

Act shall require that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project costing in excess of \$2000,000 and of which 25 percent or more of the cost is paid out of its entitlement funds:

(1) Will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act as amended (40 U.S.C. 276a-276a-5); and

(2) Will be covered by labor standards specified by the Secretary of Labor pursuant to 29 CFR Parts 1, 3, 5, and 7.

(b) *Request for wage determination.* In situations where the Davis-Bacon standards are applicable, the recipient government must ascertain the U.S. Department of Labor wage rate determination for each intended project and insure that the wage rates and the contract clauses required by 29 CFR 5.5 are incorporated in the contract specifications. The recipient government must also satisfy itself that the bidder is made aware of his labor standards responsibilities under the Davis-Bacon Act. Wage rate determinations may be obtained by filing a Standard Form 308 with the Employment Standards Administration of the applicable regional office of the U.S. Department of Labor at least 30 days before the invitation for bids or, in case of construction covered by general wage rate determinations, the appropriate rate may be obtained from the FEDERAL REGISTER.

(c) *Government employees.* A recipient government which employs individuals whose wages are paid in whole or in part from entitlement funds must pay wages which are not lower than the prevailing rates of pay for persons employed in similar public occupations by the same employer. However, this subsection shall apply with respect to employees in any category only if 25 percent or more of the wages of all employees of the recipient government in such category are paid from the trust fund established by it under § 51.100(a).

§ 51.43 *Restriction on expenditures by Indian tribes and Alaskan native villages.*

Indian tribes and Alaskan native villages as defined in § 51.2 are required to expend entitlement funds only for the benefit of members of the tribe or village residing in the county area from which the allocation of entitlement funds was originally made. Expenditures which are so restricted will not constitute a failure to comply with the requirement of Subpart E of this part.

§ 51.44 *Lobbying.*

(a) *In general.* Entitlement funds may not be used by any State or unit of local government to pay the costs arising from the personal solicitation or exercise of personal influence upon members of a legislative body by representatives of the recipient government for the purpose of influencing pending or proposed legislation regarding the provisions of the Act.

(b) *Activities prohibited.* Prohibited lobbying activities include but are not limited to the following:

(1) Personal solicitation of individual members of a legislative body to influence legislation regarding the General Revenue Sharing Program by personal interview, letter, financial contributions, and other means.

(2) To employ a lobbyist to engage in proscribed activities.

(c) *Activities permitted.* Without violation of this section a recipient government may:

(1) Use revenue sharing funds to pay dues to national or State organizations.

(2) Use revenue sharing funds to attempt to influence public opinion or to convey opinions and judgments to the public regarding provisions of the Act, by publications, distribution of books, pamphlets and other writings.

§ 51.45 *Use of entitlement funds for debt retirement.*

Where the actual expenditures of the proceeds of indebtedness were made on or after October 20, 1972, the appropriation of entitlement funds on or after January 1, 1977 for the repayment of the indebtedness (notwithstanding when such indebtedness was incurred), is permissible provided that the expenditures from the proceeds of the indebtedness are made in compliance with the restrictions and prohibitions enumerated in Subparts D and E of this part.

[FR Doc.77-13851 Filed 5-11-77;11:39 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-75-8 R2]

PART 127—SECURITY ZONES

Termination of Security Zone—Governor's Island, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the security zone established by the Captain of the Port, New York as published on January 5, 1976, in the FEDERAL REGISTER (41 FR 755). This Security Zone was terminated by the Captain of the Port, New York on January 2, 1976; however, the FEDERAL REGISTER (42 FR 2109) document that announced the termination of the Security Zone did not have the effect of revoking § 127.334 in the Code of Federal Regulations.

EFFECTIVE DATE: This amendment is effective on May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: As this amendment is merely revoking a section in the FEDERAL REGISTER that al-

ready has been revoked by the Captain of the Port of New York it is unnecessary to publish a notice of proposed rule-making.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: LCDR H. E. Snow, Project Manager and Mrs. S. D. Jackson, Project Attorney.

§ 127.334 [Revoked]

Accordingly, 33 CFR Part 127 is amended by revoking § 127.334.

(40 Stat. 220, as amended, (50 U.S.C. 191); 80 Stat. 937, (49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949-1953 Comp. 356, 778, 873, 3 CFR 1984-1985 Comp. 349 33 CFR Part 6, 49 CFR 146(b).)

Dated: May 10, 1977.

O. W. SILER,
Admiral, United States
Coast Guard, Commandant.

[FR Doc.77-13892 Filed 5-13-77;8:45 am]

[CGD 75-168]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Flotation Standards for Boats; Correction

MAY 6, 1977.

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: In FR Doc. 77-11074 appearing at page 20242 in the FEDERAL REGISTER of April 18, 1977, in the next to the last line of paragraph (c) of § 183.305 appearing on page 20245, the citation "§ 183.220" is corrected to read "§ 183.320".

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202) 426-1477.

Dated: May 6, 1977.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.77-13893 Filed 5-13-77;8:45 am]

[CGD 73-217]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Safety Standards for Boat Electrical Systems

Correction

In FR Doc.77-2992, appearing at page 5940 in the issue for Monday, January 31, 1977, make the following changes:
1. On page 5943, first column, first full paragraph, the 14th line beginning "the NEC, Table 5 . . ." should be deleted and the following line inserted in its place: "Code (NEC) and he has had experience".

2. On page 5945, in Table 5, which follows § 183.425, in Note 1, "Temperature rating of conductor" should be raised a line so that it is even with the headings "60° C (140° F), 75° C (167° F), . . .".

3. In § 183.435(c), in the fourth line, insert a semicolon between the words "amperage" and "conductors".

[CGD 73-217]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Safety Standards for Boat Electrical Systems

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: In FR Doc. 77-2992 appearing at page 5940 in the FEDERAL REGISTER of January 31, 1977, on page 5944, the list of sections in § 183.401(b) that are effective on August 1, 1977, is corrected by inserting "§ 183.402" after "§ 183.401" and before "§ 183.405".

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202 426-1477).

Dated: May 6, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.77-13890 Filed 5-13-77;8:45 am]

[CGD 74-209]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Safety Standards for Boat Gasoline Fuel Systems

Correction

In FR Doc. 77-2993 appearing at page 5946 in the issue for Monday, January 31, 1977, in § 183.512(a) on page 5951, in the second line "structd" should read "structured".

[CGD 74-209]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Safety Standards for Boat Gasoline Fuel Systems; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: In FR Doc. 77-2993 appearing at page 5946 in the FEDERAL REGISTER of January 31, 1977, § 183.558 (b)(2)(iii) on page 5952 is corrected to read as set forth below.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room

8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202 426-1477).

SUPPLEMENTARY INFORMATION:
Section 183.558(b)(2)(iii) is corrected to read as follows:

§ 183.558 Hoses and connections.

(b) * * *

(2) * * *

(iii) The fuel system is filled to the capacity marked on the tank label under § 183.514(b)(3).

Dated: May 6, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.77-13891 Filed 5-13-77;8:45 am]

Title 36—Parks, Forests, and Public Property

**CHAPTER II—FOREST SERVICE,
DEPARTMENT OF AGRICULTURE**

NATIONAL FOREST SYSTEM

Prohibitions; Corrections

AGENCY: Forest Service, Department of Agriculture.

ACTION: Correction of typographical errors in final rule.

SUMMARY: FR Doc. 77-1303 appearing at page 2956 in the FEDERAL REGISTER of Friday, January 14, 1977, revised regulations on prohibited acts related to the National Forest System. The purpose of this document is to correct minor errors appearing in the published document.

EFFECTIVE DATE: The effective date of the revised regulations was February 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Evans, Fiscal and Accounting Management Staff, (202) 447-7850.

In light of the foregoing, the following corrections are made in FR Doc. 77-1303:

PART 231—GRAZING

On page 2957 amendatory language to § 231.11 is corrected to read as follows:
"In § 231.11(d) the citation to 36 CFR 261.13 is amended to read '36 CFR 262.2'."

PART 261—PROHIBITIONS

Subpart A—General Prohibitions

1. On page 2957, table of contents heading for § 261.3 is corrected to read "Interfering with forest officers prohibited".

2. On page 2958, § 261.6(d) is corrected by inserting an "a" between "designate" and "tree".

3. On page 2958, § 261.6(f) is corrected by inserting "any" between "exchanging" and "timber".

4. On page 2958, § 261.9(e) is corrected to read as follows:

"(e) Digging in, excavating, disturbing, injuring, or destroying any archaeological, paleontological, or historical site, or removing, disturbing, injuring, or destroying an archaeological, paleontological, or historical object."

5. On page 2958, § 261.10(c) is corrected to read as follows:

"(c) Selling or offering for sale any merchandise, conducting any kind of business enterprise, or performing any kind of work unless authorized by Federal law, regulation, or permit."

6. On page 2959, § 261.17(b) is corrected by replacing the wording "craft or any" with "craft of any".

7. On page 2959, § 261.20(a), the reference to "§ 261.2" is corrected to read "§ 271.2". In § 261.20(b), the reference to "§ 262.2" is corrected to read "§ 272.2."

Subpart B—Prohibitions In Areas Designated By Order

1. On page 2959, delete the period at the end of § 261.50(b) and add "within the area over which he has jurisdiction."

2. On page 2960, § 261.52(i) is corrected by inserting the word "an" between "operating" and "acetylene".

M. RUPERT CUTLER,
Assistant Secretary.

MAY 6, 1977.

[FR Doc.77-13877 Filed 5-13-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 704-4]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLES ENGINES: CERTIFICATION AND TEST PROCEDURES

Sale of High-Altitude Vehicles; Clarification of Designated High-Altitude Locations

Correction

In FR Doc. 77-11356 appearing at page 20463 in the issue of Wednesday, April 20, 1977, the amendatory language appearing in the first column on page 20464, now reading "In 40 CFR 86.077-03, paragraph (a)(5) is revised to read as follows:" should read "In 40 CFR 86.077-30, paragraph (a)(5) is revised to read as follows:" In the second column on the same page under the "State of New Mexico" the county of Lincoln should be listed only once following the county of "Harding."

Title 41—Public Contracts and Property Management

CHAPTER 6—DEPARTMENT OF STATE

[Departmental Reg. No. 108.738]

PART 6-1—GENERAL

Guidance to Contracting Officers At Foreign Service Posts Regarding Personal Service Contracts

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State finds it necessary to revise its procure-

ment regulations to provide guidance to contracting officers assigned to Foreign Service posts to assist them in recognizing certain characteristics of personal service contracts. This revision will aid contracting officers in avoiding the erroneous awarding of contracts for personal services.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry M. Hite, Special Assistant, Supply & Transportation Division, Department of State, Room 532, State Annex No. 6, Washington, D.C. 20520 (703) 235-9529.

SUPPLEMENTARY INFORMATION: The laws and regulations relating to Federal employment provide specific requirements which must be met by Federal agencies in hiring its employees. Unless authorized by express statutory authority, contracts for personal services, which are employment contracts, are not to be used in obtaining services for the Government. The purpose of this regulation is to advise contracting officers of the salient features of personal service contracts so they will avoid erroneous awarding of such contracts.

Since these regulations deal solely with internal rules and guidance for contracting officers, and do not enlarge or diminish any rights or obligations of contractors and subcontractors, neither notice of proposed rule making nor public participation therein under 5 U.S.C. 533 is deemed appropriate.

Accordingly, § 6-1.258-2 of title 41, Code of Federal Regulations, is revised to read as set forth below.

Subpart 6-1.2—Definition of Terms

Section 6-1.258-2 is revised to read as follows:

§ 6-1.258-2 Personal service contracts.

(a) The laws and regulations relating to Federal employment lay down requirements which must be met by the Department in hiring its employees, and establish the governing of employment. In addition, personnel ceilings have been established for the Department and the Foreign Service posts. Except as otherwise authorized by express statutory authority (e.g., 5 U.S.C. 3109 as implemented by the annual Department of State Appropriation Act for expert and consultant services), these laws and regulations must be followed in obtaining personal services. In particular, they shall not be circumvented through the medium of "personal services" contracting, which is the procuring of services by contract in such a manner that the contractor or his employees are in effect employees of the Department.

(b) Contracting Officers should be alert to the following conditions or circumstances, which, if present, could result in an improper personal services contract, if with:

- (1) An individual, (1) The contract does not call for an end product which is adequately described in the contract.
- (2) The contract price or fee is based

on the time actually worked rather than the results to be accomplished.

(iii) The services are to be of a continuing rather than a temporary or intermittent nature.

(iv) The services to be performed are usually performed by government employees under the supervision of a government official.

(2) A concern. (1) Office space, equipment, and supplies necessary for contract performance are to be furnished by the Department.

(ii) Contractor-furnished personnel are to be integrated within the organizational structure of the Department.

(iii) Contractor-furnished personnel are to be used interchangeably with Department personnel to perform the same functions.

(iv) The Department retains the right to control and direct the means and methods by which contractor-furnished personnel accomplish the work.

(c) If in the opinion of the contracting officer any of the conditions or circumstances in paragraph (b) of this section are present, he will endeavor to resolve all doubts regarding the propriety of the proposed contract. Assistance may be requested from the Chief, Supply and Transportation Division if the contracting officer is unable to resolve the matter.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 4, 63 Stat. 111; 22 U.S.C. 2658, as amended.)

Dated: May 3, 1977.

VICTOR H. DIKEOS,
Acting Assistant Secretary
for Administration.

[FR Doc.77-13846 Filed 5-13-77;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

Nomenclature Change

AGENCY: Office of the Secretary, Interior.

ACTION: Final Regulations.

SUMMARY: The title "Assistant Secretary—Administration and Management" is amended to read "Assistant Secretary—Policy, Budget and Administration" to reflect the consolidation of functions previously performed by the Assistant Secretary—Administration and Management, and the Assistant Secretary—Program Development and Budget (Secretary's Order No. 3000 of March 31, 1977).

EFFECTIVE DATE: This amendment is effective immediately.

FOR FURTHER INFORMATION CONTACT:

Mr. James O. Wyatt, Chief, Division of Property Management, Office of Administrative and Management Policy, Department of the Interior, Washington, D.C. 20240, telephone 202-343-3185.

SUPPLEMENTARY INFORMATION: This amendment relates only to internal

Departmental procedures and the proposed rulemaking procedures are inapplicable.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations is amended as set forth below.

Wherever the title "Assistant Secretary—Administration and Management" appears in this chapter, it is changed to read "Assistant Secretary—Policy, Budget and Administration."

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

May 4, 1977.

[FR Doc.77-13433 Filed 5-13-77;8:45 am]

Title 45—Public Welfare

CHAPTER V—FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

SUBCHAPTER A—RULES OF PRACTICE

PART 500—APPEARANCE AND PRACTICE BEFORE THE COMMISSION

SUBCHAPTER C—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

Deadline for Filing Claims Against the German Democratic Republic, Official Claim Forms, Attorney Fees

AGENCY: Foreign Claims Settlement Commission of the United States.

ACTION: Final Rule.

SUMMARY: This rule prescribes the dates for filing claims against the German Democratic Republic, the claim form to be used, and the attorney fees which may be received. The purpose of this rule is to amend the Commission's regulations to allow for the consideration of this new class of claims, as provided for by Pub. L. 94-542, approved October 18, 1976.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Wayland D. McClellan, General Counsel, Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. 20579, 202-653-6166.

SUPPLEMENTARY INFORMATION: The provisions of this rule are strictly required by statute. Accordingly, it is issued as a Final rule.

Pursuant to Pub. L. 94-542, approved October 18, 1976, which further amends the International Claims Settlement Act of 1949, as amended, by adding a Title VI to the Act, the Foreign Claims Settlement Commission of the United States is authorized to determine the validity and amounts of outstanding claims against the German Democratic Republic which arose out of the nationalization, expropriation, or other taking of (or special measures directed against) property interest of nationals of the United States.