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

SUBCHAPTER G—COSMETICS

PART 740—COSMETIC PRODUCT WARNING STATEMENTS

Subpart B—Warning Statements

5. By adding to § 740.11 new paragraph (c) to read as follows:

§ 740.11 *Cosmetics in self-pressurized containers.*

(c) (1) In addition to the warnings required by paragraphs (a) (1) and (b) (1) of this section, the label on each package of a cosmetic in a self-pressurized

container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.

(2) The warning required by paragraph (c) (1) of this section shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package. The warning shall comply in all other respects with § 740.2, e.g., type-size requirements.

(3) The warning required by paragraph (c) (1) of this section is applicable only to self-pressurized containers that use a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

SUBCHAPTER H—MEDICAL DEVICES

PART 801—LABELING

Subpart H—Special Requirements for Specific Devices

5. By adding to Part 801 new § 801.425 to read as follows:

§ 801.425 Nonrestricted devices in self-pressurized containers with chlorofluorocarbon propellants.

(a) The label on each package of a nonrestricted device in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health

and environment by reducing ozone in the upper atmosphere.

(b) The warning required by paragraph (a) of this section shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, sticker or similar overlabeling attached to the package. The warning shall appear prominently and conspicuously as compared to other words, statements, designs, or devices and in bold type on contrasting background, but in no case may the letter be less than $\frac{3}{16}$ inch in height.

(c) The warning in paragraph (a) of this section is not required and should not be used for products intended for metered-dose adrenergic bronchodilators for oral inhalation, and for cytology fixative uses.

(d) The warning required by paragraph (a) of this section is applicable only to self-pressurized containers that use a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

Effective date: These regulations shall be effective October 31, 1977 for finished products initially introduced into interstate commerce on or after that date.

(Secs. 201(n), 301, 402, 403, 501, 502, 505, 507, 512, 601, 602, 701(a), 52 Stat. 1041-1043 as amended, 1046-1048 as amended, 1049, 1051-1053 as amended, 1054-1055, 57 Stat. 463 as amended, 62 Stat. 343-351 (21 U.S.C. 321(n), 331, 342, 343, 351, 352, 355, 357, 300b, 361, 362, and 371(a)); sec. 101(2), 83 Stat. 853 (42 U.S.C. 4332).)

Dated: April 25, 1977.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

[FR Doc. 77-12210 Filed 4-26-77; 8:45 am]

Register
Federal Order

FRIDAY, APRIL 29, 1977

PART V



DEPARTMENT OF
COMMERCE

National Oceanic and
Atmospheric Administration



COASTAL ZONE
MANAGEMENT
PROGRAM
DEVELOPMENT GRANTS

Title 15—Commerce and Foreign Trade
CHAPTER IX—NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION

PART 920—COASTAL ZONE MANAGE-
MENT PROGRAM DEVELOPMENT GRANTS
Revised Regulations

AGENCY: National Oceanic and Atmos-
pheric Administration, Commerce.

ACTION: Final Rule.

SUMMARY: These final regulations
amend existing program development
grant regulations to define procedures by
which Coastal States can meet the new
planning requirements and the require-
ments for preliminary approval con-
tained in the 1976 amendments to the
Coastal Zone Management Act of 1972.

EFFECTIVE DATE: May 30, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Carol Sondheimer, Chief Program
Planning, State Programs Division,
Office of Coastal Zone Management,
202-634-1672.

SUPPLEMENTARY INFORMATION:
Pub. L. 94-370, signed on July 26, 1976,
amended the Coastal Zone Management
Act of 1972, as amended. (16 U.S.C. 1451,
et seq.), hereinafter referred to as the
"Act." As a result of amendments made
to section 305 of the Act it is necessary
to issue these regulations on the new
subsections 305(b) (7), (8) and (9) and
new subsection 305(d), to insure that
coastal States understand the new re-
quirements for development and subse-
quent approval of coastal management
programs.

On December 6, 1976, the National
Oceanic and Atmospheric Administration
(NOAA) published proposed amend-
ments (41 FR 53418) to existing Part 920
regulations which cover requirements for
the development of coastal zone manage-
ment programs, pursuant to section 305
of the Act. The proposed amendments
contained guidance to coastal States as
to the requirements for meeting a new
planning element on shorefront access
and protection (subsection 305(b) (7)
of the Act), a new planning element on
energy facility (subsection 305(b) (8)),
and a new planning element on shoreline
erosion (subsection 305(b) (9)). The pro-
posed regulations also detailed the re-
quirements for preliminary approval
(subsection 305(d)).

Written comments were requested by
February 7, 1977. As of that date, sub-
stantive comments had been received
from twenty-seven reviewers. Twelve re-
viewers addressed the shorefront access
planning requirement. Twenty-one com-
mented on the energy facility planning
process, nine on the shoreline erosion
planning element, and eleven on the pre-
liminary approval process. These com-
ments have been considered in prepar-
ing these final regulations. Major com-
ments and NOAA responses are discussed
below.

DISCUSSION OF MAJOR COMMENTS AND
NOAA RESPONSE

SHOREFRONT ACCESS PLANNING

(a) *Definition of "Beach"*: Two com-
mentators felt the term "beach" was not
defined sufficiently. One of these com-
mentators felt that the term should be
expanded to include dunes. The other
felt the regulations should define
"beach." Conversely, one commentator
felt that defining "beach" in terms of
physical and public characteristics was
too complex and that the regulations em-
phasized unnecessarily the process of
defining the term.

NOAA Response: NOAA feels that a
definition of beach should not be part of
these regulations as the physical char-
acteristics of a beach vary widely among
different geographic regions. The danger
of providing a definition is in overlooking
certain types of areas, or of limiting a
State's ability to take a more compre-
hensive or creative approach than that
provided for in the regulations. NOAA
has revised § 920.17(b) (6) to permit
States to define beach in terms of either
physical or public characteristics. NOAA
has added the word "dunes" to § 920.17
(b) (6) as a physical characteristic to be
considered in defining beaches. It is not
the intent of these regulations to empha-
size the process of defining the term
"beach" at the expense of developing a
process for identifying and responding to
shorefront access and protection needs.
Accordingly, the discussion of defining
the term "beach" has been de-empha-
sized by shifting that discussion to
§ 920.17(b) (6), instead of retaining that
discussions as § 920.17(b) (1) as it ap-
peared in the proposed regulations.

(b) *Definition of "Public"*: Three re-
viewers had comments addressed to what
should be considered "public" beach and
other "public" shorefront areas. One
commentator felt that NOAA regulations
should mandate the definition of "pub-
lic." Another commentator did not sup-
port the concept of "public" being con-
sidered in terms of other than public
ownership, particularly as no examples
were provided of what was meant by
"other demonstrated public interest."
Conversely, a third commentator re-
commended that States use a definition of
"public" as comprehensive as existing
State law allows.

NOAA Response: NOAA does not feel
it appropriate to define, and thereby pos-
sibly to limit, the term "public," given
variations among State laws. NOAA ac-
cepts the recommendation that States
use as comprehensive a definition of
"public" as existing State laws allow.
This has been incorporated into § 920.17
(b) (6) as a minimum requirement.

NOAA believes that ownership is not
the sole determinant of a beach or shore-
front area being "public." Examples of
"other demonstrated public interest" in-
clude, but are not limited to, easements,
leases, licenses or traditional and ha-
bitual usage. These examples have been
added to § 920.17(b) (6).

(c) *Definition of "other public coastal
areas"*: One commentator asked whether
the planning process for other public
coastal areas could be applied to areas
inland from the shoreline but within the
coastal zone. Another commentator re-
quested discussion of what constitutes
other public coastal areas and recom-
mended inclusion of barrier islands, wet-
lands, bluffs, wildlife refuges and urban
waterfronts.

NOAA Response: NOAA feels that the
appropriate emphasis for the subsection
305(b) (7) planning process is on shore-
front public coastal areas. Other public
areas inland from the shoreline but in
the coastal zone can be addressed under
other aspects of the basic program devel-
opment, in particular the requirements
having to do with geographic areas of
particular concern. Similarly, while
§ 920.17(b) (5) now includes wetlands,
bluffs, etc., as examples of other public
coastal areas, it is anticipated that
preservation requirements for these
types of areas will already have been ad-
dressed as part of basic program devel-
opment, especially in addressing the re-
quirements for areas for preservation
and/or restoration. Accordingly, it is an-
ticipated that the primary focus under
this specific planning requirement will
be on the need for increased access to
other public coastal areas, except in the
case of islands which may not have been
considered for preservation or access
purposes as part of previous basic pro-
gram development.

(d) *Definition of "Access"*: Three com-
mentators expressed approval of the con-
cept of "access" contained in the pro-
posed regulations. One of these com-
mentators was concerned, however, that "ac-
cess" not be read to encourage excessive
construction of highways or parking fa-
cilities. A fourth commentator suggested
that recognition be given to the need for
access by public transportation, espe-
cially for urban areas. This same re-
viewer felt the term "lateral access" was
sufficiently explained. Another reviewer
questioned whether a broader interpre-
tation was intended for "access" under
subsection 305(b) (7) of the Act than
that intended for subsection 315(2) of
the Act.

NOAA Response: NOAA does not feel
that the discussion of physical access
encourages construction of highways or
parking facilities. If anything, the
emphasis is on small scale, public access
ways and transport. It should be further
noted that the language of subsection
315(2) of the Act restricts the use of
those funds to acquisition of lands or
interest in lands and therefore can not
be used for highway construction. In
response to the comment that attention
should be given to access needs of urban
residents, language recommending this
as a special consideration has been added
to § 920.17(b) (2). "Lateral access" is in-
tended to refer to areas above mean
high tide, or the ordinary high water
mark in the Great Lakes, which could
be considered as a means for increasing

access to the shorefront only where a State does not have a reasonable amount of public shorefront areas above mean high tide or the ordinary high water mark. Finally, NOAA believes the term "access" was intended to be interpreted more broadly for planning purposes under subsection 305(b)(7) of the Act than for acquisition purposes under subsection 315(2). NOAA believes that a coastal management program, which is developed pursuant to section 305 of the Act, may consist of more than those elements which are specifically fundable pursuant to other sections of the Act.

(e) *Comments on "Development of State Policies"*: One commentator indicated that requiring "development" of state policies for access and/or protection does not take into account that existing State policies may be adequate. Conversely, another commentator suggested the proposed regulations did not provide adequate recognition for the possibility of States having to adopt additional authorities for access or preservation purposes.

NOAA Response: In response to both comments, § 920.17(a)(3) has been changed to refer to "articulation of State policies . . ."

(f) *General Comments on the Planning Process Requirements*: One commentator misinterpreted the intent of the requirements as not permitting use of section 305 funds for developing a planning process for protecting and/or providing access to other public coastal areas. This is, in fact, one of the purposes of this new section 305 planning requirement. The same commentator misunderstood that the general planning process (beyond defining the term "beach") does in fact apply to other public coastal areas as well as public beaches.

Another reviewer did not realize that the planning process required by a new subsection 305(b)(7) of the Act is a part of basic, overall coastal program development. As such, this element is subject to all the requirements for program approval as part of the overall program. Finally, one commentator was concerned that provisions for providing access not be read to apply to private individuals. There is nothing in these regulations that can be read to require private individuals to provide access. However, the matter of how best to provide additional shoreline access, if there is a need for such access, is a matter that will be decided by States in the development of their management programs. Thus, there also is nothing in these regulations to preclude States from requiring private individuals to provide shorefront access if that is an appropriate technique for assuring such access, and if State constitutions and laws do not prohibit such a requirement.

(g) *Miscellaneous Comments*: One commentator suggested that reference to "mean high tide" be expanded to read "or the ordinary high water mark in the Great Lakes." This suggestion has been accepted and is reflected in § 920.17(b)(3) and (b)(6).

(h) *Comments beyond the Scope*: A number of comments were received which are beyond the scope of this specific planning requirement. These include:

(1) Comments addressed primarily to requirements of subsection 315(2) of the Act. These comments will be addressed at the time regulations for subsection 315(2) are promulgated;

(2) Comments suggesting any major Federal actions resulting from this planning process would be subject to the National Environmental Policy Act of 1969 (NEPA, Pub. L. 91-190, as amended).

ENERGY FACILITY PLANNING PROCESS

(a) *Definition of "Energy Facilities"*: Three commentators objected to the definition of energy facilities (taken from the definition in subsection 304(5) of the Act) as being too broad. Conversely, three commentators recommended broadening the definition of energy facilities or, at least, leaving the State the option of including more than those facilities listed in subsection 304(5). Two commentators recommended that the emphasis in the planning process be on new (as contrasted to existing) facilities.

NOAA Response: Given the fact that "energy facilities" are defined in the Act in subsection 304(5), NOAA does not feel justified in adopting a less comprehensive definition of the term. Further, since the definition in subsection 304(5) uses the phrase "includes at a minimum, but is not limited to," NOAA does feel justified in leaving an option for the State to adopt a more comprehensive definition of energy facilities to be included in the planning process. This option and examples of additional energy facilities or activities that are not included in the subsection 304(d) definition but could be included for planning purposes are now contained in § 920.18(b)(2). Finally, it is anticipated that the primary focus of the planning process will be on new and expanded energy facilities, given the language of the Act which speaks to "anticipating" impacts. This focus on new and expanded facilities represents a minimum requirement. The option again is left to the States to focus also on existing facilities.

(b) *Definition of "Significantly Affect"*: Four commentators objected to the definition of "significantly affect" (within the context of NEPA) as being either too broad or too unworkable. One commentator supported the definition of "significantly affect" within the context of NEPA.

NOAA Response: Section 920.18(b)(2) now includes a minimum definition of "significantly affect" in terms of substantial or potentially substantial changes in land, air, water, minerals, flora, fauna, noise, and objects of historic, cultural, archaeological or aesthetic significance in the coastal zone. States still have the option of using the NEPA definition of "significantly affect" if they prefer.

(c) *Relationship of subsection 305(b)(8) / Planning Requirement to subsection 306(c)(8) / Consideration of the National*

Interest Requirement: Five commentators suggested that this planning process should be tied more closely to the national interest requirements of subsection 306(c)(8) of the Act. In effect, these commentators suggested that provision of energy is in the national interest, and therefore that the subsection 305(b)(8) planning process should be interpreted as requiring coastal management programs to provide for the siting of energy facilities. Several of these commentators suggested specific language changes to various paragraphs of § 920.18. In contrast, one commentator suggested a stronger emphasis on the goal of not locating energy facilities in the coastal zone that could be located elsewhere with a lesser impact on the environment.

NOAA Response: While there is a relationship between the energy facility planning process called for in subsection 305(b)(8) of the Act and the national interest requirements of subsection 306(c)(8), there is also a relationship between this planning process and all other section 306 requirements. Further, there is nothing in subsections 305(b)(8) and 306(c)(8) that can be read to require State management programs to provide sites for energy facilities within the coastal zone. Subsection 306(c)(8) requires only that States provide for "adequate consideration of the national interest involved in planning for, and in siting of facilities (including energy facilities * * *) which are necessary to meet requirements which are other than local in nature." (Emphasis added). Pursuant to the related subsection 306(e)(2) requirement of the Act, a State must demonstrate only that there are not arbitrary restrictions on or exclusions of uses of regional benefit (which can include uses of national interest) by local governments. This does not mean, however, that a coastal management program must make site designations for such uses. Finally, and perhaps most importantly, the commentators have overlooked the point that energy production and transport are not the only national interests to be considered and incorporated into a management program. The essence of coastal zone management, in general, and this planning requirement, in particular, is to develop and implement a process for considering and trading off various, often competing national interests. In response to comments, a new § 920.18(b)(1) has been added which (i) gives greater mention to national energy needs while, at the same time, putting these needs in the context of balancing various other national interests, and (ii) speaks to the issue of a specific siting requirement and provides some acceptable alternatives for meeting the subsection 305(b)(8) planning process requirements.

(d) *Definition of "Impacts"*: Four commentators suggested changes as to what should be included for consideration as an "impact." Two commentators suggested that the impact required to be analyzed for the Coastal Energy Im-

fact Program (CEIP, section 308 of the Act) also be required for the subsection 305(b)(8) planning process.

NOAA Response: Most of the suggested changes, such as considering wetlands, dunes and beaches, increased storm erosion, and population changes, already are contained in § 920.18(b)(4). With respect to mandating consideration of CEIP required impacts for the subsection 305(b)(8) planning process, NOAA does not feel this is appropriate as not all States may participate in the CEIP program and other impacts may be more appropriate for consideration in those cases. Section 920.18(b)(4), however, does encourage those States that anticipate a large involvement in CEIP to design their planning process to include those impacts that will be required for consideration under CEIP.

(e) **General comments on the Planning Process Requirements:** (i) Two reviewers provided general comments having to do with (1) providing more detailed guidance in the regulations as to the planning process required, (2) building on basic program development requirements, and (3) emphasizing requirements for State control over energy facilities in or affecting the coastal zone.

(ii) One commentator suggested the planning requirements be expanded to require an identification of State and local authorities and responsibilities with respect to energy facility planning.

(iii) One commentator suggested that State and local agencies involved in facilities planning for coastal areas must be part of the coastal zone management program, and that the planning undertaken by these agencies must be consistent with the criteria and standards of the coastal zone management program.

(iv) Two commentators suggested an additional planning requirement for criteria by which the suitability and capability of particular coastal sites for different energy facilities can be judged.

(v) One commentator suggested an additional requirement for procedures and criteria to identify areas qualifying as areas of unavoidable recreational or environmental loss due to coastal energy activity.

(vi) Two commentators suggested adding specific reference to coordination requirements with the Energy Policy and Conservation Act of 1975 and the Energy Conservation and Production Act of 1976. Another commentator made the general recommendation that reference to full coordination with, and participation by, Federal agencies be highlighted.

NOAA Response: With respect to the first (i) set of comments, NOAA feels that its responsibility extends to providing the minimum outcomes expected as a result of the planning process. In this vein, NOAA does not feel it necessary or appropriate to specify the detailed process by which States arrive at the desired outcomes. The planning process required by the new subsection 305(b)(8) of the Act is part of basic, overall program development. Accordingly, NOAA does not feel it is necessary to incorporate specific consultation or authorities requirements into this sec-

tion of the regulations as this planning element is subject, in any case, to all section 306 requirements as part of the overall management programs. In response to the comment recommending greater emphasis on the need for assuring that energy facilities or their impacts are managed in compliance with a States management program, § 920.18(a)(4) has been revised to require "conformity of siting programs, where they exist, with the coastal zone management program."

With respect to the second (ii) set of comments, § 920.18(b)(5) includes a requirements for States to list relevant constitutional provisions, legislative enactments, regulations, and judicial decisions that relate specifically to anticipating and managing energy facilities and/or impacts.

With respect to the third (iii) comment, NOAA believes § 920.18(a)(4), as revised, addresses adequately the concerns of the commentator.

With respect to the fourth (iv) set of comments, NOAA has revised § 920.18(a)(2) to require a procedure for assessing the suitability of sites for energy facilities. This assessment procedure can be developed as part of the requirements of § 920.12 or as a separate suitability assessment procedure.

With respect to the fifth (v) comment, NOAA regards the identification of areas of environmental or recreational loss to be tied directly to the Coastal Energy Impact Program (section 308 of the Act). Funds are provided out of that program for such identification. Accordingly, such identification need not be a part of the subsection 305(b)(8) planning requirement.

Finally, with respect to the sixth (vi) set of comments, NOAA does not feel it necessary or appropriate to make reference to coordination with specific Federal legislation for two reasons. One, NOAA is concerned that listing only those Acts recommended by commentators will overlook other pieces of equally relevant legislation that then should be mentioned. Second, NOAA feels that coordination requirements are covered adequately by the 15 CFR Part 923 consultation and coordination requirements.

SHORELINE EROSION PLANNING PROCESS

(a) **Relationship to Federal Insurance Administration (FIA) Program:** Three commentators recommended a more specific reference be made to the FIA program, particularly to the mapped flood hazard areas, and to the erosion prone areas which will be mapped in the future.

NOAA Response: More specific reference to the FIA program has been added to § 920.19(b)(2).

(b) **Structural v. Non-Structural Control Techniques:** Three commentators were concerned that the draft regulations appeared to overemphasize structural controls at the expense of non-structural management techniques.

NOAA Response: It is not the intent of these regulations to imply that structural controls are preferred over non-structural management techniques. Neither is

it the intent of these regulations to imply that an appropriate State response to erosion necessarily requires controls (of a structural or non-structural nature). In some locations along a State's coastline, it may be appropriate, given certain conditions and considerations, to articulate a policy of noncontrol. Section 920.19(a)(2) and (3) and (b)(2) has been revised to reflect the above statements.

(c) **General comments on the Planning Process Requirements:** (i) One commentator suggested that identification of causes of erosion be a required element of the planning process.

(ii) One commentator suggested two additional planning requirements: (1) Development of a procedure for continuing review of shoreline conditions to detect changes due to erosion, and (2) identification of legal and financial means available to implement erosion mitigation or restoration measures.

(iii) Another commentator suggested the following additional requirements: (1) Identification of appropriate controls based on assessment of economic, social and environmental costs, assessment of capital and maintenance costs, and identification of benefits and their duration, and (2) designation of areas requiring control as geographic areas of particular concern.

(iv) Another commentator suggested the erosion planning element be coordinated with EPA 208 water quality management programs.

NOAA Response: While NOAA agrees that identifying causes of erosion may be useful in determining appropriate responses, NOAA is equally concerned that States not get involved in long, drawn-out and highly technical investigations of such causes when it is rather obvious that an area is eroding and a decision on how to respond to that fact is necessary.

With respect to the second (ii) comment, NOAA does not feel development of a procedure for assessment of shoreline changes needs to be a mandatory requirement. Again, NOAA is concerned about overly long involvement in planning and technical studies at the expense of management. The second suggestion—for identifying means of implementing control or restoration measures—is addressed in a new § 920.19(a)(6).

With respect to the third (iii) set of comments, NOAA feels the specific factors used to determine appropriate erosion control responses is best left to each State. However, NOAA does think the considerations suggested by the commentator are valid and States may well want to take these factors into account. With regard to the commentator's second suggestion that erosion control areas must be designated as geographic areas of particular concern, NOAA has provided for such designation, in § 920.13(a)(4), if appropriate. In some cases, erosion control may be more appropriately handled through use controls pursuant to § 920.12 rather than through specific area designations pursuant to § 920.13.

Finally, with respect to the fourth (iv) comment, NOAA does not feel it necessary or appropriate to reference coordination with specific Federal legislation

for the same reasons cited in response to similar comments on the Energy Facility planning requirements.

Miscellaneous Comments: One commentator asked whether the planning process could be applied broadly to estuaries, rivers, streams or lakes anywhere in the coastal zone.

NOAA response: NOAA feels the appropriate emphasis for the subsection 305(b)(9) planning process is on shoreline and estuarine erosion. Other areas of erosion can be addressed under other aspects of basic program development, if the State considers these other areas critical coastal management issues.

Comments beyond the Scope: A number of comments were received which are beyond the scope of this particular planning requirement:

(1) Questions concerning eligible and ineligible restoration funding items pursuant to section 306 of the Act; and

(2) Comments that coordination requirements, pursuant to section 306, and consistency requirements, pursuant to section 307, be included as part of the erosion planning requirements.

PRELIMINARY APPROVAL

(a) **Purpose of Preliminary Approval:** Three commentators questioned whether the primary purpose of preliminary approval should be to allow for initial implementation of selected aspects of a State's management program as opposed to allowing the State additional time to complete its program for section 306 approval purposes.

NOAA Response: NOAA agrees that the emphasis of the legislative history indicates that the primary purpose of preliminary approval should be to allow additional time to complete a management program which is acceptable in its overall design and description. Subsection 305(a)(2) of the Act provides for selective implementation as another purpose of preliminary approval. Sections 920.40 (b) and (c) have been revised accordingly.

(b) **Content of Legislation:** Two reviewers commented on the requirement in subsection 920.42(b)(1) that legislation contain the substantive as well as the procedural aspects of a State's coastal management program in order to qualify for preliminary approval. One of these commentators suggested a State should be able to qualify for preliminary approval if the substantive section 305 elements of the program have been determined by the designated State agency and the legislation provides procedures for implementation of these elements within a specified timeframe.

NOAA Response: The discussion of legislative content has been dropped given the requirement that all subsection 305(b)(1)-(6) requirements must be completed at the time of a subsection 305(d) submission.

(c) **EIA/EIS Requirements:** One commentator felt the Environmental Impact Assessment (EIA) required with a subsection 305(d) submission should address only those parts of a management program to be implemented as a result of

preliminary approval. Another commentator expressed concern that a case-by-case assessment by NOAA to determine if an Environmental Impact Statement (EIS) would be required prior to preliminary approval would create potential funding hardships and uncertainties for applicants.

NOAA Response: NOAA feels it appropriate to require an EIA on the whole program at the time a document is submitted for preliminary approval as it will allow for a case-by-case determination as to the necessity of preparing an EIS. The EIA submitted at this time should satisfy the EIA requirements which apply to a section 306 submission. With respect to the uncertainties created by a case-by-case EIS determination, one of the purposes of consultation with the Associate Administrator, six months in advance of the desired approval date, is to determine whether an EIS will be necessary. This should allow a State sufficient time to plan and budget accordingly.

(d) **Review/Approval Procedures:** (i) Four commentators indicated that Federal review of subsection 305(d) programs should precede preliminary approval. All these commentators also suggested an EIA or EIS accompany the review document. Conversely one commentator felt Federal review should not be a necessary part of preliminary approval as Federal involvement should be presumed as it is required as part of the program development process.

(ii) Four commentators requested details as to the timing and nature of consultation with the Associate Administrator called for in § 920.43(a).

NOAA Response: With respect to the first (i) set of comments, NOAA agrees that Federal review and comment should be an integral part of program development and assumes consultation will occur naturally as a State moves towards submission of a subsection 305(d) program. However, to assure further that consultation with Federal agencies occurs prior to submission of a subsection 305(d) document, this requirement has been made explicit in § 920.42(b)(4)(ii). Further, in those cases where NOAA determines that an EIS is appropriate prior to approving a subsection 305(d) submission, both the program document and the EIS will be distributed to Federal and other reviewers, according to the normal EIS review procedures. In those cases where the EIS is more appropriately prepared prior to approving a section 306 submission, the subsection 305(d) program document which includes an EIA will be distributed to Federal agencies so that their comments can be incorporated prior to the section 306 submission. In any case, States will be required to devote a portion of their subsection 305(d) grant to resolving serious deficiencies identified by Federal agencies who have reviewed the subsection 305(d) program submission. Section 920.43(b) has been revised and a new § 920.43(c) has been added to reflect this discussion.

With respect to the second (ii) set of comment, § 920.43(a) has been revised

to indicate the nature, purpose and timing of consultation with the Associate Administrator.

(e) **Relationship of Subsection 305(d) / Preliminary Approval to Section 306 Approval:** (i) One commentator was concerned that there is no assurance that preliminary approval would not serve as an uncoordinated extension under which funds would continue to be invested in programs that would never meet the section 306 program approval requirements. This commentator suggested the regulations specifically indicate the type of deficiencies that can be funded pursuant to subsection 305(d) of the Act.

(ii) Another reviewer suggested that it be made explicit that transition from preliminary to full approval is not automatic.

NOAA Response: NOAA is satisfied that the regulations will prevent uncoordinated extensions of time for unending program development efforts. This is because the regulations require (1) that the design and description of the program as submitted for preliminary approval satisfy the requirements for full approval, and (2) that the submission specify the time necessary to resolve any deficiencies. Finally, subsection 305(d) money is authorized only through fiscal year 1979 and the regulations stipulate that subsection 305(d) grants will not be made after that time. With respect to the type of activities that can be funded to remedy deficiencies, guidance already is contained in § 920.42(b)(3). The preamble to the proposed regulations indicated that transition from preliminary to full approval was not automatic. Similar language has been added to section 920.40(e) of the final regulations.

(f) **Eligible Costs:** One commentator suggested updating of coastal programs should be an eligible subsection 305(d) cost if such updating would be an allowable cost for a section 306 program.

NOAA Response: NOAA has added this into the regulations as § 920.42(b)(3)(iv).

(g) **Miscellaneous Comments:** One commentator requested clarification as to why § 920.42(b)(2) refers to "consultation with the Secretary" while all other sections in Subpart E refer to consultation with the Associate Administrator.

NOAA Response: The reference in § 920.42(b)(2) to the Secretary is a direct quote from the Act. Since Secretarial responsibilities under this section of the Act have been delegated, reference is made to the Associate Administrator whenever a direct quote from the Act is not involved.

(h) **Comments beyond the Scope:** A number of comments were received which are beyond the scope of this particular subpart:

(1) Questions regarding NOAA's ability to make preliminary approvals without clear standards for approval pursuant to section 306 of the Act;

(2) Recommendations that the Part 920 regulations be amended to provide procedures for reviewing program prog-

ress at the completion of each subsection 305(c) program development grant.

OTHER CHANGES

In addition to the changes made in response to comments on the proposed regulations, NOAA has made a number of minor changes to other parts of existing regulations in 15 CFR Part 920. The majority of these changes are for purposes of updating references or for clarifying phrases or sections that have been subject to questioning since the issuance of the regulations in 15 CFR Part 920 on November 29, 1973. A discussion of section-by-section changes follows:

SUBPART A

(a) *Section 920.1: Policy and Objectives.* (i) Establishing criteria for making preliminary approvals is added as one of the general purposes for issuing regulations in 15 CFR Part 920.

(ii) The need for States to identify issues and problems and to articulate specific goals, objectives, policies, standards, guidelines and/or regulations to address these issues is emphasized.

(b) *Section 920.2: Definitions.* (i) "Islands" have been added to the definition of coastal zone as a result of the 1976 amendments to the Act.

(ii) Reference to the U.S. Assistant Attorney General's opinion on excluded Federal lands has been added to the definition of the term "coastal zone."

(iii) The term "Secretary" has been revised to note delegations of authority to the Administrator of NOAA and to the Associate Administrator for Coastal Zone Management.

(iv) A definition of the term "Associate Administrator" has been added.

SUBPART B

(a) *Section 920.10: General.* Information has been added to paragraph (b) to explain the effect of the new planning requirements on States seeking section 306 approval prior to or after October 1, 1978.

(b) *Section 920.12: Land and Water Uses Subject to the Management Program.* (i) Because of confusion over the meaning of "permissible uses," that term has been dropped.

(ii) Reference to "indices" for determining environmental and economic impacts has been changed to "criteria."

(iii) Reference to subsection 306(c) (8) in paragraph (b) (2) has been updated to reflect the amended language of that section of the Act.

(c) *Section 920.13: Geographic Areas of Particular Concern.* In response to numerous inquiries, this section has been revised to indicate that designation may be site-specific or generic. Further guidance on the requirements of this section will be contained in proposed revisions to the regulations in 15 CFR Part 923. These proposed revisions will be published shortly.

(d) *Section 920.14: Means of Exerting State Control.* A statement has been added regarding the interrelationship of this section with subsections 305(b) (7), 306(d) and 306(e) of the Act.

(e) *Section 920.15: Designation of Priority Use Guidelines.* (i) Because of confusion about the meaning of "particular areas" in subsection 305(b) (5) of the Act, the regulations clarify that these words are meant to apply the priority use requirement to geographic areas of particular concern. This is the minimum requirement; States have the option of developing coastwide priority use guidelines.

(ii) Section 920.15(b) (2) has been added to describe the purpose of providing guidelines on uses of lowest priority.

(f) *Section 920.16: Organizational Structure.* A statement has been added regarding the interrelationship of this section with subsections 306(c) (1), (2), (5) and (6) of the Act.

SUBPART C

(a) *Section 920.20: General.* This section has been substantially rewritten in light of the recent addition of section 310 of the Act which provides for a separate program of assistance related to national and State coastal management issues.

(b) *Section 920.21: Approaches to Research Activities.* This section has been dropped as the listing of Federal research agencies was outdated and incomplete.

SUBPART F

(a) *Section 920.50: General.* (i) Reference to the Secretary has been changed to the Associate Administrator, based on duly executed delegations of authority.

(ii) The maximum Federal share of the grant has been changed to "eighty per cent" in accord with the provisions of the 1976 amendments.

(b) *Section 920.51: Administration of the Program.* Reference to the Office of Coastal Environment has been dropped and OCZM has been substituted. OCZM's mailing address has been updated.

(c) *Section 920.52: State Responsibility.* (i) Sex-related terminology has been removed. (ii) A new paragraph (d) has been added to clarify the designated State agency's fiscal responsibility for all expenditures made under the grant.

(d) *Section 920.53: Allocation.* Reference to Part IV, OMB Circular A-95 is clarified to indicate that those provisions apply to any areawide or regional agency with planning responsibilities for any portion of a State's designated coastal planning area.

(e) *Section 920.54: Geographic Segmentation.* This section has been rewritten to indicate that that portion of a State's coastal zone not awarded segment approval remains eligible for section 305 grants.

(f) *Section 920.55: Application for the Initial Grant.* Reference to "Form CD-292" has been dropped. Reference is now made to "Form SF-424."

(g) *Section 920.59: Application for Third and Fourth Year Grants.* (i) This section has been expanded to cover application requirements for fourth year grants, which now are authorized as a result of the 1976 amendments.

(ii) A new paragraph (a) (1) has been added requiring third and fourth year

grant applications to contain a description of the anticipated design and content of management programs.

(h) *Section 920.60: Application for Three New Planning Elements.* Paragraph (b) has been revised to indicate that States with approved management programs prior to October 1, 1978 may apply for their section 306 administrative funds and section 305 new planning element funds using a single application form.

(i) *Section 920.61: Applications for Preliminary Approval Grants.* Reference to "Form CD-292" has been dropped. Reference is now made to "Form SF-424."

GENERAL BACKGROUND ON PART 920

The guidelines contained in this Part are for grants made pursuant to section 305 to develop a coastal zone management program that will meet the requirements for program approval of section 306 of the Act. These guidelines are to insure that management programs developed by participating States will meet the requirements for program approval. These latter requirements are contained in 15 CFR Part 923. The requirements contained in 15 CFR Part 920 are incorporated into and expanded upon in 15 CFR Part 923. Accordingly, the two sets of regulations should be read together to assure State coastal management programs will be developed in such a way as to meet the approval criteria of section 306. Where there are differences in the Part 920 and Part 923 regulations, the Part 923 requirements control.

In general terms, section 305 requires a management program to include (1) the boundaries of a State's coastal zone, (2) a definition of land and water uses that have direct and significant impacts on coastal waters and thereby are subject to the terms of the management program, (3) criteria for and designation of geographic areas within the coastal zone which are of particular concern to the State, (4) guidelines for priorities of uses within geographic areas of particular concern, including specifically those uses of lowest priority, (5) an identification of the means by which the State, together with other governmental entities, if appropriate, shall exert control over land and water uses subject to the management program, (6) a description of the organizational structure and intergovernmental arrangements sufficient to develop and maintain an effective and coordinated management process, (7) a planning process for the protection of and access to public beaches, including a definition of the term "beach," and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value, (8) a planning process that, at a minimum, provides for the anticipation and management of impacts from energy facilities likely to locate in, or which may significantly affect, the State's coastal zone, and (9) a planning process for assessing the effects of shoreline erosion and evaluating methods to mitigate the impact of such erosion and/or to restore areas adversely affected by such erosion.

Basic to this whole process is an identification of the issues and problems that confront or will confront a State's coastal zone and, relatedly, an articulation of specific goals, objectives, policies, standards, guidelines and/or regulations to address these issues.

States may have up to four years of program development grants, pursuant to subsection 305(c) of the Act, to develop approvable coastal management programs, if the Associate Administrator for Coastal Zone Management determines at the completion of each grant that satisfactory progress is being made towards program approval. A State may submit a management program for preliminary approval, pursuant to subsection 305(d) of the Act, at any point in the program development process when the State's program is sufficiently well developed and described to allow the Associate Administrator to make a determination that the program would be fully approvable when submitted for section 306 approval.

Following consideration of comments received and other relevant information, there are adopted below revised final regulations describing the procedures for applying for program development grants pursuant to section 305 of the Act.

Dated: April 25, 1977.

T. P. GLEITER,
Assistant Administrator for
Administration.

For the sake of clarity and ease of reference, the entire 15 CFR Part 920 is reprinted below. New additions made final as a result of issuance of these regulations are §§ 920.17, 920.18, 920.19, Subpart E, and §§ 920.60 and 920.61. Accordingly, 15 CFR Part 920 is revised as follows:

- Subpart A—General**
- Sec. 920.1 Policy and objectives.
920.2 Definitions.
920.3 Applicability of air and water pollution control requirements.
- Subpart B—Content of Management Programs**
- 920.10 General.
920.11 Boundaries of the coastal zone.
920.12 Land and water uses subject to the management program.
920.13 Geographic areas of particular concern.
920.14 Means of exerting State control over land and water uses.
920.15 Designation of priority use guidelines.
920.16 Organizational structure to implement the management program.
920.17 Shorefront access planning.
920.18 Energy facility planning.
920.19 Shoreline erosion/mitigation planning.
- Subpart C—Research and Technical Support**
- 920.20 General.
- Subpart D—Public Participation**
- 920.30 General.
920.31 Public hearings.
920.32 Additional means of public participation.

Subpart E—Preliminary Approval

- Sec. 920.40 General.
920.41 Eligibility for consideration.
920.42 Approval criteria.
920.43 Review/approval procedures.
- Subpart F—Applications for Development Grants**
- 920.50 General.
920.51 Administration of the program.
920.52 State responsibility.
920.53 Allocation.
920.54 Geographic segmentation.
920.55 Application for initial grant.
920.56 Approval of applications.
920.57 Amendments.
920.58 Application for second year grants.
920.59 Application for third and fourth year grants.
920.60 Application for three new planning elements.
920.61 Applications for preliminary approval.

AUTHORITY: (Sec. 305, Coastal Zone Management Act of 1972, Pub. L. 92-583, 86 Stat. 1280, as amended by Pub. L. 94-370, 90 Stat. 1013).

Subpart A—General

§ 920.1 Policy and objectives.

(a) This part establishes guidelines on the procedures to be utilized by coastal States to obtain program development grants pursuant to section 305 of the Act, sets forth policies for the development of coastal zone management programs, and sets forth criteria for preliminary approval of State management programs.

(b) Coastal management programs developed by participating States shall comply with that policy of the Act which requires States to give full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development. As a result of consideration of these values and needs, States will identify issues and problems that confront or will confront their coastal zone and, relatedly, will articulate specific goals, objectives, policies, standards, guidelines and/or regulations to address these issues within the context provided by these regulations.

(c) *Comment.* Statutory Citation, section 303:

The Congress finds, and declares that it is the national policy * * * (t) o encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve the wise use of land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development.

§ 920.2 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) The term "Act" means the Coastal Zone Management Act of 1972, as amended.

(b) The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly in-

fluenced by each other and in proximity to the shorelines of the several coastal States, and includes transitional and intertidal areas, salt marshes, wetlands, beaches, and islands. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the 3 mile limit of the U.S. territorial sea. The zone extends inland from the shoreline only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. By letter of August 10, 1976 the Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, has advised that, in his opinion, the above clause excludes all lands owned by the United States from the definition of the coastal zone. This exclusion does not apply, however, to lands which are leased or otherwise used by the United States in a capacity other than ownership or trusteeship.

(c) The term "coastal waters" means (1) those waters adjacent to the shorelines, which contain a measurable quantity or percentage of seawater, including but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries; and (2) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes.

(d) The term "coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(e) The term "estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the seawater is measurably diluted with freshwater derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(f) The term "Secretary" means the Secretary of Commerce or his/her designee, including especially the Associate Administrator for Coastal Zone Management based on duly executed delegations of authority from the Secretary to the Administrator of NOAA, by Amendment 5 of the Department of Commerce Organizational Order 25-5A, dated October 13, 1976; and from the Administrator to the Associate Administrator for Coastal Zone Management by NOAA Circular 76-82, effective October 13, 1976.

(g) The term "management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other permanent media of communication, prepared and adopted by the State in accordance with the

provisions of these guidelines, setting forth objectives, policies, laws, standards and/or regulations to guide and regulate public and private uses of lands and waters in the coastal zone.

(h) The term "water use" means activities which are conducted in or on the water within the coastal zone.

(i) The term "land use" means activities which are conducted in or on the shorelands within the coastal zone.

(j) The term "Associate Administrator" means the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 920.3 Applicability of air and water pollution control requirements.

Notwithstanding any other provisions of this part, nothing in this part shall in any way affect any requirement (a) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (b) established by the Federal Government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to these guidelines and shall be the water pollution control and air pollution control requirements applicable to such program.

Subpart B—Content of Management Programs

§ 920.10 General.

(a) These guidelines for section 305 of the Act have been structured to parallel the language and sequence of requirements of the Act. This has been done to facilitate reference to the Act. It is not required that this sequence be followed in developing the management program and in carrying out the specific tasks contained therein. It is anticipated and acceptable that the approach taken for development of programs will vary. These guidelines should not be interpreted as limiting State approaches or the content of their program development grant applications.

(b) Subsection 305(b) requires the inclusion of nine elements in the development of State coastal zone management programs. These minimum requirements are set forth below with accompanying commentary that is designed to guide State response to these key provisions of the program development effort. Prior to October 1, 1978, States may seek approval for their management programs (pursuant to section 306) even if three of these elements—those relating to the planning processes for shorefront access, energy facilities, and shoreline erosion/mitigation—are not yet completed. However, such States must be able to fulfill these requirements by October 1, 1978 and submit same by that date for review and approval, as amendments to their programs. Programs submitted after October 1, 1978 must include all nine elements in order to be approved pursuant to section 306.

(c) It is anticipated that an environmental impact statement will be prepared and circulated on a State's management program prior to its approval

by the Associate Administrator, in accordance with the terms of the National Environmental Policy Act of 1969, as amended. The Associate Administrator will prepare and circulate an environmental impact statement on the basis of an environmental impact assessment and other relevant data prepared and submitted by the individual States.

§ 920.11 Boundaries of the coastal zone.

(a) *Requirement.* In order to fulfill the requirement of subsection 305(b) (1) of the Act, States must identify the boundaries of the coastal zone subject to the management program.

(b) *Comment.* Statutory Citation, Subsection 305(b) (1):

The management program for each coastal State shall include * * * (a) an identification of the boundaries of the coastal zone subject to the management program.

(1) The definition of the coastal zone in the Act recognizes that no single geographic definition will satisfy the management needs of all coastal States because designation of the coastal zone for management purposes must take into account diverse natural, institutional, and legal characteristics. Determination by a State of the extent of its coastal zone landward from the shoreline presents a very important conceptual and operational issue for State study, analysis, and decision. The following factors should be considered:

(i) In order to develop an orderly and effective management program, States may wish to delineate initially a planning area which generally is larger than, and encompasses, the area ultimately identified as the coastal zone. Such a two-step procedure would enable a State to undertake planning studies and policy development for a relatively broad region aimed at a later determination of the smaller coastal zone where specific land and water use controls, regulations, and active management activities will be applied. Analysis of demographic, economic, developmental, and biophysical factors which will largely determine State management activities in coastal waters and the landward and seaward areas and uses affecting them, are likely to be based upon data, programs, and institutional boundaries (such as counties or areawide agencies) that encompass geographic areas larger than the coastal zone designation. Specific coastal zone programming and regulation must take into account current developmental, political, and administrative realities, as well as biophysical processes, that may be external to the restricted zone eventually selected for direct management control.

(ii) The coastal zone management boundary extends inland only "to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters." However, States are encouraged to take early and continuing account of existing Federal and State land/water use and resource planning programs. Examples of some related statewide policies and programs which will affect and should be considered in making determinations

under the Act include: energy policy, siting of power plants and other major water-dependent facilities, surface and subsurface mineral extraction controls, and overall land and water conservation policies.

(iii) Lands which are owned by or are held in trust by the Federal Government, its officers or agents are excluded from the coastal zone. However, subsection 307(c) of the Act requires Federal agencies conducting or supporting activities which directly affect the coastal zone to conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs. Accordingly, this requirement extends to activities on excluded Federal lands when such activities directly affect a State's coastal zone.

§ 920.12 Land and water uses subject to the management program.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b) (2) of the Act, States must identify land and water uses which have direct and significant impacts on coastal waters. Uses so identified are subject to the terms of the management program. Further, to meet the requirements of this subsection, States must define those uses which will be permitted in various areas of the coastal zone, and/or the process by which such determinations of permissibility will be made.

(b) *Comment.* Statutory Citation, Subsection 305(b) (2):

The management program for each coastal state shall include * * * (a) definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters.

(1) In determining uses to be subject to the management program, States should develop criteria for determining impacts—beneficial, benign, tolerable, adverse—as a first step in determining those uses which require management. Some of the factors involved in this determination include location, magnitude, the nature of an impact upon existing natural or man-made environments, economic, commercial, and other "triggering" impacts, and land and water uses of regional benefit. In responding to this requirement, therefore, the following general types of study and evaluation should be undertaken, utilizing existing data where possible:

(i) Determining criteria and measures to assess the impacts of existing, projected, or proposed uses or classes of uses on the identified coastal environments;

(ii) Categorizing the nature, location, scope, and conflicts of current and anticipated coastal land and water uses or classes of uses;

(iii) A continuing compilation, verification, and assessment of the general characteristics, values, and interrelationships within coastal land and water environments.

(2) In establishing permitted uses, States must be cognizant of the requirement in subsection 306(c) (8) of the Act that the management program must

provide "for adequate consideration of the national interest involved in planning for, and the siting of, facilities (including energy facilities in, or which significantly affect, such states' coastal zone) which are necessary to meet requirements which are other than local in nature." States must have sufficient processes for providing such consideration.

§ 920.13 Geographic areas of particular concern.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(3) of the Act, geographic areas of particular concern to the State must be inventoried. Designation may be site specific or generic (e.g. all wetlands, all wildlife refuges, etc.).

(b) *Comment. Statutory Citation, Subsection 305(b)(3):*

The management program for each coastal state shall include * * * (a) an inventory and designation of areas of particular concern within the coastal zone.

(1) The analysis of a State's coastal zone required by § 920.12 should provide the basic data and criteria necessary to identify geographic areas of particular concern. Such areas are likely to encompass not only the more-often cited areas of significant natural value or importance, but also: (a) transitional or intensely developed areas where reclamation, restoration, public access and other actions are especially needed, and (b) those areas especially suited for intensive use or development. In addition, immediacy of need should be a major consideration in determining particular concern. While the States will vary in their perceptions of what areas are of particular concern, criteria derived from assessing the following representative factors will assist in these designations:

(i) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(ii) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(iii) Areas of substantial recreational value and/or opportunity;

(iv) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(v) Areas of unique geologic or topographic significance to industrial or commercial development;

(vi) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(vii) Areas needed to protect, maintain or replenish coastal lands or resources, including such areas as coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

(3) This inventory and designation of geographic areas of particular concern will be of assistance in meeting the requirements of subsection 306(c)(9) of the Act that the management program

"make provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values."

§ 920.14 Means of exerting State control over land and water uses.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(4) of the Act, States must identify the means by which they will exert control over land and water uses subject to the management program. This identification must include a listing of relevant constitutional provisions, legislative enactments, regulations and judicial decisions.

(b) *Comment. Statutory Citation, Subsection 305(b)(4):*

The management program for each coastal State shall include * * * (a) an identification of the means by which the State proposes to exert control over the land uses and water uses referred to in paragraph (2), including a listing of relevant constitutional provisions, laws, regulations and judicial decisions.

(1) The requirements of subsection 305(b)(4) should be read in close conjunction with the provisions of subsections 306(c)(7), (d) and (e) of the Act, the requirements for which are contained in Part 923 of this chapter.

(2) A fundamental purpose of this legislation is to broaden the perspective by which decisions affecting the coastal zone are made to incorporate a statewide view. Subsection 306(e) provides three methods—or a combination of these—by which a State may control land and water uses subject to the management program. Subsection 306(e) of the Act provides:

(i) Prior to granting approval, the Secretary shall also find that the program provides:

(A) For any one or a combination of the following general techniques for control of land water uses within the coastal zone:

(B) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(C) Direct State land and water use planning and regulation; or

(D) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(3) It is for States to determine the appropriate role of local governments in administering its coastal zone program. The Act recognizes that local governments are closest to those who will be most affected by a management program, and that local governments can make useful contributions to the development of a program. Subsections 306(c)(1) and (2) require that: local governments and other interested public and private parties must have an opportunity for full

participation in the development of the management program; the State has coordinated with local, areawide, and interstate plans; and the State has established an effective mechanism for continuing consultation and coordination with local governments and other units to insure their full participation in carrying out the management program.

(4) Some of the issues to be addressed in identifying the means by which a State will propose to exert its control include:

(i) Whether existing State powers and authority are sufficient to exert one—or a combination—of the three alternative means of control specified in subsection 306(e);

(ii) What specific modifications or strengthened mandates would be needed to qualify the State under subsections 306(d) and (e); and

(iii) Whether a shared State-local or State-regional consolidated regulatory system should be established.

(5) It is important that the States determine at an early stage whether legislation is needed, and identify the elements of that legislation to meet the requirements in subsections 306(d) and (e). These subsections require that the State, acting through its chosen agency or agencies, including local governments, area-wide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power:

(i) To administer land and water use regulations; control development in order to insure compliance with the management program; and to resolve conflicts among competing uses; and

(ii) To acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means, where necessary to achieve conformance with the management program. The required listing of relevant constitutional provisions, legislative enactments, regulations and judicial decisions will, of course, be one foundation for analyzing and making decisions concerning the above issues and alternatives. In order to undertake the kinds of work outlined above, however, it will be necessary to go beyond a mere listing by preparing an assessment of current laws, needed executive or legislative initiatives and, where required, to prepare the elements of any legislative program needed to establish a comprehensive and enforceable management program.

§ 920.15 Designation of priority use guidelines.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(5) of the Act, States must develop broad guidelines on priorities of uses within geographic areas of particular concern, including guidelines regarding those uses of lowest priority. States may also develop such broad priority use guidelines for the entire coastal zone.

(b) *Comment. Statutory Citation, Subsection 305(b)(5):*

The management program for each coastal state shall include * * * (b) road guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

(1) This requirement should be read in conjunction with the requirements of § 920.13 and should build upon States' findings and conclusions reached concerning geographic areas of particular concern. Priority guidelines will serve three essential purposes:

(i) To provide a basis for management in geographic areas of particular concern;

(ii) to provide the State and local governments, areawide and regional agencies, and citizens with a common reference point for resolving conflicts, and

(iii) to articulate the nature of the State's interest, be it preservation, conservation, and/or development, in geographic areas of particular concern.

(2) One of the purposes in providing guidelines regarding uses of lowest priority is to guide resolution of conflicts when two or more uses are competing for the same area. Where States are concerned about prohibiting or strictly controlling particular uses or types of uses, such uses should not be included as uses of lowest priority but should be restricted or prohibited. The requirements of this section are separate from and not a substitute for the requirements for resolving conflicts contained in subsection 306(d)(1) of the Act. Guidance for meeting the subsection 306(d)(1) requirements is contained in Part 923 of this chapter.

§ 920.16 Organizational structure to implement the management program.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(6) of the Act, States must describe the organizational structure that will be used to implement the management program. This description must include a discussion of those State and other agencies that will have responsibility for administering the authorities required in section 920.14, and the relationship of these entities to the State management agency designated pursuant to subsection 306(c)(5) of the Act.

(b) *Comment. Statutory Citation, sections 305(b)(6):*

The management program for each coastal State shall include * * * (a) description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(1) The requirements of this section should be read in conjunction with subsections 306(c)(1), (2), (5) and (6) of the Act, the requirements of which are contained in Part 923 of this chapter.

(2) Based on policies, management approaches, technical data, priorities and existing or potential powers and au-

thorities developed by the State in response to the requirements of §§ 920.11 through 920.15, the critical issues of organizational structure, administrative responsibilities and institutional arrangements must be resolved. While a detailed institutional structure for achieving the Act's objectives cannot be specified in advance of development of the management program, the agency designated, or to be designated, by the Governor to receive and administer management grants should have:

(i) Authority to monitor the activities of all State, local, areawide/regional or other entities in the coastal zone; and
(ii) Appropriate access to the Governor.

(3) States should strengthen cooperative mechanisms for State-Federal consultation in key areas of mutual concern, particularly where Federal activities affect the coastal zone. Subsection 306(e)(2) requires that the management program provide for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

§ 920.17 Shorefront access planning.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(7) of the Act, the management program must include a planning process that can identify public shorefront areas appropriate for increased access and/or protection. This process must include:

(1) a procedure for assessing public areas requiring access or protection;

(2) a definition of the term "beach" and an identification of public areas that meet that definition;

(3) articulation of State policies pertaining to shorefront access and/or protection;

(4) a method for designation of shorefront areas as areas of particular concern (either as a class or as specific sites) for protection and/or access purposes, if appropriate;

(5) a mechanism for continuing refinement and implementation of necessary management techniques, if appropriate; and

(6) an identification of funding programs and other techniques that can be used to meet management needs.

(b) *Comment. Statutory Citation, Subsection 305(b)(7):*

The management program for each coastal state shall include * * * (a) definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

(1) The requirements of this section should be read in conjunction with subsection 305(b)(3) of the Act, dealing with geographic areas of particular concern, the requirements for which are contained in § 920.13 and § 923.13 of this chapter. In developing a procedure for identifying access and/or protection requirements for public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecologi-

cal, or cultural value, States should make use of the analyses and considerations of statewide concern developed to meet the requirements of § 920.13. It is also recommended that information contained in completed State Comprehensive Outdoor Recreation Plans be considered. If islands have not been included in the areas considered under § 920.13, then their preservation needs should be considered under this subsection. Preservation should be considered broadly, in terms of ecological, environmental, recreational, historical, esthetic or cultural values.

(2) In developing a procedure for identifying access and/or protection needs, States should take into account (a) the supply of existing public facilities and areas, (b) the anticipated demand for future use of these facilities, and (c) the capability/suitability of existing areas to support increased access. Based on these and other considerations, as appropriate, the State's planning process shall include a description of appropriate types of access and/or protection, taking into account governmental and public preferences, resource capabilities and priorities.

(3) In determining access requirements, States should consider both physical and visual access. The emphasis, however, should be on the provision of increased physical access. Special attention should be given to recreational needs of urban residents for increased shorefront access. Physical access may include, but need not be limited to, footpaths, bikepaths, boardwalks, jitneys, rickshaws, parking facilities, ferry services and other public transport. To the extent that the provision of perpendicular access to public shorefront areas is insufficient to meet the purposes intended by this subsection, it is appropriate for States to consider lateral access. What this means is that where a State does not have a reasonable amount of public shorefront area above mean high tide or above the ordinary high water mark in the Great Lakes, then provision of perpendicular access may not serve a sufficient range of purposes in terms of increasing or enhancing the public's ability to get to and to enjoy shorefront amenities. In such cases, consideration of the need for areas above mean high tide, or the ordinary high water mark in the Great Lakes, is appropriate. Visual access may involve, but need not be limited to, viewpoints, setback lines, building height restrictions, and light requirements.

(4) As part of this general planning process, States should develop a procedure which will allow for the eventual identification of specific areas for which provision of access through acquisition will be appropriate during program implementation. In conjunction with developing this procedure, States shall identify local, State or Federal sources for accomplishing particular access proposals. Particular attention should be given to coordination of management objectives with funding programs pursuant to subsection 315(2) of the Act, and pursuant to the Land and Water

Conservation Fund (16 U.S.C. 460 et seq.) and other statutes as may be appropriate. It should be noted that the access referred to in this subsection is broader than the types of access that may be acquired using subsection 315(2) funds which is limited to the acquisition of lands or interests in lands for purposes of providing access to public shorefront and/or for the preservation of islands.

(5) In determining the needs for protection of public coastal areas, States should consider such factors as (a) environmental, esthetic or ecological preservation (including protection from overuse and mitigation of erosion or natural hazards), (b) protection for public use benefits (including recreational, historic or cultural uses), (c) preservation of islands, and (d) such other protection as may be necessary to insure the maintenance of environmental, recreational, historic, esthetic, ecological or cultural values of existing public shorefront attractions. Existing public shorefront attractions may be broadly construed to include, but need not be limited to: public recreation areas, scenic natural areas, threatened or endangered floral or faunal habitat, wetlands, bluffs, historic, cultural or archaeological artifacts, and urban waterfronts.

(6) The purpose of defining the term "beach" is to aid in the identification of those existing public beach areas requiring further access and/or protection as a part of the State's management program. States should define "beach" in terms of characteristic physical elements (e.g., submerged lands, tidelands, foreshore, dry sand area, line of vegetation, dunes) or in terms of public characteristics (e.g., local, State or Federal ownership, or other demonstrated public interest such as easements, leases, licenses, or traditional and habitual usage). At a minimum, the definition of what constitutes a public beach shall be as broad as that allowed under existing State law or constitutional provisions. States should take into account special features such as composition (e.g., non-sand beaches), location (e.g., urban or riverine beaches), origin (e.g., manmade beaches) and fragility (e.g., areas of shifting dunes). Where access may be complicated by questions of ownership and use of the foreshore or dry sand beach, States are encouraged to define beach in terms of its component parts, especially at the mean high tide line, or the ordinary high water mark in the Great Lakes. Finally, in defining the term "beach," States shall provide a rationale explaining the relationship between the definition developed and access and protection needs.

§ 920.18 Energy facility planning.

(a) *Requirement.* In order to fulfill the requirements contained in subsection 305(b)(8) of the Act, the management program must include a planning process that can anticipate and manage the impacts from energy facilities in or significantly affecting the State's coastal zone. This process must include:

(1) An identification of energy facilities which are likely to locate in, or which may significantly affect, the coastal zone;

(2) A procedure for assessing the suitability of sites for such facilities;

(3) Articulation of State policies and other techniques for the management of energy facilities and/or their impacts;

(4) A mechanism for coordination and/or cooperative working arrangements, as appropriate, between the State coastal planning or management agency and other relevant State, Federal, and local agencies involved in energy facility planning and/or siting, including conformity of siting programs, where they exist, with the coastal zone management program; and

(5) An identification of legal and other techniques that can be used to meet management needs.

(b) *Comment.* Statutory Citation, Subsection 305(b)(8):

The management program for each coastal State shall include * * * (a) planning process for energy facilities likely to locate in, or which may significantly affect the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities.

(1) In meeting these requirements, there are a number of approaches a State might use. The State could designate/reserve specific sites in or near the coastal zone for particular types of energy facilities. Alternately, the State could develop performance standards or other regulations that particular types of energy facilities would have to meet irrespective of their coastal zone location. Under this approach, no sites would be specifically reserved, but neither would any be specifically excluded. A third option, a variant of the second, would combine a performance standard approach with specific exclusions of all or particular types of facilities in selected coastal zone locations. These exclusions/restrictions could be based on: the anticipated adverse environmental impacts in particular locations due to sensitivity of particular resources (e.g., exclusion due to thermal pollution of nuclear power plants in particular wetlands which are especially productive fish spawning/nursery grounds); the safety problems associated with the operation of specific facilities in particular locations (e.g., exclusion of LNG terminals in densely populated areas because of safety problems, e.g., requirement for oil transfer by off-shore pipeline rather than on-shore tanker unloading); State policy determinations that certain types of energy facilities are not coastal dependent (e.g., requirement for petrochemical processing plants to be located inland from the coastal zone). There are numerous variations and mixes of the above approaches that can be used in developing an acceptable energy facility planning process and associated coastal zone management program policies. For example, a State could reserve sites for a number of specific types of energy facilities (e.g., electric power plants, deep-

water terminals), restrict or exclude others from the coastal zone (e.g., nuclear power plants), and require still other types of facilities to meet certain performance criteria (e.g., pipeline siting, drilling techniques). Whatever approach is taken, it is critical to tie the outcome of the planning process to what may sometimes be two conflicting considerations: resource preservation/conservation and the need for energy production and transportation. This latter consideration may involve being responsive to not only the needs of energy users in the coastal zone but also the energy needs in the State, region and the Nation. At the same time, other facilities and uses of regional benefit and national interest, such as recreation areas, commercial fishery facilities, and animal habitat protection must be provided for in the coastal zone. The relative importance of energy facilities in the coastal zone should reflect the importance of these other interests as well as the availability of energy resources and potential sites in—or outside of—the coastal zone. Essentially, a balancing of national interests between resource preservation and conservation, on the one hand, and energy needs, on the other hand, must be achieved in order to avoid arbitrary restrictions or exclusions of either interest. Particularly in determining greater than local and coastal zone energy needs, consideration must be given to (1) national and other projections of energy needs, (2) assessments of the best mix of energy sources (e.g., coal v. gas v. oil) to meet these needs and (3) techniques for reducing demands for energy (e.g., impact of energy conservation measures). Further, determination of whether the coastal zone or resources therein are required to serve greater than local needs should be based, in part, on consultation with relevant Federal agencies.

(2) The purpose of identifying energy facilities which may significantly affect the coastal zone is to assure the consideration of these facilities as land or water uses having a direct and significant impact on coastal waters and subject to the management program. In determining which energy facilities may significantly affect the coastal zone, States must consider, at a minimum, those facilities listed in subsection 304(5) of the Act. These facilities include any equipment or facility which will be used or expanded primarily (a) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of any energy resource, or (b) for the manufacture, production, or assembly of equipment, machinery, products or devices which are involved in any activity described in (a). Accordingly, this includes, at a minimum, but is not limited to (i) electric generating power plants, (ii) petroleum refineries and associated facilities, (iii) gasification plants, (iv) facilities used for the transportation, conversion, treatment, transfer or storage of liquefied natural gas, (v) uranium enrichment or nuclear fuel processing fa-

ilities, (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases and refining complexes, (vii) facilities, including deepwater ports, for the transfer of petroleum, (viii) pipelines and transmission facilities, and (ix) terminals which are associated with the foregoing. States have the option of expanding this list for planning and management purposes to include any related or secondary energy activities, which a State feels may significantly affect its coastal zone.

(3) At a minimum, "significantly affect" shall be defined in terms of substantial or potentially substantial changes in coastal zone resources which could be affected by a proposed energy facility. These include changes in land, air, water, minerals, flora, fauna, noise, and objects of historic, cultural, archeological or aesthetic significance. States have the option of using a more expansive definition of "significantly affect" which could include any or all of the concepts in the National Environmental Policy Act of 1969 (Pub. L. 91-190, as amended). These concepts include the following:

(i) Effects which are noteworthy in an overall, cumulative way, considering the impacts of a given energy facility and related facilities, either existing or contemplated;

(ii) Effects which may be positive, negative or both;

(iii) Effects which may come about or increase in magnitude because of the particular location of an energy facility; and

(iv) Effects which cover a broad range of environmental, social and economic impacts.

(4) In developing a procedure for assessing the suitability or sites for energy facilities, it will be important to create a planning process that takes adequate account of all the potential changes noted in paragraph (d)(3) of this section, as well as any other economic, social or environmental indices the State chooses to consider as significant effects. This procedure must also include a capability to evaluate alternative sites and to determine if a potential site is appropriate given these assessments.

(5) States, particularly those which anticipate a large involvement in the Coastal Energy Impact Program (CEIP, Section 308 of the Act, Part 931 of this chapter) should design their planning process to include those impacts from energy facilities that will be considered under the CEIP.

(6) In developing State policies and other techniques for the management of energy facilities and/or their impacts (through siting programs, performance standards or other approaches suggested in (1) above), State coastal planning or management agencies are encouraged to develop these policies and management techniques in consultation and cooperation with other State, local and Federal agencies. General consultation requirements for program development, of which this consultation should be considered a part, are discussed more

fully in Part 923 of this chapter. Depending on the approach taken to energy facilities management, this consultation and coordination should include, but need not be limited, to procedures for:

(1) Assessing need/demand projections; (2) allocating these needs among coastal and inland locations; (3) identifying potential coastal impacts; and (4) determining site suitability of alternative locations for particular facilities. The actual analysis of particular sites for suitability may be accomplished using planning funds authorized under subsection 308(c) of the Act. The nature of State policies and management techniques that will be articulated as part of the overall management program will vary, depending on (1) the approach taken to planning and management of energy facilities and/or their impacts, (2) the extent and type of energy facility siting procedures and/or impact management techniques already existing in a particular State, and (3) existing Federal and local authorities. Accordingly, as part of meeting requirements in § 920.14, States must include, as part of their listing of relevant constitutional provisions, laws, regulations, judicial decisions and other appropriate official documents or actions, those items specifically relating to planning for, anticipating and managing energy facilities and/or impacts, including licensing or permitting procedures.

(7) In assuring the coordination of relevant agencies involved in energy facility planning, States should give particular attention to State and Federal agencies already involved in various aspects of energy planning. At a minimum, where interstate plans exist, as referred to in subsection 306(c)(8) of the Act, these plans should be taken into consideration. Cooperative arrangements, whenever possible, should extend to use of energy data, projections, estimates of facility needs, and policies that have been developed by others. Sources for such information include State and Federal energy agencies, energy industries, and State utility commissions.

§ 920.19 Shoreline erosion/mitigation planning.

(a) *Requirement.* In order to fulfill the requirements contained in subsection 305(b)(9), the management program must include a planning process that can assess the effects of shoreline erosion, and can evaluate management policies and techniques for addressing shoreline erosion. Evaluation can include assessment of ways to mitigate, control or restore areas adversely affected by erosion. This process must include:

(1) A method for assessing the effects of shoreline erosion;

(2) Procedures for handling erosion effects, including non-structural procedures;

(3) Articulation of State policies pertaining to erosion, including policies regarding preferences for non-structural or structural controls and/or no controls;

(4) A method for designation of areas for erosion control, mitigation and/or restoration as areas of particular concern or areas for preservation/restoration; if appropriate;

(5) A mechanism for continuing refinement and implementation of necessary management policies and techniques, if appropriate; and

(6) An identification of funding programs and other techniques that can be used to meet management needs.

(b) *Comment.* Statutory Citation, Subsection 305(b)(9):

The management program for each coastal state shall include * * * (a) planning process for (A) assessing the effects of shoreline erosion (however caused), and (B) studying and evaluating ways to control, or lessen the impact of, such erosion, and to restore areas adversely affected by such erosion.

(1) In developing a method for assessing the effects of shoreline erosion, States should consider loss of land along the shoreline or along estuarine banks, whether this loss is caused by actions of man or by natural forces, and whether these actions are regularly occurring, cyclical, or one-time events. In assessing the effects of erosion, States should consider the cause of these effects (e.g., man-made v. natural forces), examine the major effects of erosion and make some judgments as to their relative as well as collective importance. The purpose of such assessment will be to determine how, if at all, states will want to handle erosion control, mitigation and/or restoration. States may want to include effects of accretion as part of this assessment procedure.

(2) In developing policies and management techniques for dealing with effects of erosion, States will want to consider, as appropriate, non-structural and structural options as well as the possibility of allowing erosion/accretion to continue to occur. It is not the intent of these planning requirements to imply that an appropriate State response to erosion necessarily requires control (either of a structural or non-structural nature). In some locations along a State's coast, it may be appropriate to articulate a policy of non-control, given the cause of erosion, the configuration of the coastline, the adverse impacts that may result from control techniques, etc. An example of where a policy of non-control may be appropriate is along barrier islands where there is substantial natural erosion due to littoral drift. In cases where State policy is not to control erosion, either in selected locations or along the entire coastline, the rationale for such policy should be stated explicitly. In evaluating ways to control/lessen erosion impacts either through non-structural or structural management techniques, States should take into account such considerations as shoreline configuration, extent of the problem, costs of alternative solutions, and incorporation of existing management techniques. States also should take particular account of the National Flood Insurance Program (24 CFR 1909 et seq.), and regulations of the Federal

Insurance Administration on flood-related erosion-prone areas (24 CFR 910.5).

(3) In developing a procedure, if appropriate, for designating areas for restoration, pursuant to section 923.16 of this chapter, States may consider complete re-establishment of the pre-erosion shoreline or other more limited rebuilding of an eroded area. Both natural and developed areas may be considered for restoration purposes. Due to restrictions on the use of section 306 funds with respect to construction and acquisition projects, not all means of restoration proposed by States may be eligible for section 306 funding, or funding under other sections of the Act. Despite this restriction on the use of section 306 funds, States should not feel restricted as to the means restoration proposed as part of the management program and should give particular attention to coordination of shoreline erosion management objectives with funding programs pursuant to the U.S. Army Corps of Engineers Beach Erosion Control Program (33 U.S.C. 426 et seq.) and the Hurricane Protection Program (33 U.S.C. 701 et seq.) and other statutes as may be appropriate.

Subpart C—Research and Technical Support

§ 920.20 General.

(a) States should try to distinguish between research and technical studies that are appropriately funded pursuant to subsection 310(b) which is a program of grants to States to support research, study and training activities designed to improve State capability to develop and/or administer coastal zone management programs. It should be pointed out that the primary emphasis of the coastal zone management program is to create the mechanism for States to exert appropriate control over land and water uses and to begin the management process, not to engage in long-term research projects. While it may be difficult sometimes to distinguish the most appropriate section of the Act to provide funds, a general guideline is that those research, study or technical support activities which are essential to meeting the criteria for program approval should be funded pursuant to section 305 of the Act. Those activities which enhance or improve a State's ability to meet the criteria for approval should be funded pursuant to subsection 310(b) (Part 933 of this chapter). Moreover, it is anticipated that research and studies funded pursuant to subsection 310(b) will be more technical in nature and/or more geographically specific than those activities typically funded pursuant to section 305. Applications for management program development grants which contain substantial research elements will be carefully reviewed to assure that these elements are essential to the successful development of a State's management program; are an integral part of a comprehensive review of existing information relating to the management program; and are not more appropriately funded under the State research and technical

assistance program pursuant to subsection 310(b).

(b) In developing their management programs, States should endeavor to use existing information and research sources to the extent applicable and available rather than undertaking unnecessary independent research or information gathering as part of program development. In this respect, OCZM ordinarily should be contacted to ascertain what information and assistance it can provide.

(c) A substantial number of sources for technical information exist within Federal agencies, in universities, in State and Federal laboratories and research centers, and in the private sector. OCZM will endeavor to serve as a general clearinghouse for specialized information, and will issue pertinent publications on technical support available from NOAA and other Federal sources. In addition, as part of the National Research and Technical Assistance Program authorized by subsection 310(a) of the Act (Part 933 of this chapter), OCZM intends to identify unresolved coastal research problems of national and regional scope, and will seek to facilitate their solutions.

Subpart D—Public Participation

§ 920.30 General.

Public participation is an essential element of development and administration of a coastal management program. Through citizen involvement in the development of a management program, public needs and aspirations can be reflected in use decisions for the coastal zone, and public support for the management program can be generated. Participating States, therefore, should seek to obtain extensive public participation in the development and administration of a coastal management program.

§ 920.31 Public hearings.

(a) *Requirement.* In order to meet the requirements of subsection 306(c)(3) and section 311 of the Act with respect to public hearings, States shall:

(1) Hold at least two public hearings, at least one of which will be on the total coastal management program;

(2) Provide a minimum of 30 days public notice of hearing dates and locations; and

(3) Make available, at the time of public notice, all agency materials pertinent to the hearings.

(b) *Comment.* Statutory Citation, Subsection 306(c)(3):

Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that * * * (t)he state has held public hearings in the development of the management program.

(c) *Comment.* Statutory Citation, Section 311:

All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study.

As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

(1) Notification of public hearings should provide the public the longest period of notice practical, but in no event should notice be less than the 30 day statutory minimum. Announcement of the hearings should be through media designed to inform the public—not merely to provide "technical notice." Therefore, in addition to any publication of legal notice as required by State law, reasonably informative news releases should be made available to the news media in the affected communities.

(2) At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, the agenda for the hearings, and other data, must be made available to the public for review and study in the locale where the hearings are to be conducted.

(3) Hearings on the total management program do not have to be held *per se* on the document submitted to the Associate Administrator for section 306 approval. However, such hearing(s) must cover the substance and content of the proposed management program in such a manner that the general public, and particularly affected parties, have a reasonable opportunity to understand the impacts of the management program.

(4) Hearings should be held in those geographic areas which would be most affected by the issues under consideration at the hearing (e.g., establishment of priority uses for a given geographic area). Hearings on the total management program should be held in places within the State where all citizens of the State may have an opportunity to comment.

(5) In many cases, the population of the coastal zone fluctuates significantly with the seasons of the year. Efforts should be made to insure that hearings are held when those populations most likely to be affected are present.

(6) A verbatim transcript of the hearings need not be prepared but a comprehensive summary should be made available to the public within 45 days after the conclusion of the hearings. A copy of these summaries shall accompany the management program when it is submitted to the Associate Administrator for approval.

§ 920.32 Additional means of public participation.

(a) Formal public hearings may not provide an adequate opportunity for information exchange. To insure that the public is heard during the development of the program, efforts should be made to encourage discussion in various forums and to take other steps to insure that the public can participate in the process in a meaningful manner. The following are suggested to accommodate increased public participation:

(1) Establish arrangements for exchanging information, data, and reports among State and local government

agencies, citizen groups, special interest groups, and the public at large;

(2) Provide opportunity for participation by relevant Federal agencies, State agencies, local organizations, port authorities and other interested parties, both public and private;

(3) Develop mechanisms, in addition to public hearings, to allow citizens and the public at large to effectively participate in the coastal zone program. The following are examples that might be used:

(i) Citizen involvement in the development of goals and objectives,

(ii) Establishment of a Citizen Advisory Committee, and

(iii) Establishment of processes to review component elements of the management program by selected citizen groups and the general public.

Subpart E—Preliminary Approval

§ 920.40 General.

(a) This section establishes criteria to be employed in receiving, reviewing and providing preliminary approval of State coastal management programs, and for awarding grants pursuant to subsection 305(d) of the Act.

(b) The basic purpose of preliminary approval is to allow a State additional time to implement fully a coastal management program which, in its design and description, meets the requirements of section 306 of the Act. In granting preliminary approval, recognition is given to the need to include, in a subsection 305(d) work program, those deficiencies precluding section 306 approval, the specifics for remedying those deficiencies, and a timetable within which this is to occur.

(c) Another objective is to provide funding to support initial implementation of selected elements of a State's coastal management program, provided that the overall design and description of the program meets the section 306 requirements. For selected elements to be initially implemented, necessary section 306 legal authorities and administrative capabilities must be in place.

(d) A third objective is to provide a State with additional time to resolve problems, uncovered during Federal and/or DEIS review of a program submitted for section 306 approval, when such problems would preclude full approval.

(e) The following are examples of situations under which States may apply for preliminary approval:

(1) A State may be able to describe the legislative authority it needs in order to meet the requirements under section 306 to have an approvable program, and to draft a bill carrying this out, but not be able to enact same within the time period pursuant to subsection 305(c). This could be because the legislature meets only every two years, or because the process is too complicated to accomplish in a matter of months.

(2) A State program may call on local units of government to prepare their own coastal plans in accordance with State guidelines. However, one or even two years may be required for these units

to carry out their work. Under this example, it should be noted that, depending on the nature of the State-local relationships and existing legal authorities, this activity also can be accomplished as part of a State's subsection 305(c) program development grant and/or as part of a section 306 program administrative grant.

(3) A State may need to reorganize within the Executive branch before a program can gain approval and funding under section 306.

(4) A State may be encountering problems resolving differences with one or a number of Federal agencies with respect to specific aspects of its coastal management program.

(f) Preliminary approval is not seen as a necessary continuum from section 305 to section 306 status. States may move directly from subsection 305(c) (program development) grants to section 306 (program implementation) grants. Progression from subsection 305(c) status to subsection 305(d) (preliminary approval) status is not automatic, nor is progression from preliminary approval status to section 306 status automatic. Application for preliminary approval requires consultation with the Associate Administrator to insure that the State meets the eligibility conditions and approval criteria.

(g) Preliminary approval is meant to apply to a fully described coastal management program for a State's entire coastal zone. Accordingly, segments are not eligible for approval pursuant to this subsection but shall continue to be considered under provisions of section 306 of the Act and related requirements of Part 923 of this chapter dealing specifically with segmentation.

§ 920.41 Eligibility for consideration.

(a) *Requirement.* In order to be eligible for consideration for preliminary approval, pursuant to subsection 305(d), a State must be in one of the following situations:

(1) After all subsection 305(c) program development grants have been expended and the State can describe a program that meets the basic approval criteria but there are still aspects of the program which must be instituted before section 306 approval can be given; or

(2) At any time during section 305 program development when a State has elements of its coastal management program to implement and meets the basic approval requirement (that the overall program as described would be approvable when fully implemented); or

(3) During the course of section 306 review, problems are uncovered that preclude section 306 approval but do not preclude preliminary approval.

§ 920.42 Approval criteria.

(a) *Requirement.* For a State's coastal management program to receive preliminary approval pursuant to subsection 305(d)(2) of the Act, the State must demonstrate that:

(1) The management program fulfills the requirements of section 305(b) of the Act and implementing regulations;

(2) Deficiencies that prohibit achievement of section 306 program approval are identified, after consultation with the Associate Administrator, and the means and timetable for remedying these deficiencies are specified;

(3) The purposes for which the subsection 305(d) grant are to be used are specified;

(4) Adequate steps have been or are being taken to meet the requirements under section 306 or 307 of the Act, which involve Federal officials or agencies;

(5) The program as described and proposed for implementation would be fully approvable when submitted for section 306 approval; and

(6) For those elements to be implemented under subsection 305(d), the necessary legal authorities and organizational structures are adequate and in place.

(b) *Comment.* (1) Pursuant to subsection 305(d)(2)(A) of the Act, "(a) coastal state is eligible to receive grants under this subsection if it has * * * (d) eveloped a management program which * * * (i) is in compliance with rules and regulations promulgated to carry out subsection (b), but (ii) has not yet been approved by the Secretary under section 306." The rules and regulations referred to above are contained in the original Part 920 published on November 29, 1973, and incorporated into Part 923 of this chapter which was published on January 9, 1975. Where there are differences in these sets of regulations, the Part 923 requirements should be held to be controlling. In order to satisfy this paragraph, all the requirements of subsection 305(b)(1)-(6) of the Act shall be completed in accordance with the provisions and procedures set forth in corresponding regulations of Part 923 of this chapter.

(2) Pursuant to paragraph 305(d)(2)(B) of the Act, "(a) coastal State is eligible to receive grants under this subsection if it has * * * (e) specifically identified, after consultation with the Secretary, any deficiency in such program which makes it ineligible for approval * * * (p) pursuant to section 306, and has established a reasonable time schedule during which it can remedy any such deficiency." The only deficiencies that a State may remedy after preliminary approval are those that relate to implementing capability. In other words, an acceptable subsection 305(d) program can be deficient only in its lack of having translated fully described but pending implementing actions into accomplished fact. Deficiencies bearing on the adequacy of program design, description, or implementation strategy cannot be addressed as part of a subsection 305(d) program but rather should continue to be addressed as part of the basic subsection 305(c) program development process. To meet the requirements of subsection 305(d)(2)(B) of the Act, States should describe the nature of the deficiency, the reason for it, and the specific means and timetable by which the deficiency shall be overcome. The schedule for remedying deficiencies should be sufficiently long to be realistic, given the nature and num-

ber of deficiencies and the particulars of a State's situation. At the same time it should be sufficiently tight to insure an enhanced and expeditious State effort. In no case shall the timetable for remedying section 306 deficiencies extend beyond fiscal year 1979.

(3) Pursuant to subsection 305(d)(2)(C) of the Act, "(a) coastal State is eligible to receive grants under this subsection if it has * * * (s) pecified the purposes for which grants shall be used."

(i) In specifying the purposes for which grants shall be used, States are advised that the following represent allowable subsection 305(d) costs:

(A) Resolving section 306 deficiencies;
(B) Meeting the new planning requirements of subsections 305(b)(7), (8) and (9);

(C) Implementing those portions of a State's coastal management program for which sufficient authorities and organizational structures are in place; and

(D) Updating coastal management programs if this updating would be an allowable cost after section 306 approval.

(ii) Examples of fundable items to remedy section 306 deficiencies include, but are not limited to:

(A) Pass-throughs to local or regional units of government to develop master programs and/or local ordinances conforming to State guidelines;

(B) Efforts necessary to enact or refine needed legislation;

(C) Federal coordination efforts, including establishment of procedures for determining Federal consistency once a coastal management program is fully approved under section 306; and

(D) Negotiation of memoranda of understanding and instituting other arrangements for interactions among State agencies.

(iii) Examples of fundable items to meet the new planning requirements include:

(A) Development of a shorefront access and protection planning process;
(B) Development of an energy facility planning process; and

(C) Development of a shoreline erosion/mitigation planning process.

(iv) Examples of fundable items to initiate implementation of selected aspects of a State's coastal management program include, but are not limited to:

(A) Personnel or equipment necessary to administer approved permit and other authorities;

(B) Signs, publications, etc., relative to approved management practices;

(C) General maintenance/resource management activities; and

(D) Personnel for establishing consistency procedures.

(v) Example of fundable items for updating the management program include, but are not limited to:

(A) Site-specific studies on appropriate management techniques for areas for preservation/restoration;

(B) Opinion surveys to determine public understanding/acceptance of various elements of the management program;

(C) Studies of ways to improve inter-governmental coordination techniques approved as part of the management program.

(4) Pursuant to subsection 305(d)(2)(D) of the Act, "(a) coastal State is eligible to receive grants under this subsection if it has * * * (t)aken or is taking adequate steps to meet any requirement under section 306 or 307 which involves any Federal official or agency." For purposes of this paragraph, the particular sections of 306 and 307 are:

(i) Subsection 306(a)(1)—identification of excluded Federal lands;

(ii) Subsection 306(c)(1)—opportunity for full participation by relevant Federal agencies. This shall include advising Federal agencies (especially at the regional level) of the State's intent to apply for preliminary approval;

(iii) Subsection 306(c)(8)—adequate consideration of the national interest involved in planning for, and in the siting of, facilities necessary to meet requirements which are other than local in nature;

(iv) Subsection 307(c)—development of procedures for certifying Federal consistency with respect to Federal activities or development projects, and with respect to activities subject to Federal licenses or permits;

(v) Subsection 307(d)—development of procedures for certifying Federal consistency with respect to Federal assistance to State and local governments; and

(vi) Subsection 307(h)(1)—participation in mediation procedures, if appropriate.

(5) Pursuant to subsection 305(d)(2)(E) of the Act, "(a) coastal State is eligible to receive grants under this subsection if it has * * * (e)omplied with any other requirement which the Secretary, by rules and regulations, prescribes as being necessary and appropriate to carry out the purposes of this subsection." By virtue of these rules and regulations, the following are prescribed as necessary and appropriate for States to complete in order to merit preliminary approval under this paragraph:

(i) A description of the overall management program of sufficient detail and addressing all necessary section 306 findings to allow a determination that, when implemented, these elements will constitute an approvable section 306 management program.

(ii) For those aspects to be implemented under subsection 305(d), a demonstration that the legal authorities and organizational capability necessary for implementation exist at time of preliminary approval.

(iii) An Environmental Impact Assessment (EIA) on the over-all management program proposed for eventual implementation, with particular emphasis on those elements, if any, which will be funded for implementation purposes pursuant to subsection 305(d).

Submission of the EIA will enable NOAA to make a case-by-case determination as to the necessity of issuing an Environmental Impact Statement (EIS)

prior to preliminary approval. In those cases where NOAA determines that an EIS is appropriate prior to approving a section 3305(d) submission, both the program document and the EIS will be distributed to Federal and other reviewers, according to normal EIS review procedures. In those cases where the EIS is more appropriately prepared prior to approving the section 306 submission, the section 305(d) program document which includes the EIA, will be distributed, to Federal agencies so that their comments can be addressed prior to the section 306 submission.

§ 920.43 Review/approval procedures.

(a) States interested in preliminary approval should consult with the Associate Administrator well in advance of the point at which they would like to receive such approval. As a general rule, such consultation should begin six months before approval is desired. The purpose of this consultation is to determine:

(1) If the program will be sufficiently developed, designed and described to warrant consideration for preliminary approval at the time desired;

(2) If there are any elements of the State's management program eligible for implementation funding as part of preliminary approval;

(3) The content and detail of the EIA which must accompany the State's preliminary approval submission; and

(4) If an EIS will be necessary prior to granting preliminary approval.

If the Associate Administrator indicates that the program appears to meet the subsection 305(d) approval criteria, and if a determination is made that an EIS will not be necessary prior to preliminary approval, States should plan on submitting the subsection 305(d) program document, including an EIA, two to three months prior to the desired date of approval. If the Associate Administrator determines an EIS will be necessary prior to granting preliminary approval, States should plan on submitting the program document, including the EIA, shortly after this determination is made. The subsection 305(d) program document should follow the general format recommended by OCZM for section 306 submissions plus such additional information as is required by sections 920.42 (b)(2) and (b)(3) with respect to describing deficiencies, timetable for remedying, and purposes for which the grant will be used. The application for grant funds and the accompanying work program is a separate document that may be submitted in conjunction with or subsequent to submission of the subsection 305(d) program document. The requirements for the grant application are contained in Subpart F, section 920.61.

(b) Upon submission by a State of a subsection 305(d) program document, the Associate Administrator shall review the document for compliance with the approval criteria contained in section 920.42. At his/her discretion, the Associate Administrator may consult with

relevant Federal agencies regarding the proposed management program and deficiencies thereof. If a State meets the approval criteria, the Associate Administrator may award a subsection 305(d) grant and will issue a set of findings with respect to deficiencies and the timetable for their resolution.

(c) Copies of the subsection 305(d) program document and the Associate Administrator's findings of deficiencies will be distributed to relevant Federal agencies. This will provide Federal agencies with any early opportunity to review and comment on the proposed management program and EIA prior to a formal section 306 submission. To insure consideration of deficiencies identified by Federal agencies, as a result of consultation and review of a State's subsection 305(d) program document, during the subsection 305(d) grant award period, a State is required to include a work item in its subsection 305(d) grant application specifically devoted to addressing Federal comments on the proposed management program.

(d) If a State applies for preliminary approval after formal section 306 program review has begun, preliminary approval will be issued at that point in the section 306 review process when the formal Federal agency review and corresponding DEIS review reveal problems that preclude full program approval and implementation but do not preclude preliminary approval. States will be required to take into consideration those items raised by the Federal agency/DEIS reviews as part of the subsection 305(d) work program.

Subpart F—Applications for Development Grants

§ 920.50 General.

(a) The primary purpose of development grants made under section 305 of the Act is to assist a State in developing a comprehensive coastal management program that can be approved by the Associate Administrator. The purpose of these guidelines is to define the procedures by which grantees apply for and administer grants under the Act. These guidelines shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual" which contains procedures and guidelines for the administration of program development grants. The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office, and the Department of Commerce. In addition to specific policy requirements of these agencies, the Manual includes recommended policies and procedures for a grantee to use in submitting a grant application. Inclusion of recommended policies and procedures for grantees does not limit their choice in selecting those most useful and applicable to local requirements and con-

ditions. Grants given to the State must be expended for the development of a management program that meets the requirements of the Act. Grants shall not exceed eighty per cent of the total cost of the development programs. Federal funds received from other sources cannot be used to match OCZM grants. No more than four annual program development grants pursuant to subsection 305(c) can be awarded to a State.

(b) *Comment.* Statutory Citation, Subsection 305(c):

The Secretary may make a grant annually to any coastal State for the purposes described in subsection (a) (1) if such state reasonably demonstrates to the satisfaction of the Secretary that such grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed 80 per centum of such state's cost for such purposes in any one year. No coastal state is eligible to receive more than four grants pursuant to this subsection. After the initial grant is made to any coastal state pursuant to this subsection, no subsequent grant shall be made to such state pursuant to this subsection unless the Secretary finds that such state is satisfactory developing its management program.

§ 920.51 Administration of the program.

The Congress assigned the responsibility for the administration of the Coastal Zone Management Act of 1972, as amended, to the Secretary of Commerce, who has designated the National Oceanic and Atmospheric Administration as the agency in the Department of Commerce to manage the program. NOAA has established the Office of Coastal Zone Management for this purpose. Requests for information on grant applications and the applications themselves should be directed to:

Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235.

§ 920.52 State responsibility.

(a) Applications for initial development grants must be submitted by the Governor of a coastal state or her/his designee.

(b) The application shall designate a single State official, agency or entity to receive development grants and have responsibility for the development of the State's coastal zone management program. The designee need not necessarily be that agency designated by the Governor under the provisions of subsection 306(c) (5) of the Act as the single agency to receive and administer the grants for implementing the management program.

(c) One State application will cover all program development activities, whether carried out by State agencies, areawide/regional agencies, local governments, regional or interstate entities.

(d) The designated State entity will be fiscally responsible for all expenditures made under the grant, including expenditures by sub-contractors.

§ 920.53 Allocation.

(a) Subsection 305(g) allows a State to allocate a portion of its development grant to sub-State or multi-State entities. If the State intends to allocate a portion of its grant, the application shall set forth the manner in which a State plans to allocate any portion of its grant to sub-State units, multi-State units, or any other authorized entity. Requests for allocation will not be approved unless it is clearly demonstrated that the work to be accomplished as the result of such allocations is integrated into the State's program development effort.

(b) Areawide/Regional agencies. Should the State wish to allocate a portion of its program development grant to an areawide/regional agency under the provisions of subsection 305(g) of the Act, and in the absence of State law to the contrary, preference shall be given to those agencies recognized or designated as areawide/regional comprehensive planning and development agencies under the provisions of Office of Management and Budget Circular No. A-95, under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 or Title IV of the Intergovernmental Cooperation Act of 1968. The provisions of part IV, OMB Circular No. A-95 dealing with the "Coordination of Planning in Multijurisdictional Areas" apply to all areawide or regional agencies that have jurisdiction for any portion or all of the designated planning area.

(c) Local government. Should the State desire to allocate a portion of its program development grant to a local government under the provisions of subsection 305(g) of the Act, units of general-purpose local government are preferred over special-purpose units of local government, as provided in section 402 of the Intergovernmental Cooperation Act of 1968.

§ 920.54 Geographic segmentation.

When a State has a program for a geographical segment of its coastal zone approved pursuant to subsection 306(h) of the Act, that portion of a State's program not awarded segment approval will continue to be eligible for section 305 program development grants, subject to all the administrative requirements of this subpart.

§ 920.55 Application for initial grant.

(a) The Form SF-424, Preapplication for Federal Assistance, required only for the initial grant, should be submitted 120 days prior to the beginning date of the requested grant. The preapplication shall include documentation, signed by the Governor, designating the State office, agency or entity to apply for and administer the grant.

(b) All applications are subject to the provisions of OMB Circular A-95 (revised). The Form SF-424, Preapplication for Federal Assistance, will be transmitted to the appropriate clearinghouses at the time it is submitted to the Office of Coastal Zone Management (OCZM). If the application is determined to be

statewide or broader in nature, a statement to the effect shall be attached to the Preapplication form submitted to OCZM. Such a determination does not preclude the State clearinghouse from involving areawide clearinghouses in the review. In any event, whether the application is considered to be Statewide or not, the Preapplication form shall include an attachment indicating the date copies of the Preapplication form were transmitted to the State clearinghouse and, if applicable, the identity of the areawide clearinghouse(s) receiving copies of the Preapplication form and the date(s) transmitted. The Preapplication form may be used to meet the project notification and review requirement of OMB Circular A-95 with the concurrence of the appropriate clearinghouses. In the absence of such concurrence, the project notification and review procedures established by State and areawide clearinghouses should be implemented simultaneously with the distribution of the Preapplication form.

(c) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. As used herein the terms cost and grant project pertain to both the Federal grant and the matching share. Allowability of costs will be determined in accordance with the provisions of FMC 74-4: Cost Principles Applicable to Grants and Contracts with State and Local Governments.

(d) The Form SF-424, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted 60 days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with A-95 requirements including the resolution of any problems raised by the proposed project. The OCZM will not accept applications substantially deficient in adherence to A-95 requirements.

(e) In Part IV, Program Narrative, of the Form SF-424, the applicant should respond to the following requirements. Applicants are urged to be clear and brief:

(1) Summarize the State's past and current activities in its coastal zone and describe the current status of coastal management and related activities.

(2) Discuss and rank by general order of importance the major coastal zone related problems and issues facing the State.

(3) Identify the goals the State expects to achieve by development of its coastal zone management program, and the objectives it has set to meet those goals.

(4) Describe the overall program design for developing the management program. This should be an outline of the State's plan of action, identifying the work to be accomplished for developing an approvable management program. Briefly and generally describe how the overall program design is intended to meet the requirements set forth in Subpart B of these regulations. In develop-

ing the overall program design the applicant should also give early consideration to the more specific requirements for approval of a management program as set forth in Part 923 of this chapter. The program design should specifically include:

(i) An identification of existing information and sources of information;

(ii) A projection as to additional information that must be required;

(iii) A description of methods to insure public participation;

(iv) A description of the intergovernmental process by which the State intends to involve various levels of government in the development of the management program;

(v) A mechanism for coordination with agencies administering excluded Federal lands;

(vi) A tentative approximation of the boundaries of the State's coastal zone;

(vii) Identification of any other Federal and State planning, programming or activity which may have a significant impact on the State's coastal zone. Such planning, programming or activities includes work accomplished or to be undertaken by any Federal, State, areawide, local, regional or interstate agencies, regardless of source of funding. Additionally, the application shall reflect, and the coastal zone management as it is developed will provide, methods to integrate Federally assisted programs.

(5) Set forth a work program describing the work to be accomplished during the grant period. The work program should be consistent with the phasing of the overall program design and should include:

(i) A precise description of each major task to be undertaken, how it will be accomplished and who will do it.

(ii) For each task, identify any "Other Entities," as defined in the "Manual," that will be allocated responsibility for carrying out all or portions of the task, and indicate the estimated cost of the subcontract grant for each allocation. Identify, if any, that portion of the task that will be carried out under contract with consultants and indicate the estimated cost of such contract(s).

(iii) For each task indicate the estimated total cost. Also indicate the estimated total months of effort, if any, allocated to the task from the applicant's staff.

(iv) For each task indicate the percent estimated to be completed during the grant period.

(6) The sum of all task costs in subparagraph (5) of this paragraph should equal the total estimated grant project cost.

(7) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's staff that will be assigned to the grant project. Also indicate the number assigned full time and the number assigned less than full time in the two categories. Additionally, indicate the number of new positions created in the two categories, as a result of the grant project.

(f) States may elect to utilize only two annual grants in developing a management program. In such cases the overall program design must encompass the requirements set forth in §§ 920.55, 920.58 and 920.59 within a two year time frame. States should consult with the Associate Administrator early in the design stage of such programs for advice and guidance relative to meeting all requirements.

§ 920.56 Approval of applications.

(a) The application for a development grant of any coastal State which complies with the policies and requirements of the Act and these guidelines shall be approved by the Associate Administrator, assuming available funding.

(b) Should an application be found deficient, the Associate Administrator will notify the applicant in writing, setting forth in detail the manner in which the application fails to conform to the requirements of the Act or these regulations. Conferences may be held on these matters. Corrections or adjustments to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) The Associate Administrator may, upon finding of extenuating circumstances relating to applications for assistance, waive appropriate administrative requirements contained in this subpart.

§ 920.57 Amendments.

Amendments to an approved application must be submitted to, and approved by, the Associate Administrator prior to initiation of the contemplated change. Requests for substantial changes should be discussed with the Associate Administrator well in advance. While all amendments to the grant must be approved in writing by the NOAA Grants Officer, approval may be presumed for minor amendments if the grantee has not been notified of objections within 30 working days of date of postmark of the request.

§ 920.58 Application for second year grants.

(a) Second year development grant applications will follow the procedures set forth in § 920.55 (a), (b), (d), (e) (4), (5), (6) and (7) with the exception that the preapplication form may be used at the option of the applicant. If used, the procedures set forth in § 920.55(b) will be followed. In any event, the A-95 project notification and review procedures established by State and areawide clearinghouses should be followed. Additionally, the program design (section 920.55(e) (4)) shall be updated to:

(1) Describe how the past year's work and products contributed to accomplishing the overall program design and to meeting the requirements set forth in § 920.55(e). Clearly establish and identify the relationship between the tasks set out in the overall program design and the criteria established for management program approval as set forth in Part 923 of this chapter.

(2) Examine and assess the need, if any, to modify the overall program de-

sign or the program development goals and objectives or both in view of the above or of any emerging opportunities or problems.

(b) In evaluating whether a State is making satisfactory progress in the development of a management program to determine eligibility for the second year grant, the Associate Administrator will consider among other things:

(1) The progress made towards meeting management program goals and objectives;

(2) The progress demonstrated in completing the first year work program;

(3) The relationship identified between the program design and meeting the criteria required for preliminary or final approval of a coastal zone management program.

(4) The effectiveness of mechanisms for insuring public participation and consultation with affected Federal, State, regional and local agencies.

(c) If the overall program design provides for developing a management program in two years, the application for a second year grant should be prepared in accordance with § 920.59.

§ 920.59 Application for third and fourth year grants.

(a) Third and fourth year development grant applications will follow the procedures set forth in § 920.55 (a), (b), (d), (e) (4), (5), (6) and (7) except that the preapplication form may be used at the option of the applicant. If used, the procedures set forth in § 920.55(b) will be followed. In any event, the A-95 project notification and review procedures established by State and areawide clearinghouses should be followed. Additionally, the program design (Section 920.55(e) (4)) shall be updated to:

(1) Describe the anticipated design and content of the management program, including the goals and objectives of the program; the major issues the program will address; and the policies and management techniques that will be proposed to address these issues.

(2) Describe how the past year's work and products contributed to the accomplishment to the overall program design and specifically to meeting the criteria established for approval of a coastal zone management program as set forth in Part 923 of this chapter.

(3) Examine and assess the need, if any, to modify the overall program design or the management program development goals and objectives or both in view of the above or of any emerging opportunities or problems.

(4) Indicate when the State will submit a management program to the Associate Administrator for review and final approval pursuant to section 306 or will submit a management program for preliminary approval pursuant to subsection 305(d) of the Act.

(b) In evaluating whether a State is making satisfactory progress towards completion of a management program to determine eligibility for a third or fourth

year grant, the Associate Administrator will consider, among other things:

(1) The progress made toward meeting management program goals and objectives;

(2) The progress demonstrated in completing the past year's work program;

(3) The cumulative progress towards meeting the criteria required for preliminary or final approval of a coastal zone management program;

(4) The applicability of the proposed work program to the achievement of all criteria required for final approval of a coastal zone management program; and

(5) The effectiveness of mechanisms for insuring public participation and consultation with affected Federal, State, regional and local agencies.

§ 920.60 Application for three new planning elements.

(a) For those States receiving program development grants up to October 1, 1979 pursuant to subsections 305(c) or 305(d), the work program and funding request for the subsection 305(b) (7), (8) and (9) planning elements should be developed as part of the overall work program and grant application pursuant to the procedures contained in section 920.55 for subsection 305(c) grants or pursuant to § 920.61 for subsection 305(d) grants.

(b) For States that have an approved management program or will have an approved management program by October 1, 1978, those States may receive program development grants for the express purpose only of fulfilling the subsection 305(b) (7), (8) and (9) requirements prior to October 1, 1978. States with program approved prior to or by October 1, 1978, must fulfill these three requirements by that date. States with program implementation grants which also wish to receive the program development grants for the specified purpose and within the specified time limit may make application for section 305 planning funds and section 306 implementation funds using a single application form. The work tasks and costs associated with the new planning elements must be clearly and separately identified. States should consult with the Associate Administrator for detailed guidance on the preparation and content of a combined application. Alternatively, States may make two separate applications—one following the requirements set forth in section 920.55 for section 305 new planning element funds and one following the application requirements in Part 923 of this chapter for section 306 administrative grants.

(c) *Comment.* Statutory Citation, Subsection 305(h):

Whenever the Secretary approves the management program of any coastal State under section 306, such State thereafter (1) shall not be eligible for grants under this section except that such State may receive grants under subsection (e) in order to comply with the requirements of paragraphs (7), (8) and (9) of subsection (b) * * *.

§ 920.61 Applications for preliminary approval.

(a) The primary purposes of preliminary approval grants are to assist a State in insuring ultimate implementation of a fully developed program design and to provide for initial implementation of approved management elements. Additionally, subsection 305(d) funding may be used to meet the requirements of subsection 305(b) (7), (8) and (9). The purpose of these guidelines is to define the procedures by which grantees apply for and administer grants under the Act. The guidelines contained herein shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual." The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office, and the Department of Commerce.

(b) Grants shall not exceed eighty percent of the total cost of subsection 305(d) programs. Federal funds received from other sources cannot be used to match grants under subsection 305(d) of the Act.

(c) No subsection 305(d) grant will be made after September 30, 1979.

(d) All applications are subject to the provisions of OMB Circular A-95 (revised).

(e) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. As used herein the terms "cost" and "grant project" pertain to both the Federal grant and the matching share. The allowability of costs will be determined in accordance with the provisions of FMC 74-4: Cost Principles Applicable to Grants and Contracts with State and Local Governments, and with the guidance contained in section 920.42(b) (3).

(f) The Form SF-424, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted 60 days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with A-95 requirements including the resolution of any problems raised by the proposed project. The Associate Administrator will not accept applications substantially deficient in adherence to A-95 requirements.

(g) In Part IV, Program Narrative of the Form SF 424, the applicant should respond to the following requirements:

(1) Set forth a work program describing the activities to be undertaken during the grant period. This work program shall include:

(i) A precise description of each major task to be undertaken to resolve section 306 deficiencies, and a specific timetable for remedying these deficiencies;

(ii) A precise description of implementation activities for approved management components, including a dem-

onstration that these implementation funds will not be applied outside the approved coastal management boundaries;

(iii) A precise description of any other tasks necessary for and allowable under subsection 305(d);

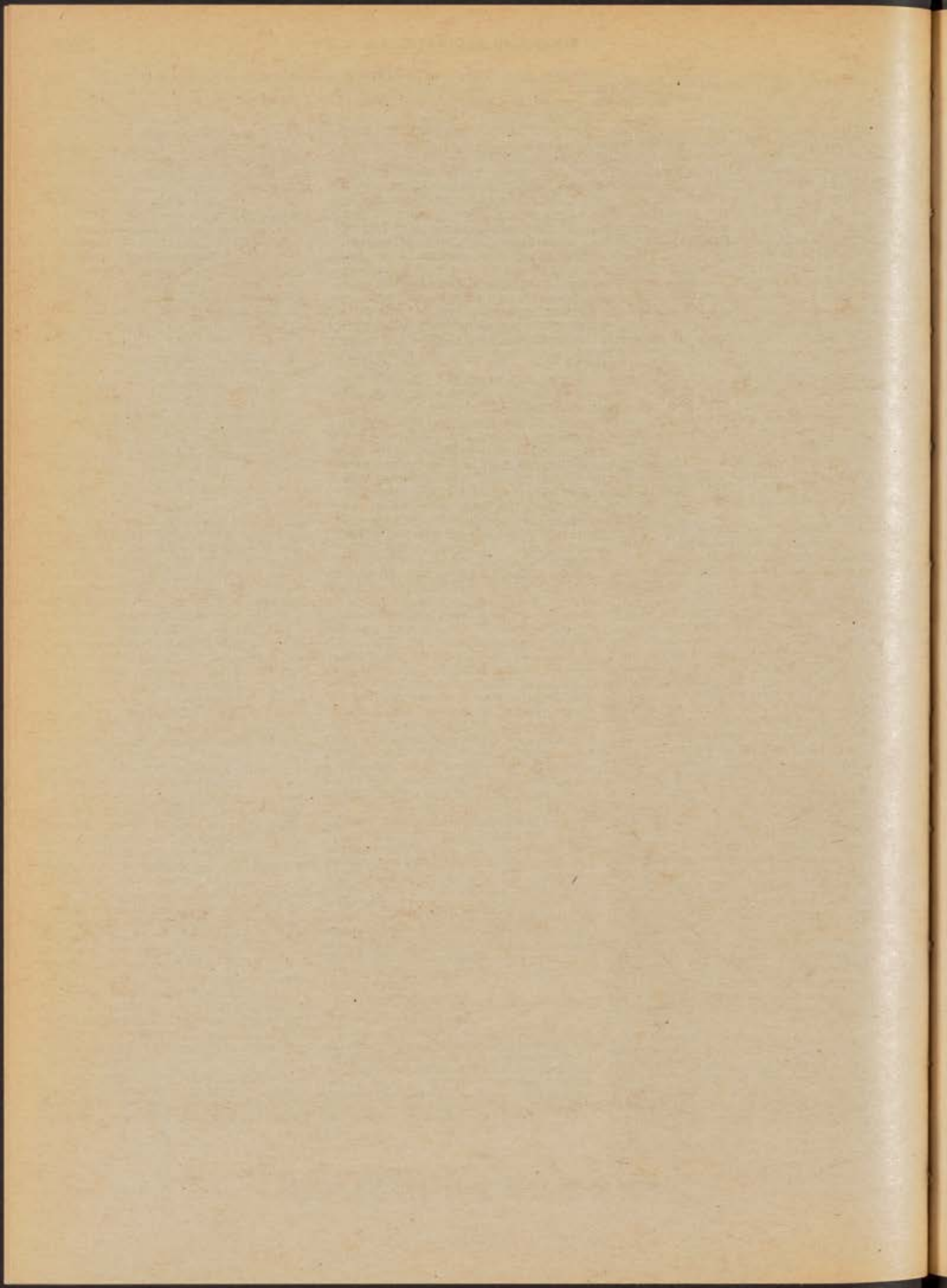
(iv) For each task, identify any "Other Entities," as defined in the "Manual," that will be allocated responsibility for carrying out all or portions of the task, and indicate the estimated cost of the subcontract for each allocation. Identify, if any, that portion of the task that will be carried out under contract with consultants and indicate the estimated cost of such contract(s); and

(v) For each task, indicate the estimated total cost. Also, indicate the estimated total months of effort, if any, allocated to the task from the applicant's staff.

(2) The sum of all task costs in the above paragraph should equal the total estimated grant project cost.

(3) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's staff that will be assigned to the grant project. Also indicate the number assigned full time and the number assigned less than full time in the two categories. Additionally, indicate the number of new positions created in the two categories as a result of the grant project.

[FR Doc.77-12280 Filed 4-28-77;8:45 am]



**Register
Federal Order**

FRIDAY, APRIL 29, 1977

PART VI



**DEPARTMENT OF
LABOR**

**Pension and Welfare Benefit
Programs**

**DEPARTMENT OF
THE TREASURY**

Internal Revenue Service



**NORTH PENN
EMPLOYEES' SAVINGS
PLAN AND PENCO
SAVINGS AND PROFIT
SHARING PLAN**

Exemption From Prohibitions

DEPARTMENT OF
LABOR

DEPARTMENT OF
THE TREASURY

UNITED STATES
EMERGENCY FINANCIAL
SAVINGS PROGRAM
STANDARD PLAN

DEPARTMENT OF THE TREASURY
Internal Revenue Service
DEPARTMENT OF LABOR
Pension and Welfare Benefit Programs
EMPLOYEE BENEFIT PLANS

[Prohibited Transaction Exemption No. 77-5]

Exemption Relating to a Transaction Involving North Penn Employees' Savings Plan (Application No. D-150) and the Penco Savings and Profit Sharing Plan (Application No. D-381)

Notice is hereby given of the granting of exemption under the authority of section 4975(c)(2) of the Internal Revenue Code of 1954 (the Code) and section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) relating to the exchange of certain assets between a disqualified person and party in interest and the North Penn Employees' Savings Plan (North Penn Plan) and the Penco Savings and Profit Sharing Plan (Penco Plan).

Background. On December 21, 1976, notice was published in the FEDERAL REGISTER (41 FR 55664) of the pendency of an exemption from the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, and from the restrictions of sections 406(a), 406(b)(1) and (2), and 407(a) of the Act. The pending exemption was requested in applications filed by the trustee of the North Penn Plan and the trustees of the Penco Plan. The notice set forth a summary of the facts and representations contained in the applications and referred interested persons to the applications for a complete statement of the facts and representations. The notice also invited interested persons to submit comments on the requested exemption to the Internal Revenue Service (the Service). In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to the exemption.

The applications have been available for public inspection at the Service and at the Department of Labor (the Depart-

ment in Washington. No public comments have been received, nor have any requests for a public hearing. Based upon the applications, the Service and the Department have decided to grant the requested exemption for the transaction described in such applications.

The Administrative Committees of the North Penn Plan and the Penco Plan sent letters by first class mail on December 30, 1976, to all Plan participants to be affected by the transaction, informing them of the pending applications before the Service and the Department. The letters included copies of the notice of pendency as published in the FEDERAL REGISTER, and the recipients of the letters were informed of their right to comment on the pending exemption.

General Information. 1. The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

2. The exemption contained herein does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code or section 406(b)(3) of the Act; and

3. This exemption is supplemental to, and not in derogation of, any other provisions of the Code and the Act, including statutory or administrative exemptions and transitional rules. Further, the fact that a transaction is the subject

of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory or administrative exemption or a transitional rule.

Exemption. Pursuant to section 4975(c)(2) of the Code and section 408(a) of the Act and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722 and ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the facts and representations contained in the applications for exemption submitted by the applicants, the Service and the Department find that it is administratively feasible, in the interests of the Plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of Plans to grant, and hereby grant, an exemption effective this date so that the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code and the restrictions of section 406(a), 406(b)(1) and (2), and 407(a) of the Act shall not apply to the exchange by the North Penn and Penco Plans of North Penn stock for cash and notes of Penn Fuel System, pursuant to the terms, conditions and representations set forth in the applications.

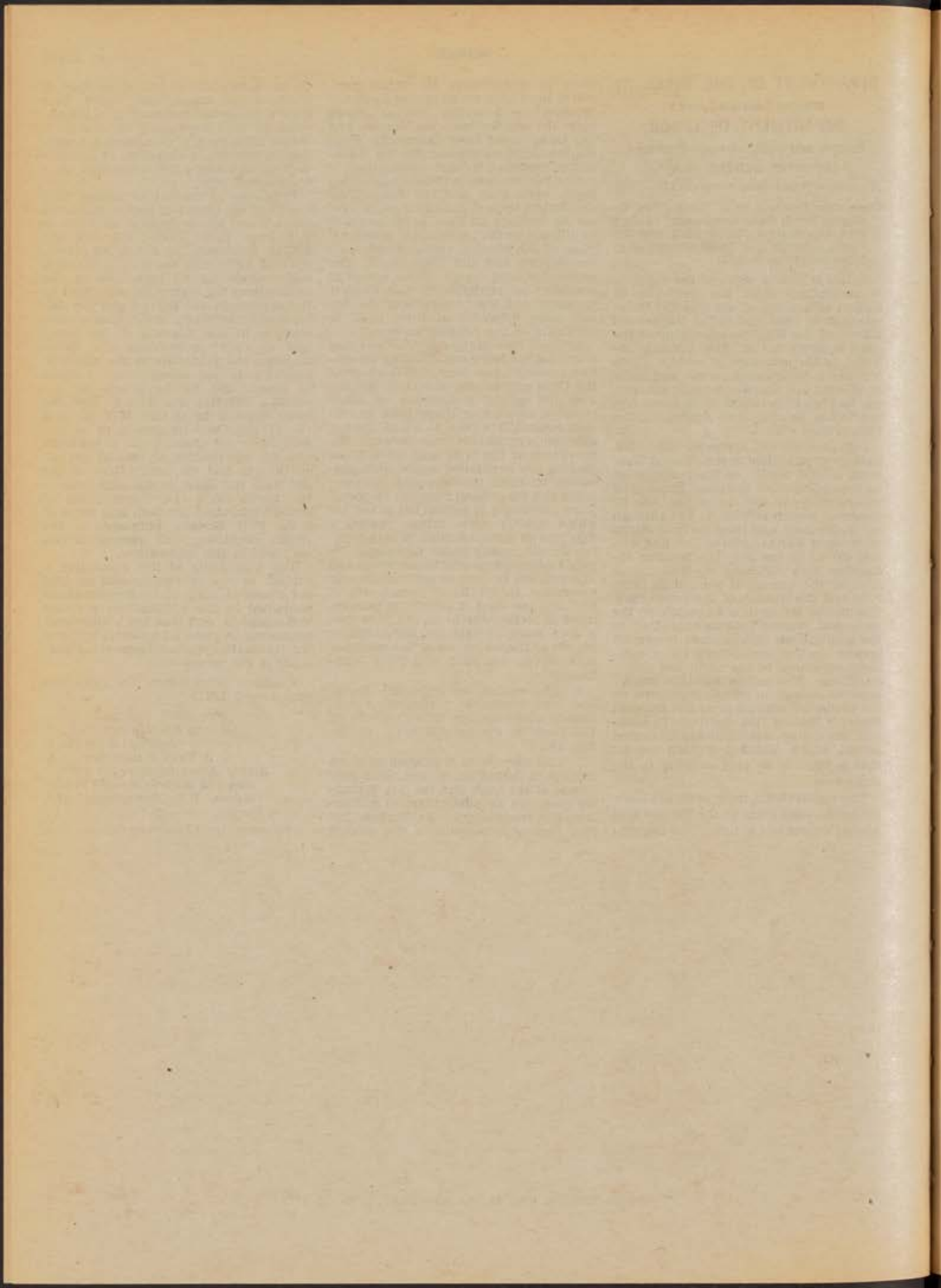
The availability of this exemption is subject to the express conditions that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transaction when consummated pursuant to the exemption.

Signed at Washington, D.C., this 21st day of April, 1977.

WILLIAM E. WILLIAMS,
Acting Commissioner of
Internal Revenue.

J. VERNON BALLARD,
Acting Administrator, for Pen-
sion and Welfare Benefit Pro-
grams, U.S. Department of
Labor.

[FR Doc. 77-12258 Filed 4-28-77; 8:45 am]



federal register

FRIDAY, APRIL 29, 1977

PART VII



**DEPARTMENT OF
LABOR**

**Occupational Safety and
Health Administration**



**ON-SITE CONSULTATION
AGREEMENTS**

Proposed Revision to Regulation

DEPARTMENT OF LABOR

Occupational Safety and Health
Administration

[29 CFR 1908]

ON-SITE CONSULTATION AGREEMENTS

Proposed Revision to Regulation

AGENCY: Occupational Safety and
Health Administration, DOL.

ACTION: Proposed revision.

SUMMARY: The proposed revisions to the regulation would increase the level of Federal funding for contracts with States for onsite consultation activities from the present fifty percent to ninety percent. In addition, the proposed revisions would expand eligibility for the program to include States with approved State plans under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Federal OSH Act). This action would permit every State to enter into such contracts. The proposed revisions would set out new requirements for monitoring State performance under the contract, further describe the State's obligation to publicize the availability of the program, and prescribe new requirements for the qualification of consultants. The proposal would also clarify and simplify the existing regulation.

DATES: Comments must be received on or before May 31, 1977.

ADDRESSES: Public comments should be sent to: Docket Officer, Docket C-01, Room 8-6212, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

William J. Higgins, Chief, Division of Voluntary Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, D.C. 20210 (202) 634-4923.

SUPPLEMENTARY INFORMATION: The present regulation, to which these changes are proposed, was designed to encourage States without approved 18(b) plans to participate in a program to provide on-site consultation services to employers. States with approved 18(b) plans can already provide these services under their plans and twenty-two approved plan States now have such a program. However, in the two years that the regulation has been in effect only twelve of the remaining States have chosen to participate. The Labor-HEW Appropriation Act for fiscal year 1977 provided specific funds for the purpose of providing on-site consultation services to employers, and the Appropriations Committee Report on the Act (Senate Report No. 91-997), states that the Committee believes that States have been deterred from entering into on-site consultation contracts because such contracts were funded at the fifty percent level. This funding level was established by the Occupational Safety and Health Administration to place States without approved 18(b) plans (the only States

presently eligible for the contract program) on an equal basis with States with approved plans, because the Federal share of funding for State plan programs is limited by section 23(g) of the Federal OSH Act to fifty percent. The Committee instructed the Department of Labor to raise the funding level for on-site consultation contracts to a level that would ensure fuller State participation in the program.

PROPOSED NEW FUNDING LEVEL

As a result of Departmental study, it was determined that raising the level of Federal funding to ninety percent would best achieve the direction of Congress and encourage additional States to enter the program, while still requiring some financial commitment on the State's part. It is anticipated, however, that certain States will not participate in an on-site consultation program regardless of the percentage of Federal funding. These States either have legal constraints which prevent their participation, or have indicated a policy or philosophy against it.

EFFECT OF NEW FUNDING LEVEL
ON STATES WITH APPROVED
18(b) PLANS

As pointed out above, many States with approved 18(b) plans include on-site consultation as a part of voluntary compliance programs under their plans. Since these State plan programs are limited to fifty percent funding by section 23(g) of the Federal OSH Act, the availability of ninety percent funding to States providing identical services would be inequitable. Therefore, in order to encourage States to maintain their plans and also provide on-site consultation services, the proposal would extend the eligibility for the program to all States, including States with approved 18(b) plans.

Although most plan States currently include on-site consultation as a part of their overall safety and health program, there is no requirement that they provide such services.

States with approved plans are required only to provide a program at least as effective as the Federal and it has been the Department's position (see 40 FR 21937, May 20, 1975) that on-site consultation would not be provided under the Federal OSH Act without mandatory citation for violations observed. Therefore, since there is no general Federal on-site program, States are not required to have such a program in their plans in order to be at least as effective. Thus, a State currently providing on-site consultation could amend its plan to eliminate on-site consultation through the change procedure provided in 29 CFR Part 1953. It should be emphasized however, that States with approved 18(b) plans must, under 29 CFR 1902.4(c)(2)(xiii), continue to maintain a voluntary compliance program as least as effective as the Federal program because these State programs, although they have in the past included on-site consultation, have other employer and employee training and education functions which must

be preserved. Finally, because of the probability of administrative, monitoring, and practical difficulties, the proposed regulation would permit only one vehicle for Federally funded on-site consultation, in a State. Thus, a State must choose which program, if any, it wishes to enter.

APPLICABLE STANDARDS

Consultants, during on-site visits, would place primary emphasis upon identification of all hazards present at the workplace. In the subsequent written report, the consultant would refer to whichever occupational safety and health standard applies to the specific employer. In a non-plan State, the Federal standards would be referenced. In a plan State where a hazard is covered by a State standard for which that State has exclusive enforcement authority, the State standard would be referenced, if both a State and Federal standard apply, both would be used. If, however, the hazard is not covered by State standards, which might occur if the State plan did not cover an issue, such as maritime, the applicable Federal standard should be used. In States with public employee only plans (42 FR 12429, 29 CFR 1956), all references would be to Federal standards.

PROPOSED LIMIT ON THE NUMBER OF
CONSULTANTS

Section 1908.6(a) of the proposal would establish a more specific ceiling upon the number of consultants States would be permitted to employ under the contracts. Due to budgetary limitations and in the interest of fairness and uniformity, a new standard is proposed. Under the standard, a State would be permitted to employ one consultant for every four compliance officers (both Federal and State) in the State. The number of State compliance officers would be the number provided under that State's most recent 23(g) grant if the State has an approved plan, while the number of Federal compliance officers would be the number of positions currently allocated for the State.

In recognition of the fact that this limitation may be exceeded by the current level of consultants in some approved plan States and States with existing 7(c)(1) contracts, the proposal would allow current levels of consultants to be maintained if those consultants meet the qualifications requirements in § 1908.6(b). However, positions in excess of the allowable level in these States may not be filled when they become vacant.

PROPOSED CONSULTANT QUALIFICATIONS

Under § 1908.6(b) of the proposal, new requirements would be established for consultants funded under the program. These are more specific than those in the present regulation, and include both educational and experience requirements. It is apparent that a uniformly qualified and experienced cadre of consultants is absolutely essential for an effective program. This is dictated in part by experience, including past difficulties in the establishment of uniform criteria under the

present program. Therefore, the proposal would establish objective and uniform requirements for consultants on a nationwide basis.

It was recognized, however, that consultants presently operating under on-site programs in States with approved plans and current 7(c)(1) contracts may not meet these new requirements. Therefore, the regulation would allow the Regional Administrator provisionally to accept consultants currently employed in such States, and any new consultants, if there is a reasonable expectation that they can meet the requirements within two years.

NEW MONITORING REQUIREMENTS

Under § 1908.7 of the proposal, States under contract would be required to establish an effective internal monitoring system, and would be required to prepare quarterly reports and submit various other documents and reports to the Occupational Safety and Health Administration. The monitoring would include performance evaluation of every consultant semi-annually, and would require actual on-the-job evaluation. These procedures, although extensive, were considered to be necessary and the most feasible.

The proposed requirement that the States themselves conduct monitoring was felt necessary because in most cases Federal OSHA could not conduct on-the-job evaluations of consultation activity without taking appropriate enforcement action against the employer involved.

NEW REQUIREMENTS FOR PROMOTION OF THE PROGRAM

Section 1908.4(a)(2) of the proposal describes the State's obligation to publicize the availability of the on-site consultation program. This would add no new substantive requirements, but would greatly expand the provision in the present regulation and describe in detail the possible methods a State could use to publicize its program.

NEW HEALTH HAZARDS TESTING

Section 1908.4(d)(5)(iii) of the proposal would amend the present regulation to extend the consultant's responsibility with regard to health hazards which may be present in the workplace. Under the proposal, the consultant would, to the extent of his ability, identify all health hazards present, and conduct such sampling, testing and subsequent analyses as may be necessary.

PROVISIONS WHICH WERE NOT CHANGED

Several provisions of the existing regulation were not changed, except for minor modifications in wording and rearrangement. Among these were the requirement for separation between consultation and enforcement, which was amended to take into account the existence of State enforcement authority in States with approved plans; the priority for smaller businesses and hazardous workplaces; and employee participation with the permission of the employer. It has been suggested, however, that em-

ployee participation in an on-site consultation visit should be an absolute right similar to the right of employees to participate in the walkaround in an enforcement inspection. Among other things, this would allow an employee to point out possible hazards which the consultant might otherwise miss, and also serve to notify employees of the existence of various hazards. Therefore, public comment is specifically invited on the issue of employee participation.

MINOR CHANGES

The proposal completely reorganizes the present regulation. This was considered to be necessary in order to make the provisions more concise and easier to understand. Much of the reorganization takes the form of rearrangement of the existing sections to reflect a more logical order, but many sections have been shortened, and repetitive provisions have been eliminated entirely. Some language changes were also necessary in order to make provisions applicable to States with approved 18(b) plans and recognize the enforcement responsibility of those States. Because of the minor nature of most of these changes, the following list has been prepared in order to relate the existing regulation to the proposal.

The existing § 1908.1 would remain § 1908.1 but with the text shortened to avoid detailed restatement of the regulations themselves;

Section 1908.2 would remain § 1908.2, except that "ARD" is now "RA", "CSHO" is now "compliance officer", "OSHA" is redefined, and definitions for "Employer" and "On-site consultation" are added;

Existing § 1908.3 would become § 1908.3 with the restriction against 18(b) eligibility removed, the restriction against dual federally-funded consultation activity by a State added, and the reimbursement formula stated;

Existing § 1908.4 would be deleted; Existing § 1908.4(a) would become § 1908.6(b)(1), with additional requirements added as § 1908.6(b)(2);

Existing § 1908.4(b) would become § 1908.6(c), written more as a general requirement than as administrative operating detail; arrangements for training costs are now in § 1908.3(b);

Existing § 1908.4(c) would become § 1908.6(a), with new criteria for this determination;

Existing § 1908.4(d) would become § 1908.5, rewritten to further clarify these requirements;

Existing § 1908.4(d)(1) would become § 1908.5(a), with reference to case file monitoring placed in § 1908.7(b);

Existing § 1908.4(d)(2) would become § 1908.5(c);

Existing § 1908.4(d)(3) and (4) would become § 1908.5(d), rewritten to more clearly reflect actual practice;

Existing § 1908.4(d)(5) would be contained in § 1908.7(a) and § 1908.7(b);

Existing § 1908.5 would become § 1908.8;

Existing § 1908.5(a) would become § 1908.8(a);

Existing § 1908.5(b) would become § 1908.8(b);

Existing § 1908.5(c) would become § 1908.8(c) except that specific requirements for agreement wording are being deleted; and the new language would require that agreements conform to this regulation and further OSHA program directives, and specifically address key areas of concern;

Existing § 1908.5(c)(1) is deleted; Existing § 1908.5(c)(2) would be contained in § 1908.4(c) and § 1908.4(d);

Existing § 1908.5(c)(3) would be § 1908.4(a);

Existing § 1908.5(c)(4) would be deleted because it is included in § 1908.6(b);

Existing § 1908.5(c)(5) would be deleted, because it is included in § 1908.6(c);

Existing § 1908.5(c)(6) would be included in § 1908.4(b), § 1908.4(d)(2);

Existing § 1908.5(c)(6)(i) would be deleted because it would be included in § 1908.5(d) and § 1908.4(d)(b);

Existing § 1908.5(c)(6)(ii) would be deleted;

Existing § 1908.5(c)(6)(iii) would be deleted;

Existing §§ 1908.5(c)(6)(iv), (v) and (vi) would be included in §§ 1908.4(d)(1), (4) and (6);

Existing § 1908.5(c)(6)(vii) would be contained in §§ 1908.4(d)(4), (5)(iii), and (6);

Existing § 1908.5(c)(6)(viii) would be contained in § 1908.4(d)(4)(ii);

Existing § 1908.5(c)(6)(ix) would be contained in § 1908.4(d)(4)(iii) and § 1908.4(d)(6);

Existing § 1908.5(c)(7) would become § 1908.5(b);

Existing § 1908.5(c)(8) would become § 1908.4(d)(4)(v);

Existing § 1908.5(c)(9) would become § 1908.4(d)(3);

Existing § 1908.5(c)(10) would become § 1908.5(a);

Existing § 1908.5(c)(11) would become § 1908.8(c)(4);

Existing § 1908.5(d) would become § 1908.8(d);

Existing § 1908.6 would become § 1908.8(e);

Existing § 1908.7 would become § 1908.8(f); and

Existing § 1908.8 would become § 1908.9.

Part 1908 is proposed to be amended as follows:

PART 1908—ON-SITE CONSULTATION AGREEMENTS

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§ 1908.1 Purpose and scope.

This part contains requirements for all agreements made with States under sections 7(c)(1) and 21(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.) for the purpose of using State personnel to perform on-site

consultation. The objective of on-site consultation is to help employers achieve a higher level of safe and healthful working conditions for their employees, preferably through voluntary compliance activity undertaken prior to any inspection performed pursuant to the Act. A State signing an agreement under this part agrees to provide on-site consultation for employers requesting the service and to offer advice and technical assistance to each requesting employer on job-related safety and health hazards. During the visit itself, the State consultant will identify specific hazards in the employer's workplace, assess employee exposure and risk, and suggest basic approaches to control or elimination of those hazards.

§ 1908.2 Definitions.

As used in this part:

"Act" means the Federal Occupational Safety and Health Act of 1970.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health.

"Compliance officer" means a Federal or State compliance safety and health officer.

"Employer" means a person engaged in a business, who has employees, but does not include the United States, or any State or political sub-division of a State.

"On-site consultation" means all activities related to the conduct of an on-site consultative visit.

"OSHA" means the Federal Occupational Safety and Health Administration or the State agency responsible under an approved plan under section 18(b) of the Act for the enforcement of occupational safety and health standards in that State.

"State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

"RA" means the Regional Administrator for Occupational Safety and Health of the Region in which the State concerned is located, or his designee.

§ 1908.3 Eligibility and funding.

(a) *State eligibility.* (1) Any State may enter into an agreement with the Assistant Secretary to perform on-site consultation for employers.

(2) A State having an approved Section 18(b) plan is eligible to participate in the program if that plan does not include federally-funded on-site consultation to employers.

(b) *Reimbursement.* The Federal government will reimburse 90 percent of the costs incurred under an agreement entered into pursuant to this part. Approved training and specified out-of-State travel will be fully reimbursed.

§ 1980.4 General provisions.

(a) *Encouraging Requests.* (1) *State responsibility.* The State shall be responsible for encouraging employers to request on-site consultative visits, and shall publicize the availability of on-site consultation and the scope of the service

which will be provided. The Secretary may also engage in activities to publicize and promote the program.

(2) *Promotional methods.* The State may use methods such as the following to inform employers of the availability of on-site consultation and to encourage requests:

(i) Paid newspaper advertisements;

(ii) Newspaper, magazine and trade publication articles;

(iii) Special direct mailings or telephone solicitations to establishments, based on workers' compensation data or other appropriate listings;

(iv) Participation at employer conferences and seminars;

(v) Solicitation of support from State business and labor organizations and leaders, and public officials;

(vi) Preparation and dissemination of publications, descriptive materials, etc., on on-site consultation services;

(vii) Free public service announcements on radio and television.

(b) *Employer requests.* An on-site consultative visit will be provided only at the request of the employer, and shall not result from any right of entry under State law. States are not authorized to make an unscheduled appearance at an employer's workplace for the purpose of conducting an on-site consultative visit.

(c) *Scheduling priority.* Priority shall be given to requests from smaller businesses, based upon their number of employees, and to the hazardous nature of the workplace.

(d) *Conduct of a visit.* (1) *Preparation.* An onsite consultative visit shall be made only after appropriate preparation by the consultant. Prior to the visit, the consultant shall become familiar with as many factors concerning the establishment's operations as possible. The consultant shall review all applicable codes and standards and assure that he has the necessary technical equipment and that the equipment works properly.

(2) *Structured format.* An onsite consultative visit shall follow a structured format, which will consist of an opening conference, a walkthrough of the workplace, and a closing conference, followed by a written report to the employer.

(3) *Employee participation.* With the express permission of the employer, employees or their representatives, or members of a workplace joint safety and health committee, may participate in the onsite consultative visit. Consultants shall specifically discuss this matter with the employer during the opening conference, and encourage the employer to allow employee participation.

(4) *Employer notification.* The employer may be required by the consultant to take appropriate action to protect employees in certain circumstances described below in § 1908.4(d)(6). At the opening conference, the consultant shall specifically advise the employer of these requirements.

(5) *Scope.* (i) Activity during the on-site consultative visit will be focused primarily on those specific working conditions, hazards or situations identified by

the employer when the request was made. As a rule, the smaller the employer's business, the less specific the request must be.

(ii) The consultant shall advise the employer as to the employer's obligations and responsibilities under applicable Federal or State law and implementing regulations.

(iii) To the extent of their capability and training, State consultants shall identify any safety or health hazards which may be present in the workplace and may conduct such sampling and testing, with subsequent analyses, as may be necessary to confirm the existence of any health hazard.

(iv) State consultants may offer advice and technical assistance to employers during and after the on-site consultative visit on the elimination or control of safety and health hazards present in the workplace. Such advice and assistance shall not include engineering services or the provision of engineering design solutions. Descriptive materials may be provided on approaches, means, techniques, etc., commonly utilized for the elimination or control of such hazards, but should be limited generally to basic information indicating the possibility of a solution and describing the general form such a solution would take. The consultants shall also advise the employers of additional sources of assistance, if known.

(v) For any hazard present in the workplace, the consultant shall indicate to the employer whether a compliance officer would probably issue a citation for that situation in the event of a subsequent OSHA inspection. The consultant will also indicate whether in his judgment, such a violation would be classified as a "serious" or "other-than-serious" violation of applicable Federal or State statutes, regulations or standards, based on criteria contained in the current OSHA Field Operations Manual.

(vi) The consultant shall preserve the confidentiality of information obtained as the result of an on-site consultative visit which might reveal a trade secret of the employer.

(6) *Employer obligations.* (i) If an imminent danger is disclosed during a visit, the consultant shall immediately notify the employer and shall request the immediate elimination of the imminent danger. If the employer fails immediately to eliminate an imminent danger, the consultant shall immediately notify the affected employees and notify the employer that the appropriate OSHA enforcement authority is being advised.

(ii) If a serious violation, as described in the current OSHA Field Operations Manual (with the exception of the element of employer knowledge, which shall not be considered), is disclosed as a result of a consultative visit, the consultant shall immediately notify the employer of such violation and shall afford the employer a reasonable time to eliminate such violation. If the consultant is not satisfied through a further consultative visit, documentary evidence, or otherwise that such elimination has taken place,

the consultant shall notify the employer that the appropriate OSHA enforcement authority is being advised.

(iii) A specific plan to eliminate or control conditions described in § 1908.4(d)(5)(i) and (ii) which are disclosed during a visit shall be developed by the consultant and the employer. To insure that appropriate action is being taken, the consultant shall monitor the employer's progress, through such means as follow-up visits or employer reports.

(7) *Written report.* A written report shall be prepared for each visit and sent to the employer. The report shall conform to a format specified by the Assistant Secretary. The report shall identify specific hazards; shall describe their nature, including reference to applicable standards or codes; shall list them in terms of their seriousness; and, to the extent possible, shall include suggested means or approaches to their elimination or control. Additional sources of assistance shall also be indicated, if known. The report shall also include references to the completion dates for the situations described in § 1908.4(d)(5).

§ 1908.5 Relationship to enforcement.

(a) *Independence.* On-site consultation activity by a State shall be conducted independently of any Federal or State OSHA enforcement activity. The consultation activity shall have its own separate management staff. Its management and field personnel shall not engage in any enforcement activity. The identity of employers requesting or receiving on-site consultation, as well as the file of the consultant's visit, shall not be forwarded to OSHA for use in any compliance activities.

(b) *Mandatory referrals.* (1) Consultants shall not communicate with OSHA enforcement authorities, except under the following circumstances:

(i) Where an employer fails to take immediate action on an imminent danger situation as described in § 1908.4(d)(6)(i), the consultant shall immediately notify the appropriate OSHA enforcement authority, and provide the necessary information;

(ii) Where an employer fails to take appropriate action on a serious violation as described in § 1908.4(d)(6)(ii), the consultant shall immediately notify the appropriate OSHA enforcement authority, and provide the necessary information.

(2) The consultants shall follow such procedures for these notifications as are established by the Assistant Secretary.

(c) *Workplace priorities.* Accident investigations, response to complaints, imminent danger investigations, or followup inspections by OSHA enforcement personnel shall not be delayed by an on-site consultative visit in progress. However, an on-site consultative visit already in progress will delay an initial compliance inspection until after the visit has been completed. A request for an on-site consultative visit will not delay compliance inspections under any circumstances.

(d) *Inspections.* In the event of a subsequent Federal or State OSHA inspec-

tion of an employer who has had an on-site consultative visit:

(1) The opinions, suggestions, advice and interpretations of the consultant shall not be binding on the compliance officer and will not affect the regular conduct of the inspection, or preclude the finding of alleged violations or the proposing of penalties. The compliance officer shall not be bound by the consultant's failure to have identified specific hazards. The fact that the employer took advantage of the on-site consultation service shall not operate as a defense to any enforcement action.

(2) The employer is not required to either inform the compliance officer of the prior on-site consultative visit, or provide a copy of the consultant's written report to the compliance officer.

§ 1908.6 Consultant specifications.

(a) *Number.* (1) For the period of two years from the effective date of this revision, the number of consultants under an agreement shall not exceed 25 percent of the number of State and Federal compliance officers present within the State. The number of compliance officers present shall be the number of allocated Federal positions for that State and, if the State has an approved 18(b) plan, the number of positions provided in the State's 23(g) grant. (For example, if the total number of compliance officers in the State were 14, the maximum allowable number of consultants would be 4.) This limitation will be evaluated on the basis of program performance, demand for services and resources available, and may be adjusted by the Assistant Secretary.

(2) As an exception to the limitation in § 1908.6(a)(1), a State with a current agreement or an approved section 18(b) plan may be allowed that number of consultants currently employed by the State under the agreement or plan for the purposes of providing on-site consultation to employers. However, the maximum allowable number of consultants will also be determined, and the State will be required to reduce their staff to that number through attrition of current employees. This exception does not allow for the replacement of employees who are in excess of the maximum allowable number, and does not affect the qualification requirements in § 1908.6(b).

(b) *Qualifications.* (1) Consultants shall meet the requirements for State employment in the occupational safety and health field. They also shall have adequate education and experience to satisfy the RA, after interview, that they meet the qualification requirements set out in § 1908.6(b)(2) and that they have the ability to perform satisfactorily pursuant to the agreement. All consultants shall be selected in accordance with the provisions of Executive Order 11246 of September 24, 1965, as amended, entitled "Equal Employment Opportunity."

(2) Minimum qualification requirements shall include: (i) General requirements. Consultants shall demonstrate the following: the ability to identify hazards; the ability to assess employee exposure and risk; knowledge of OSHA standards; knowledge of abatement pro-

cedures; knowledge of workplace safety and health program requirements; and the ability to effectively communicate, both orally and in writing.

(ii) Specific requirements for safety consultants. Consultants must have completed four years of college with a degree in industrial management, industrial technology, industrial engineering, physical science, or a closely related curriculum, and have a total of two years (or its equivalent) of professional safety experience in industry or government; or, two years of community college or technical institution with a degree in industrial management, industrial engineering technology, or a closely related curriculum, and a total of four years (or its equivalent) of professional safety experience in industry or government; or a high school education with a total of six years (or its equivalent) of full-time occupational safety-related professional level experience, preferably in a variety of industries.

(iii) Specific requirements for industrial hygienists. Consultants must have completed four years of college with a degree in industrial hygiene, industrial health engineering, chemistry, or related biological sciences. Special studies and training in industrial hygiene are desirable. Additionally, consultants shall also have a total of two years experience (or its equivalent) in industrial hygiene work which provided the ability to recognize the environmental factors and stresses associated with work operations and to understand their effect on humans; the ability to evaluate, on the basis of experience and with the aid of measurement techniques, the magnitude of these stresses in terms of their ability to impair human health; and the ability to prescribe methods to eliminate or control such stresses.

(3) All consultants currently employed by the State under an existing agreement or an approved Section 18(b) plan for the purpose of providing on-site consultation to employers may be provisionally accepted by the RA provided that the consultant meets the general requirements in § 1908.6(b)(2)(i) and there is a reasonable expectation that the consultant, if provisionally accepted, will be able to meet the specific requirements in § 1908.6(b)(2)(ii) or (iii) within two years from the effective date of these revisions.

(4) Proposed new consultants in all States may also be provisionally accepted by the RA provided that each consultant meets the criteria described in § 1908.6(b)(3).

(c) *Training.* As necessary, the Assistant Secretary will specify training requirements for consultants. Expenses for training which is required by the Assistant Secretary or approved by the RA will be reimbursed in full by the Federal government.

§ 1908.7 Monitoring and evaluation.

(a) *RA responsibility.* A State's performance under the agreement will be regularly monitored and evaluated by the RA, who may direct changes as a

result of such evaluations or to foster conformance with consultation policy as enunciated by the Assistant Secretary. All aspects of the agreement with the State will be continually monitored and evaluated as part of an organized regional plan for such activity.

(b) *State performance.* The RA or his designee will periodically meet with State project officials, preferably in their offices, to assess project status and to seek resolution to any operating problems. An appropriate sample quantity of State files on individual on-site consultative visits will also be audited. Special attention will be given to determine whether the requirements of § 1908.5(6) are being followed. A written report of these periodic reviews will be forwarded by the RA to the State.

(c) *Consultant performance.* (1) *State activity.* The State shall establish and maintain an organized consultant performance monitoring system under the agreement:

(i) The system shall be established within the initial 60 days of the contract period. Design and operation of the system shall conform to all requirements as may be established by the Assistant Secretary. Actual operation of the system shall require the prior approval of the system by the RA.

(ii) A performance evaluation of each individual State consultant performing on-site consultation for employers shall be prepared annually. All aspects of a consultant's performance shall be reviewed at that time. Recommendation for remedial action shall be made and acted upon if required. The annual evaluation report shall remain a confidential State personnel record and may be timed to coincide with routine and regular personnel procedures.

(iii) Performance of individual consultants shall be measured in terms of their ability to identify hazards in the workplaces which they have visited, their ability to determine employee exposure and risk, and in particular their ability to properly handle those situations described in § 1908.5(b); their knowledge and application of applicable Federal or State statutes, regulations or standards, their knowledge and application of appropriate abatement techniques and approaches, and their ability to effectively communicate their findings to employers.

(iv) Accompanied visits to observe consultants during on-site consultation visits shall be conducted at least semi-annually for each consultant, and a written report shall be prepared. A copy of the report shall be provided to the

consultant. All accompanied visits shall be conducted only with the expressed permission and cooperation of the employer who requested the visit.

(v) The State will report quarterly on system operations, including copies of accompanied visit reports (purged of employer identification) completed that quarter.

(2) *Federal activity.* State consultant performance monitoring activity as set out in § 1908.7(c)(1) does not preclude Federal monitoring activity in States with approved Section 18(b) plans where the workplace observation and evaluation of individual State consultants may also be performed by the RA.

(d) *State reporting.* For Federal monitoring and evaluation purposes, the State shall assemble, compile and submit such factual and statistical data as may be required by the Assistant Secretary, according to reasonable formats, frequency, etc., as may also be required. The State shall prepare and submit to the RA any narrative reports, including copies of written reports to employers (but purged of all employer identification), as may be required by the Assistant Secretary for these purposes.

§ 1908.3 Agreements.

(a) *Who may make agreements.* The Assistant Secretary may make an agreement under this part with the Governor of a State or with any State agency designated for that purpose by the Governor.

(b) *Negotiations.* (1) Instructions for negotiations may be obtained through the RA who will negotiate for the Assistant Secretary and make final recommendations on each agreement to the Assistant Secretary.

(2) States with approved Section 18(b) plans may initiate negotiations in anticipation of the removal of Federally-funded on-site consultation services to employers from the plan, and may request also that the effective date of the agreement coincide with the date of the removal from the plan. Renegotiation of existing agreements funded under this part shall be initiated within 30 days of the effective date of this regulation.

(c) *Contents of agreements.* (1) Any agreement and subsequent modifications shall be in writing and signed by both parties.

(2) Each agreement shall provide that the State will conform its operations under the agreement to:

(i) the requirements contained in this Part 1908;

(ii) all related directives subsequently issued by the Assistant Secretary implementing this regulation.

(3) Each agreement shall contain an explicit written commitment for each major lettered paragraph in §§ 1908.4, 1908.5, 1908.6 and 1908.7, with particular emphasis placed on the following elements:

(i) Consultation management structure separate from enforcement;

(ii) Consultant numerical limitation and safety and health objective;

(iii) Recruitment of qualified professionals;

(iv) Advertisement of consultation services;

(v) Provisions of written reports to employers;

(vi) Monitoring and evaluation procedures.

(4) Each agreement shall also include a budget of the State's anticipated expenditures under the agreement, in such detail and format as may be required by the Assistant Secretary.

(d) *Location of sample agreement.* A sample agreement is available for inspection at the following locations:

(1) Office of Consultation Programs; (Division of Voluntary Programs) OSHA, Room 149, 2100 M Street NW., Washington, D.C.

(2) All Regional Offices of the Occupational Safety and Health Administration of the U.S. Department of Labor.

(e) *Action upon requests.* The State will be notified within a reasonable time of any decision concerning its request for an agreement. If a request is denied, the State will be informed in writing of the reasons therefor. If an agreement is negotiated, the initial funding will specify the period for which that agreement is contemplated. Additional funds may be added at a later time provided the activity is satisfactorily carried out and appropriations are available. The State may also be required to amend the agreement for continued support.

(f) *Termination.* Either party may terminate an agreement under this part upon 30 days written notice to the other party.

§ 1908.9 Exclusions.

An agreement under this part will not restrict in any manner the authority and responsibility of the Assistant Secretary under sections 8, 9, 10, 13, and 17 of the Act, or any corresponding State authority.

Signed at Washington, D.C. this 21st day of April, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 77-12412 Filed 4-28-77; 8:45 am]

FRIDAY, APRIL 29, 1977

PART VIII



**DEPARTMENT OF
LABOR**

**Employment Standards
Administration**

■

**MINIMUM WAGES FOR
FEDERAL AND FEDERALLY
ASSISTED CONSTRUCTION**

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration
MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION
General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DECISIONS

Alabama..... AL77-1084

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.

Alabama:	AL77-1007	Jan. 28, 1977.
Arizona:	AZ76-5109	Nov. 26, 1976.
Florida:	FL77-1015; FL77-1021	Feb. 18, 1977.
	FL77-1023; FL77-1024	Feb. 25, 1977.
	FL77-1028	Mar. 18, 1977.
	FL77-1034; FL77-1043	Apr. 1, 1977.
	FL77-1044	Mar. 1, 1977.
Hawaii:	HI77-5030	Mar. 4, 1977.
Illinois:	IL77-5038	Apr. 8, 1977.
Indiana:	IL77-5038	Do.
Kansas:	KS77-4079; KS77-4080	Do.
Michigan:	IL77-5038	Do.
Minnesota:	MS77-1030; MS77-1033	Mar. 25, 1977.
Missouri:	MO77-4051	Mar. 4, 1977.
Nevada:	NV77-5012	Feb. 11, 1977.
	NV77-5022; NV77-5031	Mar. 18, 1977.
New Mexico:	NM77-4074	Apr. 8, 1977.
New York:	IL77-5038	Do.
Ohio:	IL77-5038	Do.
Oklahoma:	OK76-4100	Oct. 1, 1976.
	OK77-4056	Mar. 4, 1977.
	OK77-4062; OK77-4063	Mar. 11, 1977.
	OK77-4065; OK77-4066	Mar. 18, 1977.
Pennsylvania:	IL77-5038	Apr. 8, 1977.
	PA76-3177	June 11, 1976.
	PA76-3271	Nov. 5, 1976.
	PA77-3016; PA77-3023	Jan. 28, 1977.
	PA77-3026	Feb. 4, 1977.
	PA77-3030; PA77-3033	Feb. 18, 1977.
	PA77-3034	Apr. 15, 1977.
Texas:	TX77-4008	Jan. 2, 1977.
Washington:	WA77-5032	Apr. 1, 1977.
Wisconsin:	IL77-5038	Apr. 8, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:	FL76-1135 (FL77-1049)	Nov. 26, 1976.
Nevada:	NV77-5087 (NV77-5146)	Apr. 15, 1977.
New York:	NY76-3277 (NY77-3000)	Nov. 19, 1976.
Oklahoma:	OK76-4186 (OK77-4087)	Do.
	OK76-4189 (OK77-4088)	Nov. 26, 1976.
West Virginia:	WV77-3024 (WV77-3051)	Feb. 18, 1977.

CANCELLATIONS OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decisions Nos. AZ77-5024, Navajo and Hopi Indian Reservations in Apache, Coconino, and Navajo Counties, Ariz., and NM77-5025, Navajo Indian Reservation in San Juan and McKinley Counties, N. Mex.,

are hereby withdrawn from the Federal Register. Agencies with residential construction projects pending in these Counties 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 Nos. AZ77-5024 and NM77-5025 in contract specifications the opening of bids for which is within ten (10)

days of this notice need not be affected. General Wage Determination Decision No. NV77-5146 which supersedes NV77-5037 does not apply to Highway Construction in Douglas County, Nev. Agencies with highway construction projects pending in this County 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. NV77-5037 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

General Wage Determination Decision No. TX76-4162, Cameron, Hidalgo, Starr, and Willacy Counties, Tex., has been withdrawn. Agencies with residential, and building construction projects pending in these Counties should utilize the project determination procedure by submitting Form SF-308. See Regula-

tions 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. TX76-4162 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 23d day of April 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama

DECISION NO.: AL77-1048

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: Calhoun, Jackson, Limestone, and Morgan

DATE: Date of Publication

- Bricklayers
- Carpenters
- Dry wall finishers
- Dry wall hangers
- Cement masons
- Electricians
- Insulators
- Laborers
- Painters, brush
- Plumbers & pipefitters
- Sheet metal workers
- Truck drivers

POWER EQUIPMENT OPERATORS:

- Backhoe
- Bulldozer
- Grader

Basic Hourly Rates	Fringe Benefits Payments		
	H & V	Pensions	Vacation
7.20			
5.10			
5.25			
5.25			
5.00			
4.668			
4.55			
3.00			
4.33			
5.13			
4.00			
3.00			
4.50			
3.50			
3.50			

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Decision # PL77-1015 - Mod. # 2 (42 FR-10224 - February 18, 1977) Broward County, Florida	11.15 8.45	.50 .45	.65 .20	.85	.04
Change: Asbestos workers Roofers Add: Lathers	9.40	.40	.20		.04
Decision # PL77-1021 - Mod. # 3 (42 FR-10227 - February 18, 1977) Deval County, Florida	8.92 8.92 8.92 8.92 8.92 8.47	.45 .45 .45 .32 .32 .32 .52 .52 .52	.50 .50 .50 .50 .50 .50 .40 .85 .20		.05+.01 .05+.01 .05 .05 .05 .05 .01 .02
Change: Bricklayers: Bricklayers Blocklayers Stonemasons Carpenters: Carpenters Piledrivers Acoustical & drywall Soft floor layers Cement masons Ironworkers Laborers: Laborers Mechanical tool, power buggy, pipelayers & gunnite workers	7.61 8.95	.45 .55	.40 .85		
POWER EQUIPMENT OPERATORS: Groups I Groups II Groups III Groups IV Add: Millwrights	5.32 5.39 9.48 8.30 7.32 6.21 9.23	.20 .20 .50 .50 .50 .50	.20 .20 .35 .35 .35		.05 .05 .05 .05 .05

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Decision # AL77-1007 - Mod. # 2 (42 FR-5419 - January 28, 1977) Jefferson and Shelby Counties, Alabama.	8.65 9.15 8.80		.60 .60 .60		
Change: Painters: Brush (Commercial) Spray, Structural steel, Paperhangers					
DECISION NO. A276-5109 - Mod. #5 (40 FR 52189 - November 26, 1976) Statewide, Arizona	\$ 13.175	\$.775	\$ 1.00	\$.50	.02
Change: Boilermakers Roofers(Tucson Area): Asbestos; Shinglers; Tile and Waterproofing: Zone A (0-44 miles from Tucson) Zone B (Over 44 miles from Tucson) Sprinkler Fitters	8.97 10.72 12.29	.845 .845 .65	.20 .20 .95		.03 .03 .08

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Decision # FL77-1028 - Mod. # 2 (42 FR-15262 - March 18, 1977) Alachua County, Florida					
Change:					
Bricklayers	.30	.30			.02
Carpenters					
Accountical workers	.52	.50			.05
Millwrights	.52	.50			.05
Piledrivers	.52	.50			.05
Ironworkers, structural, & ornamental	.55	.85			.02
Soft floor layers	.52	.50			.05
Stonemasons	.30	.30			.02
<u>POWER EQUIPMENT OPERATORS:</u>					
Groups I	.50	.35			.05
Groups II	.50	.35			.05
Groups III	.50	.35			.05
Groups IV	.50	.35			.05
Decision # FL77-1034 - Mod. # 1 (42 FR-17761 - April 1, 1977) Martin & Palm Beach Counties, Florida.					
Change:					
Carpenters & soft floor layers	.55	.70			.04

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Decision # FL77-1023 - Mod. # 4 (42 FR-11191 - February 25, 1977) Brevard & Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabur Radar Site, Florida.					
Change:					
Bricklayers	.40	.25			
Blocklayers	.40	.25			
Plasterers	.40	.25			
Terrazzo workers	.40	.25			
Tile setters	.40	.25			
Cement masons	.40	.25			
Masonry cutting or grinding machine operator	.40	.25			
<u>POWER EQUIPMENT OPERATORS:</u>					
Groups I	.50	.35			.05
Groups II	.50	.35			.05
Groups III	.50	.35			.05
Groups IV	.50	.35			.05
Groups V	.50	.35			.05
Decision # FL77-1024 - Mod. # 2 (42 FR-11193 - February 25, 1977) Orange County, Florida					
Change:					
Power Equipment Operators:					
Groups I	.50	.35			.05
Groups II	.50	.35			.05
Groups III	.50	.35			.05
Groups IV	.50	.35			.05

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$14.00	f			d s e
12.60	f			d s e
11.90	f			d s e
10.50	f			d s e

DECISION NO. IL77-5038 - Mod. #1
(42 FR 12802 - April 8, 1977)
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin

CHANGE:
Floating Equipment:
(Clamshell, Dredgeline and Marine Construction)
Engineers and Operators
Equipment Operators
Firemen
Others

FOOTNOTES:

- d. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day.
- e. 1/2 day vacation for each full 12 days employment in one calendar year.
- f. \$1.65 per hour in fringe benefits (excluding vacation payments).

PAID HOLIDAYS (Where Applicable):

- 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			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
9.00	.55	.70		.08
10.38	.55	.95		.08
9.20	.45	.50		.09+.01
10.20	58	78+18		3/4 of 18
10.45	58	78+18		3/4 of 18
8.20	58	78+18		3/4 of 18
10.20	58	78+18		3/4 of 18
5.30	.20	.10		
5.45	.20	.10		
5.45	.20	.10		
5.45	.20	.10		
5.45	.20	.10		
5.45	.20	.10		
7.40	.35	.25		.15
5.95	.35	.25		.15
5.30	.35	.25		.15
8.55	.35	.20		.10
9.48	.50	.35		.05
8.30	.50	.35		.05
7.32	.50	.25		.05
6.21	.50	.35		.05

Decision # 7775-1643 Mod. # 1
(42 FR-17762 - April 1, 1977)
Pinellas County, Florida

Change:
Carpenters
Firedrivers
Plumbers & Steamfitters
Stonemasons

Omit:
Electricians
Electricians
Cable splicer

Add:
Electricians:
Commercial
Industrial

Decision # FL77-1044 - Mod. # 1
(42 FR-17764 - March 1, 1977)
Volusia County (except Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Station), Florida

Change:
Laborers
Laborers
Air tool operators
Mason tenders
Mortar mixers
Pipelayers (concrete & clay)
Plasterers' tenders
Roofers
Kettlemen
Roofers' helpers
Tile & Terrazzo workers

POWER EQUIPMENT OPERATORS:

- Group I
- Group II
- Group III
- Group IV

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation	Education and/or App. Tr.	
\$9.00					
10.10	.50	1.00	.75		.10
9.70	.50	1.00	.75		.10
8.65	.50	1.00	.75		.10
8.90	.50	1.00	.75		.10
8.10	.50	1.00	.75		.10
8.35	.50	1.00	.75		.10
10.60	.50	1.00	.75		.10
10.35	.50	1.00	.75		.10
10.60	.50	1.00	.75		.10
11.10	.50	1.00	.75		.10
12.10	.50	1.00	.75		.10
8.35	.50	1.00	.75		.10
8.10	.50	1.00	.75		.10
7.85	.50	1.00	.75		.10
7.50	.50	1.00	.75		.10
7.60	.50	1.00	.75		.10
8.60	.50	1.00	.75		.10

DECISION #KS77-6079 - Mod. #1
(42 FR 18863 - April 8, 1977)
Shawnee County, Kansas

Change:
Tile setters
Power Equipment Operators
(Building Construction):
Group 1
Group 2
Group 3:
(a)
(b)
Group 4:
(a)
(b)
Group 5
Group 6
Group 7
Group 8
Group 9
Power Equipment Operators
(Site Preparation & Grading):
Group 1
Group 2
Group 3
Group 4
Group 5
Group 6

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation	Education and/or App. Tr.	
\$12.15	.50	.35	3% + a	.02	
70LJR	.50	.35	3% + a	.02	
50LJR	.85	.75	.25	.10	
11.51	.85	.95	.08	.08	
7.93	.90	2.20	.75	.15	
8.20	.90	2.20	.75	.15	
8.51	.90	2.20	.75	.15	
9.16	.90	2.20	.75	.15	
9.48	.90	2.20	.75	.15	
9.59	.90	2.20	.75	.15	

Change:
Elevator Constructors
Elevator Constructors' Helpers
Elevator Constructors' Helpers
(Prob.)
Roofers
Sprinkler Fitters
Truck Drivers:
Flatbed
Dump, 8 yds. and under; Water
truck (up to and including
2000 gals.)
Water truck (over 2000 gals.)
Tandem, Semi-trailer or Semi-
dump
Slip-in or pup
Bed dumps, unlicensed (Euclid,
Mack, Caterpillar or simi-
lar); Tractor trailer
(hauling equipment)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vocational	
DECISION #MS77-4080 - Mod. #1 (42 FR 18606 - April 8, 1977) Shawnee County, Kansas					
Change:					
Tile setters	\$9.00				
Power Equipment Operators (Building Construction):					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.70	.50	1.00	.75	.10
Group 3:					
(a)	8.65	.50	1.00	.75	.10
(b)	8.90	.50	1.00	.75	.10
Group 4:					
(a)	8.10	.50	1.00	.75	.10
(b)	8.35	.50	1.00	.75	.10
Group 5	10.60	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	11.10	.50	1.00	.75	.10
Group 9	12.10	.50	1.00	.75	.10
Power Equipment Operators (Site Preparation & Grading):					
Group 1	8.35	.50	1.00	.75	.10
Group 2	8.10	.50	1.00	.75	.10
Group 3	7.85	.50	1.00	.75	.10
Group 4	7.50	.50	1.00	.75	.10
Group 5	7.60	.50	1.00	.75	.10
Group 6	8.60	.50	1.00	.75	.10

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vocational	
Decision # MS77-1030 - Mod. # 2 (42 FR-16356 - March 25, 1977) Barcock, Harrison, Jackson, & Pearl River Counties, Mississippi.					
Change:					
Electricians:					
Electricians	9.40	54	14+.20		1/8 of 14
Cable splicer	9.65	54	14+.20		1/8 of 14
Sprinkler fitters	10.35	.65	.85		.08
Decision # MS77-1032 - Mod. # 1 (42 FR-16359 - March 25, 1977) Blinds County, Mississippi.					
Change:					
Glaziers	7.10				.01
Leather	8.25				.01
Sprinkler fitters	10.35	.65	.85		.08
Decision # MS77-1033 - Mod. # 1 (42 FR-16361 - March 25, 1977) Warren County, Mississippi.					
Change:					
Glaziers	7.10				.01
Leathers	8.25				.01
Add:					
Sprinkler fitters	10.35	.65	.85		.08
Decision #MS77-4051 - Mod. #2 (42 FR 12618 - March 4, 1977) Description of Work and Locations: Heavy and Highway Construction, Missouri					
Change:					
Ironworkers Zone 7	\$9.10	.45	.65		.02

DECISION #NV77-5012 - Mod. #2
 (42 FR 8947 - February 11, 1977)
 Nevada Test Site including the
 Tonopah Test Range in Clark
 and Nye Counties, Nevada

Change:
 Sprinkler Fitters

DECISION #NV77-5022 - Mod. #2
 (42 FR 15273 - March 18, 1977)
 Clark County (excluding the Ne-
 vada Test Site), Nevada

Change:
 Lathers
 Sprinkler Fitters

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$15.05	.65	.95		.08
\$10.00 15.05	.60 .65	\$1.00 .95	\$1.00	.06 .08

DECISION #NV77-5031 - Mod. #2
 (42 FR 15278 - March 18, 1977)
 Washoe County, Nevada

Change:
 Carpenters:

Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base.

Residential carpenter

Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:

Residential carpenter

Zone 3: Area over 20 and not more than 40 road miles from the above communities:

Residential carpenter

Zone 4: Area over 40 road miles from the above communities:
 Residential carpenter

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$7.44	.70	\$1.16	\$1.00	.05
8.04	.70	1.16	1.00	.05
8.24	.70	1.16	1.00	.05
8.94	.70	1.16	1.00	.05

MODIFICATIONS P. 13

DECISION #NW77-5031 (Cont'd):
Change (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Drywall installers: Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains on the east or west side of Washoe Valley; also the area of Stead Air Force Base	\$9.60	.70	\$1.16	\$1.10	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities	10.20	.70	1.16	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities	10.40	.70	1.16	1.00	.05
Zone 4: Area over 40 road miles from the above communities	11.10	.70	1.16	1.00	.05
Electricians: Washoe County excluding Lake Tahoe Area: Electricians; Technicians Cable Splicers Lake Tahoe Area: Electricians; Technicians Cable Splicers	12.33 13.56 13.33 14.56 15.05	.67 .67 .67 .67 .65	1% + .77 1% + .77 1% + .77 1% + .77 .95	.08 .08 .08 .08 .08	
Sprinkler Fitters	\$11.26	.65	.95		.08

DECISION NO. NW07-6074 - Mod. #2
(42 FR 18825 - April 8, 1977)
Statewide, New Mexico

CHANGE:
SPRINKLER FITTERS

MODIFICATIONS P. 14

DECISION NO. OK07-6056 - Mod. #1
(42 FR 12663 - March 4, 1977)
Comanche County, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.15	.65	.95		.08

CHANGE:
SPRINKLER FITTERS

Description of work to read "Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)"

DECISION NO. OK76-6160 - Mod. #3
(41 FR 43629 - October 1, 1976)
Garfield County, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.15	.65	.95		.08

CHANGE:
SPRINKLER FITTERS

Description of work to read "Building Construction (but does not include single family homes and garden type apartments up to and including four stories)"

MODIFICATIONS P. 15

DECISION NO. OK77-4062 - Mod. #2
(42 FR 13787 - March 11, 1977)
Muskegee, Adair and Cherokee
Counties, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.15	.65	.95		.08

CHANGE:
SPRINKLER FITTERS

Description of work to read "Building construction (but does not include single family homes and garden type apartments up to and including 4 stories), and heavy construction within the City of Muskogee."

MODIFICATIONS P. 16

DECISION NO. OK77-4065 - Mod. #2
(42 FR 15287 - March 18, 1977)
McIntosh County, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.15	.65	.95		.08

CHANGE:
SPRINKLER FITTERS

Description of work to read "Building construction... (but does not include single family homes and garden type apartments up to and including 4 stories)"

MODIFICATIONS P. 15

DECISION NO. OK77-4063 - Mod. #3
(42 FR 13790 - March 11, 1977)
Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole, and Pottawatomie Counties, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.15	.65	.95		.08

CHANGE:
SPRINKLER FITTERS

Description of work to read "Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)"

DECISION NO. OK77-4066 - Mod. #1
(42 FR 15289 - March 18, 1977)
Pittsburg County, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.15	.65	.95		.08

CHANGE:
SPRINKLER FITTERS

Description of work to read "Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)"

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.63	.65	.80		.09
10.37	.65	.80		.09
8.01	.65	.80		.09
7.56	.65	.80		.09
7.41	.65	.80		.09
10.34	.65	.80		.09
10.06	.65	.80		.09
7.72	.65	.80		.09
7.23	.65	.80		.09
7.12	.65	.80		.09

DECISION #PA77-3023 - Mod. # 2
(42 FR 5410 - January 28, 1977)
Butler, Cambria, Erie, Fayette,
Mercer, Washington, Westmoreland,
Lawrence, Somerset, Allegheny,
Beaver, Armstrong, Blair,
Cameron, Centre, Clarion, Clear-
field, Crawford, Forest, Greene,
Indiana, McKean, Venango, Warren,
Bedford, Jefferson, Clinton, Elk,
Franklin, Fulton, Huntingdon,
Mifflin and Potter Counties,
Pennsylvania

Change:
Power Equipment Operator:

- Zone 1
- Class 1
- Class 2
- Class 3
- Class 4
- Class 5
- Zone 2
- Class 1
- Class 2
- Class 3
- Class 4
- Class 5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$9.29	.45	.30		
10.94	.30	15% .75		.03
10.83	.40	1%		3/4%
6.46	.40	1%		3/4%
7.55	.40	1%		3/4%
11.78	.40	1%		3/8%
11.78	.40	1%		3/8%
7.03	.40	1%		3/8%
8.22	.40	1%		3/8%

DECISION #PA76-3177 - Mod. # 5
(41 FR 23916 - June 11, 1976)
Erie County, Pennsylvania

Change:
Roofers:

Composition

DECISION #PA76-3271 - Mod. # 4
(41 FR 48593 - November 5, 1976)
Luzerne County, Pennsylvania

Change:
Electricians

Remainder of County

DECISION #PA77-3026 - Mod. #3
(42 FR 7066 - February 4, 1977)
Lancaster County, Pennsylvania

Change:
Line Construction

- Linemen & Cable Splicers
- Groundmen
- Winch truck operator

DECISION #A77-3033 - Mod. # 1
(42 FR 10268 - February 18, 1977)
Northampton County, Pennsylvania

Change:
Line Construction

- Linemen
- Cable splice
- Groundmen
- Winch truck operator

DECISION NO. PA17-3023

AREA COVERED BY POWER
EQUIPMENT OPERATOR ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland
ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

CLASSIFICATION DEFINITION
FOR ALL ZONES

CLASS 1 - Autograder (C. M. I. & similar), backfiller; backhoe - 360° swing, cableway, caisson drill (similar to Hugh Williams), central mix plant, cooling plant, concrete paving mixer, concrete pump (self-propelled), cranes (boom or mast 101 ft. or over up to & including 150 ft. inclusive of jib + .25), cranes (boom or mast over 150 ft; up to & including 200 ft. inclusive of jib + \$.30), cranes (boom or mast over 200 ft. inclusive of jib + \$.75), cranes (tower-stationary-climbing tower cranes), derrick, derrick boat, doker (D-5 & over), dragline, dredge, dredge hydraulic (1 leverman - 1 oiler - 1 apprentice), elevating grader, franki pile machine, gradall (remote controls or otherwise), grader (power-fine grade), helicopter (1500 lb. or over lift), helicopter (under 1500 lb. lift), hillift (4 cy. & over), hoist 2 drums or more (in one unit), hydraulic boom truck (with pivotal cab) (single motor-pitman or similar), local, lead mechanic, locomotive (std. gauge), metro-chip harvester or similar, mix mobile, mix mobile (with self loading attachment), mucking machine (tunnel), pile driver machine, pipe extrusion machine, presslifter drill (self contained), refrigeration plant (soil stabilization), rough terrain crane (25 ton & over), rough terrain crane (under 25 ton), scrapers, shovel-power, slip form paver (C. M. I. and similar), trenching machine (30,000 lbs. and over), trenching machine (under 30,000 lb.), tunnel machine (mark XII jays or similar), whirley

DECISION NO. PA17-3023

CLASSIFICATION DEFINITION
FOR ALL ZONES (CONT'D)

CLASS 2 - Asphalt paving machines (spreader), asphalt plant operator, auger (tractor mtd.), sugar (truck mtd.), backhoe (rear pivotal swing), (180° swing), belt loader (excld or similar), boring machine, cable placer or layer, concrete with blade, concrete batch plant (electronically synchronized), concrete belt placer (C. M. I. and similar), concrete finishing machine and spreader, concrete mixer (over 1 cy.), concrete pump (stationary), core drill (truck or std. mtd. - similar to Penn drill), doker (under D-5), force feed loader, fork lift (tall or similar), grader - power, grasse unit operator (head), guard rail post driver (truck mounted), guard rail post driver (skid type), hillift (and 4 cy.), hydraulic boom truck (non-pivotal cab), job work boat (powered) (when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow gauge), mechanic, minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover), over-head crane, roller - power-asphalt, roas carrier, side boom or tractor mounted boom, stone curbar, (screaming-washing plants), stone spreader (self-propelled) truck mounted drill (davey or similar), welder and repairman, well point pump operator
CLASS 3 - Broom Finisher (C.M.I. or similar), Compactors/Rollers (Static or Vibratory) (Self-propelled), Curb Builder, Minor Equipment Operator (Two to three units), Multi-head Tie Tamper, Pavement Breaker (Self-propelled or ridden), Soil Stabilizer Machine, Tire Repairman (As per Agreement with Teamsters), Tractor (Snaking & Hauling), Well Driller & Horizontal and Winch or "A" Frame Truck (When hoisting & Lowering)
CLASS 4 - Ballast Regulator, Compressor, Concrete Mixer (1 cy. & under with skip), Concrete Saw (Ridden or self-propelled), Conveyor, Elevator (Material hauling only), Fork-lift (Ridden or self-propelled), Form Line Machine, Generator, Groat Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator, Light Plant, Melching Machine, Personnel Boar (powered), Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (power driven), Subgrader, Tie Puller, Tugger and Welding Machine (Gas or Diesel)
CLASS 5 - Deck Hand, Farm Tractor, Fireman or Boiler, Mechanic's Helper, Oiler, Power Room, Side Delivery Shoulder Spreader (Attachment)

MODIFICATIONS P. 22

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-4008 - Mod. #1 (42 FR 5644 - January 28, 1977) Statewide (excluding Dallas-Fort Worth Regional Airport), Texas				
Change Area Covered by Various Zones to Read as Follows: Zone 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Cos.				
DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) & Highway Construction, Incidental Shore Work & Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to 6 including 4 stories).				
NOT to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island, work performed on the site of water or sewage treatment facilities in Galveston County & Heavy Construction (including Incidental Shore Work) in Harris County				

MODIFICATIONS P. 21

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3034 - Mod. # 1 (42 FR 20100 - April 15, 1977) Schuylkill County, Pennsylvania Change: Electricians Remainder of County Ironworkers	.30 .84	12+.20 1.21		.05 .07
DECISION #PA77-3016 - Mod. # 3 (42 FR 5632 - January 28, 1977) Bucks, Chester, Delaware, Montgomery, Philadelphia Counties, Pennsylvania Change: Electricians Zone 3 Commercial	4.42	12+3.32		1/2 of 11
DECISION NO. PA77-3030 - Mod. # 1 (42 FR 10266 - February 16, 1977) Cumberland, Dauphin, Ferry, Juniata, New Cumberland Depot in York County, Pennsylvania Change: Electricians	9.91 .45	32+.31		1/62

DECISION NO. WA77-5032 - Mod. #2
 (42 FR 17789 - April 1, 1977)
 Statewide, Washington

MODIFICATIONS P. 23

CHARGE:

POWER EQUIPMENT OPERATORS (Area 1)
(All Counties and portions of Counties East of the 120th Meridian)

Group No.	Zone 1	Zone 2	Zone 3
1	\$8.70	\$9.20	\$9.65
2	9.00	9.50	9.95
3	9.55	10.05	10.50
4	9.70	10.20	10.65
5	9.85	10.35	10.80
6	10.10	10.60	11.05
7	10.35	10.85	11.30

FRIDGE BENEFITS: \$.80 BEW \$.90 Pen. \$.03 App. Tr.

*ZONE 1: Within a 15 mile radius from the center of the following Cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d'Alene and Lewiston in Idaho

*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities, except Coeur d'Alene and Walla Walla which are limited to a 15 mile zone only

*ZONE 3: Over a 45 mile radius from the center of the above named Cities except Coeur d'Alene and Walla Walla which are limited to a 15 mile zone only.

STATE: Florida
 COUNTY: Leon
 DECISION NUMBER: FL77-1049
 DATE: Date of Publication
 Supercess Decision No.: FL76-1135 dated November 26, 1976 in 41 FR-52234
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

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 for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate for employee who has worked in business less than 5 years.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	16.51	.45	.55		.04
Boilermakers	9.50	.75	1.00		.02
Bricklayers:					
Blocklayers	7.55	.30	.30		.08+.02
Bricklayers	7.55	.30	.30		.08+.02
Stone masons	7.55	.30	.30		.08+.02
Cement masons	7.05	.30	.30		.08+.02
Marble masons	7.05	.30	.30		.08+.02
Terrazzo workers	7.05	.30	.30		.08+.02
Tile setters	7.05	.30	.30		.08+.02
Carpenters:					
Carpenters	6.85	.20			.03
Soft floor layers	6.85	.20			.03
Electricians	9.25		.18		0.54
Elevator constructors	9.315	.545	.35	48-wkb	.02
Elevator constructors' helpers	70%JR	.545	.35	48-wkb	.02
Elevator constructors' helpers (prob.)	50%JR				
Glassiers	8.00		.20		.01
Ironworkers	8.95	.55	.85		.02
Laborers:					
Laborers	4.25	.20			
Concrete cutters, Grouters;					
Gomite workers; Mason tenders;					
Mechanical tool operators;					
Mortar mixers; Pipelayers;					
Plasterer tender; Power boggy operators					
Lathers	4.40	.20			.05
Linemenn	7.15				0.54
Painters:					
Brush	5.95	.35	.40		.06
Spray	6.20	.35	.40		.06
Plasterers	7.05	.30	.30		.08+.02
Plumbers	8.95	.30	.25		.05
Roofers:					
Roofers	8.35	.25	.20		.02
Kettlemen	5.85	.25	.20		.02
Helpers	4.80	.25	.20		.02
Sprinkler fitters	10.16	.60	.50		.10
Steamfitters	8.95	.50	.50		.08

Welders - rate for craft.

PL77-1049 - (Cont'd)

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Passages	Vacations	
GROUP I	9.48	.50	.35		.05
GROUP II	8.30	.50	.35		.05
GROUP III	7.32	.50	.35		.05
GROUP IV	6.21	.50	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to E.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scraper front end loaders, (over 4 cy. cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip), tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle boggy, hoists (other than rigging) including winch truck not mobile & used aloft, front end loader (over 2 cy & up to 5 incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist) mobile winch tracks, 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 IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), fireman, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to 5 incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

STATE: Nevada

COUNTIES: Statewide (excluding the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada

DATE: Date of Publication

DECISION NUMBER: NV77-5146

Supersedes Decision No. NV77-5037 dated April 15, 1977, in 42 FR

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

ASBESTOS WORKERS:

Clark, Esmeralda, Lincoln, Nye Counties
Elko, Eureka, White Pine Cos.
Remaining Counties

BOILERMAKERS

BRICKLAYERS: Stonemasons:
Clark, Esmeralda, Lincoln, Nye County (south of Bay. #6)
Remaining Counties and Nye County (north of Bay. #6):
Zone 1: 0-35 miles from Courthouse in Reno, Nevada
Zone 2: 35-75 miles from Courthouse in Reno, Nevada
Zone 3: 75 miles and over from Courthouse in Reno, Nevada

BRICK TENDERS:

Clark, Esmeralda, Lincoln, Nye Counties
Remaining Counties:
Zone A: 0-35 miles from Courthouse in Reno, Nevada
Zone B: 35-75 miles from Courthouse in Reno, Nevada

Basic Monthly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 10.46	.55	.90	\$1.00		.10
10.61	.55	.90	1.00		.10
10.66	.55	.90	1.00		.10
11.06	.55	.90	1.00		.10
10.96	.55	.90	1.00		.10
11.11	.55	.90	1.00		.10
11.16	.55	.90	1.00		.10
11.56	.55	.90	1.00		.10

CARPENTERS:

Clark, Esmeralda County (South of Bay. #6), Lincoln, Nye County (south of Bay. #6, including City of Tonopah);
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
Floor Layers; Patent Scaffold Erectors;
Power Saw Operators
Piledrivers
Millwrights

Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities described above:
Carpenters
Floor Layers; Patent Scaffold Erectors;
Power Saw Operators
Piledrivers
Millwrights

Basic Monthly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 12.11	.85	\$ 1.10			
10.56	.52	1.17			
13.06	.90	1.02			
13.175	.775	1.00	.50		.02
11.37	.76	.60			.06
11.00	.50	.60			.01
11.90	.50	.60			.01
11.00	.50	.60			.01
8.47	.51	1.25	1.00		
9.25	.50	.90			.05
10.15	.50	.90			.05

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.95	.70	\$ 1.16	\$1.00	.05
10.10	.70	1.16	1.00	.05
10.15	.70	1.16	1.00	.05
10.55	.70	1.16	1.00	.05
10.15	.70	1.16	1.00	.05
10.30	.70	1.16	1.00	.05
10.35	.70	1.16	1.00	.05
10.75	.70	1.16	1.00	.05
10.85	.70	1.16	1.00	.05
11.00	.70	1.16	1.00	.05
11.05	.70	1.16	1.00	.05
11.45	.70	1.16	1.00	.05
8.90	1.00	.40	2.00	.08
9.15	1.00	.40	2.00	.08

CARPENTERS: (Cont'd)
 Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities in Zone 1:
 Carpenters
 Floor Layers; Patent
 Scaffold Erectors; Power
 Saw Operators
 Piledrivers
 Millwrights
 Zone 3: Area over 20 and not more than 40 road miles from the communities in Zone 1:
 Carpenters
 Floor Layers; Patent
 Scaffold Erectors; Power
 Saw Operators
 Piledrivers
 Millwrights
 Zone 4: Area over 40 road miles from the communities in Zone 1:
 Carpenters
 Floor Layers; Patent
 Scaffold Erectors; Power
 Saw Operators
 Piledrivers
 Millwrights
CEMENT MASONS:
 Clark, Lincoln, Nye Counties:
 Cement Masons
 Cement Floor Finishing
 Machine and Color Work

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 11.21	.55	.90	1.00	.10
11.36	.55	.90	1.00	.10
11.41	.55	.90	1.00	.10
11.81	.55	.90	1.00	.10
12.46	.55	.90	1.00	.10
12.61	.55	.90	1.00	.10
12.66	.55	.90	1.00	.10
13.06	.55	.90	1.00	.10
9.35	.70	1.16	1.00	.05
9.50	.70	1.16	1.00	.05
9.55	.70	1.16	1.00	.05
9.95	.70	1.16	1.00	.05

CARPENTERS: (Cont'd)
 Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1:
 Carpenters
 Floor Layers; Patent
 Scaffold Erectors; Power
 Saw Operators
 Piledrivers
 Millwrights
 Zone 4: Area over 40 miles from the communities described in Zone 1:
 Carpenters
 Floor Layers; Patent
 Scaffold Erectors; Power
 Saw Operators
 Piledrivers
 Millwrights
 Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:
 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:
 Carpenters
 Floor Layers; Patent
 Scaffold Erectors; Power
 Saw Operators
 Piledrivers
 Millwrights

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Penalties	Vacation	
\$ 11.15	.65	.75	\$1.00	.03
11.40	.65	.75	1.00	.03
11.65	.65	.75	1.00	.03

CEMENT MASONS: (Cont'd)
 2-B: Area over 50 miles to the center of the jobsite:
 Cement Masons
 Mastic, Magnesite and all Composition Masons
 Troweling Machine;
 Grinder Operator and Kelly Float

DETAIL INSTALLERS:
 Statewide except the Counties of Clark, Esmeralda County (South of Hwy. 95), Lincoln, Nye County (south of Hwy. 95):
 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:
 Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities in Zone 1
 Zone 3: Area over 20 and not more than 40 road miles from the communities in Zone 1
 Zone 4: Area over 40 road miles from the communities in Zone 1

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Penalties	Vacation	
\$ 10.60	.65	.75	\$1.00	.03
10.85	.65	.75	1.00	.03
11.10	.65	.75	1.00	.03
9.15	.65	.75	1.00	.03
9.40	.65	.75	1.00	.03
9.65	.65	.75	1.00	.03
10.40	.65	.75	1.00	.03
10.65	.65	.75	1.00	.03
10.90	.65	.75	1.00	.03
9.90	.65	.75	1.00	.03
10.15	.65	.75	1.00	.03
10.40	.65	.75	1.00	.03

CEMENT MASONS: (Cont'd)
 Lake Tahoe Area:
 Cement Masons
 Mastic, Magnesite and all Composition Masons
 Troweling Machine; Grinder Operator and Kelly Float
 Remaining Counties:
 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
 Mastic, Magnesite and all Composition Masons
 Troweling Machine;
 Grinder Operator and Kelly Float
 Zone 2 - Highway Construction:
 Area outside of Zone 1:
 Cement Masons
 Mastic, Magnesite and all Composition Masons
 Troweling Machine;
 Grinder Operator and Kelly Float
 Zone 2 - Nonhighway Construction:
 2-A: Area over 15 but not over 50 miles to the center of the jobsite:
 Cement Masons
 Mastic, Magnesite and all Composition Masons
 Troweling Machine;
 Grinder Operator and Kelly Float

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	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
ELECTRICIANS:				
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line) Electricians; Technicians	.73	18+.40		.08
Cable Splicers	.73	18+.40		.08
Nye County (north of Mt. Diablo Base Line) and Remaining Counties excluding Lake Tahoe Area:				
Electricians; Technicians	.67	18+.77		.08
Cable Splicers	.67	18+.77		.08
Lake Tahoe Area:				
Electricians; Technicians	.67	18+.77		.08
Cable Splicers	.67	18+.77		.08
ELEVATOR CONSTRUCTORS:				
Nevada east of 118° longitude and south of 39° North latitude	.545	.35	34+a	.02
ELEVATOR CONSTRUCTORS' HELPERS				
Clark, Emeralds, Lincoln, Nye Counties	.545	.35	34+a	.02
Remaining Counties	.545	.35	34+a	.02
IRONWORKERS:				
Elko, Eureka, White Pine Counties:				
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	.43	1.20	.84+.43	.05
Remaining Counties:	.35	.40		.05
PLASTERERS:				
Clark, Emeralds, Lincoln, Nye Counties	.55	1.00		.04
Remaining Counties:	1.14	1.86	1.20	.04
Fence Erector	1.14	1.86	1.20	.04
Ornamental; Reinforcing; Structural				
PLASTERERS:				
Clark, Emeralds, Lincoln, Nye Counties	.60	1.00	1.00	.06
Remaining Counties	.56	.20		.01

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	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
LINE CONSTRUCTION WORKERS:				
Clark, Lincoln, Nye County (South half)	.73	18		.35
Line Equipment Operator	.73	18		.35
Cable Splicers				
Lake Tahoe Area:				
Lineman	.67	18+.77		.08
Line Equipment Operator	.67	18+.77		.08
Groundman	.67	18+.77		.08
Cable Splice	.67	18+.77		.08
Remaining Counties (excluding Lake Tahoe Area):				
Lineman	.67	18+.77		.08
Line Equipment Operator	.67	18+.77		.08
Groundman	.67	18+.77		.08
Cable Splicers	.67	18+.77		.08
MARBLE MASONS:				
Clark, Emeralds, Lincoln, Nye County (south half)	.70	.60		.06
PAINTERS:				
Clark, Emeralds, Lincoln, Nye Counties	.75	.35		.06
Brush; Roller				
Paperhangers; Spray; Steel; Swing Stage; Sandblasters;				
Sign; Tapers				
Buffing Steel; Sandblasters;				
Structural Steel	.75	.35		.06
Steepjack	.75	.35		.06
Remaining Counties including Lake Tahoe Area:				
Brush	.70	.75		.06
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers				
PLASTERERS:				
Clark, Lincoln, Nye Counties	.70	.75		.08
Remaining Counties	1.00	.40	1.20	.03
PLASTERER TENDERS:				
Statewide except Clark, Emeralds, Lincoln, Nye County (South of Hwy. #6)	.65	1.00		.03
Plasterer Tenders serving				
Plasterers	.50	.90		.03
Plasterer Tenders working on any type of gun	.50	.90		.03

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.63	.51	\$ 1.25	\$1.00	
7.68	.51	1.25	1.00	
7.71	.51	1.25	1.00	
7.73	.51	1.25	1.00	
7.75	.51	1.25	1.00	
7.76	.51	1.25	1.00	
7.78	.51	1.25	1.00	
7.81	.51	1.25	1.00	
7.82	.51	1.25	1.00	
7.84	.51	1.25	1.00	
7.89	.51	1.25	1.00	
7.92	.51	1.25	1.00	
7.94	.51	1.25	1.00	
7.97	.51	1.25	1.00	
7.99	.51	1.25	1.00	
8.055	.51	1.25	1.00	
8.08	.51	1.25	1.00	
8.15	.51	1.25	1.00	

LABORERS:
 Clark, Esmeralda, Lincoln, Nye Counties:
 Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6
 Group 7
 Group 8
 Group 9
 Group 10
 Group 11
 Group 12
 Group 13
 Group 14
 Group 15
 Group 16
 Group 17
 Group 18

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 11.05	\$ 1.05	\$ 1.90	\$1.85	.08
10.84	.73	.80	1.95	.10
10.84	.73	.80	1.95	.10
12.75	.65			
9.75	.50	.35		.02
11.43	.93	1.60	1.00	.07
9.80	.94	1.83	.98	.05
12.52	.40			.15
10.60	.70	.20	2.48	.08
15.05	.65	.95		.08
11.37	.70	.60		.06
11.00	.50	.60		.01
11.90	.50	.60		.01
11.00	.50	.60		.01

PUMPS: Steamfitters:
 Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)
PLUMBERS (Utility): Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)
ROOFERS: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)
SECRET METAL WORKERS: Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties Remaining Counties and Nye County (north half)
SOFT FLOOR LAYERS: Clark, Esmeralda, Lincoln, Nye Counties Remaining Counties including Lake Tahoe Area
SPRINKLER FITTERS: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half)
TELEPHONE WORKERS: Clark, Esmeralda, Lincoln, Nye County (south half) Remaining Counties and Nye County (north half):
 Zone 1: 0-35 miles from Courthouse in Reno, Nevada
 Zone 2: 35-75 miles from Courthouse in Reno, Nevada
 Zone 3: 75 miles and over from Courthouse in Reno, Nevada

FOOTNOTES:
 a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit.
 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.

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LABORERS

Clark Esmeralda, Lincoln, Nye Counties

- 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); Tarsman 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 piers
- Group 6: Underground laborer including caisson bellowers
- Group 7: Chucktender (except tunnels); Scaler; Septic tank digger and installer (lead man); Tank scaler and cleaner
- Group 8: Corespool digger and installer
- Group 9: Concrete curer-impervious membrane and oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap stonecrafter; Sandblaster (pot tender)

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LABORERS (Cont'd)

Clark, Esmeralda, Lincoln, Nye Counties

- Group 10: Asphalt Ironer, raker, spreader; Bogymobile; Cement dumper (on 1 yard or larger mixers and handling bulk concrete); Cement grinding machine operator; Concrete re cutter; Concrete saw man, excluding tractor type; Gas and oil pipeline wrapper, pot tender and for 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; Moto Scraper
- Group 11: Rock Slinger; Scaler, using boom 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 Headboard Man
- Group 17: Driller (core, diamond or wagon) Joy Driller Model TW-M-24, Gardner-Denver Model DS-16J and similar drills; Sandblaster - Nozzleman
- Group 18: Head Rock Slinger

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Voc Rehab	
LABORERS: (Cont'd) Remaining Counties (Cont'd) Building Construction (Cont'd)				
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:				
\$ 8.00	.50	.90		.10
8.90	.50	.90		.10
9.05	.50	.90		.10
9.30	.50	.90		.10
9.60	.50	.90		.10
9.60	.50	.90		.10
9.30	.50	.90		.10
8.95	.50	.90		.10
Zone 4: Area over 40 road miles from the communities named in Zone 1:				
9.50	.50	.90		.10
9.60	.50	.90		.10
9.75	.50	.90		.10
10.00	.50	.90		.10
10.30	.50	.90		.10
10.30	.50	.90		.10
10.00	.50	.90		.10
9.65	.50	.90		.10
Heavy and Highway Construction:				
Area 1:				
8.00	.50	.90		.10
8.10	.50	.90		.10
8.25	.50	.90		.10
8.50	.50	.90		.10
8.80	.50	.90		.10
8.80	.50	.90		.10
8.50	.50	.90		.10
8.15	.50	.90		.10
Area 2:				
9.15	.50	.90		.10
9.25	.50	.90		.10
9.40	.50	.90		.10
9.65	.50	.90		.10
9.95	.50	.90		.10
9.55	.50	.90		.10
9.65	.50	.90		.10
9.30	.50	.90		.10

*LABORERS - Area Definition - See "Area Definition" following TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Voc Rehab	
LABORERS: Remaining Counties: Building Construction:				
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Toiyabe, 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:				
\$ 8.00	.50	.90		.10
8.10	.50	.90		.10
8.25	.50	.90		.10
8.50	.50	.90		.10
8.80	.50	.90		.10
8.80	.50	.90		.10
8.50	.50	.90		.10
8.15	.50	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:				
8.60	.50	.90		.10
8.70	.50	.90		.10
8.85	.50	.90		.10
9.10	.50	.90		.10
9.40	.50	.90		.10
9.40	.50	.90		.10
9.10	.50	.90		.10
8.75	.50	.90		.10

LABORERS (Cont'd)
Remaining Counties

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or spotter (other than asphalt); General laborers; Gardeners and landscape laborers; Limber, brushblower 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 off; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad trackmen (cu' ders); Sloper; Semi-skilled wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt workers (ironers, shoveler, cutting machine); Boggyobile; Chainsaw, faller, loader and bucket; Compactor (all types); Concrete mixer under 1/2 yd.; Concrete pan work (breastpan type); (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrates; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammers; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Drillers' helpers, chuck tenders; Form raiser, slip forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic worker (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; Backstopper and rock slogger, including placing of sack concrete wet or dry; Robotiller; 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 TWB-2A, Gardner Denver Model DG 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, crawler and bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt rakers

Group 5: Blasters and powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Wrecker

Group 6-B: Gunman, Materialman

Group 7: Feiboundman

POWER EQUIPMENT OPERATORS
(Except Pile-driving and
Steel Erection)
Clark, Kamezalde, Lincoln,
Nye Counties:

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7
- Group 8
- Group 9

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacations		
\$ 9.75	-.95	\$ 2.00	-.50		-.04
10.03	-.95	2.00	-.50		-.04
10.32	-.95	2.00	-.50		-.04
10.46	-.95	2.00	-.50		-.04
10.68	-.95	2.00	-.50		-.04
10.79	-.95	2.00	-.50		-.04
10.91	-.95	2.00	-.50		-.04
11.08	-.95	2.00	-.50		-.04
11.21	-.95	2.00	-.50		-.04

POWER EQUIPMENT OPERATORS

(Except Pile-driving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler;
Generator operator; Heavy duty repairman helper; Pump;
Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor
Operator; Fireman; Generator, Pump or Compressor (2-3
inclusive); Generator, Pump or Compressor Portable Units
(over 5 units, 10¢ per hour for each additional unit up to
nine units); Hydrostatic Pump; Oiler Crusher (Asphalt or
Concrete Plant); Plant Operator, Generator, Pump or
Compressor; Skiploader - Wheel type up to 3/4 yd. w/o
attachment; Soils Field Technician; Tar Pot Fireman;
Temporary Heating Plant; Trenching Machine Oiler; Truck
Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Trucks; Elevator operator (inside);
Equipment greaser (rack); Ford Ferguson (with dragtype attach-
ments); Helicopter radioman (ground); Power concrete curing
machine; Power concrete saw; Power driven jumbo form setter;
Boss carrier; Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or
Mixerman (Asphalt or Concrete); Chip Spreading Machine; Con-
crete Pump (small portable); Bridge Type Unloader and Turn-
table; Dinky Locomotive or Motorcar (up to and including 10
tons); Equipment Greaser (gravel truck); Helicopter Hoist;
Highline Cableway Signalman; Hydra-Hammer - Aero Stomper;
Power sweeper; Roller (compacting); Scream (Asphalt or Con-
crete); Trenching Machine (up to 6 ft.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Pile-driving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe
(up to and including 3/4 yds.); Bit Sharpener; Concrete Joint
Machine (canal and similar type); Concrete Paver; Deck Engine
Portlift (under 5 ton capacity); Machine Tool; Meginnis Internal
Pall Slab Vibrator; Mechanical Barm (curb or gutter concrete or
asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell
or similar); Pavement Breaker; Road Oil Mixing Machine; Roller
(asphalt or finish); Rubber-tired Earth Moving Equipment, (single
engine, up to and including 25 yards struck); Self-propelled
Tar Paving Machine; Slip Form Pump (power-driven hydraulic
lifting device for concrete forms); Tupper Hoist (1 drum); Tunnel
Locomotive (over 10 and up to and including 30 tons); Stinger
Wheel (Austin-Western or similar type); Skiploader Crawler and
Wheel type over 3/4 yards and up to and including 1 1/2 yards);
Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100
HP, Flywheel and similar types, up to and including D-5 and
similar types)

Group 6: Asphalt or Concrete Spreading (tamping or finishing);
Asphalt Paving Machine (Barber Greene or similar type); EEL
Main Road Factor or similar; Bridge Crane; Pipe Laying Machine
(cast in place); Combination Mixer and Compressor (gunite work);
Concrete Pump (truck mounted); Concrete Mixer; Crane (up to
and including 25 tons); Crushing Plant; Elevating Grader; Forklift
(over 5 tons); Grade Checker; Grader; Grouting Machine; Heading
Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar
type); Kolan Belt Loader and similar type; LaTourneau Blob
Compactor or similar type; Lift Slab Machine (Vegiborg and similar
types); Lift Mobiles; Loader-Army, Euclid, Starr and similar
type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired,
rail or track type); Pneumatic Concrete Placing Machine (Backley-
Presswell or similar type); Pneumatic Heading Shield (tunnel);
Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-
tired Earth Moving Equipment Operator (single engine - Caterpillar,
Euclid, Athey Wagon and similar types with any and all attachments
over 25 yards and up to and including 50 cubic yards struck);
Rubber-tired Scraper (self-loading - Fiddle wheel type - John
Deere, 1940 and similar single unit); Skiploader (Crawler and
Wheel type - over 14 yards, up to and including 64 yards); Surface
Beaters and Finers; Rubber-tired Earth Moving Equipment, multiple
engine (up to and including 25 yards, struck); Trenching Machine
(over 6 feet depth capacity, manufacturers rating); Tower Crane
Tractor Compressor Drill Combination; Tractor (any type larger
D-5 - 100 Flywheel HP and over or similar) (Ballöser, Tamper,
Scraper and Push Tractor single engine); Tractor (Boom attachments);
Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive
(over 30 tons); Shovel, Backhoe, Dragline, Craneball (over 3/4 yard
and up to 5 cubic yards, M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
 (Except Pile-driving and Steel Erection)
 Clark, Emeraldala, Lincoln, Nye Counties

Group 7: Crane (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Motorall Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Mover -g Equipment (single engine over 50 yards struck); Rubber-tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 50 cubic yards struck); Tractor Loader Operator (Crawler and wheel type over 6 1/2 yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cubic yards, MSC); Woods Mixer and similar Poggill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cubic yards); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cubic yards struck); Rubber-tired Self Loading Scraper (Peedle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-Pull (50¢ per hour additional)

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cubic yards); Remote Controlled Earth Moving Equipment (\$1.00 per hour additional to base rate)

POWER EQUIPMENT OPERATORS*
 (Except Pile-driving and Steel Erection)

Remaining Counties:

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7
- Group 8
- Group 9
- Group 10
- Group 10-A
- Group 11
- Group 11-A

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Resilient	Vacation	Education and/or Appr. Tr.
AREA 1		AREA 2				
\$ 8.75	\$ 9.90	\$ 1.12	\$ 2.23	.92	.20	
9.12	10.27	1.12	2.23	.92	.20	
9.32	10.47	1.12	2.23	.92	.20	
9.84	10.99	1.12	2.23	.92	.20	
10.05	11.20	1.12	2.23	.92	.20	
10.17	11.32	1.12	2.23	.92	.20	
10.34	11.49	1.12	2.23	.92	.20	
10.72	11.87	1.12	2.23	.92	.20	
10.94	12.09	1.12	2.23	.92	.20	
11.17	12.32	1.12	2.23	.92	.20	
11.29	12.44	1.12	2.23	.92	.20	
11.46	12.61	1.12	2.23	.92	.20	
12.54	13.69	1.12	2.23	.92	.20	

*POWER EQUIPMENT OPERATORS - Area Definition - See "Area Definition" following

TRUCK DRIVERS.

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 1: Assistant to Engineer, including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, partman (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 (bunkers); Concrete Curing Machine (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 truck); Mixer Box Operator (concrete plant); Motorway; Bobomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper multiple-purpose; Boman (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.E. Lima Road Factor or similar; Chip Box Spreader (Fishery type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 35 tons); Maginnis International Pull 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

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

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 water-liners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Rollman Loader; Material Hoist (2 or more drums); Mechanical 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 Plants; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Beater 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 Pesser; Cast-in-place Pipe Laying Machine; Combination Slumber and Motor; Doser; 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 24 cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cuts; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds. "struck" m.t.c., Euclids, T-Palls, DW's 10, 20, 21 and similar); Self-propelled Compactor with dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & S or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn Scrapers; Tractor mounted compressor drill combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Bagger or Tunnel Boring Machine; Tunnel Note Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Booms; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor with boom (36 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers); Sub-grader (Carries or other types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Pilodriving and Steel Erection)
Remaining Counties

Group 10: Boom type Backfilling Machines; Bridge Cranes; Carry-lift or similar Chemical Greeting Machines; Derricks; Derrick Barges (except excavation work); Excld Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vastborg and similar types); Loader (over 24 cu. yds. up to and including 4 cu. yds.); Lo-comotive (over 100 tons) (single or multiple units); Multiple engine earth moving machines (Excld, dozers, etc.); Pre-stress Wire-wrapping Machine; Rubber-tired Scraper, self-loading; Self-propelled Meserwir-debris equipment floating (200 HP and over); Shuttle Car (reclaim station); Single engine Scraper (over 35 cu. yds.); Train loading station; Vacuum Cooling Plant; Whirlley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with Sloping attachments (JERFOD or similar)

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, Clambells, 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, Clambells, Draglines, Backhoes, Grade-alls (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; Power Crane Mobile; Universal Liebherr 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)

	Fringe Benefits Payments			
	H & W	Pension	Vacation	Education and/or Appr. Tr.
Basic Hourly Rate:				
Group 1	\$1.12	\$2.23	.92	.20
Group 2	1.12	2.23	.92	.20
Group 3	1.12	2.23	.92	.20
Group 4	1.12	2.23	.92	.20
Group 4-A	1.12	2.23	.92	.20
Group 5	1.12	2.23	.92	.20
Group 6	1.12	2.23	.92	.20
Group 6-A	1.12	2.23	.92	.20
Group 7	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS:
STEEL ERECTION
Remaining Counties

- Group 1
- Group 2
- Group 3
- Group 4
- Group 4-A
- Group 5
- Group 6
- Group 6-A
- Group 7

POWER EQUIPMENT OPERATORS (Cont'd)
STEEL ERECTION
Remaining Counties

- Group 1: Oiler
- Group 2: Compressor Operator; Generator, gasoline or diesel-driven (100 H.P. or over); Truck Crane Oiler
- Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (Structural Steel or Tank Erection only)
- Group 4: Heavy Duty Repairman; Tractor Operator
- Group 4-A: Combination Heavy-duty Repairman-welder
- Group 5: Boom Truck or Dual purpose A-Frame Truck; Boom Cat; Chicago Booms; Crawler Cranes and Truck Cranes (15 tons m.r.c. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m.r.c.); Single Drum Hoist; Tugger Hoist
- Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount) (over 10 tons); Tower Cranes Mobile; Universal Liebherr and Tower Cranes (and similar types); Two or more drum hoist
- Group 6-A: Cranes (over 125 tons)
- Group 7: Operator of Helicopter

POWER EQUIPMENT OPERATORS:
PILEDRIVING
Remaining Counties

- Group 1
- Group 1-A
- Group 1-B
- Group 2-A
- Group 2-B
- Group 3
- Group 3-A
- Group 4
- Group 5
- Group 6

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pension	Vacation		
\$ 8.78	\$1.12	\$2.23	.92		.20
9.11	1.12	2.23	.92		.20
9.26	1.12	2.23	.92		.20
9.89	1.12	2.23	.92		.20
10.10	1.12	2.23	.92		.20
10.40	1.12	2.23	.92		.20
10.79	1.12	2.23	.92		.20
11.34	1.12	2.23	.92		.20
11.48	1.12	2.23	.92		.20
12.50	1.12	2.23	.92		.20

POWER EQUIPMENT OPERATORS (Cont'd)

PILEDRIVING
Remaining Counties

- Group 1: Fireman; Oilman; Deckhand
- Group 1-A: Compressor Operator
- Group 1-B: Truck Crane Oiler
- Group 2-A: Operator of Tugger Hoist (hoisting material only)
- Group 2-B: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)
- Group 3: Deck Engineer; Fork Lift Operator; A-Frames; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)
- Group 3-A: Heavy Duty Repairman and/or Welder
- Group 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Operator of pile-driving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type lifting device (center mount) (over 10 tons); Truck Crane Operator (up to and including 25 tons)
- Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler, or Universal type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing pile-driving work)
- Group 6: Cranes (over 125 tons)

TRUCK DRIVERS
Clark, Esmeralda, Lincoln,
Nye Counties

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions*	Vacation	Education and/or Appr. Tr.
\$ 9.35	.40	.65		
9.46	.40	.65		
9.51	.40	.65		
9.67	.40	.65		
9.85	.40	.65		
10.35	.40	.65		

TRUCK DRIVERS
Clark, Emeralds, Lincoln, Nye Counties

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gals.); Pickup Service; Repairman Helper; Drivers of buses (on jobsite used for transportation of up to 25 passengers); Transfer Equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 to 4000 gals.); Truck Driver working on gas and oil pipeline (including Winch-truck and all sizes of trucks); Truck Greaser and Fireman; Drivers of buses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6 1/2 yds.); Transit-mix (less than 3 yds.); Warehouse Clerk

Group 4: Dump Trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Water and Fuel Trucks (4000 gals. but less than 6000 gals.); Dumpcrete (6 yds. and over); Transit-mix (3 yds. but less than 6 yds.); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump Trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gals. and over); Transit-mix (6 yds. and over); Truck Repairman

Group 6: D.W. and similar-type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem

TRUCK DRIVERS*
Remaining Counties

DUMP (single or multiple units including semi, double and transfer units; Dumpcrete and bulk cement spreaders:

Under 4 yards
4 yds. and under 8 yds.
8 yds. and under 18 yds.
18 yds. and under 35 yds.
35 yds. and under 60 yds.
60 yds. and under 75 yds.
75 yds. and under 100 yds.
100 yards and over

TRANSIT MIX:

Under 8 yards
8 yards and including
12 yards
Over 12 yards

WATER TRUCKS and Jetting

Trucks:
Up to 2,500 gallons
2,500 gallons and over

DM 20 and 21 and other similar Cat type, Terra Cobras, LeTourneau Pulls, Tournarocker, 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)

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
AREA 1	AREA 2			
\$ 9.20	\$ 10.35	.51	.65	.05
9.40	10.55	.51	.65	.05
9.60	10.75	.51	.65	.05
9.75	10.90	.51	.65	.05
10.00	11.15	.51	.65	.05
10.15	11.30	.51	.65	.05
10.30	11.45	.51	.65	.05
10.45	11.60	.51	.65	.05
9.60	10.75	.51	.65	.05
9.70	10.85	.51	.65	.05
9.90	11.05	.51	.65	.05
9.40	10.55	.51	.65	.05
9.60	10.75	.51	.65	.05
9.85	11.00	.51	.65	.05

AREA DEFINITIONS
 Remaining Counties
LABORERS
 Heavy and Highway Construction
 POWER EQUIPMENT OPERATORS
 (Except Pile-driving and Steel Erection)
TRUCK DRIVERS

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.E. 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.

AREA 2: All areas not included within Area 1 as defined above.

	Basic Hourly Rates	AREA 1	Basic Hourly Rates	AREA 2	Fringe Benefits Payments			Education and/or App. Tr.
					H & W	Pensions	Vacation	
TRUCK DRIVERS (Cont'd)								
FLATTRACK; Industrial Lift with Mechanical Tailgate: Single unit 2 axle	\$ 9.40		.51	10.55	.65		.05	
Single unit 3 axle	9.50		.51	10.65	.65		.05	
BUS AND MANTRAIL DRIVERS, Single Unit; Pickup:								
Up to 18,000 pounds	9.25		.51	10.40	.65		.05	
18,000 pounds and over	9.35		.51	10.50	.65		.05	
MINCH TRUCK, A-FRAME:								
Under 18,000 pounds	9.35		.51	10.50	.65		.05	
18,000 pounds and over	9.45		.51	10.60	.65		.05	
HEAVY DUTY TRANSPORT (High-bed); Heavy Duty Transport (gooseneck, lowbed); Tiltbed or flatbed pull trailers								
	9.75		.51	10.90	.65		.05	
BOOTHMAN, Combinations; Bootman and road oiler								
	9.65		.51	10.80	.65		.05	
ROAD OIL TRUCK OR BOOTHMAN; Fuel driver; Fuel man and Fuel Island man								
	9.35		.51	10.50	.65		.05	
HELICOPTER PILOT (when transporting men or material)								
	10.15		.51	11.30	.65		.05	
LIFT JIBS AND FORK LIFTS								
	9.45		.51	10.60	.65		.05	
WAREHOUSE CLERK								
	9.30		.51	10.45	.65		.05	
TIRE REPAIRMAN								
	9.60		.51	10.75	.65		.05	
TRUCK REPAIRMAN								
	9.90		.51	11.05	.65		.05	

*TRUCK DRIVERS - Area Definition - See "Area Definition" following this page.

SUPERSEDES DECISION

COUNTIES: ALBANY, BENNSSELAER, SARATOGA, SCHENECTADY

DATE: DATE OF PUBLICATION

DECISION NO.: N777-3000
 Supersedes Decision No. N776-3277 dated November 19, 1976 in 41 FR 51342
 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				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$10.82	.63	.28		.02	
11.50	.75	.104		.02	
10.49	.70	.35		.01	
7.59	.70	.35		.01	
9.35	.50	.50	9	.005	
9.60	.50	.50	9	.005	
9.50	.50	.50	9	.005	
9.70	.70	.70		.02	
10.20	.70	.70		.02	
10.92	1.25	1.73	.71	.02	
6.90	.70	.70		.02	

ASBESTOS WORKERS
 BOLLINGERS
 BRICKLAYERS, CEMENT MASONS, PLASTERERS, STONE MASONS, POINTERS AND CARPENTERS
 BRICKLAYERS, CEMENT MASONS, PLASTERERS, STONE MASONS, POINTERS AND CARPENTERS:
 (Rehabilitation work on residential structures over 4 stories defined to include all work, including demolition, repair and alteration on any existing structure which is intended for predominantly residential use)
 CARPENTERS, BUILDING
 Saratoga County: Taps, of Day, Badley, Minnburg, Corinth and Moore
 Carpenters and soft floor layers
 Killwrights
 File-drivers
 CARPENTERS, BUILDING
 Albany County, Bennesselaer County
 Schenectady County, Saratoga County: Remainder of County
 Carpenters and soft floor layers
 Millwrights
 File-drivers
 CARPENTERS:
 (Rehabilitation work on residential structures over 4 stories, defined to include all work, including demolition, repair and alteration on any existing structure which is intended for predominantly residential use)

DECISION NO. N777-3000

CARPENTERS, HEAVY AND HIGHWAY
 CEMENT MASONS, HEAVY AND HIGHWAY
 ELECTRICIANS:
 Saratoga County: Gansseveen, McGeorge, Schuyler, Victory
 Mills, Mayville, Stillwater, Mechanville and Waterford
 Remainder of County
 Albany County: Electricians
 Coboes and Waterlist
 Remainder of County
 Bennesselaer County: Electricians
 Schodack, Bennesselaer, E. Green-brush, Stephentown and Nassau
 Remainder of County
 Schenectady County: Electricians
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS HELPERS
 ELEVATOR CONSTRUCTORS HELPERS (PROB.)
 GLAZIERS
 IRONWORKERS: STRUCTURAL, REINFORCING AND ORNAMENTAL
 LEAD BURNERS
 LAYERS
 LINE CONSTRUCTION:
 Lineman
 Cable splicer
 Groundman digging machine operator
 Groundman mobile equipment operator
 Groundman truck driver
 Groundman dynamite man and mechanic
 PAINTERS:
 Albany County, Bennesselaer County and Schenectady County
 Brush
 Structural steel & bridge
 Swing scaffold, boson chair, water towers, flagpoles and window jacks
 Spray

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
9.32	.70	.70	b	.02	
9.15	.70	.35			
11.00	.70	18+.60	g	.05	
10.60	.70	18+.95	g	.05	
11.00	.70	18+.60	g	.05	
11.35	.45	18+.50	a		
11.35	.45	18+.50	a		
11.80	.70	18+.60	g	.05	
10.60	.70	18+.95	g	.03	
10.62	.545	.35	38+b+c	.02	
7.43	.545	.35	38+b+c	.02	
5.31	.40	.25		.01	
8.49	.69	.85		.04	
10.10	.40	.25	d	.01	
10.75	.70	.30		.01	
9.56	.65	18+.60	e	.01	
11.10	.65	18+.60	e	.01	
12.21	.65	18+.60	e	.01	
9.99	.65	18+.60	e	.01	
8.88	.65	18+.60	e	.01	
8.225	.65	18+.60	e	.01	
8.88	.65	18+.60	e	.01	
8.92	.35	.35		.02	
9.67	.35	.35		.02	
9.42	.35	.35		.02	
10.02	.35	.35		.02	

DECISION NO. 8777-3000	Basic Monthly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
PLUMBERS AND STEAMFITTERS Saratoga County: Tops of Stillwater and Halfmoon Charlton, Clifton Park and Automatic projects at West Milton and Malta Remainder of County Schenectady County	10.30 10.50 9.50 10.50	.60 .65 2.01 .65	1.00 .90 1.52 .90		.04 .10 .10 .10
PLUMBERS AND STEAMFITTERS: Northern Rensselaer County: Cities of Green Island and Watervliet Albany County: tops of Latham Saratoga County: tops of Halfmoon and Stillwater Southern Rensselaer County: Remainder of County Albany County: except cities of Watervliet to the Latham Shopping Center, westerly to Stop #16 Albany-Schenectady Rd. Saratoga County: Choes Area	10.30 10.10 10.37 11.86	.60 .70 38+.80 .65	1.00 .98 .40 .67 .95	1	.05 .02 .05 .08
ROOFERS SECRET METAL WORKERS SPRINKLER FITTERS TEDDY DRIVERS, BUILDING: Straight, winch, transit mix on job site, road oilers, dump, panel, pick-up, water and fuel trucks on site (including nozzle) Euclid or similar equipment Lowboy or lowboy trailers	8.70 8.95 8.85	.70 .70 .70	.59 .59 .53	1 1 1	.02 .02 .02

DECISION NO. 8777-3000	Basic Monthly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
PAINTERS: Saratoga County Tps. of Clifton Park, Half Moon, Malta, Charlton, Galway, Milton & West Milton Brush Structural steel & bridge Spray Swing scaffold, boson chair, water towers, flagpoles and window jacks	8.92 9.67 10.02 9.42		.35 .35 .35 .35		.02 .02 .02 .02
PAINTERS: Saratoga County tps. of Day, Bradley, Corinth, Moreau, Canevoort and Mt. McGregor Brush Structural steel, swing scaffold and bridge Spray and sandblasting	8.04 8.37 8.59	.25 .25 .25	.20 .20 .20		
PAINTERS: Remainder of County: Commercial work Swing scaffold, boson chair, water towers, flagpoles and window jacks	7.25 7.75				
MARBLE SETTERS, TERRAZZO WORKERS, AND TILE SETTERS: Saratoga County: Tps. of Ballston, Charlton, Clifton Park Remainder of County	9.35 10.49	.70 .70	.35 .35		
PLUMBERS, STEAMFITTERS, AIR CONDITIONING AND REFRIGERATION: Albany County, Except Watervliet to the Latham Shopping Center, westerly to stop #16 Albany - Schenectady road; Saratoga County: Coboes area; Rensselaer County: Southern half of county PLUMBER AND STEAMFITTERS Albany:	10.30 10.30 10.30	.70 .60 .60	.92 1.00 1.00	1	.05 .04 .04

DECISION NO. NY77-3000

Schenectady, Saratoga County; Taps of Day, Badley, Edinburg, Corinth, Moreau, South Glen Falls, Providence, Greenfield, Wilton, Northumberland, Galway, Milton, Saratoga Springs, Charlton, Ballston, Malta & Clifton Park LABORSERS:

(Rehabilitation work only for garden type apartments over 4 stories)

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V
- GROUP VI
- GROUP VII

LABORSERS, BUILDING:

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V
- GROUP VI
- GROUP VII

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
6.07	.70	.85		.07
6.185	.70	.85		.07
6.20	.70	.85		.07
6.24	.70	.85		.07
6.27	.70	.85		.07
6.2575	.70	.85		.07
6.43	.70	.85		.07
8.65	.70	.85		.07
8.80	.70	.85		.07
8.825	.70	.85		.07
8.875	.70	.85		.07
8.925	.70	.85		.07
8.90	.70	.85		.07
9.125	.70	.85		.07

DECISION NO. NY77-3000

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOURTEENS:

- a. Holiday: E, provided the employee works the day after the holiday, 3 hrs. before X-Mas Eve and New Years Eve.
- b. Holidays: A thru F.
- c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- d. Holidays: A thru F, Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 30 full days during the 90 days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.
- e. Holidays: A thru F; Washington's Birthday, Election Day for the president of the United States and Election of Governor of New York (provided the employee works the day before and the day after the holiday).
- f. One week vacation after one year's work; 2 weeks after 5 years work.
- g. Holiday: Thanksgiving Day provided employee reports for work the day after the holiday.
- b. Holidays: Labor Day and 4th of July.
- i. Employer contributes \$4.00 per day to a Vacation Fund.

DECISION NO. NY77-3000

LABORERS DEFINITION (BUILDING CONSTRUCTION) CONT'D

- GROUP IV
Wagon drill operator
- GROUP V
Acetylene burners
- GROUP VI
Demolition
- GROUP VII
Blasters

Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pension	Vacation	
6.02	.70	.90		.07
6.1325	.70	.90		.07
6.15	.70	.90		.07
6.19	.70	.90		.07
6.22	.70	.90		.07
6.2075	.70	.90		.07
6.38	.70	.90		.07
8.60	.70	.90		.07
8.75	.70	.90		.07
8.775	.70	.90		.07
8.825	.70	.90		.07
8.875	.70	.90		.07
8.85	.70	.90		.07
9.075	.70	.90		.07

Albany, Rensselaer, Saratoga (Remainder of County)
LABORERS:
(Rehabilitation work only for garden type apartments over 4 stories)
GROUP I
GROUP II
GROUP III
GROUP IV
GROUP V
GROUP VI
GROUP VII
LABORERS, BUILDING:
GROUP I
GROUP II
GROUP III
GROUP IV
GROUP V
GROUP VI
GROUP VII

DECISION NO. NY77-3000

LABORERS DEFINITION (REHABILITATION WORK ONLY FOR GARDEN TYPE APARTMENTS OVER 4 STORIES)

- GROUP I
Laborers
- GROUP II
Pipelayers (2 man team) mortar mixers (hand or machine), jackhammer operator, well pointing, concrete vibrators, all air or gas driven tools, hod carriers, power driven boggies
- GROUP III
Form setter (curb)
- GROUP IV
Wagon drill operator
- GROUP V
Acetylene burners
- GROUP VI
Demolition
- GROUP VII
Blasters

LABORERS DEFINITION (BUILDING CONSTRUCTION)

- GROUP I
Laborers
- GROUP II
Pipelayers (2 man team), Mortar mixers (hand or machine), jackhammer operator, well pointing, concrete vibrators, power driver boggies
- GROUP III
Form setter (curb)

DECISION NO. NY77-3000

LABORERS DEFINITIONS (BUILDING CONSTRUCTION) CONT'D

- GROUP IV
Wagon drill operator
- GROUP V
Acetylene burners
- GROUP VI
Demolition
- GROUP VII
Blasters

Basic Hourly Rates	Fringe Benefits, Payments				Education and/or Appr. Tr.
	H & W	Fees/ins	Vacation		
7.84	.70	.85	a	a	.05
8.04	.70	.85	a	a	.05
8.24	.70	.85	a	a	.05
8.44	.70	.85	a	a	.05

Saratoga (Remainder of County),
Rensselaer and Schoenectady
LABORERS, HEAVY AND HIGHWAY
CONSTRUCTION:
GROUP I
GROUP II
GROUP III
GROUP IV

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I
Laborers and driller helpers

GROUP II
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin boggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper pipelayers

GROUP III
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator

GROUP IV
Blasters, form setters, stone or granite curb setters

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C. Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:

a. Holidays A through F, providing the employee works the day before and after the holiday.

DECISION NO. NY77-3000

LABORERS DEFINITIONS (REHABILITATION WORK ON RESIDENTIAL STRUCTURES OVER 4 STORIES, DEFINED TO INCLUDE ALL WORK, INCLUDING DEMOLITION, REPAIR AND ALTERATION ON ANY EXISTING STRUCTURE WHICH IS INTENDED FOR PREDOMINANTLY RESIDENTIAL USE)

- GROUP I
Laborers
- GROUP II
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jack-hammer operator, well pointing, all air or gas driven tools, concrete vibrators, power driven buggies
- GROUP III
Form setters (curb)
- GROUP IV
Wagon drill operator
- GROUP V
Acetylene burners
- GROUP VI
Demolition
- GROUP VII
Blasters

LABORERS DEFINITION (BUILDING CONSTRUCTION)

GROUP I
Laborers

GROUP II
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jack-hammer operator, well pointing, all air or gas driven tools concrete vibrators, power driven buggies

GROUP III
Form setters (curb)

DECISION NO. NY77-3000

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION

Albany County, Saratoga County; Towns of Day, Hadley, Edenburg, Corinth, Norcross, S. Glen Falls, Providence, Greenfield, Milton, Northumberland, Galway, Milton, Saratoga Springs, Charlton, Ballston, Malta, Clifton Park

CLASS	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
CLASS A	.80	.95	a	.05
CLASS B	.80	.95	a	.05
CLASS C	.80	.95	a	.05
CLASS D	.80	.95	a	.05

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS A

Laborers, drill helper, flagmen, outboard and hand boats

CLASS B

Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1 1/2" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

CLASS C

All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman

CLASS D

Blasters, form setters, stone or granite curb setters

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:

a. Paid holidays A through F, provided the employee has worked the day before and after the holiday.

DECISION NO. NY77-3000

POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION:
Albany County, Rensselaer County, Saratoga County and Schoenectady County

GROUP	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
GROUP I	.85	.60	a	.10
GROUP II	.85	.60	a	.10
GROUP III	.85	.60	a	.10
GROUP IV	.85	.60	a	.10
GROUP V	.85	.60	a	.10
GROUP VI	.85	.60	a	.10
GROUP VII	.85	.60	a	.10

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION

GROUP I

Oilers

GROUP II

Firemen and heavy duty grassers, all boilers and steam generators

GROUP III

Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, wall points, two or more Herman Nelson and like beaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP IV

Dinky locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoops, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP V

Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, excavators, core and wall well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

DECISION NO. NY77-1000

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I

Automated concrete spreader (OMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (OMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purposes hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front loader & C.Y. and over) head tower (sawman or equal hoist (2 or 3 drum), mine hoist, mocking machine or mule, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, stubboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel, cableway, caisson auger, central mix concrete plant (automated)

GROUP II

Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted, boring machine, cage-boist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 165), concrete pump (under 5"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 C.Y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaser/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crane, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, toggle-boist, winch, winch cat

GROUP III

A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), granite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with tower accessories, vibrator compactor, vibro tamp, wall point

DECISION NO. NY77-1000

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION CONT'D

GROUP VI

LeTourneau graders or scrapers, trenching machines, push cart

GROUP VII

Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CBS Vibrotamp or similar, Murphy type diesel generator-belt-crete system, slide booms, hydro hammer, tractor mounted drill (quarry master), screed loaders, concrete pumps, all OMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mocking machine

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

Basic Monthly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	M & W	Pensions	Vacation	
10.15	.90	.60	a	.15
9.82	.90	.60	a	.15
9.10	.90	.60	a	.15
8.27	.90	.60	a	.15

Albany County: Excluding the City of Albany, Rensselaer County Excluding the City of Troy, Saratoga County: Entire County, Schenectady County: Excluding the City of Schenectady

POWER EQUIPMENT OPERATORS,

HEAVY & HIGHWAY CONSTRUCTION:

GROUP I

GROUP II

GROUP III

GROUP IV

DECISION NO. NY77-3000

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION (CONT'D)

GROUP IV

Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination) concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, roller parapet-(concrete or pavement grinder), power broom (towed), power bestraman, rewinus widener, shell winder, steam cleaner, tractor

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & V	Pensions	Vacation	
10.05					
9.72	1.00	.60	a		.15
9.00	1.00	.60	a		.15
8.17	1.00	.60	a		.15

Cities of Albany, Troy and Schenectady

POWER EQUIPMENT OPERATORS:

HEAVY AND HIGHWAY CONSTRUCTION:

- GROUP I
- GROUP II
- GROUP III
- GROUP IV

Cities of Albany, Troy and Schenectady

HEAVY AND HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I

Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader (4 c.y. and over) head tower (sauceman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel, cableway, caisson auger, central mix concrete plant (automated).

DECISION NO. NY77-3000

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION (CONT'D)

GROUP II

Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill tri : or tractor mounted), boring machine, cage-boist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 5'), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolanman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/grassman/welder, mixer (for stabilized base self-propelled), mortar machine, plant engineer, pump crete, ready mix concrete plant, refig-eration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, toggle-boist, winch, winch cat

GROUP III

3-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunit machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with tower accessories, vibratory compactor, vibro tamper, well point

GROUP IV

Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collector, generator pumps, welding machines (3 or less of any type or combination) concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, roller parapet-(concrete or pavement grinder), power broom (towed), power bestraman, rewinus widener, shell winder, steam cleaner, tractor.

DECISION NO. NY77-3000

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTES:

a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday

DECISION NO. NY77-3000

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.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pension	Vacation	
8.04	.65	.70	a	
8.09	.65	.70	a	
8.14	.65	.70	a	
8.29	.65	.70	a	
8.44	.65	.70	a	

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1

CLASS 2

CLASS 3

CLASS 4

CLASS 5

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS 1

Warehousemen, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight job), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2

Tandems, batch trucks, mechanics and dispatcher

CLASS 3

Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and concrete type vehicles, truck mechanic

CLASS 4

Specialized earth moving equipment - euclid type or similar off-highway equipment where not self loaded, and straddle (roos) carrier

CLASS 5

Off-highway tandems back-dump, twin engine equipment and double-hitched equipment where not self loaded

STATES: Oklahoma
 COUNTIES: Tulsa, Creek, Craig,
 Ottawa, Delaware, Mayes
 and Rogers

DECISION NO.: 0K77-4087
 Supersedes Decision No. 0K76-4186 dated November 19, 1976 in 41 FR 51359.
 DESCRIPTION OF WORK: Building Construction, (but does not include single family homes and garden type apartments up to and including 4 stories).

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.80	.35	.60		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons				.33	.06
Tulsa, Delaware, Ottawa, Craig and Rogers Counties	9.74	.30	.40		.04
Mayes County	9.36	.45	.40		.05
CARPENTERS-I	8.78	.35	.65		.05
Area II	8.12	.33	.30		.05
MILLWRIGHTS-Piledrivemen-I	9.08	.35	.65		.05
Area II	8.37	.33	.30		

CARPENTERS-MILLWRIGHTS-PILEDRIVEN AREA DEFINITIONS
 AREA I - Tulsa, Creek, Craig, Rogers and Mayes Counties.
 AREA II - Delaware and Ottawa Counties.

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
CEMENT MASONS	9.28		.40		.06
Power tool operator	9.53		.40		.06
ELECTRICIANS:					
Electricians	9.65	.46	12+.40	.30	.07
Cable splicers	9.90	.46	12+.40	.30	.07
ELEVATOR CONSTRUCTORS	9.66	.545	.35	42++.5	.02
ELEVATOR CONSTRUCTORS' HELPER	7.07R	.545	.35	42++.5	.02
(Probationary 6 months)					
GLAZIERS:					
Area I	8.42	.40	.30	.25	.01
Area II	8.05				

GLAZIERS AREA DEFINITIONS
 AREA I - Tulsa, Creek, Mayes, and Roger Counties.
 AREA II - Craig, Delaware and Ottawa Counties.

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
Group I	6.90	.25	.30		
Group II	7.20	.25	.30		
Group III	7.30	.25	.30		
Group IV	7.75	.25	.30		

LABORERS CLASSIFICATION DEFINITIONS

Group I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures; cleaning when the man is directly tending; and common laborers.

Group II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending -athets, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swing-ing scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-concrete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials, when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except mortar; signal men and cutting torch operators in connection with laborers work; concrete grader.

GROUP III - Wagon drill operator
 GROUP IV - Powdermen or blaster

	Basic Hourly Rates	H & W	Fringe Benefits Payments		Education and/or Appr. Tr.
			Pensions	Vacation	
LATNERS	\$ 8.65		.30		.01
LINE CONSTRUCTION:					
Linemen	9.35		.15		1/22
Cable splicers	9.91		.15		1/22
Sole digger operator	8.49		.15		1/22
Heavy Equipment operator (Pole or Cat Equivalent)	8.49		.15		1/22
Jack Hammerman	7.00		.15		1/22
Line truck driver (winch op.)	7.68		.15		1/22
Powderman	8.09		.15		1/22
Groundman	6.24		.15		1/22
Truck driver (flat bed ton and half and under)	6.66		.15		1/22

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or over), forsdon tractor or like equipment with boom or loader equipment or ditcher, scraper type equipment, compact, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TB-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer-18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engine: diesel electric, which truck with a frame, toiler, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, beaters under jurisdiction of operators, engineers, fireman, boiler operator, crushing plants, oiler distributor, pulverizer, farmer tractor-with or without attachments, batch plant operator - dual, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines.

ENGINEER FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS.

GROUP VII - Greaser, tilt top trailer operator

GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator - single continuous belt bulk handling

GROUP IX - Asphalt lay machine back end man, helpers

GROUP X - Truck crane oiler driver or truck crane oiler

	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
PAINTERS: (Craig, Ottawa and Delaware Counties): Brush, roller, tapers, paper-hangers		.30			
Spray, steamclean, sandblast, and pot tenders		.30			
PAINTERS (Tells, Creek, Rogers and Hayes Counties):					
Brush	8.55	.25	.85		.02
Highwork and stage	8.95	.25	.85		.02
Spray and sandblasting	8.95	.25	.85		.02
Hot or bituminous	9.85	.25	.85		.02
Sheetrock handtools	8.55	.25	.85		.02
Sheetrock power tools	8.90	.25	.85		.02
Hazardous work	10.75	.25	.85		.02
PIPEFITTERS	10.47	.55			.08
PLASTERERS	9.15	.01			.01
PLUMBERS	10.57	.55			.08
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	8.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12

	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
ROOFERS	8.40	.45	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SOFT FLOOR LAYERS	7.71		.25	.70+6	.03
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	9.29		.30		
TERRAZZO WORKERS' & Tile Layers helper	7.70				
TERRAZZO WORKERS' Helpers floor machine operator	7.60				
TERRAZZO WORKERS' Helpers base machine operator	8.00				
TILE LAYERS	9.29		.30		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)

GROUP II - All crane type equipment with 150-200' of boom (including jib)

GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by sig.), sideboom (booms 30' and over), guy derrick

GROUP IV - Heavy duty mechanic welder, crane-hook and overhead monorail, whirley, panel board batch plant operator, piledriver engineer, draglines, abovel, clanshall, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack and chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

TRUCK DRIVERS: (DELAWARE COUNTY)

Group	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or App. Tr.
Group I	\$7.55				
Group II	7.65				
Group III	7.75				
Group IV	7.70				
Group V	7.85				

DELAWARE COUNTY - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

- GROUP I - Pick-up 1 1/2 tons, or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
- GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
- GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, encloids, Mississippi wagons, semi-dumps, towner polls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
- GROUP IV - Ready mix concrete trucks up to but not including 3 yards
- GROUP V - Ready mix concrete trucks 3 yards and over

TRUCK DRIVERS: (TULSA, CREEK, CRAIG, OTTAWA, MAYES AND ROGERS COUNTIES)

Group I	7.68				
Group II	7.73				
Group III	7.83				
Group IV	7.83				
Group V	7.83				

TULSA, CREEK, CRAIG, OTTAWA, MAYES AND ROGERS COUNTIES - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

- Group I - Truck drivers, including pick-up, 1 1/2 tons or 2 1/2 yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver.
- Group II - 3 tons or 4 yards up to but not including 4 tons or 6 yards.
- Group III - 5 tons or 6 yards and over including heavy equipment.
- Group IV - Ready mix concrete truck
- Group V - Tractor-trailer and similar equipment

FOOTNOTES:

- a - 1st 6 mos. none; 6 mos. to 5 yrs. - 2%; over 5 years - 4% of basic hourly rate.
- b - Paid Holidays - A through F

PAID HOLIDAYS:

- A-New Year's Day; Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

STATE: Oklahoma
 COUNTY: Wagoner
 DECISION NO.: 0K77-4058
 DATE: Date of Publication
 Supersedes Decision No. 0K76-4199 dated November 26, 1976 in 41 PR 52278.
 DESCRIPTION OF WORK: Building Construction, (but does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$10.80	.35	.60		.015	
BOLTMEN	10.00	.50	1.00		.02	
BRICKLAYERS	9.36	.45	.40		.04	
CARPENTERS	8.25	.35	.55		.06	
Millwrights-Piledrivers	8.75	.35	.55		.06	
CEMENT MASONS:						
Zone I - That portion of Wagoner county on a diagonal line from the northeast corner of Okemuge to the Southeast corner of Mayes	9.28		.40		.10	
Zone II - Remainder of Wagoner Co.	8.55					
ELECTRICIANS:						
Zone I	9.73	.60	1%		1/2%	
Electricians	10.03	.60	1%		1/2%	
Cable splicers	10.13	.60	1%		1/2%	
Zone II	10.43	.60	1%		1/2%	
Electricians	9.65	.46	1%+.40	.30	.07	
Cable splicers	9.90	.46	1%+.40	.30	.07	
ELECTRICIANS - CABLE SPlicERS ZONE DEFINITIONS						
Blue Mount, Coweta, Gatesville, Shammon, Tullabaster, Forter and Stone Bluff Townships.						
Zone I - A 20 mile radius from the Post Office in Muskogee						
Zone II - That area outside zone I						
Zone III - Adams, Creek, Lone Star and Shahan Townships Only						
GLAZIERS	8.42	.40	.30		.01	
IRONWORKERS	9.60	.45	.65		.12	
LABORERS:						
Group I - Construction laborers	6.10	.25	.30			
Group II - Mason tenders, mortar mixers, sewer drain, tile layers, machine tool operators	6.40	.25	.30			
Group III - Powdermen (make-up) wagon drill operator	6.60	.25	.30			

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LINE CONSTRUCTION:						
Linemen	\$ 9.35		1%			1/2%
Cable splicers	9.91		1%			1/2%
Hole digger operator	8.49		1%			1/2%
Heavy equipment operator for pole cat equivalent	8.49		1%			1/2%
Line truck driver (winch operator)	7.68		1%			1/2%
Jack hammerman	7.03		1%			1/2%
Powderman	8.49		1%			1/2%
Groundman	6.24		1%			1/2%
Truck driver (flat bed, ton and half and under)	6.66		1%			1/2%
PAINTERS:						
Brush and roller	7.85		.40	.20		.07
Highwork and stage	7.85		.40	.30		.07
Sandblasting	8.10		.40	.30		.07
Spray painting	8.10		.40	.20		.07
Hot or bituminous	8.75		.40	.20		.07
Hazardous work	9.65		.40	.20		.07
Sheetrock power tools	7.80		.40	.20		.07
PLUMBERS-Streamfitters	10.60	.40	.80			.15
POWER EQUIPMENT OPERATORS:						
Group I	10.10	.45	.50			.12
Group II	9.85	.45	.50			.12
Group III	9.60	.45	.50			.12
Group IV	9.35	.45	.50			.12
Group V	9.10	.45	.50			.12
Group VI	9.10	.45	.50			.12
Group VII	9.85	.45	.50			.12
Group VIII	8.45	.45	.50			.12
Group VIII	8.35	.45	.50			.12
Group IX	8.15	.45	.50			.12
Group X	7.85	.45	.50			.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

- GROUP I - All crane type equipment with 200' of boom or over (including jib)
- GROUP II - All crane type equipment with 150-200' of boom (including jib)
- GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (at rates by wfg.), sideboom (booms 30' and over), guy derrick
- GROUP IV - Heavy duty mechanic welder, crane-hook and overhead monorail, whittler, panel board batch plant operator, girdedriver engineer, dragline, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack and chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
- GROUP V - Motor patrol (blade), fork lift (33' and over), dozer (engine h.p. 65 or over), fordson tractor or like equipment with h. or loader equipment or ditcher, scraper type equipment, tounrapull, DW 10, 15, 16, 20, 21, & similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

ENGINEERS FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 5 air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pumps, battery, 3 to 5, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, beaters under jurisdiction of operating engineers, fireman, boiler operator, crushing plants, oiler distributor, pulverizer, farmer tractor-with or without attachments, batch plant operator - dual, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines

ENGINEERS FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS

- GROUP VII - Greaser, tilt top trailer operator
- GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling
- GROUP IX - Asphalt lay machine back end man, helpers
- GROUP X - Truck crane oiler driver or truck crane oiler

	Fringe Benefits Payments				
	Basic Monthly Rates	M & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	\$ 8.80	.45	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS:					
Group I	8.03				
Group II	8.13				
Group III	8.23				
Group IV	8.18				
Group V	8.33				

TRUCK DRIVERS CLASSIFICATION DEFINITION

- Group I
Pick-up, 1 1/2 tons or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
- Group II
3 tons or 4 yards and up to but not including 4 tons or 6 yards
- GROUP III
5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, scullids, Mississippi wagons, semi-dumps, tounrapulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers.
- GROUP IV
Ready-mix concrete trucks up to but not including 3 yards
- GROUP V
Ready-mix concrete trucks 3 yards and over

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDES DECISION

STATE: West Virginia
 COUNTY: Statewide
 DECISION NO.: WV77-3051
 DATE: Date of Publication
 SUPERSEDES DECISION NO. WV77-3024, dated February 18, 1977, in 42 FR 10272.
 DESCRIPTION OF WORK: Heavy and Highway Construction.

AREAS COVERED BY CARPENTERS

AREA 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
 AREA 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, Mcdowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Boone, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.72	.65	.75		
9.45	.50	.50	.53	.03
9.83	.60	.85		.02
9.93	.50	.25		.02
11.04	.30	.30		
9.65	.60	.40		
9.79				
8.70				

BRICKLAYERS & STONEMASONS:

- AREA 1
- AREA 2
- AREA 3
- AREA 4
- AREA 5
- AREA 6
- AREA 7
- AREA 8

AREAS COVERED BY BRICKLAYERS & STONEMASONS

AREA 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Putnam, Raleigh & Summers Counties.
 AREA 2 - Barbour, Doddridge, Gilmer, Grant, Hardy, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur & Webster Counties.
 AREA 3 - Marshall, Ohio, Tyler & Wetzel Counties.
 AREA 4 - Brooke & Hancock Counties.
 AREA 5 - Cabell, Lincoln, Mason, Mingo & Wayne Counties.
 AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Boone, Wirt & Wood Counties.
 AREA 7 - Berkeley, Hampshire, Mercer, Mineral & Morgan Counties.
 AREA 8 - Mcdowell, Mercer, Monroe & Wyoming Counties

HEAVY HIGHWAY

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.80	.35	.35		.02
8.70	.35	.35		.02

CARPENTERS:

- AREA 1
- AREA 2

Carpenters working inside tunnels shall receive an additional 25c per hour.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.27	.25			
9.09	.25			
11.35	.50	.15 + .07	.02	.04
12.46	.50	.15 + .07	.02	.04
7.05	.50	.15 + .12	.77	.06
7.35	.50	.15 + .12	.77	.06
9.95	.50	.15 + .12	.77	.06
10.25	.50	.15 + .12	.77	.06
9.10	.50	.15 + .53	1.17	.03
10.01	.50	.15 + .53	1.17	.03
9.90	.50	.15 + .32	1.02	.04
10.15	.50	.15 + .32	1.02	.04

CEMENT MASONS:

Heavy Construction
 Highway Construction

ELECTRICIANS:

AREA 1
 Wiremen
 Cable splicers
 AREA 2
 Contracts \$15,000 or less:
 Wiremen
 Cable splicers
 Contracts over \$15,000:
 Wiremen
 Cable splicers
 AREA 3
 Cable splicers
 AREA 4
 Wiremen
 Cable splicers
 AREA 5
 Wiremen
 Cable splicers

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ELECTRICIANS (CONT'D):

	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation	Education and/or App. Tr.	
AREA 5 Wiremen Cable splicers	6%	7%	8%	1/2 of 1%	1/2 of 1%
AREA 6 Wiremen Contracts under \$12,000: Contracts \$12,000 or more:	6%	7%	8%	1/2 of 1%	1/2 of 1%
AREA 7 Wiremen Cable splicers	.50	1% + 1.02	1.27	.02	.02
AREA 8 Wiremen Cable splicers	.50	1% + 1.02	1.27	.02	.02
AREA 9 Wiremen Cable splicers	.50	1% + 1.02	1.02	.04	.04
AREA 10 Wiremen Cable splicers	.50	1% + .47	1.02	.04	.04
AREA 11 Wiremen Cable splicers	.50	1% + .47	1.02	.04	.04
AREA 12 Wiremen Cable splicers	.50	1% + .47	1.02	.04	.04
AREA 13 Wiremen Cable splicers	.50	1% + .47	1.02	.04	.04
AREA 14 Wiremen Cable splicers	.50	1% + .47	1.02	.04	.04
AREA 15 Wiremen Cable splicers	.50	1% + .25	1%	1%	1%
AREA 16 Wiremen Cable splicers	.50	1% + .25	1%	1%	1%
AREA 17 Wiremen Cable splicers	.50	1% + .25	1%	1%	1%

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ELECTRICIANS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
AREA 15 Contracts \$15,000 or less: Wiremen Cable splicers	\$ 7.35 7.65	.50 .50	1% + .12 1% + .12	.77 .77	.06 .06
Contracts over \$15,000: Wiremen Cable splicers	10.25 10.55	.50 .50	1% + .12 1% + .12	.77 .77	.06 .06
AREA 16 Contracts \$15,000 or less: Wiremen Cable splicers	7.55 7.85	.50 .50	1% + .12 1% + .12	.77 .77	.06 .06
Contracts over \$15,000: Wiremen Cable splicers	10.45 10.75	.50 .50	1% + .12 1% + .12	.77 .77	.06 .06
AREA 17 Contracts under \$30,000: Wiremen Contracts \$30,000 or more: Wiremen	6.25 9.65	.50 .50	1% 1%	3/4 of 1% 3/4 of 1%	

AREAS COVERED BY ELECTRICIANS

- AREA 1 - Boone, Brexton, Calhoun, Clay, Fayette (Falls & Kansas Townships only), Gilmer, Kanawha, Nicholas, Putnam, Raleigh (Clear Fork & Marsh Fork Townships only), Spenser & Webster Counties.
- AREA 2 - Raleigh (remainder of county) County.
- AREA 3 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
- AREA 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzell Counties.
- AREA 5 - Brooke (except Buffalo Twp) & Hancock Counties.
- AREA 6 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
- AREA 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
- AREA 8 - Cabell & Wayne Counties.
- AREA 9 - Logan, Mason & Mingo Counties.
- AREA 10 - Lincoln County.
- AREA 11 - Mineral County.
- AREA 12 - Berkeley, Hampshire & Morgan Counties.
- AREA 13 - Grant County.
- AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.
- AREA 15 - Fayette (remainder of county) County.
- AREA 16 - Summers & Wyoming Counties.
- AREA 17 - Hardy, Jefferson & Pendleton Counties.

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IRONWORKERS:

	Fringe Benefits Payments				Education end/yr Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
AREA 1	\$10.42	.75	.85		.05
AREA 2	10.63	.60	.75		.03
AREA 3	10.17	.75	.85		.01
AREA 4					
Zone 1 - 10 miles from Union Hall	10.26	.65	.70		.01
Zone 2 - 10 to 15 miles from Union Hall	10.41	.65	.70		.01
Zone 3 - 15 to 20 miles from Union Hall	10.51	.85	.70		.01
Zone 4 - 20 to 25 miles from Union Hall	10.61	.65	.70		.01
AREA 5	9.84	.60	.90		
AREA 6	9.55	.60	.65		.03

AREAS COVERED BY IRONWORKERS

- AREA 1 - Boone, Branton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster, & Wyoming Counties.
- AREA 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
- AREA 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Boone, Upshur, Wirt & Wood Counties.
- AREA 4 - Cabell, Mingo & Wayne Counties.
- AREA 5 - Berkeley, Grant, Hampshire, Hardy, Mineral, Morgan, Pendleton, Prentiss, Randolph & Tucker Counties.
- AREA 6 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.

	HEAVY		HIGHWAY			
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education end/yr Appr. Tr.
LABORERS:	\$ 8.48	\$ 8.32	.35	.35		.03
GROUP 1	8.07	7.92	.35	.35		.03
GROUP 2	7.75	7.58	.35	.35		.03
GROUP 3	7.44	7.27	.35	.35		.03
GROUP 4	7.19	6.98	.35	.35		.03
GROUP 5	6.59	6.51	.35	.35		.03
GROUP 6						

All classifications who are required to work in open verticle ditches and manholes that are 6' or more in depth shall receive 15¢ per hour above their regular rate of pay.

LABORERS' CLASSIFICATIONS DEFINITIONS

- GROUP 1 - Blacksmith, Tunnel Driller, Tunnel Miner.
- GROUP 2 - Powderman, Wacker-Chucker.
- GROUP 3 - Calson btom man, Pipe Layer (including Laser Beam Set-up), Form setter (road), Drill Operator and Inside Laborer.
- GROUP 4 - Airtool Operator, Vibrator Man, Wacker, Chainsaw Operator, Mortar-man, Mason Tender, Blacksmith Helper, Cement Finisher Helper, Drill Helper, Powderman Helper, Waterproofer, Shetter and Shorer, Pipelayers Helper, Bullfloat Man, Pavement Reinforcing Placer, Harcymen, Signal Man, Asphalt Baker, Greencutter, Georgia Power Boggsie, Burner, Grade Checker, Concrete Blower Man.
- GROUP 5 - Laborer, Deckhand, Mulcher and Seeder (hand or machine), Trees Trimmer, Flagman.
- GROUP 6 - Watchman

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LINE CONSTRUCTION (CONT'D):

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 10.15	.50	1% + .25		1/2 of 1%
9.64	.50	1% + .25		1/2 of 1%
6.60	.50	1% + .25		1/2 of 1%
10.35	.50	1% + .25		1/2 of 1%
9.84	.50	1% + .25		1/2 of 1%
6.80	.50	1% + .25		1/2 of 1%
10.55	.50	1% + .25		1/2 of 1%
10.04	.50	1% + .25		1/2 of 1%
7.00	.50	1% + .25		1/2 of 1%
12.11	.45	1%		1/2 of 1%
7.43	.45	1%		1/2 of 1%
7.17	.45	1%		1/2 of 1%
10.30	.45	1% + .12	.77	1/2 of 1%
10.60	.45	1% + .12	.77	1/2 of 1%
8.24	.45	1% + .12	.77	1/2 of 1%
10.50	.45	1% + .12	.77	1/2 of 1%
10.80	.45	1% + .12	.77	1/2 of 1%
8.40	.45	1% + .12	.77	1/2 of 1%
8.66	.35	1%		1/2 of 1%
9.06	.35	1%		1/2 of 1%
7.45	.35	1%		1/2 of 1%
6.06	.35	1%		1/2 of 1%
4.76	.35	1%		1/2 of 1%

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LINE CONSTRUCTION:

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.48	.45	1% + .42	1.02	1/2 of 1%
11.53	.45	1% + .42	1.02	1/2 of 1%
8.38	.45	1% + .42	1.02	1/2 of 1%
10.00	.45	1% + .12	.77	1/2 of 1%
10.30	.45	1% + .12	.77	1/2 of 1%
8.00	.45	1% + .12	.77	1/2 of 1%
9.80	.45	1% + 1.02	1.02	1/2 of 1%
10.78	.45	1% + 1.02	1.02	1/2 of 1%
7.84	.45	1% + 1.02	1.02	1/2 of 1%
9.10	.50	1% + .53	1.17	1/2 of 1%
10.01	.50	1% + .53	1.17	1/2 of 1%
7.28	.50	1% + .53	1.17	1/2 of 1%
9.90	.50	1% + .32	1.02	1/2 of 1%
10.15	.50	1% + .32	1.02	1/2 of 1%
7.92	.50	1% + .32	1.02	1/2 of 1%
10.80	5%	6%	8%	1/2 of 1%
11.20	5%	6%	8%	1/2 of 1%
7.02	5%	6%	8%	1/2 of 1%
9.40	.50	1% + 1.02	1.27	1/2 of 1%
10.34	.50	1% + 1.02	1.27	1/2 of 1%
7.52	.50	1% + 1.02	1.27	1/2 of 1%

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AREAS COVERED BY LINE CONSTRUCTION

- AREA 1 - Boone, Brexton, Cabell, Calhoun, Clay, Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Roane, Wayne & Webster Counties.
- AREA 2 - Raleigh County.
- AREA 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
- AREA 4 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
- AREA 5 - Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties.
- AREA 6 - Brooke (except Buffalo Twp.) & Hancock Counties.
- AREA 7 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
- AREA 8 - Mineral County.
- AREA 9 - Berkeley, Hampshire & Morgan Counties.
- AREA 10 - Grant County.
- AREA 11 - Hardy, Jefferson & Pendleton Counties.
- AREA 12 - Fayette County.
- AREA 13 - Summers & Wyoming Counties.
- AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.

PAINTERS:

AREA 1

- Painters - An area within 50 miles of Huntington, W.V.
- An area 50 miles and beyond of Huntington, W.V.
- Structural Steel - An area within 50 miles of Huntington, W.V.
- An area 50 miles and beyond of Huntington, W.V. (includes towers, smoke stacks, flag poles & tanks)
- An area within 50 miles of Huntington, W.V.
- An area 50 miles and beyond of Huntington, W.V.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.42	.30	.35		.02
8.67	.30	.35		.02
8.53	.30	.35		.02
9.77	.30	.35		.02
9.24	.30	.35		.02
10.49	.30	.35		.02

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AREA 2

- Brush-roller lining machine work, power cleaning tools
- Spray, sandblasting, mitering, structural steel, materials emitting toxic vapors
- Height Clause: An additional \$ 1.00 per hour per 100' over the appropriate scale.

AREA 3

- Painters
- Structural steel after erection
- Bridge painting
- Spray painters
- Towers, tanks & stacks
- Repaint industrial & structural steel
- Sand blasters
- Swing & boatswain chair

AREA 4

- New Construction:
- Brush
- Roller
- Spray & Blast, Pot-Men
- Repaint Work
- Brush
- Roller
- Spray-Pot-Men
- Bridge
- Brush
- Roller
- Spray, Blast, Glove
- Open structural steel
- Stacks, vent pipes, flag poles, electrical, radio & T.V. towers & tanks over 30 feet high

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 8.50	.50	.20	.30	
\$ 9.00	.50	.20	.30	
10.00	.50	.20	.30	
8.40	.50	.20	.30	
9.25	.50	.20	.30	
9.15	.50	.20	.30	
9.40	.50	.20	.30	
9.65	.50	.20	.30	
8.50	.50	.20	.30	
10.25	.50	.20	.30	
8.75	.50	.20	.30	
9.16	.30			.01
9.42	.30			.01
10.18	.30			.01
7.74	.30			.01
8.02	.30			.01
10.18	.30			.01
9.86	.30			.01
10.11	.30			.01
10.86	.30			.01
9.51	.30			.01
10.11	.30			.01

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PAINTERS (CONT'D):

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 6.42	.50			.01
6.67	.50			.01
7.42	.50			.01
7.75	.50			.01
7.50	.50			.01
8.50	.50			.01
8.74	.50			.01
7.74	.50			.01
7.99	.50			.01
8.74	.50			.01
6.20	.50	.40		
7.20	.50	.40		
9.10		.25		
9.80		.25		
10.10		.25		
10.60		.25		
10.10		.25		
10.60		.25		
11.10		.25		
11.60		.25		

AREA 6
 Brush & roller
 Glove
 Spray & sandblast
 Heavy Construction:
 Glove & roller
 Structural steel, locks & dams brush
 Spray & sandblast
 Towers & tanks over 35'
 Railroad & Highway Bridges:
 Brush
 Glove & roller
 Spray & sandblast
 AREA 7
 Brush & roller
 Spray
 AREA 8
 light work
 Brush, rollers, sign painting
 Brush & rollers (toxic materials)
 Spray, sandblasting & use of flame burning & power tools
 Spray (toxic materials)
 Heavy & Hazardous Work:
 Brush & sign painting
 Brush (toxic materials)
 Spray, rollers, sandblasting, & use of flame burning & power tools
 Spray & roller (toxic materials)

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PAINTERS:

NEW	Basic Hourly Rates	REPAINT	Fringe Benefits Payments			App. Tr.
			H & W	Pensions	Vacation	
\$ 8.14	\$ 7.32					
8.14	7.32					
8.66	7.68					
8.99	8.43					
9.37	8.86					
9.70	9.12					
10.65	10.25					
9.70	9.12					

AREA 5
 Brush
 Air Compressor Operator
 Boiler, Spray, Dipping & Mitzem Work
 Water blasters, Steam Jenny nozzle men, swinging
 scaffold & Boat-swain chair, window belt & window jack work
 Brush painters on bridges, needle beam, cable work, brush & work power tool
 Flame cleaning
 Sand blaster
 All stacks, vent pipes, flag poles, in excess of 30' high, all towers, water towers, elevated tanks, electrical switch yards, transformer banks, television towers
 Spray painter or sandblaster on bridges, needle beam cable work

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Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.95	.35	.35		.02
8.85	.35	.35		.02

PILEDRIVERS - HIGHWAY CONSTRUCTION:

- AREA 1
- AREA 2

AREAS COVERED BY PILEDRIVERS
HIGHWAY CONSTRUCTION

AREA 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzell & Wood Counties.
AREA 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.69	.40	7%	10%	.05
10.46	.50	7%	8%	.05
9.65	.45	.55	10%	.04
9.90	.45	.55	10%	.04
10.23	.40	.50		
9.78	.45	.30		.05
9.82	.45	.15		.05
10.58	.50	1.00		.02
10.78	.50	1.00		.02
10.98	.50	1.00		.02
11.23	.50	1.00		.02

PLUMBERS & PIPEFITTERS:

- AREA 1
- AREA 2
- AREA 3
- AREA 4
- AREA 5
- AREA 6
- Plumbers
- Steamfitters
- AREA 7
- Zone 1 - within 8 mile radius of Cabell Co. Courthouse
- Zone 2 - 8 to 15 miles from the Courthouse
- Zone 3 - 15 to 25 miles from the Courthouse
- Zone 4 - Over 25 miles from the Courthouse

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AREAS COVERED BY PAINTERS

AREA 1 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
AREA 2 - Monongalia & Preston Counties.
AREA 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.
AREA 4 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
AREA 5 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties.
AREA 6 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzell Counties.
AREA 7 - Brooke (remainder of county), & Hancock Counties.
AREA 8 - Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties.

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.98	.35	.35		.02
9.88	.35	.35		.02
10.60	5%	10%		1%

PILEDRIVERS - HEAVY CONSTRUCTION:

- AREA 1
- AREA 2
- AREA 3

AREAS COVERED BY PILEDRIVERS
HEAVY CONSTRUCTION

AREA 1 - Cabell, Harrison, Jackson, Kanawha, Lewis, Marion, Mason, Pleasants, Preston, Putnam, Tyler, Wayne & Wood Counties.
AREA 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.
AREA 3 - Brooke, Hancock, Marshall, Monongalia, Ohio & Wetzell Counties.

PLUMBERS & PIPEFITTERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
AREA 8 Contracts \$75,000 or less	\$ 7.55	.45	.40		.09	
AREA 9 Contracts over \$75,000	9.62	.45	.40		.09	
AREA 10	10.15	.45	.55	10%	.04	
AREA 11	10.40	.45	.55	10%	.04	
	7.82	.50	.80	d		

AREAS COVERED BY PLUMBERS & PIPEFITTERS

- AREA 1 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
- AREA 2 - Brooke (remainder of county), & Hancock Counties.
- AREA 3 - Harrison, Marion & Mingo Counties.
- AREA 4 - Barbour, Doddridge, Lewis, Taylor & Upshur Counties.
- AREA 5 - Calhoun, Jackson (northern portion to but not including the Town of Ripley), Pleasants, Hitchie, Boone (northern portion to but not including the Town of Spencer), Tyler, Wirt & Wood Counties.
- AREA 6 - Boone (northeast portion including the Towns of Madison & Whitesville), Braxton (southern portion up to but not including the Town of Sutton), Clay, Fayette, Greenbrier, Jackson (remainder of county), Kanawha, Nicholas, Pocahontas, Putnam, Boone (remainder of county), Summers & Webster (southern portion up to but not including the Town of Webster Springs) Counties.
- AREA 7 - Boone (remainder of county), Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
- AREA 8 - McDowell, Mercer, Monroe, Raleigh & Wyoming Counties.
- AREA 9 - Braxton (remainder of county), Gilmer, Randolph, Tucker & Webster (remainder of county) Counties.
- AREA 10 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.
- AREA 11 - Berkeley, Jefferson & Morgan Counties.

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	HEAVY Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or Appr. Tr.
			Pensions	Vacation		
POWER EQUIPMENT OPERATORS:						
GROUP 1	\$ 9.63	.45	.55		.04	
GROUP 2	8.83	.45	.55		.04	
GROUP 3	8.09	.45	.55		.04	
GROUP 4	7.85	.45	.55		.04	
GROUP 5	7.52	.45	.55		.04	
GROUP 6	7.20	.45	.55		.04	
GROUP 7	8.41	.45	.55		.04	

All classifications performing tunneling and all other underground work shall receive an additional 15¢ per hour.

CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS

- GROUP 1 - Equipment with booms of 150 and/or capacity of 3 yards and over, or 50 tons or over, front end loader with capacity of 4 yards and over, capacities to be based on manufacturer's specifications, transloader.
- GROUP 2 - Cable way, crane, derrick (2 drums or more) derrick boat, drag-line, dredge, graball, hoist (2 drums or more) mechanic (heavy), mixer plant (2 or more mixers including batch control), paver (dual drums), pile driver, shovel, side boom tractor, cone drill, operator trencher (20" or over), truck crane, back hoe, li-lift (1 1/2 cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard gauge locomotive, tug boat, concrete pump, controlled fine grade machine.
- GROUP 3 - Bulldozer, derrick (single drum), hi-lift (under 1 1/2 cubic yards), hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Boss Carter, "A" frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill, lead greaser on grease truck or service island, snake or push tractor, and horizontal road boring machine.
- GROUP 4 - Concrete mixer (single drum), one cubic yard or over fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, self-propelled power concrete spreader, sub-grader, power form handling equipment, berlap and curing machine, concrete finishing machine, form grader, bull float, portable concrete saw, roller and compactor, bar and joint installing machine.
- GROUP 5 - High pressure fireman and fireman.
- GROUP 6 - Air compressor, concrete mixer (under 1 cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, spreader, spreader box man, farm tractor, joint sealer and pump.
- GROUP 7 - Group 6 operating up to 5 pieces of utility equipment.

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HEAVY

HIGSMAY

	Basic Hourly Rates		Fringe Benefits Payments			Education and/or App. Tr.
	HEAVY	HIGSMAY	H & W	Vacation		
TRUCK DRIVERS:						
GROUP 1	\$ 7.37	\$ 7.16	b	c		
GROUP 2	7.52	7.38	b	c		
GROUP 3	7.77	7.56	b	c		
GROUP 4	8.13	7.91	b	c		
GROUP 5	8.13	7.99	b	c		
GROUP 6	8.37	8.16	b	c		
GROUP 7	8.58	8.31	b	c		
GROUP 8	8.60	8.39	b	c		

All classifications performing tunneling and all other underground work shall receive an additional 15c per hour.

CLASSIFICATION DEFINITIONS TRUCK DRIVERS

- GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station wagons, panel trucks, team 2-up.
- GROUP 2 - Single axle trucks used as dump, supply, fuel, water, van, flatbed, monorail, distributor. (Other than bituminous distributors), and including towed single units-material checkers, material receivers, Team 4-up, greasers, tiremen and mechanic helpers (trucks).
- GROUP 3 - Tandem axle trucks used as dump, supply, fuel, water, van flat-body, monorail and including towed single units, truck tractors used in combination with dump, van, tank, flatbed, low platform, or pole trailers, bituminous distributors, off highway near dump - to 22 tons-agitator or mixer trucks (up to and including 5 c.y.).
- GROUP 4 - Rubber tired tractors (towing or pushing).
- GROUP 5 - Tri-axle trucks used as dump, supply, fuel, water, van, flatbed, monorail and including towed single units, agitator or mixer trucks (over 12 c.y. to 20 c.y.), off highway near dump - 23 tons to 40 tons - nuclear trucker.
- GROUP 6 - Agitator or mixer trucks (over 20 c.y.), off highway near dump 40 tons to 75 tons.
- GROUP 7 - "A" frame operator.
- GROUP 8 - Mechanics (truck), off highway near dump - over 75 tons.

FOOTNOTES:

- Paid Holiday - Christmas Day.
- Employers contribute \$52.50 per month per employee employed 30 days or more.
- Employers contribute \$60.67 per month per employee employed 30 days or more.
- Paid Holidays - New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; & Christmas Day.

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