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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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Title 3—The President

PROCLAMATION 4276

Armed Forces Day

By the President of the United States of America

A Proclamation

Through their vigilance and fortitude, our Armed Forces have preserved our independence as a Nation. Today they serve as the bulwark of our freedom as we strive for lasting world peace.

The responsibility of the more than 2 million fine men and women in the Armed Forces of the United States is an awesome one and, in doing their duty, they exemplify the spirit, courage and patriotism that have made America a great Nation.

It is particularly fitting that we should recognize their sacrifices today, at a time when the prospect for a future free of war is the brightest in years. We must never forget that it is those who wear our country's uniform who have made this prospect possible.

Having defended us in time of war, they stand today as guardians of an honorable peace. Honor and gratitude are their due from this generation of Americans and from generations yet unborn.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America and Commander in Chief of the Armed Forces of the United States, do hereby proclaim the third Saturday of each May as Armed Forces Day.

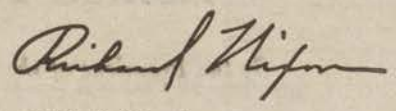
I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of Transportation on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to enhance public understanding and appreciation of the Armed Forces of the United States as protectors of freedom at home and abroad.

I call upon my fellow Americans to proudly display the flag of the United States at their homes on Armed Forces Day.

Proclamation No. 3655 of May 7, 1965, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.

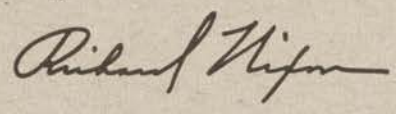


[FR Doc.74-6905 Filed 3-21-74;12:02 pm]

EXECUTIVE ORDER 11772

Delegating Certain Authority of the President to the Secretary of State

By virtue of the authority vested in me by the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1971, et seq.), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, the Secretary of State is hereby designated and empowered to exercise, without ratification, or other action of the President, the function conferred upon the President by Section 5(b) of the Fishermen's Protective Act of 1967, as amended, of certifying to the Congress that it is in the national interest not to transfer to the Fishermen's Protective Fund or to the separate account established under the Act, pursuant to that Section, amounts appropriated by the Congress and programmed for assistance under the Foreign Assistance Act of 1961.



THE WHITE HOUSE,
March 21, 1974.

[FR Doc.74-6906 Filed 3-21-74;12:02 pm]

EXECUTIVE ORDER 11773

Revoking the Authority of the Department of Agriculture To Inspect Income Tax Returns

By virtue of the authority vested in me as President of the United States of America, Executive Order No. 11697 of January 17, 1973, and Executive Order No. 11709 of March 27, 1973, are hereby revoked and the authority conferred upon the Department of Agriculture by those Orders to inspect income tax returns is hereby revoked.

Richard Nixon

THE WHITE HOUSE,
March 21, 1974.

[FR Doc.74-6907 Filed 3-21-74;12:02 pm]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts

Miscellaneous Amendments

This amendment of the allotment and marketing quota regulations for peanuts of the 1972 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(1) Section 729.32 is amended to provide that when a producer offers a lot of peanuts for market he shall present a marketing card to the buyer to identify the lot of peanuts.

(2) Section 729.33(d)(4) is revoked since the notation "Eligible for Price Support" will not be entered on the excess marketing card because program compliance regulations (7 CFR Part 718) are being amended to eliminate tolerances in program compliance determinations relating to measured acreages for the 1974 crop year.

(3) The recent reorganization of ASCS is reflected by changing the reference in § 729.42 from "Oilseeds and Special Crops Division" to "Tobacco and Peanut Division" and by changing the reference in § 729.65 from "Commodity Stabilization Division" to "Program Operations Division".

(4) Section 729.43 is amended to establish the basic penalty rate for the 1973 crop of peanuts.

(5) Section 729.47 is corrected to show when penalty and interest are due on peanuts if a farm is found to be excess after the crop has been marketed and for cases where penalty is determined on the basis of a normal yield.

(6) Section 729.58 is amended to require certain entries to be made on the marketing card if the peanuts are found by the Inspection Service to contain Aspergillus flavus mold and the producer removes the peanuts from marketing. The entry would be made by the Federal State Inspector if it were not recorded by the person to whom the producer intended to market the peanuts.

The planting of peanuts of the 1974 crop is underway and it is essential that producers and buyers know the provisions of this amendment as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest, and this document shall become effective upon the date of publication in the FEDERAL REGISTER.

The regulations for determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts (37 FR 2645, 3629, 23413, 28124) are amended as follows:

1. A new paragraph (c) is added to § 729.32 to read as follows:

§ 729.32 Marketing cards and their uses.

* * * * *

(c) *Custody of card by buyer.* When a producer first offers a lot of peanuts for market, he shall present a marketing card to the buyer which will be used to identify the lot of peanuts. The marketing card shall remain in the custody of the buyer until the lot of peanuts is marketed or until the producer removes the lot of peanuts from marketing. The producer may leave his marketing card in the custody of the buyer during the period between marketing lots of peanuts to the same buyer; however, the marketing card shall not be left in the possession of the buyer after the producer has completed his marketings for the season.

§ 729.33 [Amended]

2. Subparagraph (4) of paragraph (d) of § 729.33 is revoked.

§ 729.42 [Amended]

3. The first sentence of paragraph (a) of § 729.42 is amended by striking the words "Oilseeds and Special Crops Division" and substituting in lieu thereof the words "Tobacco and Peanut Division".

4. A new subparagraph (2) is added to paragraph (b) of § 729.43 to read as follows:

§ 729.43 Penalty rate.

* * * * *

(b) *Future years.* * * *

(2) *1973 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1973, and ending July 31, 1974, is $328.50 per ton or 16.42 cents per pound. Therefore, the basic penalty rate for the 1973 crop of peanuts is 12.3 cents per pound.

5. Section 729.47 is revised to read as follows:

§ 729.47 Payment of penalty.

A draft, money order, or check drawn payable to the "Agricultural Stabilization and Conservation Service, USDA" may be used to pay any penalty, other indebtedness, or interest thereon, but any such draft or check shall be received subject to collection and payment at par. For purposes of this section the penalty becomes due on the date of marketing, or in the case of false identification or failure to account for the disposition of peanuts, the date of the false identification or failure to account, as applicable. The person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of 6 percent per annum. Interest shall begin to accrue from the date penalty was due if the penalty is not remitted by Monday of the third calendar week following the week in which the peanuts were marketed. Where a farm is found to have excess peanuts after peanuts are marketed and, for cases of false identification or failure to account if the penalty is not paid 15 days after written notice to the producer, interest shall begin to accrue from the date of written notice to the producer.

6. Paragraph (a) of § 729.58 is amended to read as follows:

§ 729.58 Recording and reporting purchases of farmers stock peanuts.

(a) *Recording purchase on producers marketing card.* Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card which has been presented by the producer to the buyer to identify each marketing and which has been issued for the farm on which the peanuts were produced. If the Inspection Service finds that a lot of peanuts contain visible Aspergillus flavus mold and the producer does not market the peanuts at that time, there shall be recorded on the first blank line available inside the marketing card, the date the lot of peanuts was inspected, the notation "Seg. 3 Peanuts not sold" and the marketing card shall be returned to the producer. If the recording is not made by the person to whom the producer had intended to market the peanuts, it shall be made by the Federal State Inspector.

§ 729.65 [Amended]

7. The first sentence of § 729.65 is amended by striking the words "Commodity Stabilization Division" and substituting in lieu thereof "Program Operations Division."

(Secs. 358, 358a, 359, 375, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1358a, 1359, 1375)

Effective date: March 22, 1974.

Signed at Washington, D.C., on March 15, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-6653 Filed 3-21-74;8:45 am]

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

[Lemon Reg. 631]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 24–30, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.931 Lemon Regulation 631.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is about steady, although it shows further weakening on 165's and smaller lemons and some strengthening on 115's and larger sizes. Average f.o.b. price was $5.92 per carton the week ended March 16, 1974 compared to $5.61 per carton the previous week. Track and rolling supplies at 130 cars were up 8 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 24, 1974, through March 30, 1974, is hereby fixed at 250,000 cartons.

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

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

Dated: March 20, 1974.

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

[FR Doc.74-6810 Filed 3-21-74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 212, 238, 264, 299, and 316a of Chapter I of Title 8 of the Code of Federal Regulations.

In Part 212, § 212.2(f) is amended to provide that jurisdiction to consider an application for permission to reapply for admission to the United States after deportation or removal filed under that subsection lies with the district director who exercised or is exercising jurisdiction over the most recent proceeding relating to the applicant. The amendment serves to consolidate under the same district director jurisdiction over multiple proceedings relating to the same alien where one of the proceedings is an application for permission to reapply under 8 CFR 212.2(f), thereby eliminating unnecessary transfer of the Service file relating to the alien.

An agreement for preinspection at Bermuda of flights of Braniff Airways, Incorporated, destined to the United States, has been entered into between Braniff Airways, Incorporated, and the Commissioner of Immigration, and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Accordingly, in Part 238, § 238.4 is amended by adding "Braniff Airways, Incorporated" to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crews at places outside the United States.

In Part 264, § 264.1(b) is amended by adding Form I–221S (Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien) to the listing of forms which constitute evidence of alien registration. A corollary amendment is made in Part 299 by adding Form I–221S to the listing of immigration forms in § 299.1.

Executive Order No. 11760, dated January 17, 1974, designates the "European Space Research Organization (ESRO)" as a public international organization entitled to enjoy the privileges, exemptions, and immunities provided for by the International Organizations Immunities Act. Executive Order No. 11760 supersedes Executive Order No. 11318 of December 5, 1966, designating "European Space Research Organization" as a public international organization. Accordingly, in Part 316a, § 316a.4 is amended by adding to and deleting from the listing therein the specified public international organizations.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.2(f), the existing sentence is amended and a new sentence is added. As amended, § 212.2(f) reads as follows:

§ 212.2 Consent to reapply for admission after deportation, removal or departure at Government expense.

* * * * *

(f) *Other applicants.* An applicant for permission to reapply for admission under circumstances other than those described in paragraph (a), (b), (c), (d), or (e) of this section shall file Form I-212 with the district director having jurisdiction over the place where the deportation or removal proceedings were held, or with the district director who exercised or is exercising jurisdiction over the most recent proceeding relating to the applicant. If the Service file relating to the applicant is no longer within the district in which the application is filed, the application shall be forwarded for decision to the district director in whose district the file is located.

* * * * *

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

The listing of transportation lines under "At Bermuda" of § 238.4 Preinspection outside the United States is amended by adding thereto in alphabetical sequence the following transportation line: "Braniff Airways, Inc.".

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

The listing of Forms in § 264.1(b) is amended by adding at the end thereof the following form:

§ 264.1 Registration and fingerprinting.

* * * * *

(b) *Evidence of registration.* The following forms constitute evidence of registration:

Form No. and Class

* * * * *

I-221S Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien—Aliens against whom deportation proceedings are being instituted.

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 is amended by adding thereto in alphabetical and numerical sequence the following form:

§ 299.1 Prescribed forms.

* * * * *

Form No., Title, and Description

* * * * *

I-221S (12-1-73) Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien.

* * * * *

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.4 [Amended]

The listing of public international organizations in § 316a.4 *International Organizations Immunities Act designations is amended* by adding thereto in alphabetical sequence the following organization: "European Space Research Organization (ESRO) (E.O. 11760, Jan. 17, 1974)"; and is further amended by deleting therefrom the following organization: "European Space Research Organization (E.O. 11318, Dec. 5, 1966)".

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and will serve no useful purpose because the amendment to § 212.2(f) relates to agency management and procedure; the amendment to § 238.4 adds a transportation line to the listing; the amendments to §§ 264.1(b) and 299.1 add a form to the listings; and the amendment to § 316a.4 adds a public international organization to the listing and deletes an organization from the listing.

Effective date. This order shall become effective March 22, 1974.

Dated: March 19, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-6671 Filed 3-21-74;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Indemnities

Statement of consideration. The purpose of this amendment is to increase the maximum indemnity which may be paid for swine destroyed because of hog cholera. The amendment would: (1) Increase the maximum indemnities which may be paid for swine slaughtered because of hog cholera in States listed in § 76.2(g) from $180 to $360 per head for purebred, inbred, or hybrid swine and for breeding swine, or from $90 to $180 for all other swine; (2) increase the maximum indemnity which may be paid in States listed in § 76.2(f) from $150 to $300 per head for purebred, inbred, or hybrid swine and for breeding swine, or from $75 to $150 for all other swine; and (3) increase the maximum indemnity which may be paid in States whether listed or unlisted in § 76.2 (f) or (g) from $100 to $200 per head for purebred, inbred, or hybrid swine and for breeding swine, or from $50 to $100 per head for all other swine.

This action is needed to bring indemnity paid for swine destroyed because of hog cholera more in line with current market prices and to avoid excessive losses by owners when such swine are destroyed.

Proposal to increase indemnity paid for swine destroyed because of hog cholera has been reviewed with State animal health officials of the various States. Of the 42 comments received, 40 were favorable, one was not in favor of the increase on the basis that the present payments were adequate, one indicated that their State would not be affected by the amendment, and one was in agreement but stated that additional State funds for payment of indemnity could not be allocated at this time.

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, 134a–134h), Part 56, Title 9, Code of Federal Regulations, relating to the payment of indemnity for swine destroyed because of hog cholera, is hereby amended in the following respects:

In § 56.7, paragraphs (b) (1), (2), and (3) are amended to read:

§ 56.7 Payment to owners for swine destroyed.

* * * * *

(b) * * *

(1) In States listed in § 76.2(g) of this chapter, which qualify under the provisions of paragraph (a) of this section, an indemnity may be paid not to exceed $360 per head for purebred, inbred, or hybrid swine and for breeding swine, or $180 per head for all other swine.

(2) In States listed in § 76.2(f) and in those States not listed in either § 76.2 (f) or (g) of this chapter, which qualify under the provisions of paragraph (a) of this section, an indemnity may be paid not to exceed $300 per head for purebred, inbred, or hybrid swine and for breeding swine, or $150 per head for all other swine.

(3) In States, whether listed or unlisted in § 76.2 (f) or (g) of this chapter, which do not qualify under the identification requirement in paragraph (a) of this section, an indemnity may be paid not to exceed $200 per head for purebred, inbred, or hybrid swine and for breeding swine, or $100 per head for all other swine.

* * * * *

(Secs. 3–5, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 11, 58 Stat. 734, as amended; 75 Stat. 481, 76 Stat. 129–132 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, and 134a–134h); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective March 22, 1974.

In expediting the completion of the hog cholera eradication program, it is essential that the provisions of this amendment be placed in effect without delay. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of March 1974.

J. M. HEJL,
Acting Deputy Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 74-6712 Filed 3-21-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-839; Amdt. 18]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Rate Impact for Current Level of Commercial Fuel Costs; Correction

In FR Doc. 74-5825 appearing at page 9822 of the issue for Thursday, March 14, 1974, in footnote 2 of the table on page 9823, the word which presently reads "circuitry" should read "circuity".

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-74; Amdt. No. 5]

PART 372a—TRAVEL GROUP CHARTERS

Authorizing Amendments

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

By SPDR-33 [1] the Board issued a notice of proposed rule making to amend Part 372a to permit certificated air carriers and foreign air carriers to perform foreign-originating Travel Group Charters (TGC's) in accordance with the laws of the country of origin, rather than with the requirements presently prescribed for TGC's in Part 372a. Pursuant to the Notice comments have been filed by certain Member Carriers of the National Air Carrier Association (NACA),[2] certain Trunkline Carriers,[3] British Caledonian Airways Limited (BCAL), British Midland Airways, Ltd., British Overseas Airways Corporation (BOAC), Condor Flugdienst G.m.b.H. (Condor) and Swiss Air Transport Company, Ltd. (Swissair). The NACA carriers and Swissair support the proposed rules; BCAL, British Midland, BOAC and Condor object to certain features of the proposal; and the Trunkline Carriers contend that the proposed rules would be unlawful insofar as applied to U.S. supplemental carriers.

Upon consideration, the Board has determined to adopt the rules in the form proposed. The tentative findings and conclusions set forth in SPDR-33 are incorporated and made final, except as modified or amplified herein.[3a] Before addressing the various arguments which the comments have raised against the proposed rules we shall set forth the background of this proceeding.

A. *Background of this proceeding.* On September 27, 1972, the Board adopted Part 372a governing the operation of TGC's. Essentially the regulation permits groups of 40 or more persons having no "prior affinity" to hire all or part of an aircraft for round-trip transportation, provided the group is formed at least ninety days in advance of the flight departure date, and each participant then pays at least a twenty-five percent nonrefundable deposit. The actual cost of the trip must be borne by the participant on a pro rata basis. Part 372a authorizes both U.S. and foreign direct air carriers to provide air transportation in connection with both foreign-originating and U.S.-originating TGC's, subject to compliance with the various conditions and restrictions set forth therein.

As noted in SPDR-33, the Board's adoption of Part 372a was largely motivated by its dissatisfaction with existing affinity charter rules, in that the "prior affinity" concept is inherently discriminatory and the rules directed to maintaining this concept had proven extremely difficult to enforce. These concerns about traditional affinity rules had been shared for some time by the regulatory authorities of many other countries, and some were considering adoption of novel "non-affinity" rules differing in some respects from the TGC rule which the Board had proposed. During the pendency of rule making proceedings culminating in the adoption of Part 372a, several participants had argued for the adoption of special rules with respect to foreign-originating TGC's, so as to permit such charters to be operated in conformance with the originating country's rules governing TGC's (or their counterparts, however designated), so long as the foreign country's rules were substantially similar to those prescribed by Part 372a. However, at the time the Board adopted Part 372a, no foreign country had as yet promulgated comparable charter rules, and the Board therefore considered it premature to attempt then to prescribe standards for determining whether another country's future rules would be substantially similar to ours. The Board did, however, express agreement in principle with the merits of the proposed "law of the country of origin" approach and indicated its willingness to deal with the matter later, in light of future developments in the international air transportation community, and to take appropriate implementing action—by amending our rules, granting waivers, or otherwise—giving due consideration to the interests of the public and the various competing classes of carriers.

Shortly after the Board's adoption of its TGC rules the United Kingdom announced its intention to adopt an Advance Booking Charter (ABC) rule, embodying a comparable concept; following that, representatives of the governments of the United States, Canada, and the 20 member states of the European Civil Aviation Conference (ECAC), met in Ottawa, Canada, and in October 1972 issued a joint Declaration of Agreed Principles for North Atlantic Charter Flights (Ottawa Principles). The Department of State, in announcing adoption of the Ottawa Principles, stated:

> It is expected that the Declaration, while it is not a treaty or an Executive Agreement, will provide a generally agreed framework which will permit all North Atlantic states to establish similar charter rules with respect to the new non-affinity class of air charters that will facilitate and regularize their operation on North Atlantic air routes.[4]

In addition, a contemporaneous letter from the Deputy Assistant Secretary of State for Transportation and Telecommunications to the Chairman of the Canadian International Transport Policy Commission and the President of ECAC stated:

> Adherence to the Declaration signifies our intention to permit the operation to and from the United States of *foreign-originating charters marketed under national rules consistent with the Declaration but differing from our own pro-rata regulations.* To this end, we are prepared to undertake discussions with other interrelated authorities, at an appropriate early date, to arrive at [a] mutually agreeable regime for particular bilateral flows and to ensure fully reciprocal treatment for U.S.-originating TGC flights.[5]

Bilateral discussions concerning TGC/ABC services have since been held between the United States and other North Atlantic countries, and bilateral Memoranda of Understanding have been signed to date by the U.S. and the United Kingdom, the Netherlands, the Federal Republic of Germany, France, and Ireland.[6]

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[1] September 4, 1973, 38 FR 24664 (Docket 25854).

[2] Overseas National Airways, Inc., Saturn Airways, Inc., World Airways, Inc. and Trans International Airlines, Inc.

[3] American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

[3a] Some of the minimum requirements for foreign-originating TGC's which we proposed in SPDR-33, and are adopting herein (§ 372a.60(b)), reflect parallel restrictions in our existing TGC rule. We are issuing, contemporaneously herewith, a notice of proposed rule making (SPDR-35) proposing, *inter alia*, some relaxation of these restrictions, (*e.g.*, to reduce the pre-departure filing deadline from 90 days to 60 days). Accordingly, it should be noted that if we finally adopt these proposals, we would appropriately revise the rules adopted herein so as to reflect such relaxation in the parallel requirements for foreign-originating TGC's.

[4] Department of State Press Release No. 296, December 1, 1972.

[5] Ibid.

[6] Department of State Press Release 97, April 2, 1973. (United Kingdom); No. 113, April 16, 1973 (Federal Republic); No. 134, May 7, 1973 (France); No. 233, July 2, 1973 (Ireland); No. 255, July 18, 1973 (the Netherlands). The U.S. also has a bilateral Memorandum of Understanding with Belgium, signed in October 1972, respecting charter services. This agreement covers all types of charters, including TGC's, but does not deal specifically with the question of Belgium-originating TGC/ABC flights originating under the Belgian rules. An interim intergovernmental agreement concerning TGC/ABC services is also in effect with Austria pending formal conclusion of a Memorandum of Understanding. A nonscheduled air service agreement with Yugoslavia which includes TGC and ABC acceptance is also in effect (Department of State Press Release 352, September 27, 1973).

Each Memorandum of Understanding provides that each Party will accept as "charterworthy" traffic "originated in the territory of the other Party" and organized and operated "pursuant to the advance charter (TGC or ABC) rules of that Party." The Memoranda of Understanding with France, the Federal Republic of Germany and the United Kingdom further provide that the United States undertakes that its regulatory authorities will "[b]egin and conclude, as soon as practicable, rule making procedures to implement acceptance of the advance booking charter (ABC) rules" of the other Party.

In SPDR–33 the Board referred to the above-described developments which had occurred since Part 372a was adopted. In light of these circumstances, the Board stated that it believed that it would now be appropriate to propose amending Part 372a so as to authorize foreign air carriers holding section 402 permits, as well as all certificated carriers, to perform foreign-originated TGC's or ABC's organized in compliance with the rules of the country of origin, so long as: (1) those foreign rules are substantially similar to ours, and (2) there is in effect, between the country of origin and the United States, a formal agreement with respect to the charterworthiness of such operations. The Board also tentatively concluded that, in order for a foreign country's rules to be considered substantially similar to our own, they must embody, at a minimum, the following restrictions and conditions:

(1) The participants in each TGC/ABC group must travel together on both the outbound and inbound portions of the trip.

(2) Each TGC/ABC contract must cover at least forty seats.

(3) The list of actual participants (*i.e.*, persons contractually bound to pay for a specifically identified flight) in each TGC/ABC group must be filed with appropriate regulatory authorities at least ninety days in advance of flight departures.

(4) If there is to be a list of "standbys" (*i.e.*, eligible substitutes for participants) for a TGC/ABC, and if the cost of the TGC/ABC is prorated among participants, then the number of such standbys shall not exceed three times the number of participants; but if the cost to individual TGC/ABC participants is not prorated, then the number of standbys shall not be greater than the number of seats contracted for.

(5) No person shall be added to a standby list within ninety days prior to flight departure.

(6) If the cost of the TGC/ABC is prorated among participants, then standbys may be substituted for participants at any time prior to flight departure; but if the cost to individual TGC/ABC participants is not prorated, then standbys may not be substituted for participants within thirty days prior to flight departure.

(7) If the cost of the TGC/ABC is prorated among participants, then no more than twenty percent of the participants in any TGC/ABC groups may be persons whose names were included on the standby list for that TGC/ABC flight; but if the cost to individual TGC/ABC participants is not prorated, then no more than fifteen percent of the number of seats contracted for may be sold to persons whose names were on the standby list relating to such flight.

(8) A TGC/ABC must be "round trip" (*i.e.*, including both a departure and return flight).

(9) If the cost of the TGC/ABC is prorated among participants, then a TGC/ABC must be for a minimum duration of at least seven days in the case of North American charters, and a minimum duration of at least ten days in the case of all other charters; but if the cost to individual TGC/ABC participants is not prorated, then during the period of April 1 to October 31, the TGC/ABC must provide for a minimum duration of at least fourteen days, and during the period of November 1 to March 31, the minimum duration must be at least ten days: *Provided, however,* That the minimum duration of a non-prorated North American TGC/ABC need not be greater than seven days.

(10) If the cost of the TGC/ABC is prorated among participants, then commingling of TGC/ABC groups with other categories of charter traffic is permitted, but if the cost to individual TGC/ABC participants is not prorated, then no commingling of TGC/ABC groups with other categories of charter traffic shall be permitted.

(11) The direct air carrier shall maintain a list of the passengers actually carried on each TGC/ABC flight.

B. *Trunkline Carriers' arguments against proposed rules.* The Trunkline Carriers contend that the proposed rules would abolish the restrictions "heretofore found necessary to distinguish TGC's from individually ticketed services" and would therefore be illegal insofar as they would apply to supplemental carriers. We do not agree. Although certain of the particular restrictions applicable to U.S.-originated TGC's will not be required of foreign-originated TGC/ABC's, other restrictions will apply to the latter which are not required of the former. Thus, insofar as TGC/ABC charter services are required to be distinguished from individually ticketed services, we find that the set of minimum restrictions prescribed by the within rules will preserve the required distinction, even if the particular restrictions comprising the set vary somewhat from those comprising our TGC set of restrictions.

In their argument the Trunklines have chosen not to consider whether the total impact of the restrictions the Board is imposing on foreign-originating TGC/ABC's maintain the necessary distinction between charters and individually ticketed services. Instead, they seize upon particular restrictions which, while imposed on outbound TGC's, will not be imposed on inbound TGC/ABC's, and contend that such restrictions are indispensable to preserving the distinction. The TGC restrictions which will not apply to foreign-originating TGC/ABC's are as follows: (1) The TGC/ABC traveler is not required to be a party to the charter contract itself, incurring liability for the pro rata share of the charter cost and running the risk that his cost may increase, depending on the load factor ultimately achieved; (2) members of TGC/ABC's are not required to have paid a nonrefundable deposit of their charter price before the time for filing the list of tour members has elapsed, nor are any later deposits required to be paid at specified times or to be nonrefundable, and thus the participant does not necessarily risk any forfeiture should be desire to change his plans; (3) there is not necessarily a risk of flight cancellation up to 45 days prior to scheduled departure because of defaults by fellow charter participants, nor necessarily any financial risk of price increases because of such defaults.[6a]

Yet, in affirming the TGC rule, the Court of Appeals did not hold, in *Saturn Airways, Inc. v. C.A.B.*[7] that each of the restrictions of TGC's is indispensable to maintain the distinction between TGC's and individually ticketed services, nor has the Board ever so held.[8] To the contrary, in adopting the TGC rule, the Board separately listed a number of restrictive features of TGC's,[9] *each of which* distinguished TGC's from individually ticketed services, and concluded that "in view of the aforedescribed restrictions and limitations on performance of travel

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[6a] Of course, organizers of foreign-originating TGC/ABC's will undoubtedly, in their own economic interest, include in participants' contracts provisions for required times of payment, partial or complete forfeiture in the event of default or change of plans, cancellation of the charter under certain circumstances, and so forth. The foreign ABC rules do not in general forbid such contract provisions; they simply do not mandate them as does our TGC rule.

[7] 483 F. 2d 1284 (D.C. Cir. 1973).

[8] Contrary to the Trunklines' contention, the Board did not represent in its brief to the court, in *Saturn Airways, Inc.* v. *C.A.B.*, that it held such a view. What the Board's brief said, with respect to the entire set of its restrictions, was that "* * * the Board's TGC rules establish an elaborate regulatory scheme designed to ensure that TGC's are significantly different from the conventional service available to the individual traveler. On their face, we submit they demonstrate a substantial and vital difference between TGC travel and conventional travel" (p. 37). That we were urging the court to judge the total effect of the restrictions, rather than the indispensability of any one or several of them, was made even more clearly when we said, with reference to the requirement of exclusive marketing by charter organizers: "This element is one of the group of restrictive requirements which serve to distinguish TGC service from individually-ticketed service. *While any one of these requirements may or may not be essential for this purpose, they are to be taken together in forming the distinction between the two types of service.*" (Emphasis added.) (P. 85.)

[9] (1) The pro rata requirement; (2) risk of flight cancellations; (3) formation of the group well in advance of departure with a substantial nonrefundable deposit; (4) requirement that all TGC participants move together as a group on both legs of the trip; and (5) the minimum stay requirement.

group charters, *none of which are applicable to individually ticketed service*" (emphasis added), TGC's are unquestionably distinguishable from individually ticketed services.[10]

Furthermore, it is well-settled by now that, so long as the distinction between the two types of services is maintained, the formulation of particular requirements to achieve this end is for the Board to determine. "Charter" is not defined in the Act, nor does it have a fixed meaning, and so long as the distinction is not breached it is for the Board to evolve reasonable definitions.[11] "Congress has given the Board a singularly clean slate upon which to write its conception of charter services." [12]

We are satisfied that to the extent that it is legally necessary to maintain a distinction between charter and individually ticketed services, each of the following restrictions and conditions we are specifying with respect to foreign-originated ABC's is not normally an incident of individually ticketed service, and the cumulative effect of the set of restrictions adequately precludes the use of TGC/ABC charters as a guise for individually ticketed service:

(a) The participants in each TGC/ABC group must travel together on both outbound and inbound portions of the trip. No such restriction is ordinarily required of individually ticketed travelers.

(b) At least ninety days in advance of flight departures, TGC/ABC participants are contractually bound to pay for a specifically identified flight. This is not a characteristic of individually ticketed travel.

(c) A TGC/ABC must be "round trip," including both a departure and return flight. An individually ticketed traveler normally has a choice between purchasing a one-way or round-trip ticket.

(d) There is a minimum-stay requirement for TGC/ABC participants, a requirement not generally imposed on individually ticketed travelers.[13]

The Trunkline Carriers seem particularly concerned with the fact that, unlike outbound TGC's, there is no requirement that inbound TGC/ABC participants must bear a pro rata share of the total cost of the charter. This factor has never been considered a *sine qua non* of charters. Even though the presence of this factor in a charter rule goes a long way toward indicating that the statutory distinction is being preserved, the absence of a pro rata feature hardly establishes the converse. Indeed, except for outbound TGC's and prior affinity charters, none of the other types of charters which air carriers and foreign air carriers are authorized to perform [14] require all participants to share equally the total charter cost or to make up the shares of defaulting participants.

Moreover, the within rules impose several more stringent restrictions on those foreign-originated TGC/ABC's from countries whose rules do not include a pro rata requirement. For example, in such cases, the minimum-stay limitation for charters outside of North America will be 14 days during the peak season (instead of 10 days); the permissible number of standbys cannot exceed the number of seats contracted for (instead of three times the number of participants); standbys cannot be substituted for participants within 30 days of departure (instead of at any time prior to departure); the number of passengers whose names were on the standby list cannot exceed 15 percent of the number of seats contracted for (instead of 20 percent of the participants); and the TGC/ABC, if it is a split charter, cannot be combined on the same aircraft with other categories of split charters. The effect of these rules, imposing additional restrictions on foreign ABC charters which do not contain a pro rata requirement than are imposed on those operated under rules which do contain a pro rata requirement, is to assure that, on an overall basis, the different sets of restrictions applicable to either situation will be comparably stringent.

Finally, while no other country operates within precisely the same statutory framework as the United States, all of the other countries which joined in subscribing to the Ottawa Principles share a common interest in preserving the distinction between group and individually ticketed air service. Typically, each of these countries has its own national-flag scheduled carrier (in many case government-owned) whose interests its government at all times strives to advance and protect. Where these countries also have charter-only carriers (usually privately owned), the governments limit such carriers to a subordinate or supplementary role as a matter of long-established policy even if not as a matter of explicit statutory requirement; and the governments of countries not having their own charter-only carriers similarly limit the authority they grant the charter-only carriers of other countries, including the U.S. supplemental carriers.[14a] These governments, like our own, have heretofore largely relied on the "prior affinity" concept as a means of limiting the role of the charter-only carriers, but like us they have in recent years become increasingly disillusioned with this concept, and a number have announced a firm intention of doing away with prior affinity charters in the near future. The Ottawa Principles represent an international consensus as to the most appropriate range of substitutes for the prior affinity concept as a means of preserving the distinction between scheduled individually ticketed and nonscheduled group air travel which all countries consider vital. While the Board has continued to view a *pro rata* requirement as a desirable component of the new charter form designed to replace affinity charters, most other governments have preferred to rely instead on other types of restrictions to achieve the same purpose. Thus, in asking us to conclude that sets of restrictions which comport with the Ottawa Principles and our proposed rule for foreign-originating charters nevertheless fail to preserve the essential distinction between individually ticketed and supplemental air transportation, the Trunkline Carriers are asking us to conclude that a considerable number of foreign governments, including many of the leading powers in the international aviation community, either have completely mistaken the problem or have abandoned their long-held policies of preserving the foregoing distinction. We cannot subscribe to any such conclusion.

We therefore conclude that nothing submitted by the Trunkline Carriers causes us to withdraw or modify our tentative conclusion in SPDR–33, which we now make final, that the cumulative effect of the various restrictions on foreign-originating TGC/ABC's will "ensure that charter travel [does] not become a guise for individually ticketed services." [15]

C. *Other objections to proposed rules.* 1. BCAL notes that proposed § 372a.60 (b) (1) requires that the "participants in each TGC/ABC group must travel together on both the outbound and inbound portions of the trip." BCAL states that such a requirement is not imposed by the United Kingdom Civil Aviation Authority (C.A.A.) regulations and asks the Board to eliminate "the single incompatibility" between the Board's criteria and the C.A.A. rules. Similarly, BOAC contends that the proposed rules should accept as charterworthy, without the necessity of *ad hoc* waivers from the Board's rules, foreign-originated ABC's organized and operated pursuant to ABC rules of a foreign country when there is in effect an agreement with that country to recognize the charterworthiness of such operations.[16] BOAC adds:

> That is the regulation which the United States has specifically undertaken by international agreement to implement, and it is

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[10] SPR–61, p. 10 as issued and p. 3 in reprinted issue.

[11] *American Airlines, Inc. v. C.A.B.*, 121 U.S. App. D.C. 120, 348 F. 2d 349, 354 (1965); *American Airlines, Inc. v. C.A.B.*, 125 U.S. App. D.C. 6, 365 F. 2d 939, 949 (1966).

[12] *Trans International Airlines v. C.A.B.*, 139 U.S. App. D.C. 174, 432 F. 2d 607, 609 (1970).

[13] For North American charters, the minimum stay requirement is 7 days, the same as for outbound TGC's. For other than North American charters, the minimum-stay requirement is 10 days, the same as for outbound TGC's except for peak-season nonprorated TGC/ABC's in which the minimum-stay requirement is 14 days, thus exceeding any minimum requirement for outbound TGC's.

[14] §§ 207.11, 208.6, 212.8 and 214.7.

[14a] Frequently, indeed, they have been more restrictive towards U.S. supplementals than our statutory framework has compelled this Board to be.

[15] *Saturn Airways, Inc.* v. *C.A.B.*, *supra*, at 1293.

[16] British Midland makes a somewhat similar argument.

the only regulation which the Board may lawfully adopt in this area consistent with the requirements of section 1102 of the Act.[17]

Section 1102 requires the Board to perform its duties under the Act consistently with any international agreements.[18] However, there is nothing in that section which dispenses with the requirement of section 402(a) of the Act that no foreign air carrier shall engage in foreign air transportation unless there is in force a permit issued by the Board authorizing such carrier so to engage.[19] Thus, for example, where a permit is issued to a foreign air carrier under section 402(b) authorizing it to engage solely in "charter" services, it is clear to us that no international agreement can confer additional rights on such a carrier as to permit it to engage in other than charter services in violation of its permit.

Accordingly, we consider it our duty under the Act to impose restrictions and conditions on foreign-originated TGC/ABC's to insure that such operations are not in violation of the charter authority which carriers have been granted by the Board. Nevertheless, in light of the bilateral agreements, the instant rule provides blanket authority for foreign-originated TGC's in line with the Ottawa Principles, which establish "a generally agreed framework which will permit all North Atlantic states to establish substantially similar rules."[20] This rule should generally enable TGC/ABC's to be flown from all countries with which this government has signed agreements, pursuant to both their ABC rules and our rules. We have, however, taken account of the fact that the rules of a particular foreign signatory may embody variations which do not authorize operations impermissible under the carriers' authority. In such case, authority to operate charters under the foreign rules could be obtained by waiver, pursuant to § 372a.3.[21]

2. Finally, Condor requests the elimination of § 372a.60(b)(10), which reads:

> If the cost of the TGC/ABC is prorated among participants, then commingling of TGC/ABC groups with other categories of charter traffic is permitted, but if the cost to individual TGC/ABC participants is not prorated, then no commingling of TGC/ABC groups with other categories of charter traffic shall be permitted.

Condor states that this restriction on commingling of non-prorated TGC/ABC's with any other type of charter on the same aircraft is not supported by any apparent logic and, in addition, is contrary to the letter and spirit of the Memorandum of Understanding between the Federal Republic of Germany and the United States.

We reject this argument. As explained above,[22] we think it necessary and desirable to impose different restrictions on non-prorated TGC/ABC's than on those which are prorated, so that the cumulative effect of the different sets of restrictions will be comparably stringent. We therefore believe it reasonable to extend to TGC/ABC's which are prorated the same commingling privileges which are enjoyed by our own TGC's, while withholding this privilege from TGC/ABC's which are not prorated.

In addition, we see nothing in § 372a.60(b)(10) which is contrary to the letter or spirit of the Memorandum of Understanding between the United States and the Federal Republic of Germany. Condor states that the provision on which it relies[23] contemplates commingling of ABC charters with groups organized in accordance with other regulations.

We believe that the provision in the Memorandum of Understanding upon which Condor relies is essentially an enforcement tool, to ensure that commingling is conducted in accordance with the regulations of either party, but does not purport to create a substantive right to commingle. Moreover, and more fundamentally, contrary to Condor's implicit assumption, we read the ABC rules of the Federal Republic of Germany as explicitly prohibiting the commingling of ABC groups with other types of charter traffic,[24] so that the restriction against which Condor complains is prohibited by the law of the country of origin, and not only by our § 372a.60(b)(10).

Condor's request to eliminate this provision from our rules is therefore denied.[25]

In consideration of the foregoing, the Board hereby amends Part 372a of its Special Regulations (14 CFR Part 372a) effective April 22, 1974, as follows:

1. Amend the table of contents by adding a new Subpart F, the Table as amended to read in part as follows:

Subpart F—Foreign-Originating Travel Group Charters

372a.60 Foreign-originating travel group charters.

2. Amend the definitions of "travel group charter" and "travel group charter organizer" in § 372a.2 to read as follows:

§ 372a.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

"Travel group charter" means a round-trip charter to be performed by one or more direct air carriers which is arranged and sponsored by a charter organizer for a travel group and which meets the requirements set forth in §§ 372a.10 or 372a.60, whichever is applicable.

"Travel group charter organizer" means (1) any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier), who is authorized hereunder to engage in the formation of travel groups in accordance with the provisions of this part; or (2) a foreign charter organizer.

3. Amend § 372a.22 by adding, as a new paragraph (e), matter deleted hereinabove from § 372a.2, the section, as amended, to read as follows:

§ 372a.22 Operating authorization of charter organizer.

* * * * *

(e) With respect to the charter contract, such charter organizer acts solely as agent for, and holds all moneys received from any source in connection therewith as agent for, the members of the travel group.

4. Amend § 372a.31 by inserting, following paragraph (a) a new paragraph (a–1), and by revising paragraph (b), the entire section, as amended, to read as follows:

§ 372a.31 Record retention.[26]

(a) Every charter organizer (other than a foreign charter organizer over whom the Board has declined to exercise its jurisdiction) conducting a travel group charter pursuant to this part shall retain for 2 years after completion of the charter or series of charters true copies of the following documents at its principal or general office in the United States (or, if it is a foreign charter or-

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[17] BOAC also appears to assume that the Board is completely free to authorize foreign air carriers to engage in individually ticketed service. As pointed out hereinafter, we do not accept the validity of this assumption since, insofar as a foreign air carrier's permit limits it to performing "charters", we are bound to give meaning to that term.

[18] Section 1102 provides, in part: "In exercising and performing [its] powers and duties under this Act, the Board * * * shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries * * *." 49 U.S.C. 1502.

[19] *Cf.* Trans-Canada A.L., Toronto-Buffalo-New York Route, 2 C.A.B. 616, 618 (1941); Trans-Canada A.L., Air Carrier Permit, 6 C.A.B. 529, 530 (1945); Trans-Canada A.L., Air Carrier Permits, 6 C.A.B. 1085, 1086 (1946).

[20] P. 4, *supra.*

[22] See pp. 12–14, *supra.*

[23] Paragraph I.B.3, provides that each Party: "Undertakes that its regulatory authorities will transmit, on request, to the regulatory authorities of the other party, passenger lists and other appropriate documents to facilitate the conduct of spot checks of flights, especially if on such flights there is commingling of ABC/TGC groups organized in accordance with other regulations."

[24] Paragraph 3.4 provides: "The joint use of one aeroplane by several ABC groups (split charters) is permitted. The combined transportation of ABC groups and groups, the participants of which do not fulfill the ABC requirements, is not permitted."

[25] We are also making final the various technical amendments which we proposed in SPDR–33, as discussed therein at p. 9. None of the comments addressed themselves to these proposals.

[26] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. Title 18, U.S.C. § 1001.

ganizer, then at its principal or general office):

(1) All documents which evidence or reflect deposits made by, and refunds made to, each charter participant;

(2) All statements, invoices, bills, and receipts from suppliers or furnishers of goods and services in connection with the travel group charter or series of charters.

(a–1) Every charter organizer (other than a foreign charter organizer over whom the Board has declined to exercise its jurisdiction) conducting a travel group charter pursuant to Subpart F of this part shall retain for 2 years after completion of the charter at its principal or general office in the United States true copies of all documents which it is required by the applicable rules of the originating country to file with the regulatory authorities of that country or to maintain in its own files for any specified period.

(b) Every such charter organizer shall make the documents required to be retained by the provisions of the foregoing paragraphs (a) or (a–1), as the case may be, available upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

5. Amend § 372a.40 to read as follows:

§ 372a.40 Charter not to be performed unless in compliance with part.

A direct air carrier shall not perform air transportation in connection with a travel group charter unless it has made a reasonable effort to verify that all provisions of this part have been complied with (or, if it is a foreign-originated charter to which Subpart F applies, that all provisions of the rules of the country of origin have been complied with), and that the charter organizer's authority under this part has not been suspended by the Board (or, if it is a foreign-originated charter to which Subpart F applies, that the charter organizer's authority has not been suspended by the regulatory authorities of the country of origin): *Provided, however,* That except with respect to foreign-originated charters operated pursuant to Subpart F of this part, where a travel group is organized by a foreign charter organizer over whom the Board has declined to exercise its jurisdiction pursuant to § 372a.20a, no direct air carrier may perform air transportation in connection with such travel group charter unless the charter is formed and implemented in accordance with the general conditions and limitations set forth in Subpart B of this part and the charter organizer performs all the acts and duties which this part requires to be performed by charter organizers within the Board's jurisdiction, other than the provisions set forth in §§ 372a.22(b)(4)(iii), 372a.25 and 372a.-31.

6. Amend Part 372a by adding a new Subpart F to read as follows:

Subpart F—Foreign-Originating Travel Group Charters

§ 372a.60 Foreign-originating travel group charters.

(a) Notwithstanding the general conditions and limitations set forth in Subpart B of this part or the conditions set forth in §§ 372a.22, 372a.25, 372a.27 through 372a.30, 372a.31(a)(1) of Subpart C of this part, or the prohibitions set forth in § 372a.41 and 372a.42 of Subpart D of this part, or the reporting requirements set forth in Subpart E of this part, direct air carriers and charter organizers (other than a foreign charter organizer over whom the Board has declined to exercise its jurisdiction) are authorized to operate and organize foreign-originating travel group or advance-booking charters (referred to herein as TGC/ABC) in compliance with the applicable rules of the originating country, so long as (1) such foreign rules conform to paragraph (b) of this section, and (2) there is in effect a formal agreement between the originating country and the United States with respect to the charterworthiness of such operations.

(b) The following are the restrictions and conditions to which foreign rules must conform in order for direct air carriers and charter organizers to operate and organize foreign-originating TGC/ABC charters pursuant to paragraph (a) above:

(1) The participants in each TGC/ABC group must travel together on both the outbound and inbound portions of the trip.

(2) Each TGC/ABC contract must cover at least forty (40) seats.

(3) The list of actual participants (*i.e.*, persons contractually bound to pay for a specifically identified flight) in each TGC/ABC group must be filed with appropriate regulatory authorities at least ninety (90) days in advance of flight departures.

(4) If there is to be a list of "standbys" (*i.e.*, eligible substitutes for participants) for a TGC/ABC, and if the cost of the TGC/ABC is prorated among participants, then the number of such standbys shall not exceed three times the number of participants; but if the cost to individual TGC/ABC participants is not prorated, then the number of standbys shall not be greater than the number of seats contracted for.

(5) No person shall be added to a standby list within ninety (90) days prior to flight departure.

(6) If the cost of the TGC/ABC is prorated among participants, then standbys may be substituted for participants at any time prior to flight departure; but if the cost to individual TGC/ABC participants is not prorated, then standbys may not be substituted for participants within thirty (30) days prior to flight departure.

(7) If the cost of the TGC/ABC is prorated among participants, then no more than twenty percent of the participants in any TGC/ABC group may be persons whose names were included on the standby list for that TGC/ABC flight; but if the cost to individual TGC/ABC participants is not prorated, then no more than fifteen percent of the number of seats contracted for may be sold to persons whose names were on the standby list relating to such flight.

(8) A TGC/ABC must be "round trip" (*i.e.*, including both a departure and return flight).

(9) If the cost of the TGC/ABC is prorated among participants, then a TGC/ABC must be for a minimum duration of at least seven days in the case of North American charters, and a minimum duration of at least ten days in the case of all other charters; but if the cost of individual TGC/ABC participants is not prorated, then during the period of April 1 to October 31, the TGC/ABC must provide for a minimum duration of at least fourteen days, and during the period of November 1 to March 31, the minimum duration must be at least ten days: *Provided, however,* That the minimum duration of a non-prorated North American TGC/ABC need not be greater than seven days.

(10) If the cost of the TGC/ABC is prorated among participants, then commingling of TGC/ABC groups with other categories of charter traffic is permitted, but if the cost to individual TGC/ABC participants is not prorated, then no commingling of TGC/ABC groups with other categories of charter traffic shall be permitted.

(11) The direct air carrier shall maintain a list of the passengers actually carried on each TGC/ABC flight.

(Secs. 101(3), 204(a), 401, 402, 407, 416 and 1102, Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 766, 771, and 797 (49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1502))

Effective: April 22, 1974.

Adopted: March 15, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-6666 Filed 3-21-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

PART 4—MISCELLANEOUS RULES

Subpart C—Consent Order Procedure

MISCELLANEOUS AMENDMENTS

Subchapter A of Chapter I of Title 16 is amended as follows:

The Commission announces the following amendment of § 2.34(b) which

makes available upon request an analysis of provisionally accepted consent orders to give the public a better understanding of the order's terms, and extends from 30 to 60 days the period of time for public comment on proposed settlements. This amendment is effective on March 22, 1974.

Section 2.34(b) is amended to read as follows:

§ 2.34 Disposition.

* * * * *

(b) Upon receiving such an agreement, the Commission may: (1) Accept it; (2) reject it and issue its complaint and set the matter down for adjudication in regular course; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place the order contained therein on the public record, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby and any other information which it deems helpful in assisting interested persons to understand the terms of the order. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested persons. Thereafter, within thirty (30) days, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require), and decision, in disposition of the proceeding.

* * * * *

The Commission announces the following amendment of § 4.11 to speed up the method of handling requests for access under the Freedom of Information Act. This amendment is effective on March 22, 1974.

Section 4.11 is amended to read as follows:

§ 4.11 Requests for disclosure of records.

(a) Any request by a member of the public for disclosure of identifiable records shall be in writing and addressed to the Secretary of the Commission.

(b) Disposition: (1) Upon a determination by the General Counsel that some or all of the requested records are not exempt from disclosure under the Freedom of Information Act, the Secretary shall notify the requester in writing that access is granted to the nonexempt documents.

(2) Upon a determination by the General Counsel that some or all of the requested records are exempt from disclosure under the Freedom of Information Act, the Secretary shall notify the requester of such determination. The requester shall further be notified that he may petition the Commission for access to records deemed to be exempt by the General Counsel, either because the requester believes the records are not exempt or because the requester believes the Commission should exercise its discretion to release such records not withstanding their exempt status.

(3) A petition to the Commission for disclosure of exempt records, which requests the Commission to exercise its discretion to release such records, shall set forth the interest of the requester in the subject matter and the purpose for which the records will be used if the request is granted.

(c) A request for disclosure by another government agency shall be made by the administrative head of the agency or his designee; shall be in writing addressed to the Secretary of the Commission; and shall describe the records, their relevancy to the work and function of the agency, and, if the production of records or the taking of copies thereof is asked, the use which is intended to be made of them.

(d) Any official or employee of the Commission who is served with a subpoena or other compulsory process, except a subpoena issued within the scope of § 3.36 of this subchapter, requiring the production of any document or record or the disclosure of any information which under § 4.10 is exempt from availability for public inspection and copying, shall promptly advise the Commission of the service of such subpoena or other compulsory process, the nature of the documents or information sought, and all relevant facts and circumstances. If the official or employee so served has not received instructions from the Commission prior to the return date of the subpoena or other compulsory process, he shall appear in response thereto and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this paragraph. The Commission will consider and act upon compulsory process under this section with due regard for statutory restrictions, its rules and the public interest, and the established legal standards for determining whether justification exists for the disclosure of the confidential information and records.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46))

By direction of the Commission dated March 12, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-6725 Filed 3-21-74;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5463, 34-10661]

PART 231—INTERPRETIVE RELEASE RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Corporation Finance Division

Rule 145 (17 CFR 230.145), relating to the registration of certain reclassifications and business combination transactions, was adopted under the Securities Act of 1933 ("the Act") by the Securities and Exchange Commission on October 6, 1972 in Securities Act Release No. 5316 (37 FR 23631) and became effective on January 1, 1973. Since that time the Commission's Division of Corporation Finance has received a number of requests for interpretations with respect to various provisions of the Rule and with respect to other matters related to the operation of the Rule. In order to assist all persons in their understanding of, and their compliance with, Rule 145, the Commission has authorized the publication of this interpretative release setting forth the current views and positions of its Division of Corporation Finance wth respect to Rule 145 and related matters.

The adoption of Rule 145 and the related rescission of Rule 133 (17 CFR 230.133) reversed the Commission's longstanding "no sale" theory and expressly reflected its opinion that such an approach no longer served the best interests of investors. Generally, Rule 145 states that an "offer" or "sale" within the meaning of the Act is involved with respect to the security holders of a corporation or other person where, pursuant to statutory provisions, controlling instruments or otherwise, there is submitted for the vote or consent of such security holders a plan or agreement for: (1) Reclassifications other than stock splits and changes in par value; (2) mergers, consolidations and similar plans of acquisition except where the sole purpose of such a transaction is to change an issuer's domicile; and (3) certain transfers of assets for securities where there is a subsequent distribution of such securities to those voting on the transfer of the assets. In addition, Rule 145 provides that certain preliminary written announcements will be deemed not to be a prospectus or an offer to sell, and sets forth standards under which securities received in a Rule 145 transaction can be resold.

The Division of Corporation Finance will continue to reexamine and reassess the effectiveness of the Rule and may recommend publication of additional interpretations or amendments to Rule 145 if the purposes and policies underlying the Act and the Rule are not being fully implemented. Accordingly, all interested persons are invited to submit their views and suggestions for improving the operation of Rule 145 to Alan B. Levenson, Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

The following illustrations, which are intended to supplement the explanation and analysis of Rule 145 set forth in Securities Act Release No. 5316, reflect the views of the Division of Corporation Finance as of the date of this release notwithstanding any previous interpretations expressed to the contrary by the Division orally or in writing. It should be assumed in each of the following illustrations that the use of the means

and instruments of interstate commerce or of the mails is involved and that no statutory exemption is applicable unless so stated.

I. Relationship of Rule 145 to Exemptions Set Forth in Sections 3 and 4 of the Act (See Generally Preliminary Note to Rule 145).

Illustration A—Facts. X Company proposes to issue common stock in exchange for the assets of Y Company after Y Company obtains the approval of its several stockholders, as required by state law, with respect to an agreement setting forth the terms and conditions of the exchange and providing for a distribution of the X Company common stock to the Y Company stockholders. X Company has determined that the private offering exemption afforded by Section 4(2) of the Act would be available for the transaction.

Question. In light of Rule 145, may X Company choose between relying upon the private offering exemption available under Section 4(2) and registering the securities to be issued in the transaction on Form S–14?

Interpretative Response. Yes, X Company may choose between relying upon the private offering exemption available under Section 4(2) and registering the securities to be issued in the transaction on Form S–14. Rule 145 does not affect statutory exemptions which are otherwise available. However, since the transaction is one specified in Rule 145(a)(3)(ii), X Company may register the securities to be issued in the transaction on Form S–14 so that an affiliate of Y Company would be able to resell immediately his securities either pursuant to the registration statement, if requisite information regarding resales is disclosed in the registration statement, or else subject to the limitations referred to in Rule 145(d).

Illustration B—Facts. X Company, an insurance company organized and regulated under the laws of State A, intends to establish Y Company, a corporation organized under the laws of State A, and to effect a Rule 145 type transaction which would result in Y Company becoming a statutory insurance holding company and the stockholders of X Company receiving securities of Y Company in return for their holdings. Among other things, the laws of State A, in this type of situation, expressly authorize its Commissioner of Insurance to hold a hearing and to make a finding on the fairness to the stockholders of X Company of the terms and the conditions of the transaction. The Commissioner is required to give appropriate notice of the hearing, and of their right to appear, to all stockholders of X Company prior to the hearing.

Question. Assuming that the Commissioner holds such a hearing and makes the appropriate findings, may Y Company rely upon the exemption afforded by section 3(a)(10) of the Act notwithstanding that the transaction comes within Rule 145?

Interpretative Response. Yes, Rule 145 does not affect the availability of any exemption which is otherwise available so that an issuer may rely upon the exemption afforded by section 3(a)(10) of the Act if all of the conditions of that exemption are met. Inasmuch as section 3(a)(10) provides an exemption for the initial issuance of securities but not for the resale of such securities, it should be noted that an issuer may choose to register the securities to be issued in the transaction on Form S–14 or S–1 in order to be more certain of the status under the Act of public resales by underwriters of securities received in the transaction.

Illustration C—Facts. X Company, a corporation organized and existing under the laws of State A, has a class of preferred stock and a class of common stock outstanding. X Company is now considering a plan of reclassification which, if approved by the requisite majority of each class, would result in X Company having only one class of equity securities outstanding. X Company has determined that it will not utilize the services of a proxy soliciting firm.

Question. May X Company rely upon the exemption afforded by section 3(a)(9) of the Act notwithstanding that the transaction comes within Rule 145?

Interpretative Response. Yes. Assuming that all the requirements of that exemption are met, then X Company may rely upon the exemption afforded by section 3(a)(9) of the Act because Rule 145 does not affect the availability of any statutory exemption which is otherwise available.

Illustration D—Facts. X Company proposes to acquire Y Company in a Rule 145 type transaction which will involve the issuance of X Company common stock with a readily ascertainable aggregate market value of $275,000 to the stockholders of Y Company.

Question D–1. May X Company rely upon the limited exemption afforded by Regulation A under section 3(b) of the Act?

Interpretative Response. Yes. Rule 145 does not affect the availability of any exemption which is otherwise available so that an issuer may choose to rely upon the small offering exemption afforded by section 3(b). It should be noted, however, that Regulation A is a conditional exemption which necessitates compliance with all the express terms and conditions of that Regulation, including Rule 253 thereunder which may require certain escrow arrangements as well as limitations on sales by persons other than the issuer.

Question D–2. What types of disclosure should X Company make in a Regulation A offering circular covering a Rule 145 type transaction?

Interpretative Response. Inasmuch as the items contained in the Form 1–A Notification, and the instructions thereto, as well as the Schedule I requirements for information to be included in the offering circular, were not adopted with Rule 145 type transactions in mind, persons filing offering circulars pursuant to Regulation A for such a transaction should disclose the type of information required by Form S–14. However, the certification of financial statements for such an offering circular remains subject to the requirements of Regulation A. Because novel questions may arise in this area, it is suggested that issuers consult with the appropriate Regional Office of the Commission before filing.

Question D–3. If Regulation A is relied on, may the affiliate(s) of Y Company subsequently resell limited quantities of X Company securities received in the transaction in accordance with Rule 145(d) without being deemed to be "underwriters" within the meaning of Rule 145(c)?

Interpretative Response. No. Rule 145(d) is only applicable to "registered securities acquired" in a Rule 145 transaction. Inasmuch as X Company has not registered its securities on Form S–14 or S–1, but has availed itself of the exemption afforded by Regulation A under section 3(b) of the Act, the affiliate(s) of Y Company must comply with all the terms and conditions of that Regulation, which would ordinarily require that a second Regulation A filing be made. It should be noted that the aggregate dollar amount of any resales within twelve months by affiliates would need to be computed and applied against the dollar limitation set forth in section 3(b) of the Act and Rule 254 thereunder.

II. Application of Rule 145 To Various Types of Reclassifications and Business Combination Tranactions (See Paragraph (a) of Rule 145).

Illustration A—Facts. X Company has a class of preferred stock and a class of common stock outstanding. As required by the laws of its state of incorporation, X Company intends to submit to both classes of its stockholders a plan of recapitalization, which, if approved by the requisite majority of each class, would provide, among other things, for a three-for-one stock split with respect to the common stock and for a simultaneous exchange of eight shares of common stock for each share of preferred stock. In order to assure adoption of the plan, X Company has retained the services of P Company, a proxy soliciting firm which will actively solicit proxies for approval of the plan.

Question. Inasmuch as P Company is receiving remuneration for its services and the exemption afforded by section 3(a)(9) of the Act is, accordingly, not available, does Rule 145 require registration of the securities to be issued in connection with the stock split and preferred stock exchange?

Interpretative Response. Yes, because this single plan of recapitalization involves a reclassification of one class of securities in addition to a stock split of the other class of securities (which in and of itself would not have to be registered under these circumstances because of the exception set forth in Rule 145(a)(1)), the entire transaction would be considered to be a reclassification within the meaning of Rule 145(a)(1) and the securities to be issued in the

transaction would have to be registered on Form S–14 or S–1.

Illustration B—Facts. In order to change its domicile, X Company, a corporation organized and existing under the laws of State A with its only class of outstanding securities registered under the Securities Exchange Act of 1934 ("the Exchange Act"), proposes to effect a statutory merger with Y Company, its newly-created wholly-owned subsidiary which was organized under the laws of State B. Y Company's Articles of Incorporation are similar to X Company's Articles of Incorporation except that Y Company's charter contains a substantially broader corporate purpose provision and authorizes a class of preferred stock. As a result of this proposed transaction, which is subject to stockholder approval, stockholders' pre-emptive rights and cumulative voting rights would be eliminated.

Question. Does Rule 145 require the registration of the securities to be issued in this transaction?

Interpretative Response. No. While a statutory merger is deemed to involve a "sale" within the meaning of Section 2 (3) of the Act, Rule 145(a) (2) provides a specific exception "where the sole purpose of the transaction is to change an issuer's domicile." Notwithstanding the inclusion of a broader corporate purpose provision and the authorization of another class of securities in the charter and notwithstanding the effects of the pre-emptive and cumulative voting rights of X Company's stockholders, the exception would be applicable. It should be noted that since X Company is a reporting company under the Exchange Act, any changes in stockholders' rights should be disclosed pursuant to the applicable proxy rules.

Illustration C—Facts. X Trust is a voluntary association of a type of commonly known as a Massachuetts business trust and is treated as a real estate investment trust for tax purposes under the applicable provisions of the Internal Revenue Code of 1954, as amended. For various business reasons, X Trust intends to reorganize as a corporate entity under the laws of a state other than Massachusetts by calling a special meeting of holders of beneficial interests to vote on an agreement setting forth the terms and conditions of the reorganization.

Question. May this transaction be effected without registration under the Act on the basis of the change-of-domicile exception set forth in Rule 145(a) (2)?

Interpretative Response. No. Regardless of where the new corporate entity is domiciled, the exception set forth in Rule 145(a) (2) is not applicable because the transaction involves a significant change in the form of the issuer's legal entity and results in a significant change in a security holder's economic interest. Accordingly, absent an applicable statutory exemption, the securities issued in the transaction are required to be registered under the Act.

Illustration D—Facts. X Bank, chartered under the law of State A, proposes to enter into an agreement and plan of reorganization which, if approved by its stockholders, will result in X Bank becoming a wholly-owned subsidiary (except for directors' qualifying shares) of a newly-formed holding company, X Bancshares, organized under the laws of State B. Following the reorganization, the former stockholders of X Bank will have the same relative equity interest in X Bancshares; the directors of X Bank will be the directors of X Bancshares; and initially the sole asset of X Bancshares will be the stock of X Bank.

Question. May this transaction be effected without registration under the Act on the basis of the change-in-domicile exception set forth in Rule 145(a) (2)?

Interpretative Response. No. Inasmuch as the transaction involves significant changes in the issuer's basic organizational structure, the exception set forth in Rule 145(a) (2) is not applicable. Accordingly, absent an applicable statutory exemption, the securities issued in the transaction are required to be registered under the Act.

Illustration E—Facts. X Company proposes to acquire at least 80% of the outstanding common stock of Y Company by offering its common stock to the stockholders of Y Company in exchange for their Y Company common stock in a transaction intended to qualify as a taxfree reorganization pursuant to section 368(a) (1) (B) of the Internal Revenue Code of 1954, as amended.

Question. Is Rule 145 applicable to such an exchange offer so that X Company can utilize Form S–14?

Interpretative Response. No. Rule 145 and Form S–14 are not applicable to "B" type reorganizations. Absent a statutory exemption, the securities issued in the transaction would have to be registered under the Act on Form S–1 or on another form if applicable.

Illustration F—Facts. The board of directors of X Company is considering an offer by Y Company whereby a significant portion (but not substantially all) of X Company's assets will be transferrred to Y Company in return for shares of Y Company common stock which would be distributed to the stockholders of X Company on a pro-rata basis. Although not required to do so by State law or by Y Company's certificate of incorporation or by-laws X Company's board of directors will submit the matter to the stockholders of X Company for their authorization.

Question. Assuming that no statutory exemption is available, is Rule 145 applicable to this proposed transaction?

Interpretative Response: Yes. Rule 145(a) (3) states that:

> [a] "sale" shall be deemed to be involved, within the meaning of section 2(3) of the Act, so far as the security holders of a corporation * * * are concerned where, pursuant to statutory provisions * * * or similar controlling instruments, *or otherwise*, there is submitted for the vote or consent of such security holders a plan or agreement for * * * transfers of assets. (emphasis added)

Accordingly, inasmuch as the board of directors in its discretion has determined to submit the matter to stockholders, Rule 145 is applicable and the transaction may be registered on Form S–14 or S–1.

III. COMMUNICATIONS DEEMED NOT TO BE A "PROSPECTUS" OR "OFFER TO SELL" FOR PURPOSES OF RULE 145 (SEE PARAGRAPH (b) OF RULE 145; SEE ALSO SECURITIES ACT RELEASE NOS. 4697 (MAY 28, 1964) (29 F.R. 7317), 5009 (OCTOBER 7, 1969) (34 F.R. 16870) AND 5180 (AUGUST 16, 1971) (36 F.R. 16506))

Illustration—Facts. X Company and Y Company are about to sign an agreement in principle setting forth their understanding with respect to a proposed merger of the two companies which will be registered pursuant to Rule 145. One condition set forth in the agreement in principle requires that, prior to the consummation of the merger, Y Company divest itself of a significant subsidiary in order to avoid potential problems under the Federal anti-trust laws. Although not set forth in the agreement in principle, it is clear from the preliminary negotiations that, subsequent to the merger, certain assets of Y Company will be liquidate because their book value is materially lower than their market value.

Question. Does Rule 145(b) prohibit the announcement of these facts prior to the filing of a registration statement?

Interpretative Response. No. Rule 145 (b) (1) describes communications which will be deemed not to be a "prospectus" or "offer to sell" as defined in the Act. Inasmuch as the divestiture of a significant subsidiary is a material part of the transaction, and will have a material effect on the business of one party, it should be disclosed. To the extent that the assets to be liquidated are material to Y Company's operations, this plan should also be disclosed.

IV. RESALES OF SECURITIES ACQUIRED IN RULE 145 TRANSACTIONS (SEE PARAGRAPHS (c), (d) AND (e) OF RULE 145).

Illustration A—Facts. X Company filed a registration statement on Form S–1 covering the proposed issuance of its common stock (but not covering the resale thereof) in connection with a proposed acquisition of Y Company in a Rule 145 type statutory merger which, if approved by Y Company's stockholders, would result in Y Company's stockholders receiving common stock of X Company. X Company's registration statement indicates that, for accounting purposes, the acquisition will be treated as a purchase.

Question A–1. Assuming for the purposes of this question only that A is a controlling person of X Company and also owns common stock of Y Company, would his resales of the X Company common stock which he receives in this transaction be subject to the limitations of Rule 145(d)?

Interpretative Response. No. Inasmuch as A controls X Company, he is already deemed to be an affiliate of X Company and is subject to the provisions of Rule 144. Accordingly, the resale of any additional shares of X Company common stock, which he acquires in a Rule 145 transaction or otherwise, is subject to the provisions of Rule 144.

Question A–2. Assuming for the purposes of this question only that B does not own any common stock of X Company but is a controlling person of Y Company and that after the merger he will become a controlling person of X Company, would his resales of the X Company common stock which he receives in this transaction be subject to the limitations of Rule 145(d)?

Interpretative Response. No. Inasmuch as B will become a controlling person of X Company, he would be deemed to be an affiliate of X Company. By virtue of his becoming an affiliate of X Company, B would become subject to Rule 144 and the resale of all of his X Company common stock would be subject to the provisions of Rule 144.

Question A–3. Assuming for the purposes of this question only that C is an affiliate of Y Company but not of X Company, what restrictions are imposed by Rule 145(d) on C's public resale of the X Company common stock which he receives in the Rule 145 transaction?

Interpretative Response. Rule 145(d) would permit C to resell X Company securities received in the Rule 145 transaction subject to the provisions of paragraphs (c), (e), (f) and (g) of Rule 144. It should be noted that neither the two year holding period requirement nor the notice of sale requirement of Rule 144 would be applicable to C's sales pursuant to Rule 145(d).

Question A–4. Assuming for the purposes of this question only that D is not an affiliate of X Company or of Y Company and that his only relationship to the transaction is that he owns Y Company common stock, some of which was purchased previously in a private offering, would D be immediately free to resell publicly all of the X Company common stock which he receives in the transaction?

Interpretative Response. Yes. Since D is not an affiliate of X Company or Y Company then he is not deemed to be an underwriter with respect to the securities he receives in the Rule 145 transaction. Accordingly, D is immediately free to resell publicly all of the X Company common stock which he receives in the transaction regardless of whether some of his Y Company common stock was restricted.

Question A–5. If X Company's registration statement disclosed that, for accounting purposes the acquisition would be treated as a pooling-of-interests, would this have any effect upon the resale of X Company stock acquired in the transaction?

Interpretative Response. Yes. Although a pooling-of-interests accounting treatment would not affect the operation of Rule 145, in order to preserve such accounting treatment, the Commission's Accounting Series Release Nos. 130 (September 29, 1972) and 135 (January 5, 1973) states that the requisite risk sharing will have occurred if the affiliates of X Company and Y Company do not publicly or privately resell any of the X Company securities received in the transaction until such time as financial results covering at least 30 days of post merger combined operations have been published.

Illustration B—Facts. X Company has employed the services of P Company, a proxy soliciting firm, in connection with its proposed plan to acquire Y Company in a Rule 145 type transaction which will be registered on a Form S–14.

Question. Would P Company be deemed to be an underwriter for the purposes of Rule 145?

Interpretative Response. No. Assuming that P Company simply performs logistical and ministerial functions, does not acquire any X Company securities, and does not participate in any risk in the distribution of the X Company securities issued in the transaction, P Company would not be deemed to be an underwriter. It should be noted that this interpretation has no bearing on whether an investment banker involved in a Rule 145 type transaction would be deemed to be an underwriter. Such a question can only be resolved on the basis of all the facts of a particular case.

V. Related Matters

Illustration A—Facts. X Company, a corporation subject to the proxy rules under the Exchange Act, intends to acquire Y Company, another corporation subject to the proxy rules under the Exchange Act, in a Rule 145 type transaction.

Question A–1. Assuming that both companies will solicit proxies for the transaction, what filing fees would be paid by X Company and Y Company?

Interpretative Response. X Company would pay the same statutory fee as any other issuer when it files its registration statement, which fee would be computed in accordance with Section 6 of the Act and Rule 457 thereunder, and would not make any separate filing or pay any separate fee under the Exchange Act for the proxy material contained in said registration statement by virtue of Rules 14c–5(e) and 14a–6(j) under the Exchange Act, unless it specifically elects to make a proxy filing separate and apart from its registration statement. Y Company, when it files its separate proxy statement or when it furnishes a letter for the Commission's public files adopting the relevant portions of X Company's registration statement as its proxy material, would pay a filing fee of $500 in accordance with Rule 14a–6(i)(3) under the Exchange Act.

Question A–2. Assuming that both companies will solicit proxies and that both companies desire to maintain the confidentiality of their filing(s) as long as possible, may X Company initially file its material pursuant to the proxy rules under the Exchange Act and, if so, what fees would be paid by X Company and Y Company?

Interpretative Response. The Division will not object if X Company makes its initial filing pursuant to the proxy rules under the Exchange Act in the form of preliminary proxy material so long as each company pays the required fee of $500 in accordance with Rule 14a–6(i)(3). Once X Company receives comments from the Division's staff, it may file its registration statement including amended proxy material on Form S–14 or S–1 along with the statutory filing fee computed in accordance with Section 6 of the Act and Rule 457 thereunder, without any refund or reduction based on its previous payment in connection with its proxy material. It should be noted that if the disclosure in X Company's registration statement is responsive to the staff's comments on the preliminary proxy material, a request for acceleration of the effective date of the registration statement would ordinarily be granted.

Question A–3. Assuming that only Y Company solicits proxies for the transaction, what filing fees would be paid by X Company and Y Company?

Interpretative Response. When X Company files its registration statement on Form S–14 or S–1, X Company would pay the same statutory fee as any issuer computed in accordance with Section 6 of the Act and Rule 457 thereunder. When Y Company files its proxy statement or when it furnishes a letter for the Commission's public files adopting the relevant portions of X Company's registration statement as its proxy material, it should pay a fee of $1,000 in accordance with Rule 14a–6(i)(3).

Illustration B—Facts. X Company has been utilizing a Form S–1 "shelf registration" for the issuance of its securities, and for certain resales thereof, in connection with a series of acquisitions, each of which, in and of itself, might have been effected without registration under the Act by virtue of the intrastate or private offering exemptions afforded by sections 3(a)(11) and 4(2) of the Act. X Company now intends to make an acquisition by means of a statutory merger subject to Rule 145 for which no other statutory exemption is available.

Question B–1. May X Company utilize the Form S–1 shelf registration for the proposed Rule 145 transaction?

Interpretative Response. Yes. Although X Company could file a new registration statement on Form S–14 or S–1 for the Rule 145 transaction, it can utilize the existing Form S–1 shelf registration statement if sufficient shares are registered and the financial statements and other disclosures are current.

Question B2. If X Company elects to utilize its shelf registration for the merger, is additional information required to be included in its shelf registration statement?

Interpreative Response. Yes. The information required by Form S–14 should be set forth in a post-effective amendment to X Company's shelf registration statement.

Illustration C—Facts. X Company intends to effect a short-form merger pursuant to state law whereby its ninety percent owned subsidiary, Y Company, would be merged into X Company without a vote or consent of Y Company's minority stockholders, who would receive common stock of X Company.

Question C–1. Is this transaction subject to the registration requirements set forth in section 5 of the Act?

Interpretative Response. Yes. The issuance of X Company common stock to the stockholders of Y Company would involve a "sale" within the meaning of section 2(3) of the Act and, absent a statutory exemption, registration would be required.

Question C–2. May the securities to be issued in this transaction be registered pursuant to the Act on a Form S–14?

Interpretative Response. Yes. Although Rule 145 is not applicable because a short-form merger does not involve a vote or consent of all the stockholders, the Division will not object to the use of Form S–14 for the registration of the securities to be issued in this transaction.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

FEBRUARY 28, 1974.

[FR Doc.74–6721 Filed 3–21–74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R–415; Order 438A]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Revision to Weekly Fuel Emergency Report Forms

MARCH 15, 1974.

This order directs the reporting of emergency fuel situations on Forms No. 237A (Coal) and No. 237B (Oil), Weekly Fuel Emergency Report, in revised format. These forms were first promulgated on September 17, 1971, in Order No. 438 (Docket No. R–415) which amended Part 141, Chapter I, Title 18 of the Code of Federal Regulations. At the time these forms were adopted, emergency shortages of fuels required to provide a reliable flow of electric power were due primarily to local and temporary disruptions in deliveries. Currently there are widespread conditions affecting directly or indirectly a number of types of fuels, including coal, residual oil, distillate oil and natural gas. These current conditions may continue for indefinite periods. Emergencies have arisen and are expected to arise periodically.

Specific revisions to the forms include: (1) Eliminating the reporting of certain information on capacity and multi-fuel supplies which will not be needed on a weekly basis; (2) standardizing the reporting week so that each utility reports as of 12:01 AM Sunday rather than choosing its own reporting week; (3) providing a definition of fuel emergency for use by a utility except when it normally maintains smaller fuel stocks than the definition specifies; (4) requiring that all questions be answered in each filing so that all information necessary for dealing with the emergency situation is readily available; (5) providing for description by the utility of its fuel supply problems and indication of the steps it is taking to alleviate the difficulty; and (6) providing for description by the utility of its existing ability to burn alternate fuels and its ability to convert existing equipment to alternate fuel use.

The filing of Forms 237A and 237B [1] will enable the FPC to be apprised of emergencies arising from inadequate fuel supplies and enable the Commission to take appropriate measures to assist affected utilities to cope with such problems. Because of the existing widespread conditions and the need to act expeditiously, the Commission believes that delay in the adoption of the revised Forms 237A and 237B would be contrary to the public interest and hence is making this order effective upon issuance.

These forms are to be filed weekly upon the determination by the utility in the exercise of due diligence that an emergency exists and are to be filed weekly until such emergency no longer exists. The following factors shall be taken into account when deciding if an emergency exists: (1) fuel stocks are reduced to 30 days (or less) of normal burn days for coal; 15 days (or less) of normal burn days for residual oil; 15 days (or less) of normal burn days for distillate oil; (2) the utility projection is for a continued downward trend in fuel stocks; and (3) emergency Federal measures are otherwise deemed necessary.

Since fuel stocks smaller than the levels shown above are normally maintained in some plants, an emergency is not deemed to arise until their stocks have been depleted to such levels. Reports in those instances need not be filed until emergency levels are reached. Filed reports, however, should indicate the fuel stock levels considered to be a desirable minimum supply in responses to questions 12 and 13 on the Coal Form and questions 13 and 14 on the Oil Form.

The Commission further finds:

(1) It is necessary and appropriate in the public interest and for the purposes of the Federal Power Act to prescribe the revisions to the Weekly Fuel Emergency Report Forms as herein ordered.

(2) There is good cause under the circumstances set forth in the recitals to make the provisions of this order effective immediately and without the prior notice and public procedure provisions of Section 553 of Title 5 of the United States Code, which prior notice and public procedure provisions are impractical and contrary to the public interest in this instance.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 202, 301, 304(a), 309, and 311 (49 Stat. 848, 854, 855, 858, 859; 67 Stat. 461; 16 U.S.C. 824a, 825, 825(a), 825h, 825j), *orders:*

(A) Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended by amending § 141.60 to read as follows:

§ 141.60 Form No. 237A (Coal) and Form No. 237B (Oil), Weekly Fuel Emergency Report Form, Revised.

(a) Form No. 237A (Coal) and Form No. 237B (Oil), Revised, are designed to obtain information on a weekly basis from electric utilities or suppliers whether investor owned, publicly owned or cooperatively owned facing fuel emergencies. The report must be filed in the first instance whenever a utility shall determine in the exercise of due diligence that an emergency exists and must be filed weekly thereafter until the emergency terminates. A fuel emergency exists when supplies of fuels for generation are at a level which threatens projected operations or reliability of electric service.

(b) The following factors shall be taken into account to determine whether a fuel emergency exists: (1) fuel stocks are reduced to 30 days (or less) of normal burn days for coal; 15 days (or less) of normal burn days for residual oil; 15 days (or less) of normal burn days for distillate oil; (2) the utility projection is for a continued downward trend in fuel stocks; and (3) emergency Federal measures are otherwise deemed necessary.

(c) Since fuel stocks of levels smaller than those above indicated are maintained in some plants, an emergency is not determined to exist until their stocks have been depleted to such levels. In such cases no reports need be filed until emergency levels are reached. However, filed reports should indicate fuel stock levels considered to be a desirable minimum supply in responses to questions 12 and 13 on the Coal Form and questions 13 and 14 on the Oil Form.

(B) Revised FPC Forms Nos. 237A (Coal) and 237B (Oil) as set out in Appendix A to this order are hereby adopted.

(C) The amendment and revised forms adopted herein shall be effective upon issuance of this order. The first report filed shall cover the first full reporting week after the date of issuance of this order.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–6645 Filed 3–21–74;8:45 am]

[1] Filed as part of original document.

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. RM74–6; Order No. 507]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Commission Amends Regulations by Revoking Provisions for Certain Budget-Type Gas Sales and Transportation Facilities

MARCH 18, 1974.

By notice issued in Docket No. RM74–6 on November 9, 1973, and published in the Federal Register on November 16, 1973, 38 FR 31685, the Commission proposes to amend § 157.7 of Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, by revising paragraph (c) of said § 157.7 to delete therefrom the provision for the filing of budget-type applications for certificates of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities for the transportation and sale of natural gas previously authorized under certificates for transportation or sale to existing distributor customers and for direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor.

The purpose of the proposal in the instant proceeding is to enable the Commission to review the probable impact of new delivery points prior to their construction, including the end use of the gas proposed to be delivered. In furtherance of this purpose the Commission has already amended § 2.55 of its General Policy and Interpretations, 18 CFR 2.55, by deleting "new delivery points" from the definition of "facilities" excluded from the latter term in section 7(c) of the Natural Gas Act. Order No. 148–A, Docket No. R–110, issued April 27, 1973, 49 FPC ____, 38 FR 11449 (May 8, 1973). The Commission announced in Order No. 148–A that it would thenceforth require certification under section 7(c) for the construction and operation of new delivery points which otherwise would be among excluded facilities as defined in section 2.55 in order that the Commission might review the probable impact of such construction. The instant order is complementary to Order No. 148–A.

Comments on the Commission's proposal in the instant proceeding have been filed by Columbia Gas Transmission Corporation, Cities Service Gas Company, Minnesota Natural Gas Company, Montana-Dakota Utilities Co., Pacific Gas Transmission Company, and Northern Natural Gas Company. Among the comments are a suggestion that the cost limitations for miscellaneous rearrangements provided for by § 157.7(c) be changed and suggestions that the proposed amendment be revised to permit construction of budget-type facilities for certain sales in general categories ("miscellaneous purposes", "*de minimis*" volumes), for specific purposes (e.g., asphalt heating by road construction contractors), and for end uses set forth in Section 2.78 of the Commission's General Policy and Interpretations, 18 CFR 2.78.

The provision for miscellaneous facilities in § 157.7(c) is not the subject of this proceeding. No change in the provision for miscellaneous facilities is proposed and the suggestion for a change in the cost limitations for such facilities is not within the scope of this proceeding. The suggestions that the proposed amendment be revised to permit certain sales would defeat the intended purpose of the amendment—review of the probable impact of new delivery points prior to construction. Although permitting construction for unspecified sales for high priority purposes as defined in § 2.78 might, in part, accomplish the purpose of the proposed amendment, it would have the effect of making the priorities of service set forth in said rule more definitive than the guidelines which they are intended to be.

After consideration of the comments received in response to the notice, the Commission has determined that the amendment should be adopted as proposed. There will be no change in that part of § 157.7(c) which provides for budget-type certificates for miscellaneous rearrangements, and budget-type certificates for miscellaneous rearrangements may not be used for the construction of facilities for purposes not heretofore permitted under such certificates.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner described above are consistent and in accordance with the procedural requirements prescribed in 5 U.S.C. 553.

(2) The amendment hereinafter set forth is necessary and appropriate in the administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 7(c), 7(d), 7(e), and 16 thereof (52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(d); 56 Stat. 84, 15 U.S.C. 717f(e); 52 Stat. 830, 15 U.S.C. 717o), and in accordance with 5 U.S.C. 553, *orders:*

(A) Section 157.7 of Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising paragraph (c) thereof to read as follows:

(c) Miscellaneous rearrangements of facilities—budget-type application. An abbreviated application requesting a budget-type certificate authorizing the construction during a given twelve-month period, and operation of gas-sales or transportation facilities may be filed when:

(1) The facilities proposed in the application are to be used for miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved, e.g., changes in existing field operation or relocation of existing sales or transportation facilities when required by highway construction, dam construction or other similar reasons.

(2) (i) The total estimated cost of the rearrangement of facilities proposed in the application does not exceed $300,000 except where the applicant's gas plant (Account No. 101, Uniform System of Accounts Prescribed for Natural Gas Companies) is $10,000,000 or less, in which case the total estimated cost of the gas-sales facilities proposed in the application shall not exceed $100,000.

(ii) Any application proposing the construction of facilities having an estimated cost in excess of the amounts specified in subdivision (i) of this subparagraph shall be accompanied by a request for waiver of the provisions of such subdivision and will be granted only for good cause shown.

(3) The application contains a statement indicating the maximum facilities to be installed during the authorized construction period, including the maximum number of lateral or loop lines to be installed and their maximum length and diameter, the maximum number of taps and meters to be installed, and the estimated cost of facilities for each such type or project.

(4) The applicant agrees to file with the Commission, within sixty days after expiration of the authorized construction period, a statement showing for each individual project:

(i) Description of the rearranged facilities installed, e.g., location, miles and size of pipeline (including wall thickness and minimum yield point), taps, laterals, lateral loop lines, metering and regulating facilities.

(ii) Actual cost of facilities subdivided by size of pipeline, taps, laterals, lateral loop lines, metering and regulating facilities, and appurtenant facilities.

(Sec. 7(c), 52 Stat. 825, 56 Stat. 83, 15 USC 717f(c); Sec. 7(d), 56 Stat. 84, 15 USC 717f(d); Sec. 7(e), 56 Stat. 84, 15 USC 717f(e); Sec. 16, 52 Stat. 830, 15 U.S.C. 717o)

(B) The amendment adopted herein shall be effective April 22, 1974.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–6646 Filed 3–21–74;8:45 am]

Title 19—Customs Duties

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

[T.D. 74–100]

PART 1—GENERAL PROVISIONS

Ports of Entry

On November 15, 1973, notice of a proposal to extend the port limits of Ketchikan, Alaska, in the Anchorage, Alaska, Customs district (Region VIII), was published in the FEDERAL REGISTER (38 FR 31540). No comments were received regarding this proposed extension.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the port limits of Ketchikan, Alaska, in the Anchorage, Alaska, Customs district (Region VIII), are hereby extended to include all that territory within the city limits of Ketchikan, Alaska, and all points on the narrows and inlets from the northwestern city limits of Ketchikan to and including Ward Cove, Alaska, and all points on the narrows and inlets from the southeastern city limits of Ketchikan to and including Herring Bay, Alaska, and that portion of Gravina Island designated as and physically occupied by the Ketchikan International Airport which will include the runways, ramp area, terminal buildings, and any support facility immediately adjacent to the runway but excluding all of the shoreline of Gravina Island and all contact it may have with Tongass Narrows, Nichols Passage, Clarence Strait, Behm Canal, or any other body of water.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by substituting "Ketchikan, Alaska (including the territory described in T.D. 74-100)" for "Ketchikan (including territory described in T.D. 53738)." in the column headed "Ports of entry" in the Anchorage, Alaska, district (Region VIII).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2)).

It is desirable to make this extension of the port limits of Ketchikan, Alaska, available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

Effective date. This amendment shall be effective on March 22, 1974.

Dated: March 13, 1974.

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc. 74-6697 Filed 3-21-74; 8:45 am]

[T.D. 74-101]

PART 1—GENERAL PROVISIONS

Customs Field Organization

This amendment to section 1.4a of the Customs Regulations sets forth the present assignment of Customs regions to the regional directors, security and audit. Under the present assignment, each Customs region is assigned a separate regional director, security and audit. This amendment also sets forth the address of the regional office of the regional director, security and audit, in each region.

Accordingly, § 1.4a of the Customs Regulations is amended to read as follows:

§ 1.4a Assignment of Customs regions to regional directors, security and audit.

The regions in § 1.2, together with their respective districts, are assigned to the offices of regional directors, security and audit, as follows:

Region office	Address	Zip code
Boston	U.S. Customhouse, Room 1100, 2 India St., Boston, Mass.	02109
New York	U.S. Customs Service, 6 World Trade Center, Room 502, New York, N.Y.	10048
Baltimore	U.S. Customhouse, Room 424, 40 South Gay St., Baltimore, Md.	21202
Miami	U.S. Customs Service, P.O. Box 3201, Miami, Fla.	33101
New Orleans	U.S. Customs Service, Room 9028, Federal Bldg., 701 Loyola Ave., New Orleans, La.	70113
Houston	U.S. Customs Service, Suite 1355, 1 Allen Center, 500 Dallas St., Houston, Tex.	77002
Los Angeles	U.S. Customs Service, P.O. Box 3323, Terminal Island Station, San Pedro, Calif.	90731
San Francisco	U.S. Customs Service, Room 393, 681 Market St., San Francisco, Calif.	94105
Chicago	U.S. Customs Service, Suite 1539, 55 East Monroe St., Chicago, Ill.	60603

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (5 U.S.C. 301, 19 U.S.C. 66, 1624))

Because this amendment relates to agency management, notice and public procedure thereon are unnecessary and good cause exists for dispensing with a delayed effective date, under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective on March 22, 1974.

Approved: March 13, 1974.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-6700 Filed 3-21-74;8:45 am]

[T.D. 74-103]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Arrival and Entry of United States Government Vessels

Section 4.5(a) of the Customs Regulations (19 CFR 4.5(a)), presently provides, in part, that no report of arrival or entry shall be required for any vessel owned by, or under the complete control and management of, the United States or any of its agencies, if such vessel is "manned wholly by members of the armed forces of the United States or by personnel in the civil service of the United States."

The commissioned corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA) are neither members of the armed forces nor civil service employees as these terms are defined in 5 U.S.C. 2101, relating to employees of the Federal Government. PHS and NOAA officers often serve aboard United States vessels, however, and allowance for such service was not purposely omitted from § 4.5(a) of the Customs Regulations. Consequently, it is necessary to amend § 4.5(a) to provide that its provisions apply to United States Government vessels wholly manned by members of the uniformed services, or by civil service employees, or by both (as may be the case with vessels operated by NOAA). The term "uniformed services" as used in § 4.5(a) will mean the armed forces (Army, Navy, Air Force, Marine Corps, and Coast Guard), the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration, in accordance with section 2101 of title 5 of the United States Code, and section 4(d), Reorganization Plan No. 4 of 1970 (35 FR 15627).

Accordingly, the first sentence of paragraph (a) of § 4.5, Customs Regulations, is amended to read as follows:

§ 4.5 Government vessels.

(a) No report of arrival or entry shall be required of any vessel owned by, or under the complete control and management of, the United States or any of its agencies, if such vessel (1) is manned wholly by members of the uniformed services of the United States, by personnel in the civil service of the United States, or by both, and (2) is transporting only property of the United States or passengers traveling on official business of the United States, or is in ballast. * * *.

* * * * *

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

Inasmuch as this amendment merely clarifies an existing Customs regulation, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective on March 22, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 13, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-6692 Filed 3-21-74;8:45 am]

[T.D. 74-102]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

In accordance with section 309(d), 46 Stat. 690, as amended (19 U.S.C. 1309(d)), the Secretary of Commerce has found and in a letter dated February 4, 1974, has advised the Secretary of the Treasury that Jordan allows to aircraft registered in the United States and engaged in foreign trade privileges substantially reciprocal to those provided for in sections 309 and 317, 46 Stat. 690, as amended, 696, as amended (19 U.S.C.

1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in Jordan and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs Regulations, is amended by the insertion of "Jordan" in appropriate alphabetical order and the number of this Treasury Decision in the opposite column headed "Treasury Decision(s)" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759; (19 U.S.C. 1309, 1317, 1624))

As there is a statutory basis for the exemption from Customs duties on withdrawal of supplies by aircraft when reciprocity has been established, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Approved: March 12, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-6699 Filed 3-21-74;8:45 am]

Title 31—Money and Finance: Treasury

Subtitle A—Office of the Secretary of the Treasury

PART 9—EFFECTS OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

The regulations under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), formerly contained in Chapter 1 of Title 32A, Code of Federal Regulations and pertaining to investigations of the effects of imported articles on the national security, are being revised without substantive change and recodified as Part 9 of Title 31 as set forth below. By Executive Order No. 11725, dated June 27, 1973 (38 FR 17175), the President designated and empowered the Secretary of the Treasury to exercise, without approval, ratification, or other action of the President, all authority which was vested in the Director of the Office of Emergency Preparedness by section 232 of the Trade Expansion Act of 1962, 76 Stat. 877, as amended (19 U.S.C. 1862), and which was transferred to the President by Reorganization Plan No. 1 of 1973.

The notice, public rulemaking procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary because these changes relate to agency management and organization. Accordingly, this revision and recodification shall become effective on March 22, 1974.

Dated: March 18, 1974.

GEORGE P. SHULTZ,
Secretary of the Treasury.

Sec.
9.2 Definitions.
9.3 General.
9.4 Criteria for determining effects of imports on national security.
9.5 Applications for investigation.
9.6 Confidential information.
9.7 Conduct of investigation.
9.8 Emergency action.
9.9 Report.

Authority: The provisions of this Part 9 are issued under sec. 232, 76 Stat. 877 (19 U.S.C. 1862); Reorganization Plan No. 1 of 1973; and E.O. 11725, dated June 27, 1973 (FR 17175).

§ 9.2 Definitions.

As used herein "Secretary" means the Secretary of the Treasury and "Assistant Secretary" means the Assistant Secretary of the Treasury for Enforcement, Tariff & Trade Affairs, and Operations.

§ 9.3 General.

(a) Upon request of the head of any Government department or agency, upon application of an interested party, or upon his own motion, the Assistant Secretary shall set in motion an immediate investigation to determine the effects on the national security of imports of any article.

(b) The Secretary shall make the final determination on whether to advise the President that the importation of an article threatens to impair the national security.

§ 9.4 Criteria for determining effects of imports on national security.

(a) In determining the effect on the national security of imports of the article which is the subject of the investigation, the Secretary is required to take into consideration the following:

(1) Domestic production needed for projected national defense requirements including restoration and rehabilitation.

(2) The capacity of domestic industries to meet such projected requirements, including existing and anticipated availabilities of:

(i) Human resources
(ii) Products
(iii) Raw materials
(iv) Production equipment and facilities
(v) Other supplies and services essential to the national defense.

(3) The requirement of growth of such industries and such supplies and services including the investment, exploration and development necessary to assure capacity to meet projected defense requirements.

(4) The effect which the quantities, availabilities, character and uses of imported goods have or will have on such industries and the capacity of the United States to meet national security requirements.

(5) The economic welfare of the Nation as it is related to our national security, including the impact of foreign competition on the economic welfare of individual domestic industries. In determining whether such impact may impair the national security, any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects shall be considered.

(b) The Secretary shall also consider other relevant factors in determining whether the national security is affected by imports of the article.

§ 9.5 Applications for investigation.

(a) Applications are required to be in writing. Twenty-five copies shall be filed by mail with the Assistant Secretary for Enforcement, Tariff & Trade Affairs and Operations, Department of the Treasury, Washington, D.C. 20220.

(b) Applications shall describe how the quantities or circumstances of imports of the particular article affect the national security and shall contain the following information:

(1) Identification of the person, partnership, association, corporation, or other entity on whose behalf the application is filed.

(2) A precise description of the article.

(3) Description of the applicant and the domestic industry concerned, including pertinent information regarding companies and their plants, locations, capacity and current output of the domestic industry concerned with the article in question.

(4) Pertinent statistics showing the quantities and values of both imports and production in the United States.

(5) Nature, sources, and degree of the competition created by imports of the article in question.

(6) The effect, if any, of imports of the article in question upon the restoration of domestic production capacity in an emergency.

(7) Employment and special skills involved in the domestic production of the article.

(8) Extent to which investment and specialized productive capacity is or will be adversely affected.

(9) Revenues of Federal, State, or local Governments which are or may be affected by the volume or circumstances of imports of the article.

(10) Defense or defense supporting uses of the article including data on defense contracts or sub-contracts, both past and current.

(c) Statistical material presented should be on a calendar-year basis for sufficient periods of time to indicate trends and afford the greatest possible assistance to the Assistant Secretary. Monthly or quarterly data for the latest complete years should be included as well as any other breakdowns which may be pertinent to show seasonal or short-term factors.

§ 9.6 Confidential information.

Information which the Assistant Secretary determines would disclose confidential business data or operations within the meaning of section 1905 of Title 18 of the United States Code, will be accorded confidential treatment by the Director if submitted in confidence. All information submitted in confidence must be on separate pages marked "Business Confidential."

§ 9.7 Conduct of investigation.

(a) The investigation by the Assistant Secretary or by such official or agency

as he may designate, shall be such as to enable the Secretary to arrive at a fully informed opinion as to the effect on the national security of imports of the article in question.

(b) Upon undertaking an investigation the Assistant Secretary, unless it would be contrary to the interests of national defense, shall issue a public notice thereof which shall be published in the FEDERAL REGISTER. Any interested party may submit to the Assistant Secretary twenty-five copies of any comment, opinion, or data relative to the investigation within forty-five days after such public notice. Rebuttal to material so submitted may be filed with the Assistant Secretary within seventy-five days after such public notice and all data and comment from interested parties shall be a matter of record by ninety days after the giving of such public notice or fifteen days after the close of any hearing conducted under paragraph (f) of this section, whichever is later.

(c) All applications filed and all comments, opinions, and data submitted pursuant to paragraph (b) of this section, except information submitted in confidence as provided in § 9.6, will be available for inspection at the Office of the Assistant Secretary for Enforcement, Tariff & Trade Affairs, and Operations, in Washington, D.C. where they may be read and copied by interested parties, and the Assistant Secretary will maintain a roster of persons who have submitted material.

(d) The Assistant Secretary or his designee may also request further data from other sources through the use of questionnaires, correspondence, or other means.

(e) The Assistant Secretary or his designee shall, in the course of the investigation, seek information or advice from appropriate Government departments and agencies.

(f) In addition, the Assistant Secretary, or his designee, may, when he deems it appropriate, hold public hearings to elicit further information. If a hearing is held:

(1) The time and place thereof will be published in the FEDERAL REGISTER.

(2) It will be conducted by the Assistant Secretary or his designee, and the full record will be considered by the Secretary in arriving at his determination.

(3) Interested parties may appear, either in person or by representation, and produce oral or written evidence relevant and material to the subject matter of the investigation.

(4) After a witness has testified the Assistant Secretary or his designee may question the witness. Questions submitted to the Assistant Secretary or his designee in writing by any interested party may, at the discretion of the Assistant Secretary or his designee, be posed to the witness for reply for the purpose of assisting the Assistant Secretary in obtaining the material facts with respect to the subject matter of the investigation.

(5) The hearing will be stenographically reported. The Assistant Secretary will not cause transcripts of the record of the hearing to be distributed to the interested parties, but a transcript may be inspected at the Office of the Assistant Secretary for Enforcement, Tariff and Trade Affairs, and Operations in Washington, D.C., or purchased from the reporter.

§ 9.8 Emergency action.

In emergency situations or when in his judgment national security interests require it, the Secretary may vary or dispense with any of the procedures set forth above and may formulate his views without following such procedures.

§ 9.9 Report.

A report will be made and published upon the disposition of each request, application or motion under § 9.3 hereof. Notice of publication of a report shall be given in the FEDERAL REGISTER. Copies of the report will be available at the Office of the Assistant Secretary for Enforcement, Tariff & Trade Affairs, and Operations.

[SEAL]

[FR Doc.74-6648 Filed 3-21-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

PART 183—BOATS AND ASSOCIATED EQUIPMENT

CFR Correction

The following changes should be made to §§ 183.25, 183.33, 183.37, and 183.67 as they appear in Title 33 Parts 1–199 of the CFR, revised as of July 1, 1973, pages 654, 655, and 658:

1. In § 183.25(b)(1), the second line of the table, "motor, and gear) pounds) -------- XXX", should be transferred to the end of the table, to become the last line.

2. In § 183.33(a) of the second line, now reading "marked on a boat that is not designed or", should read "marked on a boat that has one or more inboard engines or inboard-outdrive"; and the formula should read as follows:

$$W = \frac{\text{(Maximum displacement)}}{5} - \frac{\text{Boat weight}}{5} - \frac{4\ \text{(Machinery weight)}}{5}$$

3. In § 183.33(b) the second line, now reading "weight of the boat hull and all its per-", should read "weight of volume of water displaced".

4. In § 183.37(a) the second line, now reading "marked on a boat that has one or more", should read "marked on a boat that is not designed"; and the second line of paragraph (b)(2) of that section, now reading "weight of the volume of water displaced", should read "weight of the boat and all its per-".

5. In § 183.67, the word "determined" in the first line of paragraph (b) should read "determine"; and the word "controlled" in the fourth line of paragraph (c)(1) should read "control".

SUBCHAPTER X—INTERIM REGULATIONS

PART 199—INTERIM REGULATIONS FOR BOATS

CFR Correction

The following Note, concerning effective date provisions, should be added following the table of contents for Part 199, page 659 of 33 CFR Parts 1 to 199, Revised as of July 1, 1973:

NOTE: The regulations in this Part 199 are effective until October 1, 1973, when they are revoked and superseded by 33 CFR Part 175, above.

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS

On pages 5794–5804 of the FEDERAL REGISTER of February 15, 1974, there were published proposed regulations by the St. Lawrence Seaway Development Corporation to revise Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401 by consolidating the two subparts, resulting in Part 401, Subpart A—Seaway Regulations and reserving Subpart B for future use. In revising the regulations, the Corporation, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.) and pursuant to the authority vested in the Secretary of Transportation with respect to the St. Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21943), is acting jointly with the St. Lawrence Seaway Authority of Canada. Each year the regulations are reviewed in light of the past season's experience and amendments are proposed for necessary changes. The main purpose of this year's revision is to consolidate the regulations and rules into one set of regulations to eliminate repetition of the regulations in the rules and vice versa and for clarity.

Interested parties were invited to submit written comments and suggestions with respect to the proposed amendments. Two replies were received. The first was a request for an extension of the comment period which, in view of the imminent opening of the 1974 navigation season, was deemed to be impractical. However, comments received at any time will be considered and if warranted, further revision of the Regulations can be made at a later date. The second reply

suggested that provision should be made for waiver of specific requirements where vessels make only occasional transits. Consideration was given to this suggestion and it is felt that since the Regulations are promulgated for the safe transit of all vessels, allowing certain vessels to transit without the required equipment would jeopardize the safety of those vessels, other users, and/or Seaway property.

In view of the foregoing, the proposed regulations are hereby adopted without change.

Because this revision was developed jointly with the St. Lawrence Seaway Authority of Canada and will be adopted by that agency at the beginning of the 1974 navigation season, I find that good cause exists for making the revision effective in less than 30 days.

The full text of the revision of Part 401, Subpart A, Seaway Regulations, is set forth below.

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

Effective Date: March 22, 1974.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

D. W. OBERLIN,
Administrator.

Subpart A—Regulations

Sec.
401.1 Short title.
401.2 Interpretation.

CONDITION OF VESSELS

401.3 Maximum vessel dimensions.
401.4 Minimum length and weight.
401.5 Required equipment.
401.6 Draft markings.
401.7 Fenders.
401.8 Landing booms.
401.9 Radiotelephone equipment.
401.10 Mooring lines.
401.11 Fairleads.
401.12 Minimum requirements—mooring lines and fairleads.
401.13 Hand lines.
401.14 Anchor marking buoys.
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401.16 Propeller direction alarms.
401.17 Pitch indicators.
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401.19 Sewage and garbage disposal systems.
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PRECLEARANCE AND SECURITY FOR TOLLS

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401.23 Liability insurance.
401.24 Application for preclearance.
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SEAWAY NAVIGATION

401.27 Compliance with instructions.
401.28 Speed limits.
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401.31 Meeting and passing.
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401.35 Employment of tugs.
401.36 Order of passing through.
401.37 Mooring at tie-up walls.
401.38 Limit of approach to a lock.
401.39 Preparing mooring lines for passing through.
401.40 Entering a lock.
401.41 Tandem lockage.
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401.44 Mooring in locks.
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401.47 Leaving a lock.
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401.49 Dropping anchor or tying to a canal bank.
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401.57 Disembarking or boarding.
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401.59 Pollution.

RADIO COMMUNICATIONS

401.60 Listening watch and notice of arrival.
401.61 Assigned frequencies.
401.62 Seaway stations.
401.63 Radio procedure.
401.64 Calling in.
401.65 Communication—ports, docks and anchorages.

DANGEROUS CARGO

401.66 Applicable laws.
401.67 Explosive vessels.
401.68 Explosives permit.
401.69 Hazardous cargo vessels.
401.70 Fendering—explosive and hazardous cargo vessels.
401.71 Signals—explosive and hazardous cargo vessels.
401.72 Reporting—explosive and hazardous cargo vessels.
401.73 Cleaning tanks—hazardous cargo vessels.

TOLL ASSESSMENT AND PAYMENT

401.74 Transit declaration.
401.75 Payment of tolls.
401.76 In-transit cargo.
401.77 Pleasure craft tolls.

INFORMATION AND REPORTS

401.78 Required information.
401.79 Advance notice of arrival, vessels requiring inspection.
401.80 Reporting hazardous cargo.
401.81 Reporting an accident.
401.82 Reporting mast height.
401.83 Reporting position at anchor, wharf, etc.
401.84 Loss of anchor.
401.85 Reporting navigation aid deficiencies.

DETENTION AND SALE

401.86 Security for damages or injury.
401.87 Detention for toll arrears or violations.
401.88 Power of sale for toll arrears.

GENERAL

401.89 Transit refused.
401.90 Boarding for inspection.
401.91 Removal of obstructions.
401.92 Wintering and lying-up.
401.93 Access to Seaway property.
401.94 Keeping copy of regulations.
Schedule I—Application for Preclearance Form.
Schedule II—Table of Speeds.
Schedule III—Calling-in Table.
Schedule IV—Addresses of Regional Directors.

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

Subpart A—Regulations

§ 401.1 Short title.

These regulations may be cited as the "Seaway Regulations."

§ 401.2 Interpretation.

In the regulations in this part:

(a) "Authority" means the St. Lawrence Seaway Authority;

(b) "Corporation" means the Saint Lawrence Seaway Development Corporation;

(c) "Navigation season" means the annual period designated by the Corporation and the Authority, that is appropriate to weather and ice conditions or vessel traffic demands, during which the Seaway is open for navigation;

(d) "Officer" means a person employed by the Corporation or the Authority to direct some phase of the operation or use of the Seaway;

(e) "Passing through" means in transit through a lock or through the waters enclosed by the approach walls at either end of a lock chamber;

(f) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and that does not carry passengers who have paid a fare for passage;

(g) "Preclearance" means the authorization given by the Corporation or the Authority for a vessel to transit;

(h) "Representative" means the owner or charterer of a vessel or an agent of either of them and includes any person who, in an application for preclearance of a vessel, accepts responsibility for payment of the tolls and charges to be assessed against the vessel in respect of transit and wharfage;

(i) "Seaway" means the deep waterway between the Port of Montreal and Lake Erie and includes all locks, canals and connecting and contiguous waters that are part of the deep waterway, and all other canals and works, wherever located, the management, administration and control of which have been entrusted to the Corporation or the Authority;

(j) "Seaway station" means a radio station operated by the Corporation or the Authority;

(k) "Towed" means pushed or pulled through the water;

(l) "Transit" means to use the Seaway, or a part of it, either upbound or downbound;

(m) "Vessel" means any type of craft used as a means of transportation on water; and

(n) "Vessel traffic controller" means the officer who controls vessel traffic from a Seaway station.

CONDITION OF VESSELS

§ 401.3 Maximum vessel dimensions.

(a) No vessel of more than seven hundred and thirty feet in overall length or

seventy-five feet six inches in extreme breadth, including permanent fenders, shall transit.

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than one hundred and seventeen feet above water level.

(c) No vessel shall transit if any part of its bridges or anything on the vessel protrudes beyond the hull.

(d) No vessel shall transit if its discharge pipes can direct overboard discharge on to the top of a tie-up or lock wall.

§ 401.4 Minimum length and weight.

No vessel of less than twenty feet in overall length or one ton in weight shall transit the South Shore, Beauharnois or Welland Canal.

§ 401.5 Required equipment.

No vessel shall transit unless it is—

(a) Propelled by motor power that is adequate in the opinion of an officer; and

(b) Marked and equipped in accordance with the requirements of §§ 401.6–401.21.

§ 401.6 Draft markings.

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

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

§ 401.7 Fenders.

(a) Where any structural part of a vessel protrudes so as to endanger Seaway installations, the vessel shall be equipped with fenders—

(1) Permanently attached to the vessel; or

(2) Where the fenders are not permanently attached—

(i) Made of a material that will float, and

(ii) Securely fastened and suspended from the vessel in a horizontal position by means of a steel cable or a fiber rope in such a way that they may be raised or lowered so as to avoid damage to Seaway installations.

(b) Automobile or other tires shall not be used as fenders.

§ 401.8 Landing booms.

Vessels of more than one hundred and fifty feet in overall length shall be equipped with at least one adequate landing boom on each side.

§ 401.9 Radiotelephone equipment.

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

(b) The radio transmitters on a vessel shall:

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

(2) Be fitted to operate from the conning position in the wheelhouse and to communicate on 156.45, 156.55, 156.6, 156.65, 156.7, and 156.8 MHz.

§ 401.10 Mooring lines.

(a) Mooring lines shall:

(1) Be of a uniform thickness throughout their length;

(2) Be fitted with a spliced eye not less than eight feet long;

(3) Have sufficient strength to check the vessel; and

(4) Be arranged so that they may be led to either side of the vessel as required.

(b) Unless otherwise permitted by an officer, only wire rope mooring lines shall be used for securing a vessel in lock chambers.

(c) Synthetic lines may be used for mooring at approach walls, tie-up walls and docks within the Seaway if they have a breaking strength that complies with the minimum specifications set out in the table to this section.

TABLE

Ship's overall length (feet)	Length of mooring line (feet)	Breaking strength (tons)
125 to 200	360	10
201 to 300	360	15
301 to 400	360	20
401 to 600	360	28
601 to 730	360	35

§ 401.11 Fairleads.

Mooring lines, and synthetic hawsers where permitted under paragraph (b) or (c) of § 401.10, shall:

(a) Be led at the vessel's side through a type of fairlead acceptable to the Corporation and the Authority;

(b) Pass through not more than two inboard fairleads that are fixed in place and provided with free-running sheaves or rollers; and

(c) Where the fairleads are mounted flush with the hull, be permanently fendered to prevent the lines from being pinched between the vessel and a wall.

§ 401.12 Minimum requirements—mooring lines and fairleads.

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

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

(2) Vessels of more than one hundred and twenty-five feet but not more than two hundred feet in overall length shall have four mooring lines, two of which shall be power operated by winches, capstans or windlasses and shall be led through a type of fairlead acceptable to the Corporation and the Authority, of which two mooring lines—

(i) One shall lead forward from the break of the bow and one astern from the quarter, or

(ii) One shall lead astern from the break of the bow and one forward from the quarter;

(3) The other two mooring lines required on vessels of more than one hundred and twenty-five feet but not more than two hundred feet may be led through closed chocks and may be hand held;

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

(i) All shall be power operated by the main drums of adequate power operated winches and not by capstans or windlasses; and

(ii) All shall be led through a type of fairlead acceptable to the Corporation and the Authority.

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

TABLE

Overall length of vessels (feet)	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
200 to 300	Between 30 and 80 ft from the stem.	Between 30 and 80 ft from the stern.
Over 300 to 400	Between 40 and 100 ft from the stem.	Between 50 and 110 ft from the stern.
Over 400 to 500	Between 40 and 110 ft from the stem.	Between 50 and 130 ft from the stern.
Over 500 to 600	Between 50 and 130 ft from the stem.	Between 60 and 150 ft from the stern.
Over 600 to 730	Between 60 and 160 ft from the stem.	Between 70 and 170 ft from the stern.

§ 401.13 Hand lines.

Hand lines shall

(a) Be made of manila or other material acceptable to the Corporation and the Authority, and

(b) Have a minimum diameter of one-half inch and a minimum length of one hundred feet.

§ 401.14 Anchor marking buoys.

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

§ 401.15 Stern anchors.

Every vessel of more than three hundred and fifty feet, the keel of which is laid after January 1, 1975, shall be equipped with a stern anchor.

§ 401.16 Propeller direction alarms.

Every vessel of more than two hundred and sixty feet in overall length shall be equipped with

(a) Propeller direction and shaft r.p.m. indicators; and

(b) Unless the vessel is bridge-controlled or is equipped with an automatically synchronized electric telegraph system or a device that renders it impossible to operate engines against orders

from the bridge, visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engine room.

§ 401.17 Pitch indicators.

Every vessel equipped with a variable pitch propeller shall have a pitch indicator in the wheelhouse and the engine room.

§ 401.18 Steering lights.

Every vessel shall be equipped with a steering light on the bow.

§ 401.19 Sewage and garbage disposal systems.

(a) Every vessel not equipped with containers for ordure shall be equipped with a sewage disposal system enabling compliance with applicable laws relative to sewage disposal.

(b) Garbage on a vessel shall be—

(1) Destroyed by means of an incinerator or other garbage disposal device; or

(2) Retained on board in covered, leakproof containers, until such time as it can lawfully be disposed of.

§ 401.20 Oily water separators.

Every vessel that is unable to contain all the waste oil products or bilge water containing waste oil products that may be on board the vessel shall be equipped with oily-water separators or other equipment for the extraction of oil products from waste water before discharge.

§ 401.21 Rudder angle indicators.

Every vessel of more than two hundred and sixty feet in overall length shall be equipped with rudder angle indicators or repeaters that are—

(a) Located in the wheelhouse; and

(b) Arranged so that they can be easily read from any position on the bridge.

§ 401.22 Preclearance of vessels.

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

(b) No vessel shall transit while its preclearance is suspended or has terminated by reason of—

(1) The expiration of the representative's guarantee of toll payment,

(2) A change of ownership or representative of the vessel, or

(3) A material alteration in the physical characteristics of the vessel,

until another application for preclearance has been made and approved.

§ 401.23 Liability insurance.

(a) It is a condition of approval of an application for preclearance that the vessel is covered by liability insurance equal to or exceeding $50 per gross registered ton.

(b) No vessel shall transit while its liability insurance is not in full force and effect.

§ 401.24 Application for preclearance.

The representative of a vessel may apply for preclearance, giving particulars of the ownership, liability insurance and physical characteristics of the vessel and guaranteeing payment of the tolls and charges that may be incurred by the vessel on a Form SLS 429 set out in Schedule I of these regulations which may be obtained from the Corporation, Massena, New York or from the Authority, Cornwall, Ontario.

§ 401.25 Approval of preclearance.

Where the Corporation or the Authority approves an application for preclearance, it shall—

(a) Give the approval in writing; and

(b) Assign a number to the approval.

§ 401.26 Security for tolls.

(a) Before transit, other than transit restricted to the Sault Ste. Marie (Canada) Canal, by a vessel to which the requirement of preclearance applies, security for the payment of tolls in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be provided by the representative by means of—

(1) A deposit of money with the Corporation or the Authority;

(2) A deposit of money to the credit of the Corporation or the Authority with a bank in the United States or a chartered bank in Canada;

(3) A deposit with the Corporation or the Authority of negotiable bonds of the Government of the United States or the Government of Canada; or

(4) Furnishing to the Corporation or the Authority a letter of guarantee given by a bank referred to in paragraph (a) (2) of this section.

(b) The security for the tolls of a vessel shall be sufficient to cover the gross registered tonnage of the vessel—

(1) On the Seaway between Montreal and Lake Ontario, at $1.00 per ton for transit each way or at $2.00 per ton for a round trip;

(2) On the Welland Canal, at $800.00 for transit each way or at $1600.00 for a round trip,

and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

(c) Where a number of vessels—

(1) Are owned or controlled by the same individual or company, and

(2) Have the same representative,

the security for the tolls may be provided in an amount estimated by the representative to be equal to $1.10 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

(d) Where, in the opinion of the Corporation or the Authority, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Corporation or the Authority may suspend the preclearance of the vessel.

SEAWAY NAVIGATION

§ 401.27 Compliance with instructions.

Every vessel shall comply promptly with transit instructions given by the vessel traffic controller or any other officer.

§ 401.28 Speed limits.

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

(b) Every vessel under way shall proceed at a reasonable speed so as not to cause undue delay to other vessels.

(c) Every vessel passing a moored vessel or equipment working in a canal shall proceed at a speed that will not endanger the moored vessel, the moored equipment or the occupants of either.

§ 401.29 Maximum draft.

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

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

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

§ 401.30 Adequate ballast and proper trim.

(a) Every vessel shall be adequately ballasted.

(b) Every vessel shall be properly trimmed.

(c) Any vessel that is not adequately ballasted or properly trimmed in the opinion of an officer, may be refused transit or may be delayed.

§ 401.31 Meeting and passing.

(a) The meeting and passing of vessels shall be governed by the Rules of the Road for the Great Lakes.

(b) No vessel shall meet another vessel within the limit of approach signs at bridges.

(c) Except as instructed by the vessel traffic controller, no vessel shall over-

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

take and pass or attempt to overtake and pass another vessel—

(1) In any canal;

(2) Within two thousand feet of a canal entrance;

(3) After the order of passing through has been established by the vessel traffic controller; or

(4) Between the western end of the Vidal Shoal Cut and the upper entrance of the Sault Ste. Marie Lock.

§ 401.32 Cargo booms—deck cargo.

(a) Every vessel shall have cargo booms secured in their housings in a manner that affords maximum visibility from the wheelhouse.

(b) Cargo or containers carried, forward or aft, on deck shall be stowed in a manner that—

(1) Affords an unrestricted view from the wheelhouse for the purpose of navigation; and

(2) Does not interfere with mooring equipment.

§ 401.33 Special instructions.

Special instructions shall be applied for from the Corporation or the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges and all vessels in tow, and such vessels shall not transit except in compliance with such instructions.

§ 401.34 Vessels in tow.

No vessel that is not self-propelled shall be underway in any canal unless it is securely tied to an adequate tug or tugs, in accordance with special instructions given by the Corporation or the Authority pursuant to § 401.33.

§ 401.35 Employment of tugs.

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

(a) Fifty-five feet in the case of the Sault Ste. Marie (Canada) Canal; or

(b) Seventy-five feet, six inches in the case of any other canal.

§ 401.36 Order of passing through.

Vessels shall advance to a lock in the order instructed by the vessel traffic controller.

§ 401.37 Mooring at tie-up walls.

Upon arrival at a lock, a vessel awaiting instructions to advance shall moor at the tie-up wall, close up to the designated limit of approach sign or to the vessel preceding it, whichever is specified by an officer.

§ 401.38 Limit of approach to a lock.

A vessel approaching a lock or guard gate shall comply with directions indicated by the signal light system associated with the lock or guard gate, and in no case shall its stem pass the designated limit of approach sign while a red light or no light is displayed.

§ 401.39 Preparing mooring lines for passing through.

Before a vessel enters a lock—

(a) Sufficient lengths of mooring lines to reach the mooring posts on the lock walls shall be drawn off the winch drums and laid out on the deck; and

(b) The eye of each mooring line shall be passed outward through the fairleads at the side.

§ 401.40 Entering a lock.

(a) No vessel shall proceed into a lock in such a manner that the stem passes the STOP sign on the lock wall nearest the closed gates.

(b) Every vessel in a lock shall be positioned and moored as directed by the officer in charge of the mooring operation.

§ 401.41 Tandem lockage.

Where two or more vessels are being locked together, vessels astern of the leading vessel shall—

(a) Come to a full stop a sufficient distance from the preceding vessel to avoid a collision; and

(b) Be moved into mooring position as directed by the officer in charge of the lock.

§ 401.42 Passing hand lines.

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

(1) A downbound vessel shall use its own hand lines, secured to the eye at the end of the mooring lines, which hand lines shall be passed to the linesmen at the lock as soon as the vessel passes the open gates;

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

(3) At Iroquois Lock and Lock 8, Welland Canal, both upbound and downbound vessels shall use their own hand lines as provided in paragraph (a)(1) of this section.

(b) Knotted or weighted hand lines shall not be used in the chamber of a lock.

(c) Mooring lines shall not be passed over the side of a vessel in a manner dangerous to a lock crew.

§ 401.43 Mooring table.

Unless otherwise directed by an officer, vessels passing through locks in the South Shore, Beauharnois, Wiley-Dondero, Iroquois, Welland and Sault Ste. Marie (Canada) Canals shall moor at the side of the tie-up wall or lock as shown in the table to this section.

	South Shore		Beauharnois			Wiley-Dondero		
	St. Lambert	Côte St. Catharine	Lower	Pool	Upper	Snell	Eisenhower	Iroquois
Locks:								
Upbound	Port	Port	Starboard		Starboard	Starboard	Starboard	Port.
Downbound	Starboard	Starboard	Port		Port	Port	Port	Starboard.
Tieup walls:								
Upbound	do	do	do		Port	Starboard	Starboard	Do.
Downbound	Port	Port			Starboard	Starboard	Port	Port.

Welland Canal

	1	2	3	4	5	6	7	Guard gate	8
Locks:									
Upbound	Starboard.	Port	Port	Port	Port	Port	Port		Starboard.
Downbound	Port	Starboard.	Starboard.	do	do	do	Starboard.		Port.
Tieup walls:									
Upbound	Starboard.	do	do	Starboard.			do	Starboard	Port or starboard.
Downbound	Port	Port	Port			Starboard.	do	Port	Do.

Canadian Sault Ste. Marie

	Lock	Tieup walls
Upbound	Starboard	Port.
Downbound	Port	Do.

§ 401.44 Mooring in locks.

(a) Mooring lines shall only be placed on mooring posts as directed by the officer in charge of a mooring operation.

(b) No winch from which a mooring line runs shall be operated until the officer in charge of a mooring operation has signalled that the line has been placed on a mooring post.

§ 401.45 Emergency procedure.

When the speed of a vessel entering a lock chamber has to be checked immediately, the master or the officer in charge of the mooring operation shall order all mooring lines to be put out as soon as possible, and the master shall signal a full check by sounding a series of five or more short blasts of the vessel's whistle.

§ 401.46 Attending lines.

(a) Lines of a vessel shall be under visual control and attended by members of its crew during the time the vessel is passing through a lock.

(b) While a vessel is within a lock chamber and lines are hand held for tension control, each line shall be attended by at least one member of the vessel's crew.

§ 401.47 Leaving a lock.

(a) Mooring lines shall only be cast off as directed by the officer in charge of a mooring operation.

(b) No vessel shall proceed out of a lock until the exit gates, ship arresters and the bridge, if any, are in a fully open position.

§ 401.48 Turning basins.

No vessel shall be turned about in any canal, except—

(a) With permission from the vessel traffic controller; and

(b) At the locations set out in the table to this section.

TABLE

1. South Shore Canal:

(a) Turning Basin No. 1—Opposite Brossard.

(b) Turning Basin No. 2—Immediately below Cote St. Catherine Lock.

2. Welland Canal:

(a) Turning Basin No. 1—Opposite St. Catharines Wharf for vessels up to three hundred and fifty feet.

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

(c) Turning Basin No. 3—Immediately south of Bridge 12.

(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to five hundred and fifty feet.

(e) For vessels up to two hundred and sixty feet:

(1) North end of Wharf No. 1,

(2) Tie-up wall above Lock 1,

(3) Tie-up wall below Lock 2,

(4) Wharf No. 9,

(5) Between the southerly extremities of Wharves 18–2 and 18–3.

§ 401.49 Dropping anchor or tying to canal bank.

Except in an emergency, no vessel shall drop anchor in any canal or tie-up to any canal bank unless authorized to do so by the vessel traffic controller.

§ 401.50 Anchorage areas.

Except in an emergency, or unless authorized to do so by the vessel traffic controller, no vessel shall drop anchor in any part of the Seaway except in the following designated anchorage areas:

(a) Point Fortier (Lake St. Louis).

(b) Melocheville (Beauharnois Canal).

(c) St. Zotique and Dickerson Island (Lake St. Francis).

(d) Wilson Hill Island and Morrisburg (Lake St. Lawrence).

(e) Prescott and Union Park (St. Lawrence River).

(f) Off Port Weller (Lake Ontario).

(g) Off Port Colborne (Lake Erie).

§ 401.51 Signalling approach to a bridge.

Unless a vessel's approach has been recognized by a flashing red signal light, three distinct blasts shall be sounded on the vessel's whistle when it comes abreast of any of the bridge whistle signs, which signs shall be placed at distances varying between two thousand two hundred feet and four thousand six hundred feet, upstream and downstream from movable bridges at sites other than lock sites.

§ 401.52 Limit of approach to a bridge.

(a) No vessel shall pass the limit of approach sign at any movable bridge until the bridge is in a fully open position and the signal light shows green.

(b) No vessel shall pass the limit of approach sign at the twin Railway Bridges on the South Shore Canal at Caughnawaga or at Bridges 20 and 21 on the Welland Canal, until both bridges are in a fully open position and both signal lights show green.

§ 401.53 Obstructing navigation.

No vessel shall be operated, drop anchor or be fastened or moored in a manner that obstructs or hinders navigation.

§ 401.54 Interference with navigation aids.

(a) Aids to navigation shall not be interfered with or moored to.

(b) No person shall, unless authorized by the Corporation or the Authority, set out buoys or navigation markers on the Seaway.

§ 401.55 Searchlights.

No searchlight shall be used in such a manner that its rays interfere with the operators at a Seaway structure or on any vessel.

§ 401.56 Damaging or defacing Seaway property.

The master of every vessel shall—

(a) Navigate so as to avoid damage to Seaway property; and

(b) Prevent defacement of Seaway property by any member of the vessel's crew.

§ 401.57 Disembarking or boarding.

(a) Except as authorized by an officer, no person, other than a member of the crew of a vessel passing through, shall disembark or board any vessel while the vessel is passing through.

(b) No member of the crew of a vessel passing through shall disembark or board except for the purpose of carrying out essential duties as directed by the Master.

§ 401.58 Pleasure craft scheduling.

The transit of pleasure craft shall be scheduled by the vessel traffic controller or the officer in charge of a lock and may be delayed so as to avoid interference with other vessels.

§ 401.59 Pollution.

(a) No vessel shall—

(1) Emit sparks or excessive smoke; or

(2) Blow boiler tubes.

(b) No vessel shall discharge, dump or pump oil products or bilge containing oil products into the Seaway or adjacent waters.

(c) A record shall be kept of each location within the Seaway or adjacent waters where bilge water has been discharged.

(d) Except as authorized by the Corporation or the Authority, no vessel shall discharge garbage, ashes, ordure, litter or other materials.

RADIO COMMUNICATIONS

§ 401.60 Listening watch and notice of arrival.

(a) Vessels shall be on radio listening watch on the applicable assigned frequency while within a Seaway traffic control sector as shown on the General Seaway Plan and shall give notice of arrival in the manner prescribed in § 401.64 upon reaching any designated calling in point.

(b) Notice of arrival shall be deemed to have been given when it is acknowledged by a Seaway station.

§ 401.61 Assigned frequencies.

The Seaway stations operate on the following assigned VHF frequencies:

156.8 MHz (channel 16)—Distress and Calling.

156.7 MHz (channel 14)—Working (Canadian Stations other than Lakes Ontario and Erie).

156.45 MHz (channel 9)—Working (Canadian Stations other than Lakes Ontario and Erie).

156.65 MHz (channel 13)—Working (U.S. Stations, Lake Ontario and Sector 4 of the River).

156.6 MHz (channel 12)—Working (U.S. Stations other than Lake Ontario and Sector 4 of the River).

156.55 MHz (channel 11)—Working (Canadian Stations, Lake Ontario and Lake Erie.

§ 401.62 Seaway stations.

The Seaway stations are located as follows:

VDX20 (Seaway Beauharnois)—Upper Beauharnois Lock—Traffic Control Sector No. 1.

KEF (Seaway Eisenhower)—Eisenhower Lock—Traffic Control Sector No. 2.

VDX21 (Seaway Iroquois)—Iroquois Lock—Traffic Control Sector No. 3.

WAG (Seaway Clayton)—Clayton, N.Y.—Traffic Control Sector No. 4.

WAG (Seaway Sodus)—Sodus, N.Y.—Traffic Control Sector No. 4.

VDX72 (Seaway Oshawa)—Oshawa, Ontario—Traffic Control Sector No. 5.

VDX22 (Seaway Welland)—St. Catharines, Ontario—Traffic Control Sector No. 6.

VDX68 (Seaway Long Point)—Port Colborne, Ontario—Traffic Control Sector No. 7.

VDX23 (Seaway Sault)—Sault Ste. Marie, Ontario—Traffic Control Sector No. 8.

§ 401.63 Radio procedure.

Every vessel shall use the channels of communication in each control sector as listed in the table to this section.

TABLE

Station	Control sector No.	Sector limits	Call in	Work	Listening watch
Seaway Beauharnois	1	C.I.P. No. 2 to C.I.P. No. 6-7	Channel 14	Channel 14	Channel 14.
Seaway Eisenhower	2	C.I.P. No. 6-7 to C.I.P. No. 10-11	Channel 12	Channel 12	Channel 12.
Seaway Iroquois	3	C.I.P. No. 10-11 to Whaleback Shoal	Channel 9	Channel 9	Channel 9.
Seaway Clayton	4	Whaleback Shoal to Cape Vincent	Channel 16	Channel 13	Channel 16.
Seaway Sodus	4	Cape Vincent to Mid-Lake Ontario	do	do	Do.
Seaway Oshawa	5	Mid-Lake Ontario to C.I.P. No. 15	Channel 11	Channel 11	Do.
Seaway Welland	6	C.I.P. No. 15 to C.I.P. No. 16	Channel 14	Channel 14	Channel 14.
Seaway Long Point	7	C.I.P. No. 16 to Long Point	Channel 11	Channel 11	Channel 16.
Seaway Sault	8	C.I.P. No. 17 to C.I.P. No. 18	Channel 14	Channel 14	Do.

§ 401.64 Calling in.

(a) Every vessel, intending to transit or in transit, shall report on the assigned frequency to the designated Seaway station when opposite any calling in point or checkpoint (indicated on the General Seaway Plan) and, when reporting, shall give the information indicated in Schedule III.

(b) Changes in information provided under paragraph (a) of this section shall be reported to the appropriate Seaway station.

(c) A downbound vessel in St. Lambert Lock shall, before communicating with Montreal Marine Control, switch to channel 10 (156.5 MHz) for a Montreal Harbor situation report.

(d) After obtaining the situation report referred to in paragraph (c) of this section, the downbound vessel shall return to guarding channel 14 (156.7 MHz) and remain on that channel until it is clear of St. Lambert Lock chamber.

(e) When the downbound vessel has cleared the downstream end of the lower approach wall of St. Lambert Lock, the master or pilot of the vessel shall call "Seaway Beauharnois" and request permission to switch to channel 10 (156.5 MHz).

(f) Seaway Beauharnois shall grant the permission requested pursuant to paragraph (e) of this section and advise the downbound vessel of any upbound traffic that may be cleared for Seaway entry but not yet at C.I.P. 2.

(g) In the event of an expected meeting of vessels between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel shall be told to remain on channel 14 (156.7 MHz) until the meeting has been completed.

(h) After the meeting, the downbound vessel shall call "Seaway Beauharnois" before switching to channel 10 (156.5 MHz).

§ 401.65 Communication—ports, docks and anchorages.

(a) Every vessel entering or leaving a lake port shall report to the appropriate Seaway station at the following check points:

(1) Toronto and Hamilton—one mile outside of harbor limits; and

(2) Other lake ports—when crossing the harbor entrance.

(b) Every vessel arriving at a port, dock or anchorage shall report to the appropriate Seaway station, giving an estimated time of departure if possible, and, at least four hours prior to departure, every vessel departing from a port, dock or anchorage shall report in the same way giving its destination and the expected time of arrival at the next check point.

DANGEROUS CARGO

§ 401.66 Applicable laws.

Vessels carrying fuel oil, gasoline, crude oil or other flammable goods in bulk, including empty tankers that are not gas free, and vessels carrying dangerous goods to which regulations made under the *Canada Shipping Act*, or to which the *Dangerous Cargo Act* of the United States or regulations issued pursuant thereto, apply, shall be deemed to carry dangerous cargo, and shall not transit unless all requirements of the said Statutes and regulations and of these Regulations have been fulfilled.

§ 401.67 Explosive vessels.

A vessel carrying—

(a) Explosives with a mass explosive risk, including ammonium nitrate when it falls into this classification;

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

(c) More than one hundred tons of explosives having a fire hazard with minor or no explosive effect,

shall be deemed for the purposes of these Regulations to be an explosive vessel.

§ 401.68 Explosives permit.

(a) No explosive vessel shall transit without a Seaway Explosives Permit, which permit shall not be granted where a vessel carries more than—

(1) Two short tons of explosives with a mass explosive risk;

(2) Fifty short tons of explosives that do not explode en masse; or

(3) Five hundred short tons of explosives having a fire hazard without explosive effect.

(b) Written application for a Seaway Explosives Permit may be made to the Director of Operations, the St. Lawrence Seaway Authority, Cornwall, Ontario, or to the Director of Operations, Saint Lawrence Seaway Development Corporation, Massena, New York, and shall show that the cargo is packed, marked, labelled, described, certified, stowed and otherwise conforms with all relevant regulations of the country in which they were loaded and of Canada and the United States.

(c) A signed copy of a Seaway Explosives Permit and a true copy of any certificate as to the loading of dangerous cargo shall be kept on board every explosive vessel in transit and shall be made available to any officer requiring production of such copies.

§ 401.69 Hazardous cargo vessels.

A vessel that is—

(a) A tanker carrying fuel oil, gasoline, crude oil or other flammable goods in bulk, including a tanker that is not gas free; or

(b) A dry cargo vessel or bulk chemical carrier carrying other dangerous cargo that is in excess of—

(1) Fifty tons of gases, compressed, liquified or dissolved under pressure,

(2) Fifty tons of inflammable liquids of the low flashpoint group,

(3) Fifty tons of organic peroxides,

(4) One hundred tons of oxidizing substances,

(5) One hundred tons of inflammable liquids of the intermediate flashpoint group,

(6) One hundred tons of inflammable solids or spontaneously combustible substances,

(7) One hundred tons of substances emitting inflammable gases when wet,

(8) One hundred tons of poisonous substances,

(9) One hundred tons of infectious substances,

(10) Two hundred tons of corrosive substances, or

(11) Five hundred tons of inflammable liquids of the high flashpoint group,

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

§ 401.70 Fendering—explosive and hazardous cargo vessels.

An explosive vessel or a hazardous cargo vessel, other than a vessel that is—

(a) Carrying the equivalent of Bunker C oil in the center tanks, and

(b) Equipped with gas free ballast wing tanks,

shall be equipped with a sufficient number of non-metallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

§ 401.71 Signals—explosive and hazardous cargo vessels.

(a) An explosive vessel shall display, at the masthead or at an equivalent, conspicuous position, a "B" Flag.

(b) A hazardous cargo vessel shall display, at the masthead or at an equivalent, conspicuous position, a "B" Flag superior to numeral pennant no. 1.

§ 401.72 Reporting—explosive and hazardous cargo vessels.

(a) Every explosive vessel shall report the Seaway Explosives Permit number when calling in information related to cargo as required by § 401.64(a).

(b) Every explosive vessel or hazardous cargo vessel shall, when calling in information related to cargo as required by § 401.64(a); report the nature of its cargo and its flashpoint (hazardous cargo).

§ 401.73 Cleaning tanks—hazardous cargo vessels.

Gas freeing and cleaning of cargo tanks shall not take place—

(a) In a canal or lock;

(b) In an area that is not clear of other vessels and structures; or

(c) Before gas freeing and tank cleaning has been reported to the nearest Seaway station.

TOLL ASSESSMENT AND PAYMENT

§ 401.74 Transit Declaration.

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

(b) The loaded or manifest weight of cargo shall be shown on the Seaway Transit Declaration Form, except in the case of petroleum products where gallonage meters are not available at the point of loading, in which case offloaded

weights may be shown on the Declaration Form.

(c) Where a vessel carries cargo to or from an overseas port, a copy of the cargo manifest, duly certified, shall be forwarded with the Seaway Transit Declaration Form.

(d) A Weight-Scale Certificate or similar document issued in the place of a cargo manifest may be accepted in lieu thereof.

(e) Where a Seaway Transit Declaration Form is found to be inaccurate, concerning the destination, cargo or passengers, the representative shall immediately forward to the Corporation or the Authority a new, revised Declaration Form.

(f) The information set out in the Seaway Transit Declaration Form shall be transmitted by the Authority to Statistics Canada, and the Corporation will transmit the statistical data required in the United States.

(g) Seaway Transit Declaration Forms shall be used in assessing toll charges in accordance with the St. Lawrence Seaway Tariff of Tolls, and toll accounts shall be forwarded in duplicate to the representative or his designated agent.

§ 401.75 Payment of tolls.

(a) Every toll account is payable when rendered, in Canadian or American funds as indicated on the account, and any adjustment shall be provided for in a subsequent account.

(b) Unless a toll account is paid within fourteen days from the date shown on the account, a surcharge, in an amount not to exceed five percent of the amount due, may be added.

(c) Where a Seaway Transit Declaration Form is not forwarded within the time referred to in § 401.74(a);

(1) The toll account shall be antedated to the date when it would have been prepared if the Declaration Form had been forwarded within that time; and

(2) The surcharge referred to in paragraph (b) of this section may be added unless the toll account is paid within 14 days of the date shown on the account.

§ 401.76 In-transit cargo.

Cargo that is carried both upbound and downbound in the course of the same voyage shall be reported in the Seaway Transit Declaration Form, but is deemed to be ballast and not subject to toll assessment.

§ 401.77 Pleasure craft tolls.

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft for the transit of each Seaway lock, other than the lock on the Sault Ste. Marie (Canada) Canal, by means of $2.00 or $3.00 tickets that may be purchased from the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario, or from the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York 13662, or at the office of the Regional Directors, whose addresses are shown in Schedule IV; and tickets may also be purchased from pleasure craft organizations or yacht clubs that have obtained tickets from the Corporation or the Authority.

INFORMATION AND REPORTS

§ 401.78 Required information.

All documentary evidence, including inspection certificates, evidence that draft markings are correct, vessel manifests, cargo manifests, crew lists and bills of lading, shall be made available to any officer requiring production of such evidence.

§ 401.79 Advance notice of arrival, vessels requiring inspection.

Every vessel shall provide at least twenty-four hours notice of arrival to the nearest Seaway station prior to an initial transit or in case reinspection of the vessel is required.

§ 401.80 Reporting hazardous cargo.

Every vessel carrying cargo referred to in § 401.69(b) (1) to (11), in a quantity that is not in excess of the quantity that would cause the vessel to be deemed a hazardous cargo vessel, shall provide to the nearest Seaway Station at least twenty-four hours notice of arrival prior to entry into the Seaway on any upbound or downbound voyage, indicating the nature and quantity of the dangerous cargo and where it is stowed on the vessel.

§ 401.81 Reporting an accident.

(a) Where a vessel on the Seaway is involved in an accident that might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station immediately, if the vessel can make radio contact with the station, or as soon as the vessel can make radio contact with the station in any other case.

(b) Where a vessel approaching the Seaway with intent to transit has been involved in an accident in the course of its last voyage that might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station before entering the Seaway.

§ 401.82 Reporting mast height.

A vessel, any part of which extends more than one hundred and ten feet above water level, shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the Seaway station.

§ 401.83 Reporting position at anchor, wharf, etc.

A vessel anchoring in a designated anchorage area, or elsewhere, and a vessel mooring at a wharf or dock, tying up to a canal bank or being held on a canal bank in any manner shall immediately report its position to the vessel traffic controller and it shall not resume its voyage without the vessel traffic controller's permission.

§ 401.84 Loss of anchor.

The loss of an anchor shall be reported immediately to the vessel traffic controller with particulars of the precise location of the loss.

§ 401.85 Reporting navigation aid deficiencies.

Any aid to navigation that is extinguished, damaged, out of position or missing shall be reported to the nearest Seaway station.

DETENTION AND SALE

§ 401.86 Security for damages or injury.

An officer may detain a vessel that causes—

(a) Damage to property of the Corporation or the Authority;

(b) Damage to goods or cargo stored on property of the Corporation or the Authority; or

(c) Injury to employees of the Corporation or the Authority; until security satisfactory to the Corporation or the Authority has been provided.

§ 401.87 Detention for toll arrears or violations.

(a) An officer may detain a vessel where—

(1) The tolls or charges levied against the vessel have not been paid; or

(2) A violation of these Regulations has taken place in respect of the vessel.

(b) A vessel detained pursuant to paragraph (a)(1) of this section shall be released when the unpaid tolls or charges are paid.

(c) A vessel detained pursuant to paragraph (a)(2) of this section may be released when a sum of money in an amount, determined by the Corporation or the Authority to be the maximum fine or civil penalty that may be imposed for the violation in respect of which the vessel has been detained, is deposited with the Corporation or the Authority as security for the payment of any fine or civil penalty that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Corporation or the Authority may—

(1) Return the deposit;

(2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or

(3) Retain the deposit if the depositor agrees to retention by the Corporation or the Authority of the sum deposited.

(e) Although the depositor may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, he may bring an action for the recovery of the amount deposited on the ground that there has been no violation of the regulations in this part.

§ 401.88 Power of sale for toll arrears.

(a) Where a vessel has been detained pursuant to § 401.87(a) and payment of the tolls and charges or the fine imposed has not been made within a reasonable time after—

(1) The time of the detention, in the case of arrears of tolls and charges, or

(2) The imposition of the fine or penalty, in the case of a violation,

the Corporation or the Authority may direct that the vessel or its cargo or any part thereof be seized.

(b) The Corporation or the Authority may, after giving such notice as it deems reasonable to the representative of the vessel, sell the vessel or cargo seized pursuant to paragraph (a) of this section.

(c) An amount equal to the cost of the detention, seizure and sale, and

(1) The tolls and charges payable, or

(2) The fine or penalty imposed on conviction,

shall be deducted from the proceeds of a sale pursuant to paragraph (b) of this section, and the balance shall be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

GENERAL

§ 401.89 Transit refused.

(a) An officer may refuse to allow a vessel to transit when, in his opinion,

(1) The vessel is not equipped in accordance with §§ 401.6 to 401.21;

(2) The vessel, its cargo, equipment or machinery are in a condition that will prevent safe or expeditious transit by that vessel; or

(3) The vessel is manned with a crew that is incompetent or inadequate.

§ 401.90 Boarding for inspection.

For the purpose of enforcing the regulations in this part, an officer may board any vessel and:

(a) Examine the vessel and its cargo; and

(b) Determine that the vessel is adequately manned.

§ 401.91 Removal of obstructions.

The Corporation or the Authority may take such action at the owner's expense as it deems necessary to move any vessel, cargo or thing that, in its opinion, obstructs or hinders transit of any part of the Seaway.

§ 401.92 Wintering and lying-up.

No vessel shall winter within the Seaway or lie-up within the Seaway during the navigation season except with the written permission of the Corporation or the Authority and subject to the conditions and charges that may be imposed.

§ 401.93 Access to Seaway property.

(a) Except as authorized by an officer, no person shall load or unload goods on property of the Corporation or the Authority.

(b) Except as authorized by an officer or by the *Shore Traffic Regulations*, no person shall enter upon any land or structure of the Corporation or the Authority or swim in any Seaway canal or lock area.

§ 401.94 Keeping copy of regulations.

A copy of these regulations in this part shall be kept on board every vessel in transit.

SCHEDULE I

THE ST. LAWRENCE SEAWAY APPLICATION FOR VESSEL PRE-CLEARANCE

Instructions

The application form attached is to be completed for each vessel by its representative in duplicate and submitted to the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario or to the Saint Lawrence Seaway Development Corporation, Massena, New York.

Upon approval of an application, one copy bearing the Seaway number assigned to the vessel will be returned to the representative.

The representative will be responsible for the documentary and financial arrangements with respect to each transit of the vessel.

When the representative is a Corporation, a resolution will be required authorizing the execution of the Certificate of Guarantee unless it is signed by the President and the Secretary-Treasurer and bears the seal of the company.

A new application will be required where the guarantee endorsed on this application has expired or has been cancelled, for each change of representative or of his address, and after a change in ownership or any major revision in the physical characteristics of the vessel.

NOTICE—NO VESSEL IS PRE-CLEARED UNTIL THIS APPLICATION HAS BEEN APPROVED

Information—Extracts From the Seaway Handbook

Security for Tolls

26. (2) The security for the tolls of a vessel shall be sufficient to cover the gross registered tonnage of the vessel

(a) On the Seaway between Montreal and Lake Ontario, at $1.00 per ton for transit each way or at $2.00 per ton for a round trip;

(b) On the Welland Canal, at $800.00 for transit each way or at $1600.00 for a round trip,

and it shall be maintained in an amount sufficient to cover each and every transit for which tolls have been incurred and are unpaid.

26. (3) Where a number of vessels

(a) Are owned or controlled by the same individual or company, and

(b) Have the same representative,

the security for the tolls may be provided in an amount estimated by the representative to be equal to $1.10 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

Radiotelephone Equipment

9. (1) Self-propelled vessels, other than pleasure craft of less than sixty-five feet, shall be equipped wtih VHF (very high frequency) radiotelephone equipment.

9. (2) The radio transmitters on a vessel shall

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

(b) Be fitted to operate from the conning position in the wheelhouse and to communicate on 156.45, 156.55, 156.6, 156.65, 156.7 and 156.8 MHz.

Special Instructions

33. Special instructions shall be applied for from the Corporation or the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges and all vessels in tow, and such vessels shall not transit except in compliance with such instructions.

Payment of Tolls

75. (2) Unless a toll account is paid within fourteen days from the date shown on the account, a surcharge, in an amount not to exceed five percent of the amount due, may be added.

75. (3) Where a Transit Declaration is not forwarded within the time referred to in subsection 74(1)

(a) The toll account shall be antedated to the date when it would have been prepared if the Declaration Form had been forwarded in time; and

(b) The surcharge referred to in subsection (2) may be added, unless the toll account is paid within fourteen days of the date shown on the account.

THE ST. LAWRENCE SEAWAY—APPLICATION FOR VESSEL PRE-CLEARANCE

Seaway No. _____

PART I—REGISTRATION

1. Registration of Vessel:
(a) Name _____
(b) Country of registry _____
(c) Port _____
(d) Official number or letters _____

2. Insurance: Liability insurance must be equal to or exceed $50.00 per gross registered ton.

(a) Amount of liability insurance coverage on the vessel (P&I) _____
_____

(b) Names of Underwriters: _____
_____

3. Representative responsible for payment of tolls and charges:
(a) Name _____
(b) Address _____
(c) Telephone No. _____

4. Certificate of Guarantee:

The undersigned hereby accepts responsibility for the carrying out of the obligations of the representative pursuant to the Seaway Regulations, including the accurate completion of Part II hereof, and hereby undertakes to make payment of all monies that may become due by this vessel for tolls and charges during the full term of this certificate, which undertaking will remain in force notwithstanding the earlier expiration of this certificate.

The undersigned also agrees that security for the payment of tolls, which may be provided by him during the currency of this certificate, shall be subject to summary forfeiture in the event of non-compliance by him with requirements relating to the payment of tolls and charges.

This certificate shall be good and binding:

(a) Until the Authority or the Corporation is otherwise advised in writing by the undersigned, or

(b) For the following voyage
_____

Dated at _____ this _____ day of _____, 19__.

Signed _____
_____

NOTE.—Approval of this application does not constitute acceptance of the fact that the vessel is in a condition satisfactory for transit.

IMPORTANT—RETURN BOTH COPIES

PART II—INFORMATION ON VESSEL

The furnishing of inaccurate information is a violation of the Seaway Regulations.

1. Managing Owner or Operator of the Vessel:
(a) Name of Company_____
(b) Address _____
2. Type of Vessel:
(a) Cargo _____( )
(b) Tanker _____( )
(c) Passenger only_____( )
(d) Cargo/Passenger (more than 12 passengers)_____( )
(e) Cargo/Passenger (under 12 passengers)_____( )
(f) Under Tow_____( )
(g) Dredge_____( )
(h) Scow_____( ) Barge_____( ) Tank-Barge_____( )
(i) Tug _____( )
(j) Naval (MIL.)_____( )
(k) Government _____( )
(l) Other (Specify)_____( )
3. Type of Service for which Constructed:
(a) Inland _____
(b) Ocean _____
4. Specifications:
(a) Gross Tons_____
(b) Net Tons_____
(c) Length (overall)_____
(d) Extreme Breadth (including fenders) _____
(e) Molded Depth_____
(f) Brake Horse Power_____
(g) Ice Classification_____

NOTE.—It is of the utmost importance to furnish the precise overall length of all vessels in order that traffic controllers may arrange lockages accordingly.

	Yes	No
Sewage Disposal System_____	( )	( )
Oily Water Separator_____	( )	( )
Wrong Way Prop Alarm_____	( )	( )
Prop Locking Device_____	( )	( )
Bow Thruster_____	( )	( )
Stern Anchor_____	( )	( )
Bridge Controlled_____	( )	( )
Rudder Indicator_____	( )	( )
Engine RPM Indicator_____	( )	( )
Gyro Compass_____	( )	( )
Radar _____	( )	( )

SCHEDULE II.—*Table of speeds*[1]

From	To	Maximum speed over the bottom (miles per hour) Col. III	Col. IV
Upper entrance, South Shore Canal.	Lake St. Louis, buoy 13A	12 (10.4 kn)	12 (10.4 kn).
Lake St. Louis, buoy 13A.	Lower entrance, Beauharnois lock.	18 (15.5 kn)	18 (15.5 kn).
Upper entrance, Beauharnois lock, buoy 5B.	Lake St. Francis, buoy 27F.	10 upbound (8.6 kn) 12 downbound (10.4 kn)	10 upbound (8.6 kn). 12 downbound (10.4 kn).
Lake St. Francis, buoy 27F.	Lake St. Francis, buoy 87F.	18 (15.5 kn)	18 (15.5 kn).
Lake St. Francis, buoy 87F.	Snell lock	10 upbound (8.6 kn) 12 downbound (10.4 kn)	9 upbound (7.8 kn). 12 downbound (10.4 kn).
Eisenhower lock	Richards Point, light 55	13 (11.3 kn)	12 (10.4 kn).
Richards Point, light 55.	Morrisburg, buoy 84	15 (13 kn)	Do.
Morrisburg, buoy 84	Ogden Island, buoy 99	13 (11.3 kn)	Do.
Ogden Island, buoy 99	Blind Bay, ½ mi. east of light 162.	15 (13 kn)	Do.
Blind Bay, ½ mi east of light 162.	Deer Island, light 186	13 ((11.3 kn)	Do.
Deer Island, light 186	Bartlett Point, light 227	10 upbound (8.6 kn) 12 downbound (10.4 kn)	9 upbound (7.8 kn). 12 downbound (10.4 kn).
Bartlett Point, light 227.	Tibbetts Point	15 (13 kn)	12 (10.4 kn).
Junction of Canadian middle channel and main channel abreast of Ironsides Island.	Open waters between Wolfe and Howe Islands through the said middle channel.	13 (11.3 kn)	11 (9.5 kn).
Lock 1, Welland Canal	Outer piers, Port Weller Harbor.	9 (7.8 kn)	9 (7.8 kn).
Port Robinson	Ramey's Bend, through the Welland bypass.	do	Do.
All other canals		7 (6.1 kn)	7 (6.1 kn).

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

SCHEDULE III.—*Calling-in table*

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 2—entering sector 1 (order of passing through established).	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
C.I.P. 3—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting upper Beauharnois lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 7.
C.I.P. 7—leaving sector 1.	do	1. Name of vessel. 2. Location.

SCHEDULE III.—*Calling-in table*—Continued

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 7—entering sector 2.	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell lock.
C.I.P. 8—order of passing through established.	do	1. Name of vessel. 2. Location.
C.I.P. 8A	do	1. Name of vessel. 2. Location.
Existing Eisenhower lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 11. 4. Confirm pilot requirement—Lake Ontario.
C.I.P. 11—leaving sector 2.	do	1. Name of vessel. 2. Location.

SCHEDULE III.—*Calling-in table*—Continued

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 11—entering sector 3.	Seaway Iroquois, channel 9.	1. Name of vessel. 2. Location.
C.I.P. 12—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting Iroquois lock.	do	1. Name of vessel. 2. Location. 3. ETA Whaleback Shoal.
Whaleback Shoal—leaving sector 3.	do	1. Name of vessel. 2. Location.
Whaleback Shoal—entering sector 4.	Seaway Clayton, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA Cape Vincent or River Port. 4. Confirm pilot requirement—Lake Ontario.
Wolfe Island Cut (Quebec Head)—vessels leaving main channel.	do	1. Name of vessel. 2. Location. 3. ETA Kingston.
Cape Vincent	do	1. Name of vessel. 2. Location. 3. ETA Sodus Point. 4. ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 5. Pilot requirement—Port Weller.
Sodus Point	Seaway Sodus, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario. 4. ETA Newcastle.
Mid-Lake Ontario—leaving sector 4.	do	1. Name of vessel. 2. Location.
Mid-Lake Ontario—entering sector 5.	Seaway Oshawa, channel 11.	1. Name of vessel. 2. Location.
Newcastle	do	1. Name of vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 4. Confirm pilot requirement—Port Weller.
C.I.P. 15—order of passing through established.	Seaway Welland, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Erie.
Port Colborne piers.	do	1. Name of vessel. 2. Location. 3. ETA Long Point.
C.I.P. 16	Seaway Long Point, channel 11.	1. Name of vessel. 2. Location.
Long Point—leaving sector 7.	do	1. Name of vessel. 2. Location.
C.I.P. 17	Seaway Sault, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 18	do	1. Name of vessel. 2. Location.
DOWNBOUND VESSELS		
C.I.P. 18	do	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 17	do	1. Name of vessel. 2. Location.

SCHEDULE III.—*Calling-in table*—Continued

C.I.P. and checkpoint	Station to call	Message content
DOWNBOUND VESSELS		
Long Point—entering sector 7.	Seaway Long Point, channel 11.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 16.
C.I.P. 16—order of passing through established.	Seaway Welland, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
Exiting lock No. 1, Welland Canal.	do	1. Name of vessel. 2. Location. 3. ETA Newcastle. 4. ETA Cape Vincent or Lake Ontario Port. 5. Pilot requirement—Cape Vincent.
C.I.P. 15	Seaway Oshawa, channel 11.	1. Name of vessel. 2. Location.
Newcastle	do	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario. 4. ETA Sodus Point.
Mid-Lake Ontario—leaving sector 5.	do	1. Name of vessel. 2. Location.
Mid-Lake Ontario—entering sector 4.	Seaway Sodus, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Sodus Point.
Sodus Point	do	1. Name of vessel. 2. Location. 3. Updated ETA Cape Vincent or Lake Ontario Port. 4. Confirm River pilot requirement—Cape Vincent.
Cape Vincent	Seaway Clayton, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA Whaleback or river port.
Wolfe Island Cut (Quebec Head)—vessels entering main channel.	do	1. Name of vessel. 2. Location. 3. ETA Whaleback Shoal or river port.
Whaleback Shoal—leaving sector 4.	do	1. Name of vessel. 2. Location.
Whaleback Shoal—entering sector 3.	Seaway Iroquois, channel 9.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 14	do	1. Name of vessel. 2. Location.
C.I.P. 13—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting Iroquois lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 10. 4. Harbor or river pilot requirement—St. Lambert.
C.I.P. 10—leaving sector 3.	do	1. Name of vessel. 2. Location.
C.I.P. 10—entering sector 2.	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 9—order of passing through established.	do	1. Name of vessel. 2. Location. 3. ETA Snell lock.
Exiting Snell lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 6.
C.I.P. 6—leaving sector 2.	do	1. Name of vessel. 2. Location.
C.I.P. 6—entering sector 1.	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location.
C.I.P. 5—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting lower Beauharnois lock.	do	1. Name of vessel. 2. Location. 3. Confirm Harbor or River pilot requirement—St. Lambert. 4. Montreal Harbor berth number. 5. VHF requirement—St. Lambert.
St. Lambert lock to C.I.P. 2—leaving sector 1.	do	1. Name of vessel. 2. Location.

SCHEDULE IV

Pleasure craft tickets may be purchased from:

EASTERN REGION

Regional Director, Eastern Region, The St. Lawrence Seaway Authority, St. Lambert Lock, P.O. Box 97, St. Lambert, Quebec.

WESTERN REGION

Regional Director, Western Region, the St. Lawrence Seaway Authority, 508 Glendale Avenue, P.O. Box 370, St. Catharines, Ontario.

[FR Doc.74-6617 Filed 3-21-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-250, Corrected]

PART 1—PRACTICE AND PROCEDURE

Oppositions and Replies

1. Section 1.294(b) of the rules of practice and procedure provides, as a general rule, that 4 days are allowed for filing oppositions to pleadings filed in hearing proceedings and that replies to oppositions will not be entertained. Section 1.294(c) lists four types of pleadings to which the 4-day rule does not apply, one of which is petitions to intervene. In the case of pleadings listed in § 1.294(c), 10 days are allowed for oppositions and 5 additional days are allowed for replies.

2. The questions presented in petitions to intervene are not typically more difficult or complex than those presented in pleadings to which the 4-day rule now applies (e.g., petitions to amend an application). We think that they can be dealt with fairly and adequately under the 4-day rule, and that the delay of hearing proceedings occasioned by the longer pleading periods which currently apply is not warranted.[1] This being the case, we are amending § 1.294 to apply the 4-day rule to petitions to intervene.

3. Authority for this amendment is contained in Sections 4 (i) and (j) of 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendment is procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

Accordingly, *It is ordered*, effective March 27, 1974, That § 1.294 of the rules of practice and procedure is amended as set forth in the Appendix hereto.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082 (47 U.S.C. 154, 303))

Adopted: March 13, 1974.

Released: March 19, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

Part I of Chapter I of Title 47 of the Code of Federal Regulations is amended to revoke § 1.294(c)(2), to read as follows:

§ 1.294 Oppositions and replies.

* * * * * *

(c) * * *

(2) [Reserved]

* * * * * *

[FR Doc.74-6662 Filed 3-21-74;8:45 am]

[Docket Nos. 19647, 10269]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Aeronautical Mobile (R) VHF Band; Channel Spacing

Correction

In FR Doc. 74-4067 for the issue of Friday, February 22, 1974, make the following change: In § 87.331(a) in the third column of page 6706, change the entry reading "3181 kHz[1]" to read "3281 kHz[1]".

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-22; Amdt. Nos. 171-23, 174-20, 175-11, 177-30, 178-31]

MATTER INCORPORATED BY REFERENCE

The purpose of these amendments to the Department of Transportation's Hazardous Materials Regulations is:

[1] Under § 1.4, the amount of time actually allowed can be as much as 11 days for a 4 day pleading, 12 days for a 5 day pleading, and 17 days for a 10 day pleading. Thus, at present, as many as 29 days may pass before action can be taken on a petition to intervene. With the amendment, the maximum delay would be 11 days.

1. To update the reference to the addenda to sections VIII (Division I) and IX of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code."

2. To incorporate the Bureau of Explosives' pamphlets 1 and 2, "Emergency Handling of Hazardous Materials in Surface Transportation" June 1973. These pamphlets supersede Bureau of Explosives' Pamphlet No. 22 now referenced.

3. To incorporate National Wooden Box Association's Specification 1–1B, "Specifications for Nailed Wooden and Lock Corner Boxes for Industrial Use" May 1958, which illustrates the styles of wooden boxes prescribed in Part 178, §§ 178.168–12, 178.169–12, 178.170–11, 178.171–12, 178.172–8 Table, and 178.172–17.

4. To reference footnote 2 in § 178.116–6(a) Table for 30-gallon capacity DoT specification 17E drums. Footnote 2 in the columns entitled "Body sheet" and "Head sheet" was never deleted from the regulations; however, the references in the Table have become illegible or invisible through wear of the type being used in reprinting.

On November 28, 1973, the Board published a notice of proposed rule making, Docket No. HM–22; Notice 73–8 (38 FR 32817), proposing to update the addenda described in item 1. No comments were received on the proposal.

Since items 2 through 4 described above concern editorial changes and corrections and impose no burden on any person, public notice and procedure thereon are considered unnecessary.

In consideration of the foregoing, 49 CFR Parts 171, 174, 175, 177, and 178 are amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7, paragraphs (c)(18) and (d)(13) are added; paragraphs (d)(1) and (d)(7)(iv) are amended to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(18) National Wooden Box Association, Post Office Box 1010, Cumberland, Maryland 21502.

(d) * * *

(1) ASME Code means sections VIII (Division I) and IX of the 1971 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code," and addenda thereto through June 30, 1973.

* * * * *

(7) * * *

(iv) Bureau of Explosives Pamphlets 1 and 2 titled "Emergency Handling of Hazardous Materials in Surface Transportation" June 1973.

* * * * *

(13) National Wooden Box Association's Specification 1–1B is titled "Specifications for Nailed Wooden and Lock Corner Boxes for Industrial Use" May 1958. Amended in part October 1961.

PART 174—CARRIERS BY RAIL FREIGHT

(A) In § 174.588, paragraph (c)(2) is amended to read as follows:

§ 174.588 Disposition of damaged or astray shipments.

* * * * *

(c) * * *

(2) Details involving the handling of radioactive materials in the event of a wreck may be found in Bureau of Explosives' Pamphlets 1 and 2.

* * * * *

(B) In § 174.600, paragraph (a) is amended to read as follows:

§ 174.600 In case of a wreck.

(a) Details involving the handling of hazardous materials in the event of a wreck may be found in Bureau of Explosives' Pamphlets 1 and 2.

* * * * *

PART 175—CARRIERS BY RAIL EXPRESS

In § 175.655, paragraph (j)(3) Note 2 is amended to read as follows:

§ 175.655 Protection of packages.

* * * * *

(j) * * *

(3) * * *

NOTE 2: Details involving the handling of radioactive materials in the event of an accident can be found in Bureau of Explosives' Pamphlets 1 and 2.

* * * * *

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 177.861, paragraph (a) Note 2 is amended to read as follows:

§ 177.861 Accidents; radioactive materials.

(a) * * *

NOTE 2: Details involving the handling of radioactive materials in the event of an accident can be found in Bureau of Explosives' Pamphlets 1 and 2.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§ 178.116–6 [Amended]

In § 178.116–6 paragraph (a) Table, footnote 2 reference is added in the columns "Body sheet" and "Head sheet" for "Marked capacity not over 30 gallons," to read as follows:

This amendment is effective June 30, 1974. However, compliance with the regulations, as amended herein, is authorized immediately.

(Transportation of Explosives Act (18 U.S.C. 831–835); section 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655(c)).)

Issued in Washington, D.C. on March 19, 1974.

JAMES F. RUDOLPH,
Board Member, For the Federal Aviation Administration.

KENNETH L. PIERSON,
Alternate Board Member, For the Federal Highway Administration.

MAC E. ROGERS,
Board Member, For the Federal Railroad Administration.

W. F. REA,
Board Member, For the United States Coast Guard.

[FR Doc.74–6659 Filed 3–21–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Exemption of Printing, Publishing, Broadcasting, and Related Services

Correction

In FR Doc. 74–6436 appearing at page 10233 of the issue of Tuesday, March 19, 1974, the following change should be made in the second full paragraph in the center column of page 10234: In items (b) and (c) the phrase "[date of issuance of this regulation]" should read "March 15, 1974".

Proposed Rules

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

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Duty on Cost of Foreign Repairs to Certain U.S. Registered Aircraft; Extension of Time for Submission of Data, Views, or Arguments

MARCH 15, 1974.

On February 12, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 5320) which proposed to amend § 6.7(e) of the Customs Regulations pertaining to the conditions under which certain United States-registered aircraft engaged in trade are exempted from the requirement of making entry and depositing duty (or giving a bond in lieu thereof) with respect to equipment purchased for or repairs made to such aircraft in a foreign country. Thirty days from the date of publication of the notice were given for submission of data, views, or arguments pertinent to the proposed amendment.

Requests have been received for extension of the time for submission of comments. The period for submission of data, views, or arguments relating to the proposed amendment to § 6.7(e), Customs Regulations, is extended to April 15, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74-6698 Filed 3-21-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 68]

U.S. STANDARDS FOR DRY PEAS

Proposed Revision

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624) notice is hereby given according to the administrative procedure provisions of section 553 of Title 5, United States Code, that the U.S. Department of Agriculture has under consideration a proposed revision of the United States Standards for Dry Peas (7 CFR 68.401 et seq.).

Statement of considerations. The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Under the present U.S. standards, dry peas, are classified by variety. The Department of Agriculture has conducted studies which indicate that consistent identification of peas as to variety, with an acceptable degree of accuracy, is beyond the capability of inspectors and others.

The Department, after consulting industry concerning the problem, proposes that classification of dry peas by variety name be discontinued. In lieu of the present varietal class names, the following classes would be established:

Smooth Green Dry Peas. Dry peas which have a smooth green seedcoat and green cotyledons.

Smooth Yellow Dry Peas. Dry peas which have a smooth yellow seedcoat and yellow cotyledons.

Wrinkled Dry Peas. Dry peas which have a wrinkled green or yellow seedcoat and green or yellow cotyledons.

Winter Dry Peas. Dry peas of the winter field pea type which have green, brown, or yellow seedcoats.

Mixed Dry Peas. Any mixture of peas which does not meet the requirements of any other classes.

To help meet the needs of the pea industry for identification purposes, it is proposed that official inspection personnel may, at the request of the applicant for inspection, include a statement in the remarks section of the grade certificate substantially as follows:

"Variety stated by the applicant to be: ----------." The applicant would be responsible for the validity of the statement.

Peas that are distinctly soiled or stained by dirt are not desirable as a food and are scored as damaged peas. Virtually all wrinkled dry peas that are inspected are used for seed purposes and, therefore, the presence of soil or dirt stains on the seedcoats of wrinkled dry peas appears to be of relatively minor importance. Accordingly, it is proposed that Wrinkled Dry Peas which are distinctly soiled or stained by dirt shall not be scored as damaged peas.

Peas that are distinctly soiled or stained by "nightshade" or by "toxic material" are also presently scored as damaged peas. It has been found that inspectors are unable to consistently and accurately determine whether or not a stain consists of nightshade or of other toxic or unknown foreign substance. Peas stained by nightshade or an unknown foreign substance should be scored as "distinctly low quality" and not as "damaged." It is therefore proposed that the definition of damaged peas be amended to exclude peas that are soiled or stained by "nightshade" or by "toxic material" and that the definition of distinctly low quality be amended to include peas that are stained by an unknown foreign substance, or which contain a toxic substance.

The present standards require that dry peas of grades U.S. Nos. 1, 2, and 3 shall be of good color, fair color, and poor color, respectively. The differences between good, fair, and poor color are so small that it is difficult, if not impossible, to accurately discriminate between the three levels of color. To minimize this difficulty, it is proposed that color be characterized as either good color or poor color. The color requirements for grades U.S. Nos. 1, 2, and 3 would then be good color, good color, and poor color, respectively.

It is proposed to amend the standards for dry peas to provide for these and related changes as follows:

1. Change the name of the commodity from "Dry Peas" to "Whole Dry Peas"—to clearly differentiate the commodity from split peas.

2. Define "Whole Dry Peas" in § 68.401 and alphabetically list all other definitions in § 68.402—for ease in locating the definition of the commodity being graded and the other definitions.

3. Discontinue the classification of dry peas by variety and classify as follows:

Smooth Green Dry Peas
Smooth Yellow Dry Peas
Wrinkled Dry Peas
Winter Dry Peas
Mixed Dry Peas

4. Redefine "damaged peas" to show that Wrinkled Dry Peas that are distinctly soiled or stained by dirt are not scored as damaged peas—because wrinkled varieties of peas are almost always used for seed.

5. Further redefine "damaged peas" to exclude peas that are soiled or stained by "nightshade" or by "toxic material"—such peas, when found, should cause the lot to be graded "Sample grade" because they are "distinctly low quality."

6. Define the term "distinctly low quality"—to more clearly identify the term.

7. Include "Moisture" under "Terms Defined"—this term was previously included in "Principles Governing Application of Standards."

8. Delete "Peas that blend" from "Terms Defined" and the grade table—this factor would not be applicable under the new classification.

9. Add the section "Temporary modifications in equipment and procedures" (§ 68.404) to "Principles Governing Ap-

plication of the Standards"—to provide for instances when adverse growing or harvesting conditions warrant minor modifications in equipment and procedures.

10. Revise the grade chart to require that peas of grade U.S. No. 2 shall be of good color—the present requirement, fair color, is difficult to distinguish from good color and poor color.

11. Permit official inspection personnel to state on the grade certificate the applicant's statement as to variety of the sample of peas graded, if desired by the applicant for inspection—to provide further information for the buyer.

12. Make minor editorial changes in the interest of clarity.

The Department proposes that the United States Standards for Dry Peas be revised to read as follows:

UNITED STATES STANDARDS FOR WHOLE DRY PEAS[1]

TERMS DEFINED

§ 68.401 Definition of whole dry peas.

Threshed seeds of the pea plant (*Pisum sativum* L.) and the winter field pea plant [*Pisum sativum* var. *arvense* (L.) Poir.] which after the removal of dockage contain 50 percent or more of whole peas and not more than 10.0 percent of foreign material.

§ 68.402 Definitions of other terms.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Bleached peas.* Whole and pieces of dry peas of green-colored varieties which are bleached distinctly yellow in color or peas of yellow-colored varieties which are bleached distinctly green in color.

(b) *Classes.* The following five classes:

(1) *Smooth Green Dry Peas.* Dry peas of the garden type which have smooth seedcoats and green cotyledons and contain not more than 1.5 percent of other classes.

(2) *Smooth Yellow Dry Peas.* Dry peas of the garden type which have smooth seedcoats and yellow cotyledons and contain not more than 1.5 percent of other classes.

(3) *Wrinkled Dry Peas.* Dry peas of the garden type which have wrinkled seedcoats and contain not more than 1.5 percent of other classes.

(4) *Winter Dry Peas.* Dry peas of the winter field pea type which contain not more than 1.5 percent of other classes.

(5) *Mixed Dry Peas.* Any mixture that does not meet the requirements for the classes Smooth Green, Smooth Yellow, Wrinkled, or Winter Dry Peas.

(c) *Damaged peas.* Whole and pieces of dry peas which are distinctly:

(1) Damaged by frost, weather, disease, heat (other than materially discolored as a result of heating), or other causes; and

(2) Soiled or stained by dirt (not applicable for the class Wrinkled Dry Peas).

Damaged peas shall not include weevil-damaged peas or heat-damaged peas.

(d) *Defective peas.* The categories of defective peas shall be weevil-damaged peas, heat-damaged peas, damaged peas, other classes, bleached peas, split peas, shriveled peas, and peas with cracked seedcoats.

(e) *Distinctly low quality.* Whole dry peas which are obviously of inferior quality because they are stained by an unknown foreign substance or because they otherwise contain a known toxic substance(s) or an unknown foreign substance(s) or because they are in an unusual state or condition, and which cannot be graded by use of the other grading factors provided in the standards.

(f) *Dockage.* Small underdeveloped dry peas, pieces of dry peas, and all matter other than dry peas which can be removed readily by the use of an approved device in accordance with procedures prescribed in Inspection Handbook HB–1 and the Equipment Manual.[2] For the purpose of this paragraph, "approved device" shall include sieves as set forth in paragraph (q) of this section and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(g) *Dockage-free dry peas.* Dry peas from which the dockage has been removed.

(h) *Foreign material in dockage-free dry peas.* All matter other than dry peas and including detached seedcoats.

(i) *Foreign material in thresher-run dry peas.* All matter other than dry peas, including detached seedcoats, which cannot be readily removed in the determination of dockage.

(j) *Good color peas.* Dry peas that in mass are practically free from discoloration and have the natural color and appearance characteristics of the predominating class.

(k) *Heat-damaged peas.* Whole and pieces of dry peas which have been materially discolored as a result of heating.

(l) *Moisture.* Water content in whole dry peas as determined by an approved device in accordance with procedures prescribed in Inspection Handbook HB–1 and the Equipment Manual.[2] For the purpose of this paragraph "approved device" shall include the Motomco moisture meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(m) *Other classes.* Whole and pieces of dry peas which are of a contrasting color or which differ materially in shape, or other characteristics from the predominating class.

(n) *Peas with cracked seedcoats.* Dry peas having readily discernible cracked seedcoats or peas which have all or a part of the seedcoat removed, and broken peas which are more than one-half of a whole pea.

(o) *Poor color peas.* Dry peas that in mass are distinctly off-color from the characteristic color of the predominating class as a result of age or any other cause.

(p) *Shiveled peas.* Dry peas which are distinctly shriveled in contrast to the natural shape and appearance of normally developed peas.

(q) *Sieves*—(1) $^{9}/_{64}$ x $^{3}/_{4}$ *oblong-hole sieve.* A metal sieve 0.032 inch thick with oblong perforations 0.1406 inch by 0.750 ($^{3}/_{4}$) inch.

(2) $^{10}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1562 inch by 0.750 ($^{3}/_{4}$) inch.

(3) $^{11}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1718 inch by 0.750 ($^{3}/_{4}$) inch.

(4) $^{12}/_{64}$ *x* $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1875 inch by 0.750 ($^{3}/_{4}$) inch.

(5) $^{13}/_{64}$ *x* $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.2031 inch by 0.750 ($^{3}/_{4}$) inch.

(6) $^{16}/_{64}$ *round-hole sieve.* A metal sieve 0.032 inch thick with round perforations 0.2500 inch in diameter.

(r) *Split peas.* The halves or smaller pieces of dry peas and dry peas in which the halves are loosely held together.

(s) *Thresher-run dry peas.* Dry peas from which the dockage has not been removed.

(t) *Weevil-damaged peas.* Whole and pieces of dry peas which are distinctly damaged by the pea weevil or other insects.

(u) *Whole peas.* Dry peas with one-fourth or less of the pea removed and with the cotyledons or parts of cotyledons firmly held together.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.403 Basis of determinations.

(a) All factor determinations shall be made upon the basis of the dry peas after the removal of dockage with the following exceptions:

(1) Dockage in thresher-run dry peas shall be determined upon the basis of the peas as sampled.

(2) Color shall be determined after the removal of dockage, defective peas, and foreign material.

(b) Defects in peas shall be scored in accordance with the order shown in § 68.402(d) and once an individual pea

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[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies will be made available upon request to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture:

(a) Equipment Manual, GR Instruction 916–6, effective September 25, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

(b) Inspection Handbook HB–1, effective November 1, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

is scored in a defective category it shall not be scored for any other defect. Percentages for all categories of defects shall be calculated on the basis of the total weight of the sample analyzed for defective peas.

§ 68.404 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the whole dry peas standards are applicable to peas produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvesting of peas may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Grain Division Field Offices, official inspection agencies, and interested parties in the dry pea industry will be notified promptly in writing of the modification. These modifications shall not include changes in interpretations of identity, class, quality, or condition.

§ 68.405 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46 report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54 report as 0.5.

(c) When the figure to be rounded is followed by the figure 5, round to the nearest even figure; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

All percentages shall be stated in whole and tenth percent to the nearest tenth percent.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.406 Grades and grade requirements for dockage-free dry peas. (See also § 68.408.)

	Maximum limits of									
	Defective Peas									Minimum requirements for color
	Weevil-damaged peas	Heat-damaged peas	Damaged peas [4]	Other classes [6]	Bleached peas [7]	Split peas	Shriveled peas	Peas with cracked seedcoats	Foreign material	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1 [4]	0.3	0.2	1.0	0.3	1.5	0.5	2.0	3.5	0.1	Good.
U.S. No. 2 [4]	0.8	0.5	1.5	0.8	3.0	1.0	4.0	5.5	0.2	Good.
U.S. No. 3 [4]	1.5	1.0	2.0	1.5	5.0	1.5	8.0	7.5	0.5	Poor.
U.S. Sample grade.	U.S. Sample grade shall be dry peas which: (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain metal fragments, broken glass, or a commercially objectionable odor; or (c) Contain more than 15.0 percent moisture; or (d) Are materially weathered, heating, or distinctly low quality; or (e) Are infested with live weevils or other live insects.[8]									

[4] Size requirements: Dry peas of any of the numerical grades, except for peas of the class Winter Dry Peas, shall be of such size that not more than 3 percent of the peas will pass readily through the 11/64 x 3/4 slotted-hole sieve. Winter Dry Peas shall be of such size that not more than 3 percent of the peas shall pass through the 9/64 x 3/4 oblong-hole sieve.

[6] Damaged peas do not include weevil-damaged or heat-damaged peas.

[6] These limits do not apply to the class Mixed Dry Peas.

[7] These limits do not apply to winter field peas and wrinkled peas.

[8] As applied to dockage-free whole dry peas, the meaning of the term "infested" is set forth in chapter 3 of Inspection Handbook HB-1. [2]

§ 68.407 Grade designation for dockage-free dry peas.

(a) The grade designation for dockage-free dry peas shall include, in the order named (1) the letters "U.S.," (2) the number of the grade or the words "Sample grade," (3) the name of each applicable special grade, and (4) the name of the class. The grade designation for the class Mixed Dry Peas shall also include, following the words "Mixed Dry Peas," the name and approximate percentage of each class of dry peas in the mixture, in the order of predominance.

(b) At the request of the applicant for inspection, official inspection personnel may include on the grade certificate under "Remarks," a statement substantially as follows: "Variety stated by the applicant to be: _____."

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.408 Special grades and requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 68.406. Such special grades are established and determined as follows:

(a) *Large.* Peas of the classes Smooth Green Dry Peas or Smooth Yellow Dry Peas of which not more than 3.0 percent of the peas will readily pass through the 16/64 inch round-hole sieve.

(b) *Small.* Peas of the classes Smooth Green Dry Peas or Smooth Yellow Dry Peas of which not more than 3.0 percent of the peas will remain on the 16/64 inch round-hole sieve and not more than 3.0 percent will readily pass through the 11/64 x 3/4 slotted-hole sieve.

§ 68.409 Special grade designation.

The grade designation for large and small dry peas shall include, preceding the class, the word(s) "Large" or "Small," as warranted, and all other information prescribed in § 68.407.

§ 68.410 Thresher-run dry peas.

Thresher-run dry peas shall be inspected for factors only without reference to grade.

(a) Thresher-run dry peas may be inspected for: Class; defective peas and foreign material; dockage; color description; and moisture.

(b) The percentage of defective peas and foreign material shall be combined and shown on the cerificate as "total defects and foreign material." For the classes of smooth seeded peas only the percentage of peas with cracked seedcoats in excess of 3.0 percent shall be included in the factor "total defects and foreign material." (Example: In a sample containing 3.2 percent of peas with cracked seedcoats, only 0.2 percent would be included in the total defects and foreign material.)

(c) The percentage of total dockage, total defects, and foreign material shall be computed on the basis of the sample as a whole and be shown on the certificate as "total dockage, defects, and foreign material."

Comments and effective date. If the proposed revision as set forth herein is adopted in whole or in part, it is intended that the revision would be made effective on or about July 1, 1974.

Public hearings on the proposed revision will not be held but all persons who desire to submit written data, views, or arguments on this proposal should file them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 6, 1974.

Any persons who desire to submit their views orally in an informal manner, should so advise the Director, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782 [telephone (301) 436-8776] so that arrangements may be made for such submission by said date. A summary of such views will be made and furnished for verification to the person making the submission and if approved may be filed by him in the Office of the Hearing Clerk. All comments so filed will be available for public inspection during official hours of business [7 CFR 1.27(b)]. Consideration will be given to all comments filed with the Hearing Clerk, and to all other information available to the U.S. Department of Agriculture, in arriving at a decision on the proposed revision of the whole dry pea standards.

Copies of the current dry pea standards may be obtained from the Grain Division, Agricultural Marketing Service, 6525 Belcrest Road, Hyattsville, Maryland 20782, or from any field office of the Grain Division.

For a period of 6 months after adoption of these amendments, official inspection personnel shall, upon request, show on inspection certificates the grade under both the "old" and "new" standards.

Done at Washington, D.C., on March 15, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-6541 Filed 3-21-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 318, 381]

PLANT QUALITY CONTROL PROGRAMS

Extension of Time for Comments

On November 8, 1973, there was published in the FEDERAL REGISTER (38 FR 30886–30887) notices proposing to amend the meat inspection regulations and the poultry products inspection regulations (9 CFR Parts 318 and 381) to permit an official establishment where meat food and poultry products are prepared which has a complete quality control program to submit its plans and records of such program to the Deputy Administrator, Scientific and Technical Services, for his determination whether it is adequate to comply with the requirements of the Act. Interested persons were given until March 22, 1974, to comment.

The Department has determined to extend the period of time within which written data, views, or arguments may be submitted, or oral views may be presented. This action is taken because of public interest in the proposals and because of a lack of understanding concerning the concept upon which the proposals were based. During this additional time, the public will be provided further information concerning the proposals.

Since the Department is interested in receiving meaningful comments, these circumstances are considered as sufficient justification for an extension of the time originally allotted for filing comments. Accordingly, any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by May 10, 1974. Also, the period for oral presentation of views is extended to May 10, 1974. Persons desiring opportunity for oral presentation of views should address such requests to the Systems Development and Sanitation Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views by May 10, 1974.

In all other respects, the procedure specified in the proposals as published on November 8, 1973, shall continue to apply to this rulemaking proceeding.

Done at Washington, D.C., on March 20, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-6815 Filed 3-21-74;8:45 am]

Food and Nutrition Service

[7 CFR Parts 210, 220]

NATIONAL SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Proposed Changes in Program Administrative Requirements

Notice is hereby given that the Food and Nutrition Service is considering amendments to the regulations governing the National School Lunch Program and the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses to improve the overall administration of these programs, particularly with respect to requirements for audits, filing of claims for joint program(s), and recordkeeping.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections must be delivered by April 18, 1974, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than April 18, 1974. Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection in the Office of the Director, Child Nutrition Division, during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

It is proposed to amend Chapter II of Title 7, Code of Federal Regulations, as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.8, paragraph (e) (13) (iii) is amended by revising the parenthetical statement to read as follows:

§ 210.8 Requirements for participation.

* * * * *

(e) * * *

(13) * * *

(iii) * * * (Supported by invoices, receipts, or other evidence of expenditure, including indirect costs and a share of joint costs based on a cost allocation plan approved by the State Agency, or FNSRO where applicable).

* * * * *

2. In § 210.8, paragraph (f) is amended by deleting the word "shall" wherever it appears and inserting the word "may" in lieu thereof.

3. In § 210.11, paragraph (g)(2) is amended by adding the following proviso to the end thereof:

§ 210.11 Reimbursement payments.

* * * * *

(g) * * *

(2) * * *, *except that* when the highest reduced price charge to children is decreased as a result of changes in per-lunch reimbursement and such decrease is sustained for the balance of the fiscal year, the decreased reduced price charge may be used in the calculation in lieu of the highest reduced price charge.

4. In § 210.14, paragraph (b) is revised to read as follows:

§ 210.14 Special responsibilities of State Agencies.

* * * * *

(b) *State-conducted audit programs.* (1) A State Agency may submit for approval by the Department a plan whereby it will provide for the conduct of audits of the Program. State Agencies shall request Office of Audit (OA) Regional Offices (32 FR 8822, as amended by 34 FR 2139) to assist in the development of these plans, which shall incorporate provisions for organization, financing, direction and coordination of the State audit functions. Audits performed under the plan may be conducted by the State Agencies; by the State Auditor, Office of State Controller, or comparable State audit staff; or by Certified Public Accountants or State-licensed public accountants. All approved State audit plans shall be updated and be resubmitted for approval by the Department every third year from the anniversary date of the last such approval, except that any State Agency plan approved prior to July 1, 1974, must be resubmitted for approval by the Department in accordance with this paragraph prior to July 1, 1975.

(2) An audit guide furnished by OA, and as amended by OA from time to time, shall be used in the State Agency-sponsored audits of schools. The audits shall be performed in accordance with audit standards, guidelines and procedures prescribed by OA in the audit guide; and shall be reviewed by OA to the extent necessary to determine compliance therewith.

(3) While OA shall rely to the fullest extent feasible on State-conducted audits, it shall have the right, whenever considered necessary, to (i) make audits on a statewide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for the State Agencies. With respect to State-conducted audits, OA shall also have the rights available to it under the provisions of § 210.17.

* * * * *

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

1. In § 220.6, the word "needy" is deleted.

2. In § 220.7, paragraph (e)(12)(iii) is amended by revising the parenthetical statement to read as follows:

§ 220.7 Requirements for participation.

* * * * *

(e) * * *

(12) * * *

(iii) * * *. (Supported by invoices, receipts, or other evidence of expenditure, including indirect costs and a share of joint costs based on a cost allocation plan approved by the State Agency, or FNSRO where applicable):

* * * * *

3. In § 220.7, paragraph (f) is amended by deleting the word "shall" wherever it appears and inserting the word "may" in lieu thereof.

4. In § 220.24, paragraph (g) is revised to read as follows:

§ 220.24 Special responsibilities of State Agencies.

* * * * *

(g) *State-conducted audit programs.* (1) A State Agency may submit for approval by the Department a plan whereby it will provide for the conduct of audits of the Programs. State Agencies shall request Office of Audit (OA) Regional Offices (32 FR 8822, as amended by 34 FR 2139) to assist in the development of these plans, which shall incorporate provisions for organization, financing, direction and coordination of the State audit functions. Audits preformed under the plan may be conducted by the State Agencies; by the State Auditor, Office of State Controller, or comparable State audit staff; or by Certified Public Accountants or State licensed public accountants. All approved State audit plans shall be updated and be resubmitted for approval by the Department every third year from the anniversary date of the last such approval, except that any State Agency plan approved prior to July 1, 1974, must be resubmitted for approval by the Department in accordance with this paragraph prior to July 1, 1975.

(2) An audit guide furnished by OA, and as amended by OA from time to time, shall be used in the State Agency-sponsored audits of schools. The audits shall be performed in accordance with audit standards, guidelines and procedures prescribed by OA in the audit guide; and shall be reviewed by OA to the extent necessary to determine compliance therewith.

(3) While OA shall rely to the fullest extent feasible on State-conducted audits, it shall have the right, whenever considered necessary, to (i) make audits on a statewide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for the State Agencies. With respect to State-conducted audits, OA shall also have the rights available to it under the provisions of § 220.26.

* * * * *

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program Nos. 10.553 and 10.555 National Archives Reference Services).

Dated: March 19, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-6690 Filed 3-21-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 372a]

[Docket No. 26512]

TRAVEL GROUP CHARTERS

Modification of Requirements Governing Availability

MARCH 15, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 372a of its Special Regulations (14 CFR Part 372a) which would (1) reduce the deadline for filing of the original participants list from 90 to 60 days in advance of the flight date; (2) allow a TGC to be filed so long as at least 90 percent of the contracted seats have been sold to participants; (3) eliminate the standby list for eligible assignees of TGC participants and, instead, permit original participants to assign their TGC contractual rights and obligations to members of the general public; and (4) reduce the maximum number of permissible assignments from 20 percent to 15 percent of the number of listed original participants.

The principal features of the proposed amendments are described in the attached explanatory statement and the text of the proposed amendments is set forth in the proposed rule. The amendments are proposed under the authority of sections 204, 401, 402, 407, 416 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1324, 1371, 1372, 1377, 1386, and 1481.

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 6, 1974, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

In adopting our Travel Group Charter (TGC) rule[1] we noted our willingness to modify the regulations governing this new type of charter in light of actual experience gained in the course of operations thereunder. It is now our tentative view, after one year's experience with this experimental rule, that some of the present restrictions imposed on TGC's have unduly hindered their marketability to the traveling public.[2] Accordingly, we are proposing herein to revise certain TGC restrictions,[3] as more fully described hereinbelow, so as to enhance the attractiveness of this type of charter while preserving the legally required distinction between charter service and individually ticketed service.

1. The within proposal would reduce the deadline for pre-departure filings from 90 to 60 days. We are of the tentative view that the existing 90-day minimum cut-off period is unduly restrictive, and that a later deadline would enhance the viability of TGC's without jeopardizing their legality. Of course any attempt to fix a minimum pre-departure deadline which is both short enough to satisfy marketing considerations and long enough to satisfy legal considerations is necessarily subject to some degree of imprecision. However, our experience with TGC's appears to indicate that the 90-day minimum is impracticable because the potential users of this service are reluctant to make binding travel commitments so far in advance. We therefore feel that it is necessary to consider a deadline which is significantly shorter, but still entails a degree of advance planning and commitment which clearly distinguishes this type of charter service from the freedom and flexibility typically afforded by individually ticketed service. The within proposed period of 60 days appears more likely to achieve a satisfactory balance between the conflicting purposes of a predeparture filing deadline than has the existing 90-day deadline. Parallel to decreasing the deadline from 90 days to 60 days, we are also decreasing the earliest permissible filing date from 120 days to 90 days prior to departure.

2. The present rule requires that 100 percent of the seats contracted for must be sold before the TGC contract is filed. Experience has shown that this requirement has necessitated cancellation of many planned TGC's for lack of just a few participants per flight, even though the pro rata cost of the unsold seats could have been borne by the remaining participants without exceeding the maximum pro rata price for which they had made themselves liable. The proposed amendment should therefore provide some flexibility in the TGC arrangement by permitting a planned flight to go forward, so long as at least 90 percent of the con-

[1] 14 CFR Part 372a, adopted by SPR-61, September 27, 1972.

[2] During 1973, approximately 85% of TGC's filed with the Board were canceled with the result that fewer than 40,000 passengers traveled on TGC's.

[3] See SPR-73, adopted January 7, 1974 (39 FR 1746), by which we made a technical amendment to the rule, so as to allow, under prescribed conditions, charter rate increases to be borne pro rata by TGC participants.

tracted seats are timely sold[4] before the filing deadline.

However, in order to avoid the problems which could arise if seats which had remained unsold at the filing deadline were later allowed to be sold to members of the public, our proposal would require that the number of persons on the filed list of participants must then become the maximum number of participants who may be carried on that TGC flight.

3. In a further attempt to alleviate the demonstrated difficulties arising from the existing TGC restrictions, we also propose to eliminate the requirement of a standby list and to permit instead the assignment of an individual participant's contractual rights and obligations to members of the general public. In practice, standby lists have been utilized only rarely in securing a replacement for TGC participants. Yet, we continue to believe that TGC participants must be allowed some opportunity to be relieved from total forfeiture of their charter payments, by permitting them some limited right of assigning their seats to third persons. Since the standby lists have not proven to be a meaningful device for providing available substitutes, we have tentatively concluded to permit assignments to be made to members of the general public, without requiring that the names of such prospective substitutes be on file with the Board. Nor do we believe that this proposed revision of the limited right of assignment would alter the legal status of a TGC, as upheld by the court in *Saturn Airways* v. *C.A.B.*, 483 F. 2d 1284 (D.C. Cir. 1973). So long as no additional seats can be sold after the list of original participants has been filed, the limited right of a TGC participant to assign his seat to a third person, at any time, is completely consistent with the basic concept of the TGC as an arrangement under which a group of persons become parties to a charter contract with an air carrier to provide air transportation for themselves, sharing equally in the cost of the charter. As a party to the TGC contract, the participant's right of assignment constitutes a normal contractual right.

However, we shall continue to restrict the right of assignment by, *inter alia*, limiting the number of TGC seats which may be assigned. Indeed, since assignments would no longer be limited to persons named in a standby list, the within rule would reduce the maximum number of permissible assignments from the present 20 percent, to the proposed 15 percent, of original participants.

Should we ultimately decide to make final any or all of the proposed amendments to the TGC rule we will, at the same time, make appropriate revisions to the "truth-in-chartering statement" in Appendix A to Part 372a, so as to reflect such changes.[5]

[4] It should be noted that, under this proposal, the "maximum pro rata charter price" would continue to be 20% above the "minimum pro rata charter price," which is computed on the basis of 100% sales of contracted seats. Thus, as at present, the flight would have to be canceled if, as a result of less than 100% sales—along with the other contingencies which cause pro rata shares of the charter price to be increased, the individual participant's cost would have to exceed the prescribed maximum.

[5] It should also be noted that we are issuing, contemporaneously herewith, an amendment to Part 372a, prescribing special rules for foreign-originating TGC's (SPR–74). Some of the minimum requirements which we are there prescribing for foreign-originating TGC's (§ 372a.60(b)) reflect parallel restrictions in the existing TGC rule. To the extent that such restrictions may be relaxed by amendments ultimately adopted in the instant proceeding (*e.g.*, the within proposal to reduce the pre-departure filing deadline from 90 days to 60 days), we would appropriately revise the new rules applicable to foreign-originated TGC's so as to reflect such relaxation of parallel requirements.

PROPOSED RULE

It is proposed to amend Part 372a of the Board's Special Regulations (14 CFR 372a) as follows:

1. Amend § 372a.2, by deleting the definition of "standby list member"; substituting a definition of "original participant" for the definition of "main list participant"; and otherwise revising definitions which use such terms, the amended section to read in part as follows:

§ 372a.2 Definitions.

* * * * *

"Charter organizer" means * * *

"Charter participant" means a member of a travel group who is a party to a charter contract, either as an original participant or as an assignee of an original participant.

* * * * *

"Foreign charter organizer" means * * *

"Original participant" means a member of a travel group who has duly authorized a charter organizer to enter his name on the original participants list filed with the Board pursuant to this part.

* * * * *

"Service charge" means * * *

"Travel group" means the aggregate of original participants and assignees of original participants.

* * * * *

2. Amend paragraph (f) of § 372a.10, the amended paragraph (f) to read as follows:

§ 372a.10 Travel group charter general requirements.

* * * * *

(f) Passengers transported pursuant to the charter shall consist solely of charter participants (whose aggregate number may not exceed the number of names set forth in the filed original participants list), plus tour conductors authorized to accompany the charter participants in accordance with this part.

* * * * *

3. Amend § 372a.11 to read as follows:

§ 372a.11 Initial deposits.

Each original participant, upon executing the contract between participants and organizer shall pay at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract (or of the aggregate of the minimum pro rata charter prices specified in the contract, if there is more than one direct air carrier). This initial 25 percent deposit shall be nonrefundable to a charter participant who defaults in making any payment on the pro rata charter price subsequent to the filing of the charter contract, except as provided in §§ 372a.15(g) and 372a.18.

4. Amend § 372a.12 by revising paragraph (a) (1) and (2) and by revising paragraph (b), the amended section to read in part as follows:

§ 372a.12 Conditions precedent to contracts.

(a) * * *

(1) The number of original participants plus the number of tour conductors (which shall not exceed the maximum number permitted under this part) is equal to no less than 90 percent of the number of seats specified in the charter contract;

(2) Each original participant has paid at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract; and

* * * * *

(b) At any time prior to 90 days preceding the scheduled flight date, a participant may submit to the organizer written notice of his cancellation, regardless of cause, and he shall thereupon be entitled to receive forthwith a refund of all moneys credited to his account, without deduction or penalty of any kind.

5. Amend § 372a.13 to read in part as follows:

§ 372a.13 Assignments.

At any time during the 90-day period preceding the scheduled flight departure date, a charter participant may assign his interest in the charter, but only in accordance with the following:

(a) [Reserved]

(b) No more than 15 percent of the original participants may assign their interests.

(c) An assignment * * *

* * * * *

6. Amend paragraph (c) of § 372a.14, the amended paragraph (c) to read as follows:

§ 372a.14 Pro rata charter price; minimum, maximum, adjusted.

* * * * *

(c) The adjusted pro rata charter price shall reflect the pro rata increase resulting from the fact that the number of actual original participants is less than 100 percent of the maximum number of charter participants, or from defaults in payments by participants, refunds made to participants pursuant to § 372a.15(g), and, if the contract so provides, an increase in the total charter price to the extent permitted under § 372a.26.

* * * * *

7. Amend paragraph (a) of § 372a.15, the amended paragraph (a) to read as follows:

§ 372a.15 Full payment of charter price; refunds.

(a) No later than 60 days prior to the scheduled date of flight departure, there shall be due from each charter participant full payment of the minimum pro rata charter price, together with:

(1) full payment of the pro rata share of any increase in the total charter price, to the maximum extent permissible under § 372a.26, as embodied in a tariff which has by that time become affective, or which has been duly filed with the Board bearing an effective date no later than 60 days prior to the scheduled date of flight departure; and

(2) full payment of the pro rata share of that portion of the total charter price represented by the number of seats which remain unsold to original participants at the time the executed contract is to be filed under § 372a.22(b).

* * * * *

8. Amend § 372a.22 by revising paragraph (a)(1); and by revising paragraphs (b) and (d), the amended section to read in part as follows:

§ 372a.22 Operating authorization of charter organizer.

A charter organizer * * *

(a) No charter organizer * * *

(1) An option from the direct air carrier(s) under which the carrier(s) obligates itself for a specified period, which shall expire no later than 60 days prior to scheduled date of departure, to enter into a charter contract with the charter organizer as agent for the charter participants; *Provided, however,* That if the air transportation on the departing flight and the returning flight is to be performed by more than one direct air carrier, then there shall be a single option granted to the charter organizer by all such direct air carriers, acting jointly and severally;

* * * * *

(b) No earlier than 90 days, but no later than 60 days, prior to the scheduled date of departure, the charter organizer and the direct air carrier(s) shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, the following information, and the information required by paragraph (b)(2) hereinbelow shall be filed in the manner prescribed in paragraph (d) hereinbelow:

(1) A charter contract executed by original participants whose number is equal to at least 90 percent of the seats specified in the contract for charter participants;

(2) A list setting forth the names of original participants in alphabetical order, their addresses and telephone numbers;

(3) [Reserved]

(4) A statement of the charter organizer affirming that each listed original participant (i) has entered into a contract with the organizer as provided in this part, (ii) has paid his initial 25 percent deposit, and (iii) has been furnished, no later than the time when he entered into such contract with the organizer, with an explanatory statement, in the form set forth in Appendix A; and

(5) A statement of the depository bank, if any, affirming the amount which it has on deposit, which amount shall be equal to no less than 25 percent of the minimum pro rata charter price multiplied by the number of listed original participants.

(c) * * *

(d) CAB Form 372a, attached hereto as Appendix D, shall be used in filing the travel group charter original participants list described in paragraph (b)(2) of this section. An original and two photostatic or similarly reproduced copies (not carbons) of Form 372a, prepared in conformance with the instructions thereon, and accompanied by a self-addressed and postage-prepaid return envelope, shall be filed with the Board (Supplementary Services Division, Bureau of Operating Rights). The Board will stamp the original and two photostatic or similarly reproduced copies of Form 372a so as to verify their receipt and identify the travel group charter to which they pertain, and will return the two stamped copies for use by the direct air carrier in complying with its obligations to identify enplanning charter flight participants, note the documentary source and number, and file post-flight reports thereon, as required by § 372a.41 and 372a.50(a).

9. Amend paragraph (b) of § 372a.41, the amended paragraph (b) to read as follows:

§ 372a.41 Direct air carrier to identify enplanements.

* * * * *

(b) The direct air carrier shall, at the time of enplanement, enter, on its stamped copy of CAB Form 372a, the documentary source of the identification required by paragraph (a) of this section, including the number appearing on the document, together with the names of any enplaning passenger whose name does not already appear on said CAB Form 372a; *Provided, however,* That the total number of names on the passenger list shall not be greater than the number of names which already appeared on said CAB Form 372a (and tour conductors), and that the number of passengers (other than tour conductors) whose names are newly entered by the carrier upon enplanement shall not be greater than 15 percent of those whose names had already appeared on said form.

10. Amend paragraph (a) of § 372a.50, the amended paragraph (a) to read as follows:

§ 372a.50 Reporting requirements.

(a) Each direct air carrier shall file with the Board's Bureau of Enforcement within 7 days after performing each flight, whether departure or return, its stamped copy of CAB Form 372a prepared in conformance with the instructions thereon.

* * * * *

[FR Doc.74-6665 Filed 3-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

PENNSYLVANIA

Air Quality Implementation Plan; Notice of Public Hearings

On May 31, 1972 (37 FR 10342), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, State plans for implementation of the national ambient air quality standards. On that date, the Governor of Pennsylvania was advised that in order to complete the requirements of § 51.13, a plan demonstrating the attainment and maintenance of the national secondary standard for particulate matter for the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Air Quality Control Regions was to be submitted by July 31, 1973.

Since the State of Pennsylvania failed to submit the required plans by July 31, 1973, the Administrator, as required by section 110 of the Clean Air Act, proposed on February 22, 1974 (39 FR 6727) that the existing implementation plan for the Metropolitan Philadelphia Interstate Air Quality Control Region be approved as being adequate to attain the secondary particulate matter standard by July 1975, and that the existing plan for the Southwest Pennsylvania Intrastate Air Quality Control Region be disapproved as it relates to attainment of the secondary particulate matter standard. Concurrently, he proposed regulations to attain the secondary particulate matter standard in the Southwest Pennsylvania Intrastate Air Quality Control Region. He also proposed July 1978 as the attainment date for the secondary particulate matter standard in the Southwest Pennsylvania Intrastate Region.

This notice is issued to advise the public that two public hearings will be held on these proposals to afford interested parties an opportunity to appear and present their views and recommendations on the proposed regulations. The first hearing will be held in the William Green Federal Building, Conference Room 6306, Sixth and Arch Streets, Philadelphia, Pa. 19106 on Monday, April 22, 1974 at 10 a.m. and will deal with the plan for attainment of the national sec-

ondary particulate matter standard in the Philadelphia Interstate Air Quality Control Region. The second hearing will be held in GSA Conference Room 2214, 1000 Liberty Avenue, Pittsburgh, Pa. on Tuesday, April 30, 1974 at 10 a.m. and will deal with the plan for attainment of the national secondary particulate matter standard in the Southwest Pennsylvania Intrastate Air Quality Control Region.

Individuals and representatives of organizations wishing to be heard at these hearings are requested to furnish their name, address, telephone number, the organization represented, if any, and the approximate amount of time required to testify, in writing to the Regional Administrator, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106, not later than close of business on April 19, 1974 for the Philadelphia hearing and not later than the close of business on April 26, 1974 for the Southwest Pennsylvania hearing. Their names will be placed on the list of witnesses for the appropriate hearing. Others present at the hearings who wish to be heard may do so after those on the witness list have been called and heard.

As noted in the February 22 proposal, interested persons may also participate in this rule making by submitting written comments in triplicate to the Regional Adminisrtator. All comments relative to the plan for the Philadelphia Region received no later than April 19, 1974 will be considered. All comments relative to the plan for the Southwest Pennsylvania Region received no later than April 26, 1974 will be considered.

Copies of the proposed plan are available for public inspection during normal business hours at the Offices of the Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

Dated: March 20, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Water Programs.

[FR Doc.74-6844 Filed 3-21-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 17]

MEDICAL BENEFITS

Admission of Certain Veterans to Private and Public Hospitals

It is proposed to add paragraph (j) to § 17.50b to provide that care in private and public hospitals may be authorized for any disability of a veteran who has a total disability permanent in nature resulting from a service-connected disability.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before April 22, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed that, if adopted, the regulation will be effective the date of final approval.

§ 17.50b Use of public or private hospitals for veterans.

In § 17.50b, the period at the end of paragraph (i) is changed to ", or" and a new paragraph (j) is added to read as follows:

* * * * *

(j) *For any disability of a veteran totally and permanently disabled from a service-connected disability.* The veteran has a total disability permanent in nature resulting from a service-connected disability and has been medically determined to require hospital care or medical services for a non-service-connected condition.

Approved: March 15, 1974.

By direction of the Administrator:

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc. 74-6656 Filed 3-21-74;8:45 am]

Notices

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

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday April 2, 1974
Tuesday April 9, 1974
Tuesday April 16, 1974
Tuesday April 23, 1974
Tuesday April 30, 1974

These meetings will convene at 9:45 a.m. and will be held in Room 1E–801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92–392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463 and 5 USC 532(b) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D–281, The Pentagon, Washington, D.C.

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

MARCH 19, 1974.

[FR Doc.74–6618 Filed 3–21–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF RESEARCH ADVISORY BOARD

Establishment and Functions

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1), and section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92–463). The Secretary of the Interior has established an Outer Continental Shelf Research Advisory Board after consultation with the Office of Management and Budget, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92–463). The Office of Management and Budget Committee Management Secretariat has authorized a 7-day period in lieu of the required 30-day period between FEDERAL REGISTER publication of the Board charter, and its filing as prescribed in Section 9(c) of Public Law 92–463. This Board will advise the Assistant Secretary—Land and Water Resources, the Director of the Bureau of Land Management, and other Departmental officers in matters related to environmental baseline and monitoring studies on the Federal Outer Continental Shelf lands. The Board charter is published in its entirety below. Further information regarding this document may be obtained from Mr. Frederick N. Ferguson, Assistant Solicitor-Minerals, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, telephone (202) 343–4325.

Dated: March 20, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

CHARTER

OUTER CONTINENTAL SHELF RESEARCH MANAGEMENT ADVISORY BOARD

1. There is hereby established, pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. 1970 ed., Supp. II, App, I), an Outer Continental Shelf Research Management Advisory Board. The Board will advise officers of the Department in the performance of discretionary functions of the Department under the Outer Continental Shelf Lands Act (43 U.S.C. §§ 1331–1343) in connection with baseline environmental data gathering and environmental monitoring on the Outer Continental Shelf (OCS). The functions of the Board are solely advisory.

2. The objective of the Board is to advise the Assistant Secretary—Land and Water Resources, the Director, Bureau of Land Management (BLM) and other officers of the Department, in the design and implementation of environmental research projects related to oil and gas exploration and development on the OCS. The objectives of the OCS program are: (1) Orderly resource development, (2) protection of the environment, and (3) receipt of fair market value. This Board through its advisory efforts will assist the Bureau in meeting objectives (1) and (2). In order to fully realize its potential, it is anticipated that the Board will be required for the duration of OCS environmental baseline research and monitoring studies, a period of approximately ten years. The Board will, however, terminate on December 31, 1975, unless prior to that date it is renewed for an additional period by the Secretary of the Interior, acting within his discretion and in accordance with the provisions of section 14(a)(2) of the Federal Advisory Committee Act, supra.

3. The Board will report directly to the Assistant Secretary-Land and Water Resources. (a) The Assistant Secretary-Land and Water Resources shall, after consultation with the Assistant Secretary-Energy and Minerals and the Assistant Secretary for Fish, Wildlife and Parks, appoint an employee of the Department of the Interior as Chairman for the Board. The Assistant Secretary-Land and Water Resources shall be responsible for assuring that the Board operates within statutory and Departmental requirements for the management of advisory committees. The Director, BLM, shall provide administrative support. (b) Each of the following Departmental bureaus shall appoint one member to the Board: The Geological Survey, and the Bureau of Sport Fisheries and Wildlife. The Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration may each appoint one member. (c) At the invitation of the Secretary of the Interior, the Governor of each State off the coast of which OCS research projects are scheduled may nominate for appointment by the Secretary one member who shall represent that State on the Board. Initially the Governors of Mississippi, Alabama, and Florida will be asked to nominate Board members. As OCS research projects expand into other geographic areas the Governors of the respective States involved may be invited to nominate members for appointment to the Board. (d) Each Federal member shall serve until his resignation, the termination of the Board, or his removal by the officer appointing him. If the agency appointing a member removes that member, it may appoint another in his place. Each non-Federal member shall be appointed to serve a one-year term, but may be reappointed for additional one-year periods if the OCS area seaward of his State is still under active research.

4. (a) Subject to the limitations imposed by this Charter, the Board may establish its own procedures for the conduct of business. To facilitate the performance of the Board's functions, the Chairman may establish committees composed of members of the Board. Most scheduled meetings will be of specific committees, but the Chairman will have the latitude to invite any individual State member to any committee meeting. (b) The Board shall prepare an annual report to the Secretary on the status of ongoing environmental OCS research. This report will be made available to the public.

5. The Chief Scientists for the BLM OCS environmental research program or a person designated by him will attend all Board and committee meetings and will assist the Chairman wherever possible.

6. The Board will meet at the call of the Chairman, who shall give at least fifteen day's notice in writing. The Board is expected to meet at least bi-annually. Meetings will be conducted in accordance with statutory and Departmental requirements for advisory committees as prescribed in 308 DM 2 of the Department of the Interior Manual.

The estimated total annual operating costs of the Board are $10,000 and one man year of staff support.

7. The formation of this committee is determined to be in the public interest in connection with the performance of duties of this Department pursuant to statute as stated in paragraph 1 above. This Charter shall become effective April 1, 1974.

Dated: March 20, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

[FR Doc.74-6854 Filed 3-21-74;9:43 am]

Fish and Wildlife Service

KOFA GAME RANGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577:78 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 1 p.m. April 25 at the Yuma Civic and Convention Center, Yuma, Arizona, to be continued at 9 a.m. April 27 at the Phoenix Civic Plaza, Phoenix, Arizona on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Kofa Game Range within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Kofa Game Range, which is located in Yuma County, Arizona.

A study summary containing a map and information on the Kofa Game Range may be obtained from the Refuge Manager, Kofa Game Range, Box 1032, Yuma, Arizona 85364, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 1306, Albuquerque, New Mexico 87103.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 28, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

MARCH 19, 1974.

[FR Doc.74-6620 Filed 3-21-74;8:45 am]

PARKER RIVER NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577:78 Stat. 890-896:16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9:30 a.m. on April 25, in the YMCA Building, Newburyport, Massachusetts, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Parker River National Wildlife Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Parker River National Wildlife Refuge, which is located in Essex County, Massachusetts.

A study summary containing a map and information on the Parker River Wilderness Proposal may be obtained from the Refuge Manager, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950 or the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormick Post Office and Courthouse, Boston, Massachusetts 02109.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 28, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MARCH 1, 1974.

[FR Doc.74-6619 Filed 3-21-74;8:45 am]

Office of the Secretary

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 11, 1974.

Dated: February 11, 1974.

CHARLES A. CAMPBELL.

[FR Doc.74-6679 Filed 3-21-74;8:45 am]

[INT DES 74-32]

AUTHORIZED FRYINGPAN-ARKANSAS PROJECT, COLORADO

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water supply and hydroelectric power project for the purpose of furnishing municipal, industrial and irrigation water to the water-deficient areas of the Arkansas River Basin in eastern Colorado. Written comments may be submitted to the Regional Director (address below) on or before May 6, 1974.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-9247.
Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3014.
Office of the Regional Director, Bureau of Reclamation, Lower Missouri Region, Building 20, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3779.
Fryingpan-Arkansas Project Office, Bureau of Reclamation, P.O. Box 515, Pueblo, Colorado 81002, Telephone (303) 544-2200.
Pikes Peak Regional Library District, P.O. Box 1597, Colorado Springs, Colorado 80901.
Pitkin County Public Library, 110 East Main, Aspen, Colorado 81611.
Pueblo Regional Library, 100 East Abrieno Avenue, Pueblo, Colorado 81004 (Robert W. Roehr).
Lake County Public Library, 1115 Harrison, Leadville, Colorado 80461.
Buena Vista Public Library, Box U, Buena Vista, Colorado 81211 (Mrs. Martha Thomas).
Southern Colorado State College, 2200 Bonforte Boulevard, Pueblo, Colorado 81001 (Edward Broadhead).
Colorado Mountain College—West Campus, Learning Resources Center, 803 Colorado Avenue, Glenwood Springs, Colorado 81601.
Canon City Public Library, 512 Macon Avenue, P.O. Box 361, Canon City, Colorado 81212.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: March 18, 1974.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74-6616 Filed 3-21-74;8:45 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No Change.

(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Pacific Power & Light Co., Utah Power & Light Co., Union Pacific Corp., Portland GE Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Corp., Puget Sound Power & Lt Co., Pfizer Corp., Anaconda, Gulf Oil, AT&T Co., Sawtooth Development Co., Arizona Public Service Co., Boise

Cascade Corp., Idaho First National Bank.
(3) No Change.
(4) No Change.

This statement is made as of February 11, 1974.

Dated: February 11, 1974.

GLENN J. HALL.

[FR Doc.74-6680 Filed 3-21-74;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Sold Pacific Power & Light stock. Bought Bannister Continental and Wien Alaska Airlines.
(3) No change.
(4) No change.

This statement is made as of February 25, 1974.

Dated: February 25, 1974.

ROBERT L. HUFMAN.

[FR Doc.74-6681 Filed 3-21-74;8:45 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 8, 1974.

Dated: February 8, 1974.

DAVID G. JETER.

[FR Doc.74-6682 Filed 3-21-74;8:45 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 8, 1974.

Dated: February 8, 1974.

J. W. KEPNER.

[FR Doc.74-6683 Filed 3-21-74;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 11, 1974.

Dated: February 11, 1974.

O. A. LENTZ.

[FR Doc.74-6684 Filed 3-21-74;8:45 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 15, 1974.

Dated: February 15, 1974.

R. R. MCLAGAN.

[FR Doc.74-6685 Filed 3-21-74;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Milton Bradley. Flying Tiger.
(3) No change.
(4) No change.

This statement is made as of February 8, 1974.

Dated: February 8, 1974.

HARRY H. MOCHON, Jr.

[FR Doc.74-6686 Filed 3-21-74;8:45 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 21, 1974.

Dated: February 21, 1974.

JULIO A. NEGRONI.

[FR Doc.74-6687 Filed 3-21-74;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 12, 1974.

Dated: February 12, 1974.

WILLIAM K. PENCE.

[FR Doc.74-6688 Filed 3-21-74;8:45 am]

E. E. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) 11/8/73 purchased 20 shares Carlyle Real Estate Ltd., 12/28/73 sold 800 shares Fleetwood Enterprises, 12/28/73 sold 200 shares Honeywell.
(3) None.
(4) None.

This statement is made as of February 23, 1974.

Dated: February 15, 1974.

E. E. WALL.

[FR Doc.74-6607 Filed 3-21-74;8:45 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 11, 1974.

Dated: February 11, 1974.

C. W. WATSON,

[FR Doc.74-6689 Filed 3-21-74;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

[Case No. 455 (CP-33)]

GTI CORP.

Order Imposing Civil Penalty

In the matter of GTI Corp., 1399 Logan Avenue, Costa Mesa, Calif. 92626, Respondent.

By charging letter dated October 26, 1973, the above respondent was charged by the Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, with violations of regulations issued under the Export Administration Act of 1969, as amended. The charging letter informed the respondent that administrative proceedings were instituted against it for the purpose of obtaining an order imposing sanctions as provided in Section 388.1 of the regulations. The charging letter was duly served on respondent.

Pursuant to § 388.10 of the regulations, with the agreement of the Director of the Compliance Division, there was submitted to the Acting Hearing Commissioner a consent proposal for issuance of an order as hereinafter set forth. In said consent proposal respondent, for the purpose of this proceeding only, admitted the jurisdiction of the forum and did not contest the charges alleged in the charging letter. Respondent waived: (1) all rights to a hearing before the Hearing Commissioner; (2) all rights of administrative appeal from and judicial review of said order, and (3) all rights to request refund of any civil penalty imposed pursuant to the consent proposal.

The Acting Hearing Commissioner has considered the facts in the case and the respondent's proposal. He has approved the proposal and recommended that it be accepted. The undersigned, having considered the Acting Hearing Commissioner's report and the consent proposal, hereby makes the following:

FINDINGS OF FACT

1. Respondent GTI Corporation is a manufacturer of electronic manufacturing equipment, with a place of business, 1399 Logan Avenue, Costa Mesa, California 92626.

2. In May, 1973, respondent exported four shipments of flat pack sealers, and parts, valued at approximately $9,600, three of which were destined for France and one for Belgium.

3. In August, 1973, respondent exported 2 beaded lead boat assemblies, valued at approximately $600, and destined for the Federal Republic of Germany.

4. In September, 1973, respondent exported 1 programmable sealer, valued at approximately $12,000, and destined for the Federal Republic of Germany.

5. In September, 1973, respondent also exported 1 programmable sealer valued at approximately $12,000, and destined for Spain.

6. Each shipment was made by respondent without applying for and obtaining the required validated export license from Commerce which respondent should have known was required. By so doing respondent precluded Commerce from determining whether the ultimate consignees should be approved for receipt of the commodities involved.

7. In each said exportation the related commercial invoice to the consignee did not bear the required destination control statement.

8. In mitigation of the foregoing actions, respondent pleaded that, with repect to the first four shipments, it had difficulty in ascertaining the correct export control listings for its products, and had relied on a forwarding agent for advice; and that its then general manager had, without authorization, suddenly made the shipments because of insistent demands for delivery by the French and Belgian customers. With respect to the last three shipments respondent pleaded that its then forwarder had mistakenly thought the goods were properly exportable under general license. Respondent further pleaded that it had undertaken measures to tighten its internal procedures, to assure compliance with U.S. export controls by its employees, forwarders and other representatives.

Based on the foregoing, I have concluded that respondent: (a) violated §§ 387.4 and 387.6 of the export control regulations, by knowingly exporting United States origin commodities to France (three occasions), Belgium (one occasion), Federal Republic of Germany (two occasions) and Spain (one occasion), without having obtained the required validated export licenses from the Office of Export Administration, as required by § 372.1(b) of said regulations; (b) violated § 386 of the regulations by failure to enter an appropriate destination control statement on all copies of the commercial invoices issued in connection with each of the seven shipments.

On considering the record in the case, I hereby accept the consent proposal, and it is hereby ordered:

Pursuant to § 387.1(b) of the export regulations a civil penalty of $1400 ($200 for each of the seven shipments) is imposed on respondent for the violations set forth in the charging letter. Said sum is to be paid to the Treasurer of the United States.

Dated: March 25, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-6678 Filed 3-21-74;8:45 am]

[Case 458]

RAYMOND L. GILTAY

Order Denying Export Privileges

In the matter of Raymond L. Giltay, 66 Rue Paul Lauters, 1050, Brussels, Belgium, Respondent.

A charging letter dated November 9, 1973, was issued by the Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, against the above respondent, alleging violations of the Export Administration Act of 1969 and regulations issued thereunder.

In substance, it is alleged that on May 30, 1969, respondent, through the firm Unimetal, of Brussels, Belgium, of which respondent was then general manager, reexported from Belgium to Switzerland certain strategic oscilloscopes and spectrum analyzers, of U.S. origin, without U.S. authorization, and with knowledge that such reexports were contrary to the U.S. export control law and regulations.

The charging letter was served on respondent and he answered on December 5, 1973, orally informing the American Embassy at Brussels that the charge is true; that he did not intend to answer in writing or request an oral hearing; and that he has been punished by Belgian authorities for the same reexports, which constituted violations of Belgian as well as U.S. law.

The Acting Hearing Commissioner held an informal hearing on February 28, 1974, at which evidence bearing on the charges was presented by the Compliance Division.

The Acting Hearing Commissioner after considering the evidence, reported his findings of fact and conclusion that violations had occurred, and he recommended that the sanction hereafter set forth be imposed.

After considering the evidence, I adopt the Acting Hearing Commissioner's findings of fact, as follows:

Finding of fact. 1. Respondent Giltay, in 1968 and 1969, was general manager of Unimetal, a trading enterprise doing business in Brussels, Belgium.

2. In May 1969, Giltay, through Unimetal, bought 6 strategic oscilloscopes and strategic spectrum analyzers, costing in the aggregate about $75,000. These instruments were of U.S. origin, and had been licensed by Commerce for export to Belgium, as ultimate destination.

3. By destination warning notices affixed to the commercial invoices covering these instruments Giltay and Unimetal were informed that the instruments "cannot be exported from Belgium without the authorization of the U.S."

4. Giltay and Unimetal, notwithstanding said notification, on May 30, 1969, reshipped the oscilloscopes and analyzers to Switzerland.

5. In February 1972, a Belgian court judgment was issued, imposing a substantial fine against Giltay, and subjecting him to four months' imprisonment, for violations of Belgian law arising in connection with reexport of said oscilloscopes and analyzers to Switzerland without Belgian export licenses.

6. The firm Unimetal appears to have been dissolved late in 1969, on account of the death of its then owner.

7. Respondent Giltay's admission of the violations of U.S. export controls in the aforesaid May 30, 1969 reexports, is corroborated by the published findings of the Belgian Court.

Based on the foregoing findings, I have concluded that respondent violated §§ 387.4 and 387.6 of the export control regulations by reexporting from Belgium to Switzerland, strategic U.S. origin electronic instruments, without prior U.S. authorization, as required by § 374.1 of said regulations.

Now, after considering the record in the case and the report and recommendation of the Hearing Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law,

It is ordered, That:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondent, for the duration of U.S. export controls, is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transactions involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining, or using, of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his representatives, agents, and employees, and also to any person, firm, corporation, or other business organization, with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility or other connection in the conduct of trade or services connected therewith.

IV. During the time when the respondent or other parties within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other parties denied export privileges within the scope of this order, or whereby the respondent or such other parties may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other parties denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on March 22, 1974.

Dated: March 22, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-6345 Filed 3-21-74;8:45 am]

Domestic and International Business Administration

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Semiconductor Technical Advisory Committee of the U.S. Department of Commerce will meet on Thursday, March 28, 1974, at 9:30 a.m. in Conference Room A of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Review of work program.
4. Executive Session:
   a. Discussion of paper on foreign availability.
   b. Review and commentary on prior work.
   c. Discussion of integrated circuits.
   d. Problems related to export of technology.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (4), "Executive session," the Assistant Secretary of Commerce for Administration, on December 20, 1973, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provision of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: March 19, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-6636 Filed 3-21-74;8:45 am]

Maritime Administration

[Docket No. S-412]

AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc., has applied for permission to call vessels operating on its Line D (U.S. Atlantic/Far East) Service on Trade Route No. 12 at U.S. Gulf ports. This application does not involve an increase in the number of sailings to be made on the U.S. Atlantic/Far East service but requests authority to serve U.S. Gulf ports (Key West, Florida-Brownsville, Texas) on the sailings presently authorized; namely, a minimum of 20 and a maximum of 30 sailings per annum. The applicant is presently authorized to serve U.S. Atlantic ports only.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to Section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on April 8, 1974, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so whether the service already provided by vessels of United States registry in such essential service is inadequate,

and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that the petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: March 8, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-6724 Filed 3-21-74;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN ECONOMIC ASSOCIATION

Notice of Public Meeting

The Census Advisory Committee of the American Economic Association will convene on April 11, 1974 at 7:45 p.m. at the National Economist's Club, 1236 20th Street, NW., Washington, DC, and on April 12, 1974 at 9:15 a.m. in Room 2113, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association was established in 1960 to advise the Director, Bureau of the Census, on technical matters, level of accuracy, and conceptual problems.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the April 11 meeting, which will adjourn at 9:30 p.m., is a general review of topics of current interest including staff changes, program development, and program plans for FY 1975 and future years.

The agenda for the April 12 meeting is: (1) Uses of census data; (2) Leased department stores, department store sales, and the use of administrative records; (3) Improving the quality and scope of household income data; (4) Improvements to the Value Put in Place series; (5) Proposed changes to the County Business Patterns Program; and (6) The Census Bureau and the energy shortage.

A limited number of seats will be available to the public. A brief period will be set aside for public comment and questions at the April 12 meeting. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning these meetings should contact the Committee Guidance and Control Officer, Mr. James Turbitt, Associate Director for Economic Operations, Bureau of the Census, Room 2061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5274.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.74-6673 Filed 3-21-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463. 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	April 1 and 2, 9 a.m., Room 1409, FB-8, 200 C St. SW, Washington, D.C.	Open April 1, 9 a.m. to 10 a.m., closed April 1 after 10 am.., closed April 2. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, or sleep aid drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Obstetrical and Gynecology Devices.	April 1 and 2, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open April 1, 9:30 a.m. to 10:30 a.m., closed Aprill after 10:30 a.m., closed April 2. Lillian Yin, Ph. D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use.

Agenda. Open session: Comments and presentations by interested persons; round table discussion of obstetrical and gynecology monitoring devices. Closed session: Review and classification of the following categories of obstetrical and gynecology devices; surgical devices, diagnostic devices, therapeutic devices, and prostheses.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	April 2 and 3, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open April 2, 9 a.m. to 12 noon, closed April 2 after 12 noon, closed April 3. Jack Gertzog (HFB-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of viral vaccines and rickettsial vaccines and combinations thereof; reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of live, attenuated virus, inactivated virus, or killed inactivated rickettsial microorganisms, used either singly or in combination, to prevent a variety of specific infectious diseases in man caused by viral or rickettsial microorganisms.

Agenda. Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continued review of products in this category.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Dentifrices and Dental Care Agents.	April 3 and 4, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 3, 9 a.m. to 11 a.m., closed April 3 after 11 a.m., closed April 4, Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

Agenda. Open session: Comments and presentations by interested persons and presentation by Dr. Elizabeth Weisburger on the oral carcinogenicity of phenol and other phenolic substances. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
5. National Advisory Drug Committee.	April 3 and 4, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—John Jennings, M.D., Room 14-82 (HFM-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-433-4124.

Purpose. Reviews and evaluates agency programs and provides advice and guidance to the Commissioner of Food and Drugs on policy matters of national sig-

nificance relating to FDA's statutory mission in the area of drugs.

Agenda. Continuation of consideration of drug information for prescription and over-the-counter drugs.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drugs.	April 5 and 6, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 5, 9 a.m. to 10 a.m., closed April 5 after 10 a.m., closed April 6. John T. McElroy (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, emetic, and antiemetic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of the safety and efficacy of laxative, antidiarrheal, emetic, and antiemetic drug products.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	April 8 and 9, 11 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Closed April 8, 11 a.m. to 1:30 p.m., open April 8, 1:30 p.m. to 3 p.m., closed April 9. Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription vitamin, mineral, and hematinic drug products, and the adequacy of their labeling.

Agenda. Closed session: Discussion of safety and efficacy of ingredients in submissions. Open session: Presentation by industries on vitamins, in regard to shelf-life, sources, stability and bioavailability.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Bacterial Vaccines and Toxoids.	April 8 and 9, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Closed April 8 open April 9, 9 a.m. to 12 noon, closed April 9, after 12 noon. Jack Gertzog (HFB-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and toxoids with standards of potency.

Agenda. Closed session: Continuing review of products in this category. Open session: Previous minutes, communications received, and comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Ophthalmic Drugs.	April 9 and 10, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 9, 9 a.m. to 10 a.m., closed April 9 after 10 a.m., closed April 10. John T. McElroy, (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for ophthalmic application.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of safety and efficacy of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Topical Analgesics.	April 10 and 11, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 10, 9 a.m. to 10 a.m., closed April 10 after 10 a.m., closed April 11. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesic agents, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Gastroenterological-Urological Devices.	April 22, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Thomas L. Anderson, M.D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of gastroenterology and urological devices currently in use.

Agenda. Open session: Discussion of sterilization of endoscopes and comments and presentations by interested persons. Discussion of the classification scheme, as revised, from the posture of goals to be attained. Closed session: Review and classification of various classes of gastroenterological-urological devices.

Committee name	Date, time, place	Type of meeting and contact person
12. Science Advisory Board of the National Center for Toxicological Research.	April 22 and 23, 8 a.m., National Center for Toxicological Research, Jefferson, Ark.	Open-A. K. Davis, Ph.D. Bldg. 13, Room 43, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-536-4528.

Purpose. Advises the Director, National Center for Toxicological Research, in establishing and implementing a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities. Provides the extra-agency review in assuring that research programs and methodology development are scientifically sound and pertinent to environmental problems.

Agenda. Review and discussion of subcommittee organization and operation; report on progress of current program and porposed new programs; overview of research strategy for chronic toxicity, teratogensis, and mutagenesis; and subcommittee meetings and tour of facilities.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Oral Cavity Drug Products.	April 23, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. John T. McElroy, (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing oral hygiene drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of the safety and efficacy of the oral cavity drug products.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in

action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: March 18, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-6649 Filed 3-21-74;8:45 am]

Office of Education

EMERGENCY SCHOOL AID

Notice of Closing Date for Receipt of Applications

The Commissioner of Education hereby gives notice that pursuant to Title VII of Pub. L. 92-318, the Emergency School Aid Act, applications are being accepted from local educational agencies which have developed eligible plans as described in § 185.11 subsequent to December 10, 1973, which plans are being, or are to be, implemented during or prior to the 1974-75 academic year, and which have not submitted applications based on such plans for assistance under the Act for the project period July 1, 1974 through June 30, 1975, for special project grants under section 708(a) of the Act (45 CFR § 185.91(b) of the implementing regulations.

Applications for assistance must be received on or before April 30, 1974, and must be in the form of basic grant applications under section 706(a) of the Act. Such applications should be submitted to U.S. Office of Education, Application Control Center, 7th & D Streets SW, ROB-3, Room 5673, Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW, Washington, D.C. 20202, Attention: 13.525 and 13.532).

Receipt procedure. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

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

Project periods. Funds will be awarded for authorized activities commencing no earlier than July 1, 1974, and terminating no later than June 30, 1975.

Applicable regulations. Awards will be subject to 45 CFR Part 185, as such part appeared in the FEDERAL REGISTER on February 6, 1973 (38 FR 3450). Awards under section 708(a) will be subject to the amendments to 45 CFR Part 185 as such amendments appeared in the FEDERAL REGISTER on April 24, 1973 (38 FR 10092) and on August 10, 1973 (38 FR 21646). Awards under all sections of the Act shall be subject to such amendments to 45 CFR Part 185 as may be made in the future. Awards under all sections of the Act as described above are subject to the Office of Education General Provisions of 45 CFR Part 100 as published in

the FEDERAL REGISTER, November 6, 1973 (38 FR 30654).

Dated: March 18, 1974.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Programs Nos. 13.525 Emergency School Aid—Basic Grants and 13.532 Emergency School Aid—Special Projects)
(29 U.S.C. 1609(a))

[FR Doc.74-6654 Filed 3-21-74;8:45 am]

HEALTH AND NUTRITION PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 808, Title VIII, of the Elementary and Secondary Education Act (20 U.S.C. 887a) applications are being accepted from local educational agencies for grants for demonstration projects to improve school nutrition and health services for children from low-income families, which were commenced under grant awards made in previous fiscal years. Applications must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education Application Control Center, 400 Maryland Avenue SW., Washington, D.C., 20202, Attention: 13.523), on or before April 24, 1974. A notice of closing date for applications for new projects for Fiscal Year 1974 is being published separately in the FEDERAL REGISTER.

The general fiscal and administrative provisions published in the FEDERAL REGISTER, 38 FR 30654, November 6, 1973, are applicable to these grants. Amounts available to fund applications invited under this notice include, in addition to fiscal year 1974 funds, funds made available under P.L. 92-334 which were unallotted in fiscal year 1973 and were allotted in January of this year.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service post-mark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

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

Information and application forms may be obtained from the Office for Health and Nutrition Programs, 400 Maryland Avenue SW., Washington, D.C. 20202.

(20 U.S.C. 887a)

Dated: March 18, 1974.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.523, School Health and Nutrition Services for Children from Low-Income Families)

[FR Doc.74-6776 Filed 3-21-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Proposed Issuance of Authority To Operate Using Mixed Oxide Fuel

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-29 and changes to the Technical Specifications which would authorize the Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company (the applicants) to operate the Quad-Cities Nuclear Power Station, Unit 1 using a partial loading of five 7 x 7 fuel assemblies containing mixed plutonium and uranium oxide. The applicants are presently licensed to possess and operate their facility located in Rock Island County, Illinois, at power levels up to 2511 MWt using a full core of 7 x 7 fuel (containing U-235).

The Commission will consider the issuance of the subject actions upon: (1) The completion of a favorable Safety Evaluation on the application by the Commission's Directorate of Licensing; (2) findings by the Commission that (a) the application complies with the requirement of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I, (b) there is reasonable assurance that the reactor can be operated in accordance with the license, as amended, without endangering the health and safety of the public and that such activities will be conducted in compliance with the rules and regulations of the Commission, and (c) the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

On or before April 22, 1974, the applicant may file a request for a hearing with respect to issuance of an amendment to the subject facility operating license, and change to the Technical Specifications, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by April 22, 1974. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to these issuances see the (1) application by Commonwealth Edison dated February 28, 1974, including supplements issued prior to the application dated December 14, 1973, and June 15, 1973, and (2) the proposed amendment to the facility license for Facility Operating License No. DPR-29, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Moline Public Library at 504 17th Street in Moline, Illinois 61265. When the Safety Evaluation report by the Directorate of Licensing on the application becomes available, it may be inspected

at the above locations and a single copy of each may be obtained.

Single copies of item (2) above and when available, the Safety Evaluation may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 18th day of March 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-6677 Filed 3-21-74;8:45 am]

[Dockets Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Proposed Issuance of Changes to Technical Specifications of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of changes to the Technical Specifications of Facility Operating Licenses Nos. DPR-29 and DPR-30 which would authorize the Commonwealth Edison Company and Iowa-Illinois Gas & Electric Co. (the applicant) to operate the Quad-Cities Nuclear Power Station, Unit 1 using a partial loading of 8 x 8 fuel (containing U-235), and one 7 x 7 fuel assembly containing segmented test rods, and would also authorize changes to the limiting conditions for operation associated with fuel densification for the 8 x 8 and 7 x 7 fuels. The applicant is presently licensed to possess and operate the Quad-Cities Nuclear Power Station Units 1 and 2, located in Rock Island County, Illinois, each at power levels up to 2511 MWt using a full core of 7 x 7 fuel (containing U-235).

The Commission will consider the issuance of the subject changes to the Technical Specification upon: (1) The completion of a favorable Safety Evaluation on the application by the Commission's Directorate of Licensing and (2) a finding by the Commission that the application for the change complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. The generic aspects of the 8 x 8 reload assemblies have been discussed with the Advisory Committee on Reactor Safeguards and a letter has been issued by the Advisory Committee on Reactor Safeguards dated February 12, 1974. The Directorate of Licensing has issued a "Technical Report on the General Electric Company 8 x 8 Fuel Assembly" dated February 5, 1974.

On or before April 22, 1974, the applicant may file a request for a hearing with respect to issuance of changes to the Technical Specifications of the subject facility operating license, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by April 22, 1974. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details, see the (1) applications by Commonwealth Edison dated February 8, 1974, February 28, 1974, including supplements issued prior to the application dated January 28, 1974, and February 7, 1974, (2) "Technical Report on the General Electric Company 8 x 8 Fuel Assembly" dated February 5, 1974, by the Directorate of Licensing, (3) Report NEDO-20103—"General Design Information for General Electric Boiling Water Reactor Reload Fuel Commencing in Spring 1974", and (4) the Advisory Committee on Reactor Safeguard's letter of February 12, 1974, "Report on General Electric 8 x 8 Fuel Design for Reload Use", which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Moline Public Library at 504 17th Street in Moline, Illinois 61265. As the Safety Evaluation report to be prepared by the Directorate of Licensing on the application becomes available, it may be inspected at the above locations and a copy may be obtained.

Single copies of item (2) above and, when available, the Safety Evaluation may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 18th day of March 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-6669 Filed 3-21-74;8:45 am]

NOTE.—Atomic Energy Commission continued on page 10949.

CIVIL AERONAUTICS BOARD

[Docket 23080-2; Order No. 74-3-84]

DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Regarding Priority and Nonpriority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March, 1974.

By Order 74-1-89,[1] the Board established temporary domestic service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pick-up and delivery charges to be effective from March 28, 1973, until the conclusion of the investigation in this docket. This order also made several technical changes to the tentative findings and conclusions in the proposed rate order,[2] including, inter alia, the prescription of temporary rates and charges for FT-B and FT-C type containers. Exceptions to the order were permitted limited to these changes.

Seaboard World Airlines, Inc. (Seaboard), in a timely filed exception, states that, while the order established rates and charges for the FT-B container, it did not refer to the standard Type B container employed by Seaboard, although the two containers are similar. Seaboard therefore requests that the Board "clarify" its order so as to indicate that the minimum chargeable weight and pick-up and delivery charges prescribed for the FT-B container were meant to apply also to the Type B container.

The Type B container was included in the rate petition filed by Seaboard in this docket and was inadvertently omitted from our temporary rate order. We shall therefore amend the order to correct this

[1] January 16, 1974.
[2] Order 73-8-145, August 30, 1973.

oversight. Contrary to Seaboard's position, however, application of the FT–B pivot weight to the B container was not intended. Nor are we persuaded that these container types so closely resemble each other as to warrant a common pivot weight; on the contrary, although the two receptacles are approximately the same length and width, the B container has considerably less carrying capacity and should reflect a correspondingly lower minimum chargeable weight. Based on available cubic capacity, therefore, a pivot weight of 2600 pounds appears more reasonable for the B container than the 2800-pound weight applicable to the FT–B, and it shall be so prescribed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That:

1. Subparagraphs (e) and (g) of Ordering paragraph 3 of Order 74–1–89, January 16, 1974, be and they hereby are amended as follows:

(a) In subparagraph (e), "B" and "2600" are inserted in the columns headed "Container Type" and "Minimum Charge Weight" after the terms "LD–3/FT–C" and "2000," respectively;

(b) In subparagraph (g), "FT–B" is changed to "FT–B and B" in the column headed "Container Type."

2. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–6672 Filed 3–21–74;8:45 am]

[Docket Nos. 26047–26048; 26096–26100; Order 74–3–48]

VARIOUS CARRIERS

Order Denying Petitions for Reconsideration Regarding Domestic Passenger-Fare Increases

In FR Doc. 74–5923 appearing at page 9856 of the issue for Thursday, March 14, 1974, the sixteenth through eighteenth lines of the second full paragraph on page 9857 which were out of order should read as follows: "clearly erroneous as a cursory reading of Order 73–11–93 will reveal, and accordingly form no basis for a reversal of that".

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee will convene at 11 a.m. on March 30, 1974, in the Buffalo Room, Los Angeles Hilton Hotel, 930 West Wilshire Boulevard, Los Angeles, California 90017.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purposes of this meeting shall be (1) to discuss the status of the Asian American report entitled "Asian American/A Case of Mistaken Identity" and (2) to discuss future activities to be undertaken by the California SAC.

This meeting shall be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 19, 1974.

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

[FR Doc.74–6674 Filed 3–21–74;8:45 am]

COLORADO STATE ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 707) notice is hereby given that the Colorado State Advisory Committee to the U.S. Commission on Civil Rights will meet in a closed session at 9 a.m., Saturday, March 30, 1974, in the Cedar Room, Albany Hotel, 1720 Stout Street, Denver, Colorado 80202.

The agenda will consist of discussions leading to recommendations on proposed revisions to the draft of the Colorado Prison Preliminary report.

I have determined that this meeting would fall within Exemption (5) of 5 U.S.C. 522(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on March 30, 1974.

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

[FR Doc.74–6675 Filed 3–21–74;8:45 am]

CONNECTICUT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut State Advisory Committee will convene at 7:30 p.m. on March 27, 1974, at the Holiday Inn, 900 Main Street, Meriden, Connecticut 06450.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, Federal Building, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to finalize plans for a forthcoming Conference on Revenue Sharing which is tentatively scheduled to be held on April 6, 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 18, 1974.

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

[FR Doc.74–6676 Filed 3–21–74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

SHOCK, FIRE, AND OTHER HAZARDS FROM TELEVISION RECEIVERS

Notice of Public Hearing

Notice is given that a public hearing will be held on April 23 and 24, 1974, at 9:30 a.m. in the General Services Administration Auditorium, 18th & F Streets NW., Washington, D.C., to discuss television receiver safety with emphasis on shock and fire hazards. (For brevity, "television receiver" is referred to in this notice as "TV set" or "TV".)

The hearing will be held pursuant to section 27(a) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1227; 15 U.S.C. 2076 (a)).

From June 1973 through February 1974, the Commission received a number of potentially hazardous condition reports from TV set manufacturers relating to shock and fire hazards. The Commission has also received reports from consumers of shock and fire accidents that appear to stem from TV sets. Summaries and tabulations of these reports are set forth below.

The volume of the reports and the seriousness of the injuries reported indicate to the Commission that consumers may be subjected to unreasonable risks of injury associated with TV sets and that sufficient data have been received to commence the process of developing a consumer product safety standard pursuant to section 7(b) of the act (15 U.S.C. 2056(b)).

Before determining the scope (and as an aid to that determination) of the FEDERAL REGISTER notice, to be published pursuant to section 7(b) of the act, inviting interested persons to submit an existing standard or to offer to develop a proposed consumer product safety standard for acceptance, the Commission desires to receive the views of the public regarding the potential hazards from TV sets and/or the possible relationship between the potential hazards and TV de-

sign, construction, materials technology, and similar factors.

Although the hearing is intended to emphasize fires and shocks related to TV sets, information pertaining to all aspects of TV set safety may be submitted (with the exception of radiation hazards which are regulated by the Food and Drug Administration pursuant to the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602, 82 Stat. 1173–86; 47 U.S.C. 263b–n)). For example, information pertaining to TV tube implosions and explosions and TV ancillary equipment such as antennas would be welcome.

Manufacturers of TV sets and components are requested to submit information on one or more of the following topics. Consumers and consumer groups are invited to submit information on these topics and any other topic related to TV safety. Such information need not be of a technical nature but may include personal use experiences.

1. *TV-related accident data.* In particular, each TV manufacturer is requested to submit all accident reports collected since the 1969 hearings held by the National Commission on Product Safety. If present data recording procedures differ from the method proposed in the 1969 "Electronics Industry Association Ad Hoc Engineering Report on Television Fires," which was submitted to the National Commission on Product Safety, place indicate the procedures used.

2. *Current, future-planned, and suggested TV-related safety standards.* Data are requested on (a) standards currently used in industry; (b) those planned for the near future, including effective dates; and (c) those suggested for future use. In particular, each TV manufacturer is requested to indicate the implementation status of each safety standard improvement recommendation set forth in the 1969 "Electronics Industry Association Ad Hoc Engineering Report on Television Fires."

3. *Quality control and quality assurance plans.* Data are requested on present, future-planned, and suggested techniques for controlling and assuring safety-related TV quality.

4. *Service technicians.* Data are requested on present and future-planned qualification requirements for TV service technicians.

5. *Improvement plans for presently used TV sets.* Data related to reducing the incidence of fire and shock for existing TV sets are requested.

6. *Specific technical areas.* Information on accident data, standards, etc., pertaining to the following specific manufacturing trends and design techniques are requested:

a. Techniques for protection against overheating.

b. Trends toward direct AC to DC chassis design.

c. Trends toward use of compact portable TV sets and TV sets with thermoplastic enclosures.

d. Design and manufacturing techniques for minimizing dielectric stress on chassis components.

Representatives of the following companies which participated in the hearings of the National Commission on Product Safety and/or the development of the 1969 "Electronics Industry Association Ad Hoc Engineering Report on Television Fires" are invited to attend:

Admiral Corp., Chicago, Ill.
Ajax Condenser Corp., Chicago, Ill.
Allen-Bradley, Milwaukee, Wis.
Arvin Corp., Columbus, Ind.
Belden Corp., Chicago, Ill.
Centralab Electronics Division, Globe-Union, Milwaukee, Wis.
Corning Glass Works, Charleroi, Pa.
Emerson Corp., Greenwich, Conn.
General Electric Co., Portsmouth, Va.
Hitachi, Long Island, N.Y.
Magnavox Co., Fort Wayne, Ind.
Mallory Controls Co., Frankfort, Ind.
Michigan Chemical Co., Detroit, Mich.
Motorola, Inc., Franklin Park, Ill.
Packard Bell Electronics, Los Angeles, Calif.
Paktron Division of Illinois Toolworks, Inc., Alexandria, Va.
Panasonic (Matsushita Electric Corp. of America), New York, N.Y.
Philco-Ford Corp., Blue Bell, Pa.
RCA Corp., Indianapolis, Ind.
Sears, Roebuck & Co., Chicago, Ill.
Sharp, Paramus, N.J.
Sony Corp. of America, Long Island, N.Y.
Sylvania Electric Products, Inc., Batavia, N.Y.
Toshiba of America, Chicago, Ill.
Warwick Electronics, Inc., Chicago, Ill.
Wells-Gardner, Chicago, Ill.
Westinghouse Corp., Elmira, N.Y.
Zenith Radio Corp., Chicago, Ill.

The hearing will be conducted by a member or representative of the Commission and transcribed by a stenographer. Persons will have an opportunity to present their statements. Witnesses will not be cross-examined by other participants.

Interested persons are encouraged to attend and may do so by writing or calling Mr. Harvey Tzuker, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 496–7197. Those who wish to make a formal presentation are requested to submit by April 16, 1974, a copy or outline of their presentation and the amount of time requested therefor.

Persons unable to attend the hearing who wish to present written comments for the Commission's consideration are invited to do so. Written comments should be accompanied by a summary of not more than 250 words. All comments should be received by close of business April 16, 1974.

In the event that the space available for the meeting cannot accommodate all who wish to attend, admission will be determined according to the date on which requests for attendance were received.

The following are the summaries and tabulations of TV fire and shock data as mentioned above in the third paragraph of this notice:

I. *Product defect reports received from TV set manufacturers.* Pursuant to section 15(b) of the act, potentially hazardous conditions were reported as follows (as of March 5, 1974):

Date received	Manufacturer	Potential hazard
June 18, 1973	RCA Corp.	Shock.
July 13, 1973	Philco-Ford Corp.	Fire.
Sept. 10, 1973	Admiral Corp.	Shock.
Sept. 13, 1973	Zenith Radio Corp.	Fire.
Oct. 13, 1973	Montgomery Ward & Co.	Shock.
Dec. 3, 1973	Packard Bell Electronics.	Do.
Jan. 11, 1974	Philco-Ford Corp.	Fire.
Feb. 21, 1974	Matsushita Electric Corp. (Panasonic).	Do.
Feb. 28, 1974	Curtis-Mathes Corp.	Do.

II. *Field survey by the Commission.* On September 7, 1973, the Consumer Product Safety Commission initiated a survey through its 14 area offices located throughout the United States to sample the number of on-file TV-related fire reports documented within a 1-year period by at least three municipalities within each area office's jurisdiction.

The number of home TV-related fires reported as occurring from September 1, 1972, through August 31, 1973, is 916. The estimated population for the areas from which reports were received is 21,700,000. Although only on-file fire report information was requested, one municipality's submission indicated that its report of 279 fires is an estimate.

Three TV-related fires resulted in serious injury that required hospitalization or resulted in death. Five individuals were involved in these fires. The extent of physical injury in the three fires is as follows:

A. Two individuals sustained minor smoke inhalation in one fire.

B. One death and one hospitalization resulted from one fire.

C. One individual sustained burns and smoke inhalation in one fire.

III. *Data obtained from the National Electronic Injury Surveillance System (NEISS).* Through NEISS, there were compiled 681 TV-related accidents during the fiscal year FY–73 (July 1, 1972, to June 30, 1973) and 359 during the first half of FY–74 (July 1, 1973, to December 1, 1973). The majority of these accidents resulted in injuries such as abrasions, amputations, concussions, contusions, dislocations, fractures, lacerations, punctures, and sprains or strains.

IV. *Accident reports compiled by the Commission—A. Summary.* The Consumer Product Safety Commission has compiled 35 TV-related accident reports pertaining to fires, shocks, and explosions that have come to the Commission's attention by various means such as consumer injury reports, news articles, and reports of hospital emergency room cases. The 35 reports were compiled from January 1 through December 7, 1973. The following is a breakdown of the accidents, injuries, and deaths involved in the 35 reports:

Accidents

Fires	25
Smoking only (no fire)	5
Shocks	3
Explosion	1

Explosion-fire	1
Total	35

Injuries

Cases of smoke inhalation	3
Cases of burns requiring hospitalization	6
Case of shock requiring emergency room treatment	1
Total	10

Deaths

Accumulated from three TV-related fire reports	14
Electrocutions	2
Total	16

B. *Tabulation.* The following is a detailed tabulation of the 35 reports summarized in IV–A above:

Report date or accident date	Location	TV receiver description	Accident classification	Number and type of injuries	Number of deaths
January 1973	Summit, N.J.	19-inch color TV	Fire	None	0
Jan. 24, 1973	Margate, N.J.	Color TV-stereo combination.	do	do	0
Jan. 30, 1973	Washington State	Color TV	do	do	0
Feb. 5, 1973	Chicago, Ill.	TV	do	One case of smoke inhalation requiring hospitalization.	0
Feb. 10, 1973	Burns, Oreg.	Color TV	do	One case of burns requiring 4-week hospitalization.	0
Apr. 8, 1973	Birmingham, Ala.	TV	do	One case of burns requiring hospitalization.	0
Apr. 12, 1973	Buffalo, N.Y.	TV	do	do	0
Apr. 24, 1973	Washington State	TV	do	None	0
May 1973	Roslindale, Mass.	16-inch color portable TV.	do	do	0
June 13, 1973	Washington State	Color console TV	do	do	0
June 23, 1973	Roseland, N.J.	19-inch color TV	do	do	4
June 29, 1973	South Dakota	23-inch color TV	Fire-explosion.	do	0
July 6, 1973	Washington State	Color TV	Smoking	do	0
July 22, 1973	San Francisco, Calif.	23-inch color TV	Fire	do	0
July 23, 1973	Culpeper, Va.	25-inch color console TV.	Shock	do	1
July 27, 1973	Montana	Color portable TV	Fire	do	0
August 1973	New Jersey	Color TV	Smoke	do	0
Aug. 4, 1973	Kaysville, Utah	TV	Shock	One case of shock	0
Aug. 14, 1973	Fort Lee, N.J.	Color portable TV	Fire	One case of smoke inhalation	0
Aug. 15, 1973	New York, N.Y.	19-inch color portable TV.	do	none	0
Aug. 25, 1973	North Cauldwell, N.J.	18- or 19-inch color TV.	do	do	7
Aug. 31, 1973	Pittsburgh, Pa.	19-inch black and white portable TV.	Smoking	do	0
Sept. 3, 1973	Illinois	17-inch black and white TV.	Shock	do	1
Sept. 5, 1973	Hazlet, N.J.	23-inch color TV	Fire	Three cases of burns requiring hospitalization.	0
Sept. 15, 1973	Silver Spring, Md.	19-inch color TV	do	One case of smoke inhalation	0
Do	Missouri	18-inch color portable TV.	do	None	0
Sept. 18, 1973	Illinois	Color console TV	do	do	0
Do	Unknown	18-inch color portable TV.	do	do	0
Do	Washington State	Color TV	do	do	0
Sept. 26, 1973	Colorado	19-inch black and white portable TV.	Smoke	do	0
Sept. 29, 1973	Washington State	TV	Fire	do	0
September 1973.	New Jersey	Color TV	Explosion	do	0
Oct. 9, 1973	New Brunswick, N.J.	25-inch color console TV.	Smoke	do	0
Oct. 10, 1973	Denver, Colo.	Color console TV	Fire	do	0
Oct. 22, 1973	Washington State	Color portable TV	do	do	0

V. *Consumer complaint letters received by the Commission*—A. *Summary.* As of December 7, 1973, the Consumer Product Safety Commission responded to 27 consumer complaint letters on TV-related accidents. The following is a breakdown of the 27 letters' subject matter and types of injuries reported:

Subject matter: 15 fires, 7 insufficient and miscellaneous subject matter, two explosion-fires, two picture tube breakages, and one smoking only (no fire).

Types of injuries: Three cases of burns (total requiring hospitalization unknown), three hospitalizations (injury unknown), one case of lung damage requiring hospitalization.

B. *Tabulation.* The following is a detailed tabulation of the 27 consumer complaint letters summarized in V–A above:

Report date or accident date	Location	TV receiver description	Accident classification	Number and type of injuries	Number of deaths
Feb. 20, 1973	Florida	18-inch color portable TV.	Fire	None	0
June 23, 1973	Kansas City, Mo.	TV	Malfunction (ozone from TV).	One case of lung damage requiring hospitalization.	0
June 25, 1973	Lubbock, Tex.	TV	Picture tube breakage.	(1)	(1)
July 12, 1973	Brooklyn, N.Y.	TV	Fire	Two cases of burns	0
July 16, 1973	Long Beach, N.J.	Two different TV receivers.	do	One case of burns requiring hospitalization.	0
Aug. 22, 1973	Bloomsburg, Pa.	Color TV	Explosion-fire	None	0
Sept. 4, 1973	Westport, Conn.	Color TV	Fire	do	0
Sept. 5, 1973	Belleville, N.J.	TV	Malfunction (on-off switch failure).	do	0
Sept. 7, 1973	Matawan, N.J.	Color portable TV	Fire (partially melted cabinet).	do	0
Sept. 11, 1973	Sioux City, Iowa.	TV	Fire	(1)	(1)
Sept. 14, 1973	New Orleans, La.	19-inch color TV	Malfunction (high voltage arcing).	None	0
Do	Old Town, Maine.	Color TV	Fire	do	0
Sept. 16, 1973	Saskatoon, Canada.	Console TV	Malfunction (abnormal heating and cracking noise).	do	0
Sept. 18, 1973	Clearwater, Fla.	25-inch color console TV.	Fire	do	0
Do	Grand Blanc, Mich.	TV	do	do	0
Do	Hazlet, N.J.	19-inch color TV	do	Three hospitalized (type of injury not given).	0
Sept. 20, 1973	Rochester, N.Y.	do	Malfunction (repetitive critical component failure).	None	0
Sept. 22, 1973	Midland, Mich.	do	Fire	do	0
Sept. 24, 1973	Baton Rouge, La.	Color TV	Explosion-fire	do	0
Oct. 1, 1973	New York, N.Y.	do	Malfunction (abnormal heating and cracking noise).	do	0
Oct. 8, 1973	Bloomington, Ill.	do	Smoking	do	0
Oct. 12, 1973	San Jose, Calif.	Not available	Unsafe advertising	do	0
Oct. 17, 1973	Mount Vernon, N.Y.	TV	Picture tube breakage.	do	0
Oct. 24, 1973	Montrose, Pa.	Color TV	Fire	do	0
Oct. 31, 1973	Chevy Chase, Md.	do	do	do	0
Nov. 5, 1973	Newark, N.J.	do	do	(1)	(1)
Nov. 13, 1973	do	25-inch TV	Malfunction (unspecified).	None	0

[1] Not given.

NOTE.—Regarding the information summarized and tabulated in paragraphs IV and V above, TV receiver-related data appearing from one source may appear in whole or in part from one or more of the other sources; therefore, obtaining an accurate overall total of injuries and deaths identified by all sources is not possible.

Dated: March 18, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-6475 Filed 3-21-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENT

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from March 11 through March 15, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (May 6, 1974).

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute of Washington, D.C.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250 (202) 447-3965.

FOREST SERVICE

Draft

Cohutta Mountains, Chattahoochee N.F., Georgia and Tennessee, March 14: The statement refers to a proposed management plan for the 49,500 acre Cohutta Mountains Unit of the Chattahoochee National Forest. Under the plan, 34,500 acres would be designated for wildland management, and the remaining 10,900 acres would be managed for a variety of resource outputs. Commercial timber harvest will average 500,000 board feet per year; requiring seven miles of new, low standard roads (50 pages). (ELR Order No. 40400.)

Spruce Budworm Suppression, Lake County, Minnesota, March 12: Proposed is the treatment of 3,500 acres of forest land within the Finland State Forest, in order to prevent or minimize further spruce-budworm caused tree mortality and reduce high budworm populations until logging operations are able to remove the mature timber. The insecticide mexacarbate (Zectran R) will be applied aerially, in conjunction with continuing salvage operations. Some nontarget areas will be adversely affected (69 pages). (ELR Order No. 40392.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545 (301) 973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545 (301) 973-7373.

Final

Alvin W. Vogtle Nuclear Plant, Georgia, March 13: The statement refers to the proposed issuance of a construction permit to the Georgia Power Company. Each of the Plant's two units will use a pressurized reactor to produce 3,425 MWt, from which 1,100 MWe will be generated. Future output levels of 3,579 MWt and 1,159 MWe are anticipated. Cooling will be by natural draft towers, with water being drawn from the Savannah River at a consumptive rate of 14,930 gpm per unit. Construction of the Plant, a railroad spur, and transmission lines will require 13,916 acres. About 0.03% of the State's timber acreage will be removed for transmission line construction. Potentially significant archeological sites will be affected (390 pages). Comments made by: USDA, DOC, HEW, HUD, DOI, DOT, and State agencies. (ELR Order No. 40397.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202) 693-7168.

Draft

Upper Mississippi River Navigation Channel, Iowa, Minnesota, and Wisconsin, March 12: The statement refers to the proposed operation and maintenance functions necessary to provide 9-foot channel depths for commercial navigation on the Mississippi River from the head of navigation at Minneapolis to Guttenberg, Iowa, a distance of 242.5 river miles. The action consists of operation and maintenance of 13 locks and dams, and channel dredging and disposal. The major adverse impact of the project is its negative effects on fish and wildlife (St. Paul District) (2 Volumes). (ELR Order No. 40394.)

Final

Closure of Academy Creek Brunswick Harbor, Georgia, March 12: The statement refers to the construction of a closure dam across Academy Creek, a canal connecting the upper reaches of Academy Creek with the upper reaches of East River and a dike along the east side of Academy Creek. The project will cause the destruction of 7 to 8 acres of marsh and the elimination of the benthic community in the immediate area of the Academy Creek Closure dam. There will be an increase in water turbidy (Savannah District) (69 pages) (33 pages). Comments made by: EPA, DOI, DOC, State and local agencies. (ELR Order No. 40391.)

Weymouth Landing Local Protection, Norfolk County, Massachusetts, March 11: The proposal is for a flood protection project, which would consist of a concrete dam, 1,200 feet of 96 inch pressure pipe and a 230 foot long arch conduit, and 1,000 feet of channel works. Some hardwood trees and other vegetation will be lost to the project (37 pages). Comments made by: EPA, DOI, State and local agencies. (ELR Order No. 40386.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft

Water supply, Berlin, Coos County, New Hampshire, March 13: Proposed are water system improvements for the city of Berlin, the town of Gorham, and the town of Milan. Included are a two-million gallon 1 day intake, water filtration and pumping plant, and connection to and expansion of the existing distribution system. The project will assist in the development of an adjacent industrial park. (151 pages). (ELR Order No. 40396.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240 (202) 343-3891.

BONNEVILLE POWER ADMINISTRATION

Draft

Lowell Substation, Lane County, Oregon, March 11: Proposed is the construction of a new substation and tapline near the town of Lowell. Between 4 and 11 acres will be committed to the project site. Adverse impact will include the removal of some timber and grazing land; construction disruption; siltation in nearby streams; and some degradation of AM reception immediately adjacent to the right-of-way (24 pages). (ELR Order No. 40374.)

Ashe-Hanford Transmission Line, Benton County, Washington, March 11: Proposed is the construction of a 17.8 mile 500 kV single circuit line from BPA's Ashe Substation to the existing Hanford Switching Station. Right-of-way easements will be required on a total of 612 acres of grasslands (44 pages). (ELR Order No. 40372.)

Sappho Substation, Clallam County, Washington, March 11: Proposed is the construction of a new substation near the town of Sappho. Construction of the facility and an access road will result in some disturbance to game; loss of some timberland: siltation in nearby streams; and some degradation of AM reception immediately adjacent to the right-of-way (24 pages). (ELR Order No. 40373.)

Mt. Pleasant Substation, Skamania County, Washington, March 11: Proposed is the construction of a new substation and tapline to serve the electrical needs of the Mt. Pleasant area. The station will occupy a site of between 3.2 and 4.2 acres. Adverse impacts of the project will include the removal of timberland; disturbance to game; construction disruption; and degradation of AM reception immediately adjacent to right-of-way (25 pages). (ELR Order No. 40375.)

Stevenson Substation, Skamania County, Washington, March 11: The statement, a supplement to BPA's FY 1975 Program, refers to the proposed construction of a substation at Stevenson, and a connection to the existing Underwood 115kV tap. There will be some construction disruption, disturbance to wildlife, and degradation of AM reception immediately adjacent to the transmission right-of-way (22 pages). (ELR Order No. 40377.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Proposed Aleutian Islands Wilderness, Alaska, March 12: Proposed is the legislative designation of 1,395,357 acres of the Aleutian Islands National Wildlife Refuge as wilderness within the National Wilderness Preservation System. Possible long-term adverse impact could result from the denial of resource development and commercialization, and limitations to access (111 pages). (ELR Order No. 40389.)

NATIONAL PARK SERVICE

Final

Many Glacier System, Glacier National Park, Montana, March 11: The proposal is for the construction of a replacement sewerage system, including a treatment facility, at the Many Glacier Region of the Park. Adverse impacts will include those of aesthetic intrusion and odor (82 pages). Comments made by: USDA, DOI, HEW, EPA, and State agencies. (ELR Order No. 40380.)

Jackson Hole Airport, Grand Teton N.P., Wyoming, March 11: The statement refers to actions under consideration related to the Jackson Hole Airport within Grand Teton National Park. Modifications include strengthening of an existing 6,305 foot runway, constructing a parallel 6,305 foot taxiway, additional car parking, an improved access road, and a new sewage system. Interrelated FAA projects include an instrument landing system, lighting, and an air traffic control tower. There will also be a transportation study to determine the long range needs of the region. Adverse impacts include the visual intrusion of proposed developments, construction disturbance, and excavation of a 4.3 acre borrow pit within the park. Comments made by: USDA, DOI, DOT, HUD, DOC, EPA, State and local agencies, and concerned citizens. (ELR Order No. 40387.)

Draft

Master Plan, Pinnacles National Monument, Monterey County, California, March 11: Proposed is a master plan for the management of the Pinnacles National Monument. The plan recommends measures to insure preservation of the resources of Pinnacles for public appreciation and for scientific research. These measures include the acquisition of land for preservation of wildlife species and relocation of visitor facilities; the conversion of all facilities to day use; and the installation of a visitor shuttle system for use during heavy visitation periods. (ELR Order No. 40379.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590 (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

SR 8, Sequatchie County to Warren County, Sequatchie, Van Buren, and Warren Counties, Tennessee, March 11: The statement refers to the improvement of State Route 8 beginning at the junction of SR 8 and SR 111 in Sequatchie County and extending in a NW direction from 15.5 miles reaching its terminus at the Collins River Bridge in Warren County. The major adverse effects of the project are the loss of between 160 and 190 acres of wildlife habitat and some pasture and tree nursey lands along the project right-of-way (55 pages). (ELR Order No. 40384.)

Final

U.S. 14, Dodge and Olmstead Counties, Minnesota, March 12: The statement refers to the proposed reconstruction of 7 miles of U.S.T.H. 14 on new location as a four lane divided facility. The project includes a 0.4 mile extension of T.H. 57 in Kasson between existing T.H. 14 and the new location. Four families and one business will be displaced, and 313 acres of agricultural land will be committed to right-of-way (88 pages). Comments made by: USDA, EPA, COF, DOT, and State agencies. (ELR Order No. 40390.)

Hastings-Grand Island Expressway, Adams, Hall, and Hamilton Counties, Nebraska, March 14: The statement refers to the proposed improvements to the Hastings-Grand Island Expressway which is located in the counties of Hall, Adams, Merrick and Hamilton. The primary objective is to provide an expressway type facility commencing one mile south of Hastings and proceeding northward to the vicinity of Grand Island. Adverse impacts include acquisition of land, relocation of wildlife and possible water pollution during construction. The number of displacements, the amount of land needed for right-of-way, and the exact number of miles in the project are not clearly stated in this final (64 pages). Comments made by: EPA, HUD, DOI, USDA, COE, and State agencies. (ELR Order No. 40399.)

The following environmental impact statements were also received during the week of March 11 to March 15, 1974, and the commenting period for them begins with this FEDERAL REGISTER notice of public availability. Full summaries of these statements will appear in the Council's next FEDERAL REGISTER notice.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Draft

Elk Summit Unit, Clearwater N.F., Idaho County, Idaho, March 11.

Timber Management Plan, Deschutes N.F., several counties, Oregon, March 11.

Aquatic Weed Control, Apache N.F., Arizona, March 14.

Laurel Fork Unit, G. Washington and Monongahela N.F.'s, Virginia and West Virginia, March 11.

Final

Skalkaho—Gird Unit, Bitterroot N.F., Ravalli County, Montana, March 11.

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Purvis Generating Plant, Mississippi, March 11.

DEPARTMENT OF THE INTERIOR

BONNEVILLE POWER ADMINISTRATION

Draft

San Juan Island Transmission, San Juan County, Washington, March 11.

DEPARTMENT OF TRANSPORTATION

U.S. 14, Beadle County, South Dakota, March 12.

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-6652 Filed 3-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/28]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This polic yprovides that EPA

will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street SW., Washington, D.C. 20460.

Within 60 days following the date of publication of this notice, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA Reg. No. 8590–19. Agway Inc., Fertilizer—Chemical Division, Box 1333, Syracuse, New York 13201. *Thiodan 50W*. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3 - benzodioxathiepin oxide) 50.0 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 3658–UG. The Dolphin Paint & Chemical Company, 922 Locust Street, Toledo, Ohio 43603. *9131 Blue Vinyl Antifouling Bottom Paint*. Active Ingredients: Cuprous Oxide 55.0 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5736–38. DuBois Chemicals, Division of Chemed Corporation, 3630 E. Kemper Road, Sharonville, Ohio 45241. *Deep Crystal Cooling Tower Clean-up Procedure*. Active Ingredients: Sodium dichloro-s-triazinetrione 100 percent (available chlorine 63 percent). *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA Reg. No. 279–1445 AA. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Kolodust Captan 50–10 Dust*. Active Ingredients: Captan 10.00 percent; Sulphur 42.00 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–2791. FMC Corporation, Niagara Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Furadan 2 Granules Insecticide*. Active Ingredients: Carbofuran 2.0 percent. *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA Reg. No. 279–2792. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Furadan 3 Granules Insecticide*. Active Ingredients: Carbofuran 3.00 percent. *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA File Symbol 410–IN. Franklin Laboratories Inc., P.O. Box 22335, Denver, Colorado 80222. *Franklin Louse-Fly Killer*. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00 percent. *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA File Symbol 8477–G. Lexington Mill & Elevator Co., P.O. Box 568, Lexington, Nebraska 68850. *David Harum 30 Percent Grass Supplement Medicated 1148*. Active Ingredients: Phenothiazine 0.88 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 6020–O. Mom Chemical Co., Inc., 7775 NW. 66 Street, Miami, Florida 33166. *Die Residual Insecticide*. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.120 percent, Related compounds 0.016 percent; Aromatic petroleum hydrocarbons 0.159 percent; IPA Alcohol 0.164 percent; O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.316 percent; Petroleum distillate 99.225 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 6020–T. Mom Chemical Co., Inc., 7775 NW. 66 Street, Miami, Florida 33166. *Safety Kill 1*. Active Ingredients: Petroleum Oil 99.28 percent; Technical Piperonyl Butoxide 0.60 percent; Pyrethrins 0.12 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 6020–I. Mom Chemical Co., Inc., 7775 NW. 66 Street, Miami, Florida 33166. *Double Strength Die Residual Insecticide*. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.240 percent; Related compounds 0.032 percent; Aromatic petroleum hydrocarbons 0.318 percent; IPA Alcohol 0.328 percent; O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500 percent; Petroleum Distillate 98.582 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 6020–RN. Mom Chemical Co., Inc., 7775 NW. 66 Street, Miami, Florida 33166. *Safety Kill Double Strength*. Active Ingredients: Petroleum Oil 98.56 percent; Technical Piperonyl Butoxide 1.20 percent; Pyrethrins 0.24 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 25708–T. Shield Aerosol Company of California, 5165 G Street, Chino, California 91710. *Shield Rose and Floral Spray Residual*. Active Ingredients: Pyrethrins 0.025 percent; Piperonyl Butoxide, Technical 0.256 percent; Rotenone 0.128 percent; Other Cube Extractives Folpet; N-(Trichloromethylthio phthalimide 0.700 percent; Carbaryl; 1-naphthyl N-methylcarbamate 1.000 percent; Petroleum Distillate 0.025 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 9265–E. Tek Chemical, 3805 N. Mississippi, Portland, Oregon 97217. *Tek H–600*. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750 percent; Dioctyl Dimethyl Ammonium Chloride 1.875 percent; Didecyl Dimethyl Ammonium Chloride 1.875 percent; Alkyl (C14 50 percent, C12 40 percent, C16 10 percent) Benzyl Dimethyl Ammonium Chloride 5.000 percent; Tetrasodium Ethylenediamine Tetraacetate 3.420 percent; Isopropyl Alcohol 3.000 percent; Ethyl Alcohol 1.000 percent. *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA File Symbol 682–IG. Woods Industries, Inc., DBA Crop King Chemical, Box 1016, Yakima, Washington 98907. *Zinc Phosphide Liquid Base*. Active Ingredients: Zinc Phosphide 33.0 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

Dated: March 15, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–6589 Filed 3–21–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19660; RM–690]

RCA GLOBAL COMMUNICATIONS, INC.

Order Deferring Time for Filing Comments

In the matter of International Record Carriers' Scope of Operations in the Continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act.

1. By Memorandum Opinion and Order in the above-captioned matter released November 26, 1973, 43 F.C.C. 2d 1174, we instituted an investigation into the international formula. That order directed parties to submit by January 25, 1974, statements of fact and memorandums of law with respect to the issues designated for investigation. By orders released January 25, 1974, February 15, 1974, and March 5, 1974, the Chief, Common Carrier Bureau extended the time for submission of these statements. The time for filing the above comments is presently fixed at March 18, 1974.

2. The extensions were granted pending discussions among the parties on the need and method for developing data on unrouted traffic distributed under the formula destined to countries where one carrier is entitled under the formula to all unrouted traffic (referred to as an "exclusive point"). There is a dispute among the parties as to whether the issues designated for investigation herein require postponement of the date on which to file comments until such time as such study can be made.

3. The Commission presently has before it letters, all dated March 11, 1974, from ITT World Communications, Inc., TRT Telecommunications Corp., Western Union International, Inc., and RCA Global Communications, Inc. which ask the Commission to determine whether the study is a prerequisite to answering the designated issues and to set a date certain on which the comments should be filed.

4. The Commission will not be able to resolve the above dispute and allow the parties time to frame their comments before the present March 18, 1974 date. Further, it is not feasible to set a new time for the filing of comments until the Commission acts on the dispute. Therefore, we will defer the filing time until such time as the Commission has acted, and a new date is specified.

Accordingly, *It is ordered*, Pursuant to § 0.303(c) of the Commission's rules, That the time for the parties to submit their comments in this proceeding is deferred, until the Commission has acted to resolve the pending matter referred to above.

It is further ordered, That a new date for filing of the comments will be set by subsequent Order.

Adopted: March 15, 1974.

Released: March 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] KELLEY E. GRIFFITH,
Acting Chief,
Common Carrier Bureau.

[FR Doc.74-6663 Filed 3-21-74;8:45 am]

FEDERAL MARITIME COMMISSION

FAR EAST DISCUSSION AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 11, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Secretary
Agreement No. 9981
417 Montgomery Street
San Francisco, California 94104

Agreement No. 9981-2, entered into by 25 U.S. and foreign flag common carriers by water comprising member lines of the Far East Discussion Agreement, is an application for an extension of the authority conferred under the terms and conditions of said agreement for a period of one year beyond the present expiration date of June 20, 1974.

Dated: March 19, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6726 Filed 3-21-74;8:45 am]

TED I. UWAHORI, ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Ted I. Uwahori
1930 West 154th Street
Gardena, California 90249

Joseph Mejido d/b/a
Marco Polo Shipping Agency
10111 S.W. 21st Terrace
Miami, Florida 33165

Joseph F. Cacici d/b/a
Seaschart
P.O. Box 406
Englewood, New Jersey 07636

The Weicker Transfer & Storage Company
2900 Brighton Blvd.
Denver, Colorado 80216

OFFICERS

Hubert Work, President
R. G. Dameron, Jr., Vice President
D. A. Ramsay, Managing Director
V. P. Curnow, Vice President
Joseph Lampert, Vice President
Wm. Goick, Secretary/Treasurer
J. W. Amberg, Controller

Dated: March 19, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6727 Filed 3-21-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Change in Rates

MARCH 15, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin) on February 26, 1974 tendered for filing Seventh Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. Algonquin requests an effective date of April 6, 1974 for said sheet.

Algonquin states the adjustment is filed pursuant to the Purchased Gas Cost Adjustment Provision, section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. Algonquin states the adjustment reflects an increase in purchased gas costs to be paid to its supplier.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6639 Filed 3-21-74;8:45 am]

[Docket No. CI74-463]

AMOCO PRODUCTION CO.

Notice of Application

MARCH 15, 1974.

Take notice that on March 1, 1974, Amoco Production Company (Applicant), Security Life Building, Denver, Colorado 80202, filed in Docket No. CI74-463 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation (CIG), from the Deadman Wash Field, Sweetwater County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to CIG for two years from the subject acreage all the gas which Applicant may have available for sale and delivery to CIG up to 4,000,000 Mcf and which CIG may desire to purchase and receive from Applicant within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes further to sell said gas volumes, estimated to be 50,000 Mcf per month, to CIG at 40.0 cents per Mcf at 14.65 psia the first year and 41.0 cents per Mcf at 14.65 psia the second year, subject to upward and downward Btu adjustment. Initial upward Btu adjustment is estimated to be 2.4 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed

with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6623 Filed 3-21-74;8:45 am]

[Project No. 271]

ARKANSAS POWER & LIGHT CO.

Application for Change in Land Rights

MARCH 15, 1974.

Public notice is hereby given that application for change in land rights was filed on March 7, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Arkansas Power and Light Company (Correspondence to: Mr. Edward B. Dillon, Jr., House, Holmes & Jewell, Tower Building, Little Rock, Arkansas 72201; Copies to: Messrs. Peyton G. Bowman, III, and Brian J. McManus, Reid & Priest, 1701 K Street, NW., Washington, D.C. 20006), for its constructed Project No. 271, known as the Carpenter and Remmel Project, located on the Ouachita River in Garland and Hot Spring Counties, Arkansas. The project affects navigable waters and lands of the United States and lands within the Ouachita National Forest. The instant application involves lands wholly within Garland County, Arkansas.

Applicant proposes to grant an easement to the City of Hot Springs, Arkansas, upon which an effluent discharge pipe would be laid from the City's proposed tertiary sewage treatment plant to a point 173 feet into Lake Catherine, a project reservoir, approximately ¾ mile below Carpenter Dam.

On October 27, 1972, Environmental Protection Agency Region VI issued a final environmental impact statement on the proposed plant, which would be funded by an EPA grant. The Statement discussed impact of the plant and various discharge alternatives; the plant would replace three other plants currently in use. An application for an effluent discharge permit pursuant to section 402 of the Federal Water Pollution Control Act Amendments of 1972 is presently pending before EPA Region VI.

According to the application, approval of the proposed easement would not interfere with the recreational use of the Project.

Any person desiring to be heard or to make protest with reference to said application should on or before April 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6637 Filed 3-21-74;8:45 am]

[Docket No. CI74-489]

BELCO PETROLEUM CORP., AGENT

Notice of Application

MARCH 15, 1974.

Take notice that on March 6, 1974, Belco Petroleum Corporation, Agent (Applicant), 630 Third Avenue, New York, New York 10017, filed in Docket No. CI74-489 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from Section 30, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on September 12, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 18 months from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 5,000 Mcf of gas per day to El Paso at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Applicant states that the proposed sale was the subject of its withdrawn application filed in Docket No. CI73-892.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6626 Filed 3-21-74;8:45 am]

[Docket No. CP73-329]

CHATTANOOGA GAS CO.

Proposed Change in Rates

MARCH 15, 1974.

Take notice that Chattanooga Gas Company (CGC) on March 8, 1974 tendered for filing Second Revised Sheet No. 5 and Second Revised Sheet No. 6 to its FPC Gas Tariff, Original Volume No. 1. CGC requests an effective date of April 6, 1974 for said sheets.

CGC states the purpose of these revised sheets is to adjust its LNG rates pursuant to the PGA provision in section 5 of the General Terms and Conditions. CGC states the revised sheets reflect a current increase in the LNG rates of 1.7 cents per MMBTU and a cumulative increase of 10.4 cents per MMBTU. According to CGC, the revised sheets are based on a rate increase by Southern Natural Gas Company.

CGC states that notice of this filing have been mailed to all its jurisdiction customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or

before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6644 Filed 3-21-74;8:45 am]

[Docket No. CI74-494]

COQUINA OIL CORP.

Notice of Application

MARCH 18, 1974.

Take notice that on March 8, 1974, Coquina Oil Corporation (Applicant), Building of the Southwest, Midland, Texas 79701, filed in Docket No. CI74-494 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas to Warren Petroleum Corporation (Warren) from the Drinkard Pool, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon a percentage-type sale of gas to Warren from the Drinkard Pool. Applicant states that as gas from oil wells Applicant's production is dedicated to Warren and as gas from gas wells the production is dedicated to El Paso Natural Gas Company under a contract dated March 1, 1974. Applicant further states that it requests this authorization because the New Mexico Oil Conservation Commission on March 1, 1974, reclassified the subject wells from "oil wells" to "gas wells" and, therefore, El Paso is contractually entitled to the gas therefrom. Applicant indicates that Warren after processing the casinghead gas received from Applicant, sold the residue gas to El Paso. Applicant indicates further that Warren concurs in the abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6622 Filed 3-21-74;8:45 am]

[Docket No. CI74-462]

EXXON CORP.

Notice of Application

MARCH 15, 1974.

Take notice that on March 4, 1974, Exxon Corporation (Applicant), P.O. Box 2180, Houston, Texas 77001, filed in Docket No. CI74-462 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Conroe Field, Montgomery County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to United from the subject acreage up to 17,000 Mcf of gas per day for a term extending to August 1, 1974, at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment with an estimated initial upward adjustment of 0.035 cent per Mcf, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated monthly sales are 420,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6625 Filed 3-21-74;8:45 am]

[Docket No. RP74-50-1—RP74-50-4]

FLORIDA GAS TRANSMISSION CO., ET AL.

Order Granting Motion, Amending Prior Order, Consolidating Proceedings, and Permitting Interventions

MARCH 15, 1974.

On March 8, 1974, Florida Gas Transmission Company (Florida Gas) filed a motion for consolidation of the proceedings in Docket Nos. RP74-50-1 through RP74-50-3, which involves petitions for extraordinary relief from curtailment procedures of Florida Gas Transmission Company (Florida Gas), with the pending proceeding in Docket No. RP74-50-4 in which Gardinier, Inc. (Gardinier) filed a petition for extraordinary relief on February 27, 1974.[1]

By its order issued February 19, 1974, in Docket Nos. RP74-50-1, *et al.*, the Commission set for hearing the issue of whether or not extraordinary relief should be granted to the three petitioners in those proceedings. As indicated, the Docket No. RP74-50-4 proceeding concerns an additional request for emergency relief from Florida Gas.

In its motion, Florida Gas alleges that: (1) the issues raised by Gardinier's petition in Docket No. RP74-50-4 for extraordinary relief are substantially the same as those involved in the three prior petitions listed above for such relief from Florida Gas' curtailment program, (2) the requested consolidation would result in a single hearing and would conserve the time and resources of all the parties involved, and (3) no petitioner or intervenor in any of these proceedings objects to the proposed consolidation or postponement of the scheduled dates for filing direct testimony and for hearing to April 2, 1974, and April 16, 1974, respectively, in the consolidated proceeding.

On March 4, 1974, a joint petition for leave to intervene out of time in Docket Nos. RP74-50-1 through RP74-50-3 was

[1] Gardinier, Inc.'s petition for temporary relief will be the subject of a separate order.

filed by the Cities of Fort Pierce, Gainesville, Homestead, Kissimmee, Lakeland, Sebring, Starke, and Tallahassee, Florida (Cities). Cities allege that they purchase substantial volumes of natural gas directly from Florida Gas and were not apprised of the Commission's consolidation order of February 19, 1974, until several days subsequent to its issuance. They request the Commission to allow them to file testimony on dates to be set by the Presiding Administrative Law Judge after an opportunity to evaluate the various requests for special exemption.

The petition by Gardinier for extraordinary relief contains questions of law and fact that are similar to those involved in the petitions placed in a consolidated hearing by our order issued in Docket Nos. RP74–50–1, *et al.*, on February 19, 1974. Accordingly, we will consolidate that petition into the consolidated hearing heretofore established for purposes of hearing and decision. The public interest clearly justifies departing from the procedural network of our February 19, 1974 order for purposes of accommodating the consolidation of these interrelated proceedings.

Insofar as the request for intervention out of time by Cities is concerned, we shall permit them to intervene in this consolidated proceeding, but require that they file testimony pursuant to our revised schedule herein since direct testimony by all other parties will be filed at that time.

The Commission finds:

(1) Good cause exists to grant the motion filed by Florida Gas on March 8, 1974, to consolidate the proceedings in Docket Nos. RP74–50–1, RP74–50–2, RP74–50–3, and RP74–50–4 for purposes of hearing and decision.

(2) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) The motion to consolidate filed by Florida Gas on March 8, 1974, is hereby granted, as hereinafter ordered.

(B) The proceedings in Docket Nos. RP74–50–1, RP74–50–2, RP74–50–3, and RP74–50–4 are hereby consolidated for purposes of hearing and decision.

(C) On or before April 2, 1974, Gardinier and all parties supporting or opposing Gardinier's request shall serve with the Commission and upon all parties to the proceeding, including Commission Staff, their testimony and exhibits in support of their position regarding it as well as the other three requests herein.

(D) The hearing for cross-examination purposes set for March 19, 1974, by Ordering Paragraphs (C) and (E) of the Commission's order issued February 19, 1974, in Docket Nos. RP74–50–1, *et al.*, is hereby postponed until April 16, 1974.

(E) In all other respects, the Commission's order of February 19, 1974, remains in full force and effect.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided,* however, that the participation of such intervernors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretray.

[FR Doc.74-6647 Filed 3-21-74;8:45 am]

[Docket No. CI74–464]

HARVEY BROYLES

Notice of Application

MARCH 15, 1974.

Take notice that on March 1, 1974, Harvey Broyles (Applicant), P.O. Box 1511, Shreveport, Louisiana 71165, filed in Docket No. CI74–464 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from the Bear Creek Field, Bienville Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized in Docket No. CI73–470 to sell natural gas to Southern from the Bear Creek Field at 35.0 cents per Mcf for one year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) and proposes herein to continue said sale at 45.0 cents per Mcf at 15.025 psia. Estimated sales are 2,000 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6628 Filed 3-21-74;8:45 am]

[Docket No. ID–1551]

J. E. HOBBS

Notice of Application

MARCH 15, 1974.

Take notice that on March 7, 1974, J. E. Hobbs (Applicant), filed a supplemental application pursuant to section 305(b) of the Federal Power Act, seeking authority to hold the following positions:

Director, Delmarva Power and Light Company of Maryland, Public Utility.
Director, Delmarva Power and Light Company of Virginia, Public Utility.

By Commission order dated June 10, 1968, Applicant was authorized to hold the following positions:

Vice President, Delmarva Power and Light Company of Maryland, Public Utility.
Vice President, Delmarva Power and Light Company of Virginia, Public Utility.

Delmarva Power and Light Company of Maryland is engaged in the generation, transmission and distribution of electric energy within the nine counties comprising the so-called "Eastern Shore of Maryland." Company also owns and operates transmission lines connecting with similar transmission lines of Delmarva Power and Light Company and Delmarva Power and Light Company of Virginia.

Delmarva Power and Light Company of Virginia is engaged in the generation, transmission and distribution of electrical energy in Accomack and North Hampton Counties, comprising the so-called "Eastern Shore of Virginia." Company also owns and operates transmission lines connecting with similar transmission lines of Delmarva Power and Light Company of Maryland.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with

the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6629 Filed 3-21-74;8:45 am]

[Docket No. CI74-491]

MARATHON OIL CO.

Notice of Application

MARCH 15, 1974.

Take notice that on March 8, 1974, Marathon Oil Company (Applicant), 539 South Main Street, Findlay, Ohio 45841, filed in Docket No. CI74-491 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Company from the West Wilburton-Arkoma Area, Pittsburg County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 1, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 180-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 7,500 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6627 Filed 3-21-74;8:45 am]

[Docket Nos. E-8394 and E-8439]

METROPOLITAN EDISON CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 15, 1974.

On February 28, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by Order issued December 7, 1973, in the above-designated matter. The motion states all parties had been contacted and none had any objection to the motion except Kutztown which reserved the right to file a response.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Service of testimony by Staff, April 26, 1974.

Service of testimony by interveners, May 6, 1974.

Prehearing conference, May 14, 1974 (10 a.m., e.d.t.).

Service of Rebuttal by Company, May 28, 1974.

Hearing, June 4, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6631 Filed 3-21-74; 8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Change in Rates

MARCH 15, 1974.

Take notice that Mississippi River Transmission Corp. (MRT) on March 1, 1974 tendered for filing Seventeenth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1. MRT requests that the said Sheet be given an effective date of April 6, 1974.

MRT states that the change in rates is made pursuant to the purchase gas cost adjustment provisions of MRT's Gas Tariff. MRT's states that this change reflects rate changes applicable to MRT by both Natural Gas Pipeline Company of America and by United Gas Pipe Line Co. and by a deferred cost adjustment of MRT. MRT further states that copies of its filing were served on MRT's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

MRT also submitted Alternate Seventeenth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1. MRT states this reflects United Gas Pipe Line Company's rate filing as originally filed and suspended. MRT requests that in the event United's original rate change is approved Alternate Seventeenth Revised Sheet No. 3A be made effective on April 6, 1974 instead of Seventeenth Revised Sheet No. 3A.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6640 Filed 3-21-74;8:45 am]

[Docket No. RP73-63]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend Authorization

MARCH 15, 1974.

Take notice that on March 4, 1974, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed a petition to amend the order establishing a revolving exploration and development fund issued in Docket No. RP73-63 on August 3, 1973. Natural states that the amendment of the order is necessary to remove certain restrictions having to do with the provisions of Natural's mortgage, which restrictions have impeded the full implementation of the revolving exploration and development fund program.

The Petition to Amend, as more fully set forth therein, requests permission for Natural to transfer to NAPECO Inc., a wholly owned subsidiary, all revenues derived from the repricing of Natural's existing gas producing properties which was previously authorized in this docket. Natural further states that NAPECO Inc. will conduct the revolving exploration and development fund program, and any gas found will be sold to Natural for sale and delivery to its customers. NAPECO Inc., as well as Natural, will be subject to all the provisions of the order issued in RP73-63 on August 3, 1973.

Copies of the Petition to Amend were served on all parties to the proceeding in Docket No. RP73-63.

Any person desiring to be heard or to make any protest with reference to said Petition to Amend should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the ap-

propriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6638 Filed 3-21-74;8:45 am]

[Docket No. E-8421]

NORTHEAST UTILITIES

Changes in Term

MARCH 18, 1974.

Take notice that on February 11, 1973, Northeast Utilities tendered for filing an amendment to their Northfield Mountain Purchase Agreement (Agreement) between Northeast Utilities and the Public Service Company of New Hampshire (PSCNH). This amendment would delay by one week the time when the purchaser (PSCNH) may commence to receive service under the Agreement from 7 a.m. on Monday, October 29, 1973, to November 5, 1973. According to Northeast Utilities, the purpose of this change is to permit the purchaser to reduce his overall entitlement in the Northfield Project during the period October 29, 1973, to November 5, 1973. Northeast Utilities states that PSCNH's approval of the change has been received.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6642 Filed 3-21-74;8:45 am]

[Docket No. RP74-44]

OKLAHOMA NATURAL GAS GATHERING CORP.

Amendment To Rate Filing

MARCH 15, 1974.

Take notice that on March 7, 1974, Oklahoma Natural Gas Gathering Corp. (Gathering Corp.), tendered for filing in this docket revised copies of Substitute Revised Sheet No. 59 to correct what Gathering Corp. alleges is a typographical error. Gathering Corp. states that there is no change in the substance of its filing and that the change permits a continuity of the sentence which began on Original Sheet No. 58 and continues into Revised Sheet No. 59 and also permits continuity of the sentence commencing on Sheet No. 59 and concluding on the top of Sheet No. 60. The company requests an April 6, 1974 effective date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6641 Filed 3-21-74;8:45 am]

[Docket No. RP73-111]

PACIFIC GAS TRANSMISSION CO.

Extension of Time and Postponement of Hearing

MARCH 15, 1974.

On March 11, 1974, Pacific Gas Transmission Co. filed a motion for an extension of time and for continuance of the procedural dates fixed by order issued March 5, 1974 in the above-designated matter, or in the alternative, for leave to present additional evidence after the date of hearing. On March 12, 1974, Staff Counsel filed an answer opposing the request for an extension of the procedural dates and also the request to submit additional evidence after the date of hearing.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony and exhibits, April 17, 1974.
Hearing, April 30, 1974 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-6630 Filed 3-21-74;8:45 am]

[Docket No. E-8653]

SOUTHERN INDIANA GAS AND ELECTRIC CO.

Notice of Cancellation

MARCH 15, 1974.

Take notice that on February 26, 1974 Southern Indiana Gas and Electric Co. (SIG) tendered for filing a cancellation of its FPC Rate Schedule No. 7, filed August 31, 1964, and Supplement 4, filed April 1, 1967, with respect to the sale of wholesale power to the town of New Harmony, Indiana (New Harmony). The effective date of the said cancellation is February 26, 1974.

SIG states the cancellation is by mutual agreement of SIG and New Harmony and is not to be replaced or superseded by a new schedule. New Harmony sold its electric utility plant and distribution system to SIG on February 26, 1974. By an order of the Indiana Public Service Commission dated January 4, 1974 in Cause No. 33543, SIG has been authorized to effect its rates, rules and regulations applicable to electric service in the area formerly served by New Harmony.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6643 Filed 3-21-74;8:45 am]

[Docket No. CP74-229]

TEXAS EASTERN TRANSMISSION CORP. AND CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MARCH 15, 1974.

Take notice that on March 6, 1974, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP74-229 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to exchange natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request authorization to exchange up to 10,000 Mcf of natural gas per day through existing facilities pursuant to an exchange agreement between them dated October 19, 1973. Applicants state that the subject exchange is part of an interrelated exchange of gas between Texas Eastern and Consolidated and a gas transportation arrangement between Consolidated and Transcontinental Gas Pipe Line Corp. (Transco).

Pursuant to the October 19, 1973, agreement, Texas Eastern will receive volumes of gas, produced or purchased by Consolidated in the Choudrant Field, Lincoln Parish, Louisiana, and will redeliver equivalent volumes of gas to

Transco, for Consolidated's account, at a proposed interconnection in Beauregard Parish, Louisiana.[1] Transco will transport and redeliver equivalent volumes to Consolidated at an existing connection with Consolidated near Leidy, Pennsylvania, under the terms its FPC Rate Schedule X–48 previously authorized in Docket No. CP72–244.

The application states that initial deliveries under the agreement are estimated to be 2,500 Mcf of gas per day with daily deliveries of gas by Consolidated to Texas Eastern to be approximately equal to deliveries by Texas Eastern to Transco and by Transco to Consolidated. Imbalances in deliveries will be corrected within 30 days or a mutually agreeable longer period.

The application states further that Consolidated owns or has the right to purchase approximately 41 percent of the reserves underlying the Paul E. Blackmon Well No. 1 and a 34 percent interest in the reserves underlying the Ambrose Well No. 1 in Choudrant Field and plans to drill several additional wells in said field but has no transmission facilities in the vicinity. Texas Eastern which is purchasing the previously dedicated interest in the Blackmon well has available capacity to exchange the proposed Consolidated gas volumes. Applicants state that operation of the proposed gas exchange in conjunction with the interrelated transportation of gas by Transco, will enable Consolidated to attach these needed gas supplies.

Any person desiring to be heard or to make any protest with reference to said Application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6624 Filed 3–21–74;8:45 am]

[1] Applicants state that an application has been filed for certificate authorization which will add an additional exchange point to the exchange service authorized under Texas Eastern's FPC Gas Tariff, Original Volume No. 2, Rate Schedule X–14, to allow for the delivery of the subject exchange quantities or to allow for such delivery at existing points under said Rate Schedule X–14.

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC. AND JACOB SCHMIDT CO.

Order Approving Acquisition of Bank

American Bancorporation, Inc., and Jacob Schmidt Company, both of St. Paul, Minnesota (hereinafter jointly referred to as "Applicant"), are bank holding companies within the meaning of the Bank Holding Company Act, and have applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) for American Bancorporation to acquire 92.49 percent of the voting shares (less directors' qualifying shares) of First Burnsville State Bank, Burnsville, Minnesota ("Bank"). Jacob Schmidt Company, which owns 51.4 percent of American Bancorporation, Inc.'s outstanding voting stock, would acquire indirect control of Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls four banks with aggregate deposits of $264 million, representing 2.3 percent of the total commercial bank deposits in the State, and is the fourth largest banking organization and bank holding company in Minnesota.[1] Acquisition of Bank ($3.1 million in deposits) would have an insignificant effect upon the concentration of banking resources in the State.

Bank, the only commercial bank in Burnsville, is located in a rapidly growing area 15 miles south of downtown Minneapolis. The relevant market area is the Minneapolis-St. Paul SMSA in which Applicant has two banking subsidiaries, each of which is about 16 miles northeast of Bank, in the St. Paul central business district. There is no substantial existing competition between Applicant's present banking subsidiaries and Bank and, for several reasons, including the distances involved, the presence of banking alternatives in the intervening areas, and Minnesota's prohibition against branch banking, there is no substantial likelihood of future competition developing between those subsidiaries and Bank. For similar reasons, there is no significant possibility of substantial competition developing between Bank and Applicant's other banking subsidiaries, the closest of which is located over 50 miles southeast of Bank.

Moreover, consummation of this transaction might have a beneficial effect on competition in the Minneapolis-St. Paul banking market, in which two bank holding company groups (First Bank System and Northwest Bancorporation) hold, in the aggregate, over 68 percent of the deposits. Acquisition of Bank would increase Applicant's share of market deposits by 0.1 percentage point and would give it a service outlet in an area of the Twin Cities in which it is presently not represented. Thus, acquisition of Bank might enable Applicant to provide more effective competition for the much larger banking organizations in the Minneapolis-St. Paul banking market with which it must compete. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory and consistent with approval of the applications. The Burnsville community might benefit as a result of Bank's improved ability, through the capacity of Applicant's system, to serve the growing credit needs of the area more effectively. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–6611 Filed 3–21–74;8:45 am]

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1973.

BANCSHARES OF NEW JERSEY

Acquisition of Bank

Bancshares of New Jersey, Moorestown, New Jersey, has applied for the

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher, and Wallich.

Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Prospect Park National Bank, Wayne, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 15, 1974.

Board of Governors of the Federal Reserve System, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6615 Filed 3-21-74;8:45 am]

CHEMICAL NEW YORK CORP.

Proposed Acquisition of The Galbreath Mortgage Co.

Chemical New York Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of The Galbreath Mortgage Company, Columbus, Ohio. Notices of the application were published in newspapers of general circulation in the communities to be served by the proposed subsidiary.

Applicant states that the proposed subsidiary would engage in the following activities: the origination, placement, and servicing of commercial, residential and income property loans; acting as agent with regard to credit accident and health insurance directly related to extensions of credit; making equity investments in corporations designed to promote community welfare; and providing data processing services for its internal operations and excess computer facilities to others. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be summitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 12, 1974.

Board of Governors of the Federal Reserve System, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6613 Filed 3-21-74;8:45 am]

L & L HOLDING CO.

Amended Order

By Order dated September 21, 1972, the Board approved an application of L & L Holding Company, Fort Collins, Colorado, to become a bank holding company through acquisition of 56 percent or more of the voting shares of Rocky Mountain Bank and Trust Company, Fort Collins, Colorado (37 FR 20603, September 30, 1972). The Order stated that "the Board has determined that the offers to be made to majority and minority shareholders, while not identical, are substantially equivalent".

Applicant requests relief from the obligation to make an equal offer to all shareholders of Rocky Mountain Bank and Trust Company in view of the October 12, 1973, amendment of the Board's Rules Regarding Delegation of Authority, which removed the requirement that Reserve Banks, in reviewing applications for the formation of a bank holding company or for the acquisition of an additional bank by an established bank holding company, take into consideration whether an equal offer will be extended to all shareholders of the bank to be acquired (12 CFR 265.2(f)(22)).

The Board has concluded that the request should be granted. The Board's Order of September 21, 1972, is hereby amended by deleting the finding that "the offers to be made to majority and minority shareholders, while not identical, are substantially equivalent."

By order of the Board of Governors,[1] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6612 Filed 3-21-74;8:45 am]

MERCANTILE BANCORPORATION, INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Mercantile National Bank of Clay County ("Bank"), Kansas City, Missouri, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those on behalf of North Hills Bank, First National Bank of Gladstone, North Kansas City State Bank, Bank of Riverside, and Metro North State Bank (hereinafter collectively referred to as "Protestants") in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization and bank holding company in Missouri, controls 15 banks with aggregate deposits of approximately $1.2 billion, which represent 9.2 percent of total commercial bank deposits in the State.[1] Since Bank is a proposed new bank, its acquisition would neither eliminate any existing competition nor immediately increase Applicant's share of commercial bank deposits.

Bank will be located in a rapidly growing residential area in the northern part of the Kansas City banking market.[2] It is anticipated that Bank will serve primarily southeast Platte County and southwest Clay County. Due in part to the proximity of the new Kansas City International Airport, it is expected that Bank's proposed service area will continue to experience a steady growth in population with an attendant need for additional sources for banking services.[3] While Applicant has three banking subsidiaries in the market and is the fifth largest banking organization therein, Applicant controls only 3.3 percent of market deposits. Under such circumstances, the formation of a new bank is viewed as an attempt to provide additional banking services to a growing area and, from the facts of record, is not regarded as an attempt to preempt a market.

Protestants contend generally that approval of this application would have such adverse competitive consequences as to merit denial of the application. In support of their contention, Protestants claim the relevant market for determining the competitive effects of the proposal is a funnel-shaped area, described

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher and Wallich.

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through February 28, 1974.

[2] The Kansas City banking market is approximated by the Kansas City SMSA, excluding the southern half of Cass County.

[3] Between 1960 and 1970 the population in Clay and Platte Counties increased at annual rates of 3.5 and 3.2 percent, respectively, as compared with a Statewide annual growth rate of 0.8 percent. The Kansas City SMSA, for the same period, grew at an annual rate of 1.4 percent.

as an area with the central business district of Kansas City, Missouri, at the neck of the funnel and then widening to include the southern parts of Platte and Clay Counties. Even assuming Protestants' determination of the relevant market were appropriate, the Board's competitive analysis would not be altered, since Applicant is only the fourth largest banking organization in the described area with only 5.5 percent of the area's deposits. In a related matter, Protestants contend that an investigation is warranted into whether the larger bank holding companies in Missouri have conspired to divide territories and markets and monopolize banking in Missouri. However, in the Board's view, Protestants offer no substantial evidence to support such contentions, nor do the facts of record indicate that Applicant is acting in consort with any other bank holding company in Missouri. On the other hand, it appears that each of the State's five largest bank holding companies is in active completion with one another in the Kansas City banking market and, even in the market delineated by Protestants, three of the State's largest bank holding companies (including Applicant) either have or propose to have subsidiary banks in competition with one another. On this basis, the Board is unable to conclude that such banking organizations have conspired to lessen competition or to monopolize banking in the relevant area.

In the course of its review of this application the Board has also considered the comments from Protestants to the effect that affiliation of Applicant with Bank would be in violation of the Missouri statute prohibiting branch banking. The Board notes that the Comptroller of the Currency has recommended approval of the pending application and that his office has granted preliminary approval for the charter of Bank, apparently concluding that it would not be an illegal branch under applicable Missouri law. Furthermore, the facts of record indicate that Bank will be a separate corporation, with its own capital stock and a loan limit based on such capital stock; Bank will be managed by its own officers; Bank's board of directors will be generally separate and independent from the boards of Applicant and of Applicant's subsidiaries; and Bank will maintain its own separate books of account, issue its own distinctive checks, and use its own stationery. Applicant states that no officers or employees of its other banking subsidiaries will perform services directly for customers of Bank, nor exercise any managerial supervision over the business of Bank. Applicant represents further that it will purchase Bank's shares through use of its own capital resources. Finally, Applicant states that money deposited at Bank will not be credited to the account of a depositor at any other banking subsidiary of Applicant and, conversely, any money deposited at any other banking subsidiary of Applicant will not be credited to the account of a depositor at Bank. The Board concludes, on the basis of the above and other facts of record, that Applicant is a "traditionally recognized bank holding company which, with its own capital, invests in or buys the stock of banks," *Whitney National Bank* v. *Bank of New Orleans*, 323 F.2d 290 (D.C. Cir. 1963), rev'd on other grounds, 379 U.S. 411 (1965) and that, upon consummation of the proposed acquisition, a unitary operation will not exist between Bank and any of Applicant's other banking subsidiaries in contravention of Missouri's branching law.

The financial condition, management, and prospects of Applicant and its subsidiary banks are regarded as satisfactory. As a new bank, Bank has no operating financial history; however, its proposed capitalization, management, and prospects appear satisfactory. The Board concludes that the banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval since Bank will provide an additional source of full banking services in a rapidly growing area. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Mercantile National Bank of Clay County, Kansas City, Missouri, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6610 Filed 3-21-74;8:45 am]

REDLINE INSURANCE, INC.

Formation of Bank Holding Company

Redline Insurance, Inc., WaKeeney, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 36.7 percent of the voting shares of The Trego-WaKeeney State Bank, WaKeeney, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 12, 1974.

Board of Governors of the Federal Reserve System, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6614 Filed 3-21-74;8:45 am]

THIRD NATIONAL CORP.

Order Approving Acquisition of Bank

Third National Corporation, Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 40 percent or more of the voting shares of The Bank of Sevierville ("Bank"), Sevierville, Tennessee.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks with aggregate deposits of approximately $794 million, representing 7.5 percent of total commercial bank deposits in Tennessee, and is the fifth largest banking organization and bank holding company in that State.[1] Acquisition of Bank ($24.5 million in deposits) would increase Applicant's share of Statewide deposits by less than 0.3 percentage points, without a significant increase in banking concentration in the State.

Acquisition of Bank would represent Applicant's initial entry into Sevier County, the relevant banking market. Bank is the largest of five banks in the market, accounting for 37.4 percent of market deposits. The second and third largest banks in the market hold 27.6 and 25.2 percent, respectively, of area deposits. Applicant's closest banking subsidiary is located 28 miles northwest of Bank, in Knoxville. No significant competition exists between Bank and Applicant's Knoxville subsidiary, or any of Applicant's other banking subsidiaries. *De novo* entry by Applicant is unlikely in view of the fact that population per banking office and deposits per banking office in Sevier County are below Statewide averages. Furthermore, it does not appear that significant future competition would develop between Bank and Applicant's banking subsidiaries in view of the distances involved, presence of intervening banks, the State laws restricting branching, and other facts of record. It is the Board's judgment that

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher, and Wallich.

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through February 28, 1974.

competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the application. Although there is no evidence in the record to indicate that the banking needs of the area are currently not being met, Applicant proposes to make trust and other specialized services available to Bank's customers. Also, affiliation with Applicant will eliminate any management succession problems Bank might otherwise experience. Considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6609 Filed 3-21-74;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Order for Hearing

In the matter of the application of United Missouri Bancshares, Inc., Kansas City, Missouri, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire 80 percent or more of the voting shares of Westport Bank, Kansas City, Missouri.

On March 15, 1974, the Board ordered that a public hearing be held on the application, such hearing to be conducted in accordance with the Board's Rules of Practice For Formal Hearings (39 FR 10190). Notice is hereby given that the hearing so ordered shall commence at 9:30 a.m., April 3, 1974, at the Federal Reserve Bank of Kansas City, 928 Grand Avenue, Federal Reserve Station, Kansas City, Missouri 64106, before The Honorable John G. Liebert, Administrative Law Judge.

By order of the Board of Governors, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6777 Filed 3-21-74;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher, and Wallich.

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON GNP DATA IMPROVEMENT

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Advisory Committee on GNP Data Improvement to be held in Room 9104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Thursday, March 28, 1974 at 9:45 a.m.

At this meeting the Committee will review proposed recommendations for improving the data of Economic Censuses for the Gross National Product accounts.

The meeting will be open to public observation and participation. Anyone wishing to participate should contact the GNP Data Improvement Project, Statistical Policy Division, Room 10222, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3793.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-6736 Filed 3-21-74;8:45 am]

REQUESTS FOR CLEARANCE OF REPORTS

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 19, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service Corn Marketing Survey (Wisconsin), Form ____, Single Time, Lowry, Corn Farmers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Patient Discharge Abstract for Home Health Agency Review Project, Form HSABQA 0312, Occasional, HRD/Caywood, California Home Health Agencies.

National Institutes of Health Neuroscience Teachers & Investigators Available and Being Trained in U.S. Form ____, Single Time, Planchon, Neurologic and Communicative Basic Scientists.

NATIONAL SCIENCE FOUNDATION

Grant Fiscal Report on Trainee Energy Related Trainee and Minority Institution Trainee, Form NSF 868, Annual, Sheftel, U.S. Institutions.

Notification of Appointment of Part-time Trainee, Energy Related Trainees and Minority Institution Trainee, Form NSF 869, Annual, Sheftel, U.S. Institutions.

NATIONAL SCIENCE FOUNDATION

Notification of Appointment of Trainees, Energy Related Graduate and Minority Institution, Form NSF 867, Annual, Sheftel, U.S. Institutions.

Survey of Faculty Research Activities, Spring 1974, Form ____, Single Time, Planchon, Heads of Ph.D granting science departments.

REVISIONS

VETERANS ADMINISTRATION

Educational Plan (Chap. 35, Title 38, USC), Form 22-5490a, Occasional, Caywood, Children of deceased or totally disabled veterans.

EXTENSIONS

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal, Form 1-212, Occasional, Evinger.

Interrogatories in Depositions of Witnesses for Aliens, Form N-462A, Occasional, Evinger.

Interrogatories in Depositions of Witnesses in Support of Petition Filed for a Child, Form N-462B, Occasional, Evinger.

DEPARTMENT OF LABOR

Labor-Management Services Administration Survey Form for Terminated Multi-Employer Pension Plans, Form LMSA 53T, Single Time, Collins, Administrators of terminated multiemployer pension plans.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard, Application for Registration—U.S. Registered Pilot, Form CG-4509, Occasional, Evinger, Registered Pilots.

Federal Aviation Administration, Application for Airworthiness Certificate, Form FAA 8130-6, Occasional, Evinger (x).

Application for Export Certificate, Form FAA 8130-1, Occasional, Evinger (x).

Major Repair and Alteration Form, Form FAA 337, Occasional, Evinger (x).

Application for Type Certificate, Form FAA 8110-12, Occasional, Evinger (x).

Ramp/Base Inspection Report, Form FAA 1617-1, Occasional, Evinger (x).

Recording of Aircraft Titles, Form FAA 49, Occasional, Evinger (x).

Application for Rotorcraft Operator Certificate, Form FAA 3570, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-6786 Filed 3-21-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5474]

AMERICAN ELECTRIC POWER COMPANY, INC.

Notice of Proposed Amendment To Increase Authorized Shares of Common Stock and Order Authorizing Solicitation of Proxies

MARCH 14, 1974.

Notice is hereby given that American Electric Power Company, Inc., ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to submit to its stockholders at an annual meeting to be held April 24, 1974, a proposal to amend its Certificate of Incorporation to increase from 80,000,000 to 100,000,000 the aggregate number of authorized shares of common stock, par value $6.50 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used (a) to retire AEP's notes to banks and commercial paper, heretofore authorized, (b) for equity investments in its operating subsidiary companies, and (c) to permit the acquisition of operating properties or securities of one or more public-utility companies. The proposed amendment will require the affirmative vote of the holders of the majority of the 66,000,000 outstanding shares of common stock. AEP proposes to solicit proxies, which are to be mailed on or about March 14, 1974, the date of record for voting eligibilty, from its common stockholders to obtain the requisite approval of the proposed amendment. AEP also proposes to solicit proxies with respect to the election of directors, the appointment of independent auditors, and other matters properly coming before the meeting. The company intends to make telephonic, telegraphic or personal solicitation to some stockholders through its officers and regular employees.

The fees and expenses of AEP to be paid in connection with the proposed amendment are estimated not to exceed $90,000, including a state organization tax of $65,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. AEP has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 12, 1974, request in writing that a hearing be held with respect to the proposed amendment of the Certificate of Incorporation, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6696 Filed 3-21-74;8:45 am]

[File No. 24SF-3505]

BLANCHARD, BEIFUSS & JOHNSON FINANCIAL SERVICES, INC.

Order Temporarily Suspending Exemption, and Notice of Opportunity for Hearing

MARCH 14, 1974.

I. Blanchard, Beifuss & Johnson Financial Services, Incorporated ("BBJ") is a California corporation located at 2166 Moorpark Road, Thousand Oaks, California 91360. It was organized on April 18, 1969, to operate as an insurance agency for Option Capital Corporation, 234 East Colorado Street, Suite 301, Pasadena, California 91101.

On October 6, 1969 BBJ filed a notification pursuant to Regulation A in connection with a proposed public offering of 30,000 shares of its $1.00 par value common stock at $3.00 per share. The "20,000 shares-or-none" best efforts offering was to be conducted by the company through its officers and directors without the use of an underwriter. The offering commenced on November 18, 1969 and was purportedly terminated on August 17, 1970.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The Notification and Offering Circular, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in the following respects:

1. The plan of distribution;
2. The terms of the offering; and
3. The failure to disclose that Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams were promoters and would participate in the offering as underwriters.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The Form 2-A Report failed to indicate that the distribution was continuing subsequent to the reported completion date of the Regulation A offering;
2. The offering circular failed to accurately state the terms of the offering, including the fact that securities would be placed in nominee accounts and the type of consideration to be received; and,
3. The offering circular and notification failed to list Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams as promoters and underwriters.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Blanchard, Beifuss & Johnson Financial Services, Incorporated under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth

day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6695 Filed 3-21-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

MARCH 8, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 9, 1974 through March 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6722 Filed 3-21-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 16, 1974 through March 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6715 Filed 3-21-74;8:45 am]

[File No. 24SF-3511]

CREATIVE PORTFOLIOS, INC.

Order Temporarily Suspending Exemption, and Notice of Opportunity for Hearing

MARCH 14, 1974.

I. Creative Portfolios, Inc. ("CPI") is a California Corporation located at 1000 E. Walnut Street, Pasadena, California 91106. It was organized on August 22, 1969, to operate as an insurance agency for Option Capital Corporation, 234 East Colorado Street, Suite 301, Pasadena, California 91101.

On October 14, 1969 CPI filed a notification pursuant to Regulation A in connection with a proposed public offering of 30,000 shares of its $1.00 par value common stock at $3.00 per share. The "20,000 shares-or-none" best efforts offering was to be conducted by the company through its officers and directors without the use of an underwriter. The offering commenced on November 6, 1969 and was purportedly terminated on July 28, 1970.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The Notification and Offering Circular, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in the following respects:

1. The plan of distribution;
2. The terms of the offering; and,
3. The failure to disclose that Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams were promoters and would participate in the offering as underwriters.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The Form 2-A Report failed to indicate that the distribution was continuing subsequent to the reported completion date of the Regulation A offering;
2. The offering circular failed to accurately state the terms of the offering, including the fact that securities would be placed in nominee accounts, that options were being granted and the type of consideration to be received; and,
3. The offering circular and notification failed to list Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams as promoters and underwriters.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Creative Portfolios, Inc. under Regulation A be temporarily suspended,

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6693 Filed 3-21-74;8:45 am]

[File No. 24SF-3531]

DYNAMIC CAPITALISM, INC.

Order Temporarily Suspending Exemption, and Notice of Opportunity for Hearing

MARCH 14, 1974.

I. Dynamic Capitalism, Inc. ("DCI") is a California corporation located at 310 Wells Fargo Bank Building, Del Amo Financial Center, Torrance, California 90503. It was organized on November 5, 1969 to operate as an insurance agency for Option Capital Corporation, 234 East Colorado Street, Suite 301, Pasadena, California 91101.

On December 1, 1969, DCI filed a notification pursuant to Regulation A in connection with a proposed public offering of 30,000 shares of its $1.00 par value common stock at $3.00 per share. The "20,000 shares-or-none" best efforts offering was to be conducted by the company through its officers and directors without the use of an underwriter. The offering commenced on January 8, 1970 and was purportedly terminated on August 4, 1970.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The Notification and Offering Circular, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in the following respects:

1. The plan of distribution;
2. The terms of the offering; and,
3. The failure to disclose that Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams were promoters and would participate in the offering as underwriters.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The Form 2-A Report failed to indicate that the distribution was continuing subsequent to the reported completion date of the Regulation A offering;

2. The offering circular failed to accurately state the terms of the offering, including the fact that securities would be placed in nominee accounts and the type of consideration to be received; and,

3. The offering circular and notification failed to list Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams as promoters and underwriters.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest for the protection of investors that the exemption of Dynamic Capitalism, Inc. under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6694 Filed 3-21-74;8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 16, 1974 through March 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6714 Filed 3-21-74;8:45 am]

[File No. 500-1]

NATIONAL ALFALFA DEHYDRATING AND MILLING CO.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Alfalfa Dehydrating and Milling Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 17, 1974 through March 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6716 Filed 3-21-74;8:45 am]

[File No. 500-1]

SEABOARD AMERICAN CORP.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 18, 1974 through March 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6718 Filed 3-21-74;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

MARCH 15, 1974.

The common stock of Stratton Group, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 16, 1974 through March 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6713 Filed 3-21-74;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Threfore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 18, 1974 through March 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6719 Filed 3-21-74;8:45 am]

[70-5476]

UTAH POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Preferred Stock

MARCH 15, 1974.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 1,400,000 shares of its Cumulative Preferred Stock, Series F, par value $25 per share. The dividend rate of the preferred stock (which shall be a multiple of $0.02) and the price, exclusive of accrued dividends, to be paid to Utah (which shall be not less than $25 nor more than $25.70 per share) will be determined by the com-

petitive bidding. The terms of the preferred stock will include a prohibition until May 1, 1979, against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stocks at a lower effective dividend cost.

The proceeds from the sale of the preferred stock will be applied to the payment of outstanding short-term notes (estimated at $55,000,000) evidencing borrowings made for construction purposes. The construction program for Utah and its subsidiary company, The Western Colorado Power Company, for the years 1974–1976, inclusive, is estimated at $453,000,000 of which $94,000,000 is expected to be used in 1974.

The declaration states that the fees and expenses to be incurred by Utah in connection with the issue and sale of the preferred stock are estimated at $65,000, including fees of company counsel of $15,000 and auditors' fees of $7,500. The fees of counsel for the underwriters, which are to be paid by the successful bidders, are to be filed by amendment. Utah has applied to the Public Service Commission of Wyoming and the Idaho Public Utilities Commission for requisite authority to effectuate the proposed transaction. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 10, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–6720 Filed 3–21–74;8:45 am]

[70–5480]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Proposal To Issue and Sell First Mortgage Bonds

MARCH 15, 1974.

Notice is hereby given that the Western Massachusetts Electric Company ("WMECO"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transaction.

WMECO proposes to issue and sell, at competitive bidding, $30 million principal amount of its first mortgage bonds, Series K ("Bonds"), due April 1, 2004. The interest rate, which shall be a multiple of ⅛ of 1%, and the price, which will be not less than 100% nor more than 102.75% of the principal amount thereof, will be determined by competitive bidding. The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of August 1, 1954 ("Indenture") between WMECO and The First National Bank of Boston, Trustee, as supplemented and amended from time to time, and as further supplemented by a supplemental indenture to be dated April 1, 1974 ("Supplemental Indenture"). The Supplemental Indenture provides, among other things, that bonds shall not be redeemed at the applicable general redemption price prior to April 1, 1979, from the proceeds of borrowings secured by WMECO at an effective interest cost to WMECO of less than the effective interest cost of the bonds.

The application states that WMECO will use the net proceeds from the sale of bonds, together with a capital contribution of $10 million which Northeast Utilities made in January, 1974, to repay short-term borrowings incurred for the purpose of financing WMECO's construction program (estimated to total $50 million for 1974). Such short-term borrowings will aggregate an estimated $50 million at the time of the aforementioned sale.

A statement of the fees, commissions and expenses incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. The approval of the Department of Public Utilities of the Commonwealth of Massachusetts is required for the issuance of the bonds. No other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 8, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant of the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–6717 Filed 3–21–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06–0171]

FIRST OKLAHOMA VENTURE CORP.

Notice of Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (38 FR 30836, November 7, 1973) under the name of First Oklahoma Venture Corporation, 120 North Robinson Avenue, Oklahoma City, Oklahoma 73102, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Charles A. Vose, Jr., 11005 Blue Stem Drive, Oklahoma City, Oklahoma, Chairman of the Board.

Jon R. K. Tinkle, 1805 Robin Road, Edmond, Oklahoma, President, General Manager, Director.

L. Dean Hoye, 3040 Regency Court, Oklahoma City, Oklahoma, Vice President.

Edward M. Behnken, 6305 Connaught Court, Oklahoma City, Oklahoma, Vice President.

Ronald E. Bradshaw, 2524 N. W. 67th, Oklahoma City, Oklahoma, Vice President.

Eldon L. Beller, 1210 Brookhaven, Norman, Oklahoma, Vice President.

James G. Thompson, Route #1, Harrah, Oklahoma, Secretary Treasurer.
Jack A. Maurer, 1316 McCasland, Duncan, Oklahoma, Director.
Joseph E. King, 1509 Osage, Enid, Oklahoma, Director.
Donald D. Doty, 1447 Valley Road, Bartlesville, Oklahoma, Director.
John R. Murray, 501 N. W. 15th, Oklahoma City, Oklahoma, Director.

	Common stock	
	Class A	Class B
	Percent	*Percent*
First Oklahoma Bancorporation, Inc.	49	93
First Bancshares Inc.	17	7
Central Service Corp.	17	.....
The Security National Bank and Trust Company of Duncan	17	.....

The exclusive voting rights and powers for the election of directors and all other corporate purposes are vested in the shares of Class A common stock and, except as otherwise provided by law, the shares of Class B common stock do not possess any voting rights or powers.

The company proposes to commence operations with a capitalization of $1,500,000. Applicant proposes to conduct its operations principally in the State of Oklahoma and in other areas of the United States of America and its territories and possessions as may from time to time be approved by SBA as its operating territory. A diversified investment policy will be maintained.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than April 8, 1974, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Oklahoma City, Oklahoma.

Dated: March 15, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-6608 Filed 3-21-74;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

The Veterans Administration gives notice that meetings of the Veterans Administration Wage Committee will be held at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. on:

Thursday, April 11, 1974
Thursday, April 25, 1974
Thursday, May 9, 1974
Thursday, May 23, 1974
Thursday, June 6, 1974
Thursday, June 20, 1974

The meetings will convene in Room 1144C at 2:30 p.m. for the purpose of reviewing wage survey data obtained by Veterans Administration field stations under Federal Wage System procedures and proposed pay schedules derived therefrom.

The meetings will be closed to the public under the provisions of section 10(d) of Public Law 92-463, based on the confidential nature of information under consideration.

Dated: March 15, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-6655 Filed 3-21-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Order for Prehearing Conference

In the matter of Boston Edison Co., (Pilgrim Nuclear Power Station, Unit 1).

By its "Notice of Hearing" issued on March 20, 1974, this Atomic Safety and Licensing Board determined that a hearing would be held in the subject proceeding and that Mr. Daniel F. Ford would be admitted as an intervenor therein. That notice was the result of the Board's consideration of Mr. Ford's Petition to Intervene and the responses to that Petition made by both the Applicant and the Regulatory Staff.

The Regulatory Staff has also submitted to us its "Motion for Leave to Respond to Applicant's Answer to the Petition to Intervene of Daniel F. Ford." In this document the Staff urges, for the reasons set forth therein, that the Board establish a schedule which will result in completion of the hearing and issuance of the Board's initial decision within thirty days from the date of the Notice of Hearing. In the Board's view, there can be no reasonable basis upon which to establish a schedule for completing this matter until after the precise issues to be decided have been determined. These issues will be determined following utilization of appropriate prehearing conference procedures. Accordingly, the Board hereby orders and directs the parties and their representatives to appear at a prehearing conference to be held at the Suffolk County Courthouse, Courtroom 306, 3rd Floor, Pemberton Square, Boston, Massachusetts, on March 29, 1974, at 9:30 a.m., local time. The purposes of this conference shall be to: (1) Permit identification of the key issues in the proceeding; (2) take any steps necessary for further identification of the issues; (3) consider petitions for intervention in the proceeding; and (4) establish a schedule for further actions in the proceeding. In addition to the purposes specified above, the conference will also deal with such of the matters stated in § 2.752 of the Commission's rules of practice (10 CFR Part 2, § 2.752) as may be appropriate.

It is so ordered.

Issued at Washington, D.C., this 20th day of March, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.74-6868 Filed 3-21-74;10:55 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Further Determination With Respect to Pilgrim Nuclear Power Station

On December 17, 1973, the Director of Regulation issued a "Determination and Order with Respect to Further Action Regarding Pilgrim. Nuclear Power Station." In that Determination, which was published in the FEDERAL REGISTER on December 26, 1973 (38 FR 35239), the Director of Regulation ordered the Boston Edison Co. (the "licensee"), not later than the week commencing December 23, 1973, to shut down the Pilgrim Nuclear Power Station and to maintain that facility in a safe shutdown condition pending a finding by the Directorate of Licensing that any channel box damage in the facility had been repaired and the cause of any such damage corrected. The Determination further provided that the licensee could, within 20 days of receipt of the determination or within 30 days from the date of publication in the FEDERAL REGISTER, whichever was later, request a hearing. Provision was also made for permitting any interested person to file a petition for leave to intervene.

On December 28, 1973, the Director of Licensing was advised that the Pilgrim Nuclear Power Station had been shut down and was being maintained in a safe shutdown condition. On February 8, 1974, the licensee transmitted to the Directorate of Licensing a "Summary Report on the Pilgrim Channel Wear Investigation and Corrective Measures Taken," dated January 1974. The cause of the wear, which was discussed in the "Safety Evaluation by the Directrate of Licensing, U.S. Atomic Energy Commission, Relating to Channel Box Wear in the Vermont Yankee Nuclear Power Station and the Pilgrim Nuclear Power Station," dated October 26, 1973, was confirmed to be vibration of the temporary control curtains due to the high velocity flow of coolant existing from bypass flow holes in the core support plate. The licensee's Summary Report went on to describe the actions taken to repair the damage and prevent its recurrence. These actions consisted generally of replacing all worn channels and plugging the bypass flow holes in the core plate.

Concurrent with the issuance of this Determination, the AEC Regulatory Staff has issued a "Safety Evaluation by the Directorate of Licensing, Boston Edison Company, Docket No. 50–293," setting forth the AEC Regulatory Staff's conclusion, based on observations of the fuel channels and the control curtains at the Pilgrim plant and the flow tests performed at GE, that the observed damage was caused by flow-induced vibration of the control curtains, and that such damage to the Pilgrim reactor can be prevented in the future by plugging the bypass flow holes, the source of the flow which vibrates the curtains. All of the fuel channels which are adjacent to a control curtain stiffener and therefore subject to possible damage by vibration of the curtain have been inspected. In addition, approximately 12 percent of the remaining fuel channels have been inspected. Based on these inspections, all channels which experienced wear of greater than 0.010 inch have been replaced with new fuel channels. The Staff also concludes that the design and installation of the bypass plugs as performed by the licensee do not present a significant hazards consideration and there is reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in the proposed manner.

Accordingly, the Director of Regulation has determined that the channel box damage in the facility has been repaired and the cause of the damage corrected. No request for a hearing has been received and no petition for leave to intervene has been filed with respect to the December 17 Determination and Order of the Director of Regulation. The licensee may resume operation of the Pilgrim facility in accordance with the provisions of the license upon the issuance of changes to the technical specifications authorizing operation of the facility using a partial loading of 8x8 fuel and authorizing changes to the limiting conditions for operation associated with fuel densification for the 8x8 and 7x7 fuels, which is the subject of a separate proceeding (39 FR 4798). The reasons supporting this determination are set forth in detail in the Directorate of Licensing's Safety Evaluation, dated March, 1974.

On or before April 22, 1974, the licensee may file a request for a hearing with respect to the action authorized and any person whose interest is affected may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "rules of practice" in 10 CFR Part 2.

Copies of the March 1974 Safety Evaluation and the licensee's "Summary Report on the Pilgrim Channel Wear Investigation and Corrective Measures Taken," dated January 1974, are being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Plymouth Public Library, North Street, Plymouth, Massachusetts. A single copy of the Safety Evaluation may be obtained upon request directed to the Director of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 20th day of March 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74–6869 Filed 3–21–74;10:55 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of section Pub. L. 91–452, Part D, Sec. 804–808 of the Organized Crime Control Act of 1970, will meet on April 2, 1974, at 4:30 p.m. in Room 1114, Dirksen Senate Office Building, Washington, D.C.

The preliminary agenda will include a discussion of the F.Y. 1974 and F.Y. 1975 budget allocations, the Fact Research, Inc. proposal, social science proposals, a chronological update of Commission activities following the January 30, 1974 meeting, and an explanation of hearing procedures.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are subject to the following conditions:

(a) Any such interested person or persons must receive authorization to present such matters from the Chairman of the Commission. Not later than seven (7) days preceding such Executive or Public Hearings, a request for such authorization must be received in writing at the offices of the Commission. Such a request shall be accompanied by a concise description of the material which such person or persons desire to present to the Commission or Subcommittee.

(b) The Chairman of the Commission shall, within three (3) days from the receipt of such a request make a determination that the subject matter presented by such interested person or persons is timely and appropriate for such Executive or Public Hearings of the Commission or Subcommittee thereof, and shall notify such interested person or persons by Certified Mail of the decision.

(c) In the event such interested person or persons is allowed to present matters to the Commission or Subcommittee thereof in Executive or Public Hearings, then a prepared written statement of expected presentation shall be filed in the office of the Commission, not later than 48 hours in advance of the hearings at which the statement is to be presented.

(d) After the receipt of the statement of expected presentation, the Chairman shall then make a determination of the extent that time is available for such interested person or persons to present oral statements in addition thereto. In the event that the Chairman determines that time is not available for such oral statements, the interested person or persons' statement shall be recorded and made part of the subject proceedings.

(e) Provided further that any such interested person or persons who feels aggrieved by or takes exception to any of the determinations made by the Chairman of the Commission shall have the opportunity to present in writing to each member of the Commission the basis for such grievance or exception taken to such ruling by the Chairman and thereafter the decision of the Chairman shall be reconsidered by each member of the Commission at its next regular meeting or hearing. Notice by Certified Mail to such interested person or persons shall include the final decision of the full Commission on its reconsideration and shall constitute notification of the action taken by the Commission.

(f) Any deviation from the preceding requirements, shall constitute on the part of such interested person or persons, a withdrawal of any request previously made.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.74–6910 Filed 3–21–74;12:32 pm]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

Notice of Hearing

Pursuant to the provisions of the Federal Advisory Committee (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of section PL 91–452, Part D, section 804–808 of the Organized Crime Control Act of 1970, will conduct a hearing on April 3, 1974, at 10 a.m. in Room 2172, Rayburn Building, Washington, D.C.

The hearing will primarily consider the operation of state lotteries, with emphasis on their administration, financing and social impact. A variety of viewpoints will be presented.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. Rules of procedure will be the same as those published in the Notice of Meeting of April 2, 1974.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.74–6911 Filed 3–21–74;12:32 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 470]

ASSIGNMENT OF HEARINGS

MARCH 19, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 118831 Subs 40, 44, 97, and 98, Central Transport, Inc., now being assigned continued hearing April 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138157 Sub-9, Southwest Equipment Rental, Inc., DBA Southwest Motor Freight, now being assigned May 6, 1974 at Boston, Mass., in a hearing room to be later designated.

MC-F-11973, Terminal Transport Company, Inc. (Purchase), Central States Transportation Company, Inc., now being assigned May 7, 1974 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC 138947, C. P. Transpo Inc., now being assigned May 9, 1974 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC-F-11995, H. P. Welch Co., and Maislin Transport LTD Purchase (Portion)—The National Transportation Co., now being assigned May 13, 1974 (1 week), at Boston, Mass., in a hearing room to be later designated.

MC-F-11915, Nussbaum Trucking, Inc.—Investigation of control—Zone Motor Freight, Inc., now being assigned hearing April 29, 1974 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-134958 Sub 6, Hams Express, Inc., now being assigned hearing April 30, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-13553 Sub 21, Art Pape Transfer, Inc., now being assigned hearing May 2, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-92692 Sub 6, Freeport Fast Freight, Inc., now being assigned hearing May 6, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 128383 Sub 31, Pinto Trucking Service, Inc., now assigned May 7, 1974, at Washington, D.C., is cancelled and transferred to modified procedure.

MC 109689 Sub 255, W. S. Hatch Co., now being assigned hearing May 8, 1974 (3 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC 139010 Sub 1, Arizona Enterprises, Inc., now being assigned hearing May 6, 1974 (2 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC 139116, R. W. Steele, Dba R. W. Steele Trucking Company, now being assigned hearing May 13, 1974 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 133316 Sub 7, Frank R. Givigliano, Dba, Givigliano Transport, now being assigned hearing May 20, 1974 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC-F-12030, Convoy Company—Control—Colorado Midland Transport Co., and MC 52858 Sub 110, Convoy Company, now being assigned hearing May 15, 1974 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC-116077 Sub 349, Robertson Tank Lines, Inc., is continued to April 1, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-2229 Sub 180, Red Ball Motor Freight, Inc., now assigned May 7, 1974 (2 weeks), will be held in the Holiday Inn Downtown, 1015 Elm Street, Dallas, Texas, and May 20, 1974 (1 week), at the Hilton Inn, 750 North State Street, Jackson, Miss.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6710 Filed 3-21-74;8:45 am]

[No. AB-19 (Sub-No. 14)]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment of Portion Renick Branch Between RK Junction and Chillicothe, in Ross County, Ohio

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321, *et seq.*; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Ross County, Ohio within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of March 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-19 (Sub-No. 14)]

THE BALTIMORE AND OHIO RAILROAD COMPANY ABANDONMENT PORTION RENICK BRANCH BETWEEN RK JUNCTION AND CHILLICOTHE, IN ROSS COUNTY, OHIO

The Interstate Commerce Commission hereby gives notice that by order dated March 12, 1974, it has been determined that the proposed abandonment of the line of The Baltimore and Ohio Railroad Company between RK Junction, valuation station 3749+27, and valuation station 4180+00 near Chillicothe, Ohio, a distance of approximately 8.16 miles, located in Ross County, Ohio, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that the traffic which formerly moved over the involved line presently is transported over a parallel line, and the proposed abandonment will not be inconsistent with local land use plans. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 8, 1974.

[FR Doc.74-6703 Filed 3-21-74;8:45 am]

[No. AB-1 (Sub-No. 28)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Dike and Kesley, in Grundy and Butler Counties, Iowa

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. section 4321, *et seq.*; and good cause appearing therefore:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Grundy and Butler Counties, Iowa, within 15 days of the date of service of this order, and to certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of March 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-1 (Sub-No. 28)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN DIKE AND KESLEY, IN GRUNDY AND BUTLER COUNTIES, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated March 13, 1974, it has been determined that the proposed abandonment of the line of the Chicago and North Western Transportation Company between Dike and Kesley, Iowa, a distance of 20.8 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that traffic over the line is minimal, that nearby rail service is provided at Dike

and Kesley, Iowa, that adequate highway transportation serves the affected area, and that the abandonment is consistent with local land use plans. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 8, 1974.

[FR Doc.74–6704 Filed 3–21–74;8:45 am]

[Rev. S.O. 994; I.C.C. Order No. 122]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island and Pacific Railroad Company (RI) and the Burlington Northern Inc. (BN) are unable to transport traffic over the jointly used line between Burlington, Iowa, and Mediapolis, Iowa, because of track and bridge damage.

It is ordered, That:

(a) The RI and the BN being unable to transport traffic over the jointly used line between Burlington, Iowa, and Mediapolis, Iowa, because of track and bridge damage, each of these carriers is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:30 p.m., March 8, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 25, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and care hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 8, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74–6706 Filed 3–21–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 19, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 8, 1974.

FSA No. 42818—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A. (No. WEE–6), for itself and interested rail carriers. Rates on general commodities, between rail carrier terminals in Beaumont, Galveston, Houston, Texas and New Orleans, Louisiana, on the one hand, and ports in Europe, on the other.

Grounds for relief—Water competition.

Tariffs—Seatrain International, S.A., tariffs I.C.C. Nos. 9, 10, 11, 12, 13, and 14. Rates are published to become effective on April 15, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6708 Filed 3–21–74;8:45 am]

MINNESOTA PIPE LINE CO.

Tentative Valuation

Notice is hereby given that a tentative valuation for the year 1972, Valuation Docket No. 1384, is under consideration for a common carrier by pipeline, the Minnesota Pipe Line Co., P.O. Box 2256, Wichita, Kansas 67201.

On or before April 18, 1974, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in the valuation of the carrier named above may, pursuant to rule 72 of the Commission's general rules of practice (49 CFR 1100.72), file an original and three copies of a petition for leave to intervene and, if granted, thus to come within the category of "additional parties as the Commission may prescribe" under section 19a(h) of the act, thereby enabling the party to file a protest. It is also required that a copy of the petition to intervene be served at the address shown above upon the carrier and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the act need not file a petition; they are entitled to file protest as a matter of right under the statute.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6707 Filed 3–21–74;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 19, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

TRANSFER APPLICATIONS CONSOLIDATED FOR HANDLING

No. MC–FC–74937. Authority sought by transferee, LOBIANCO TRUCKING CO., INC., 1899 Bannister Street, York, Pa. 17404, for transfer of a portion of the operating rights of transferor, MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, P.O. Box 345, York, Pa. 17405. Applicants' representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Operating rights in Certificate No. MC–41915 (Sub-No. 29) sought to be transferred: *Commodities* which because of size or weight require the use of special equipment (except aircraft, missiles, and satellites) and *commodities* which because of size or weight do not require the use of special equipment when trans-

ported as part of the same shipment with commodities which because of size or weight require the use of special equipment (exceptions as named above), between Mechanicsburg, Pa., and points in a specified area of Pennsylvania, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, that part of Virginia on and north of U.S. Highway 60 and on and west of U.S. Highway 11, that part of West Virginia on and north of U.S. Highway 50, and the District of Columbia.

No. MC–FC–74948. Authority sought by transferee, MID–PENN TRANSPORTATION, INC., 1100 Lafayette Street, York, Pa. 17405, for transfer of a portion of the operating rights of transferor, MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, P.O. Box 345, York, Pa. 17405. Applicants' representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Operating rights in Certificates Nos. MC–41915 (portion), and subnumbers 20, 34, 35, and 37 sought to be transferred: *chocolate and chocolate products*, from Hershey, Pa., to Bellbluff, Blackstone, Camp Lee, Camp Pickett, Hopewell, Petersburg, and Norfolk, Va., and points within 35 miles of Norfolk; *fresh fruit, fruit packing supplies, and apple products*, from points in Adams County, Pa., to points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia; *malt beverages*, in containers, from Cleveland, Ohio, and Detroit, Mich., to Gettysburg, Pa.; *manufactured apple products and tomato juice*, between Biglerville and Gardners, Pa., on the one hand, and, on the other, Inwood, W. Va., and from Biglerville and Gardners, Pa., and Inwood, W. Va., to points in Ohio and West Virginia; *peanuts*, from Petersburg and Suffolk, Va., to points in Pennsylvania on and east of U.S. Highway 11; *fertilizer*, from Baltimore, Md., to Seven Valleys, Pa., and points in Pennsylvania within 10 miles of Seven Valleys; *ground tobacco stems*, from Richmond, Va., to York, Pa.; *greases*, in containers, from Reno, Pa., to Dover and Wilmington, Del., Baltimore, Crisfield, Frederick, Hagerstown, and Snowhill, Md., Onancock, Va., and Keyser, W. Va.; *lubricating oil*, in cases, cans, and drums, from Reno, Pa., to Camden, N.J., Dover and Wilmington, Del., Baltimore, Crisfield, Frederick, Hagerstown, and Snowhill, Md., Onancock, Va., Keyser, W. Va., and Washington, D.C.; *lubricating oils and greases*, in containers, from Cleveland, Ohio, to New Oxford, Pa.; from Bradford, Pa., to Hagerstown, Md., and from Reno, Pa., to points in North Carolina, South Carolina, Georgia, and Florida, and Bel Air, Berling, and Cumberland, Md., and Lynchburg, Richmond, and Roanoke, Va.; *reclaimed rubber*, from Akron, Ohio, to Hagerstown, Md., and from Hagerstown to Gettysburg, Pa., and Winchester, Va.; *heel washers, moulds, and asphalt and accelerators* used in manufacturing rubber heels, from Akron and Cleveland, Ohio, to Gettysburg, Pa., and Hagerstown, Md.; *rubber heels, soles, taps, and slabs*, from Gettysburg, Pa., and Hagerstown, Md., to Cleveland, Zanesville, Akron, and Toledo, Ohio; *machinery*, from York, Pa., to Martinsburg, W. Va., and points in Delaware, Maryland, Ohio, that part of New Jersey south of New Jersey Highway 33, and New York other than Nassau and Suffolk Counties and the New York, N.Y., Commercial Zone as defined by the Commission; *scrap paper and rags*, from points in New York, except Suffolk and Nassau Counties and the New York, N.Y., Commercial Zone as defined by the Commission, and Virginia, to York, Pa., and points within 1 mile thereof; *machinery*, between York, Pa., and points in Pennsylvania within 25 miles thereof, on the one hand, and, on the other, Chillicothe, Ohio, and points in Pennsylvania, Delaware, Maryland, the District of Columbia, that part of Virginia north of U.S. Highway 60 and east of U.S. Highway 11, that part of West Virginia north of U.S. Highway 50, including points on the indicated portions of the highways specified, New York, except Nassau and Suffolk Counties and the New York, N.Y., Commercial Zone as defined by the Commission, and that part of New Jersey south of New Jersey Highway 33; *petroleum lubricating oils and greases, petroleum wax, and petroleum*, in containers, from Reno, Emlenton, Rouseville, and Franklin in Venango County, Pa., to points in Delaware, Maryland, Virginia, and the District of Columbia; *foodstuffs*, except in bulk, from points in Pennsylvania (portion) to points in Virginia; *petroleum, petroleum products, vehicle body sealer, and sound deadening compounds*, except in bulk, from Congo (Hancock County), W. Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia; and *food and foodstuffs*, from the facilities of Kraft Foods Division of Kraftco Corporation at or near Fogelsville, Pa., to points in Maryland, New Jersey, New York, Virginia, and West Virginia.

No. MC–FC–74949. Authority sought by transferee, P–Y TRANSPORT, INC., 2767 Lewisberry Road, York, Pa., 17404, for transfer of a portion of the operating rights of transferor, MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, P.O. Box 345, York, Pa. 17405. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Portions of operating rights sought to be transferred in Certificates Nos. MC–41915 and subnumbers 22, 26, 32, and 36: *veneer, brick and clay products, roofing materials and supplies, building paper, wallpaper, and manufactured paper products*, from York, Pa., to Martinsburg, W. Va., and points in Delaware, Maryland, Ohio, New York, except Nassau and Suffolk Counties, and the New York, N.Y., Commercial Zone as defined by the Commission, and that part of New Jersey south of New Jersey Highway 33; *plaster, plasterboard, gypsum lath, and gypsum sheathing*, from Akron, N.Y., and points within 2 miles thereof, to points in Pennsylvania (portion); *plaster, plasterboard, gypsum lath, gypsum sheathing, and gypsum block, plank, slab, or tile*, from Oakfield, N.Y., to points in Pennsylvania on and east of U.S. Highway 219 (except Harrisburg and Lancaster and points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties); *lime, plaster, and gypsum, plaster and gypsum articles, and plaster retarder, plaster accelerator, plasterboard joint system, nails, clips, wedges, wire fasteners, and channels* used in the installation of lime, plaster, and gypsum, and plaster and gypsum articles, from Wheatland, N.Y., to points in New Jersey, Delaware, Maryland, Virginia, the District of Columbia, and that part of Pennsylvania on and east of U.S. Highway 219; *prefabricated steel buildings*, knocked down or in sections, from York, Pa., and points within 1 mile thereof, to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, New Hampshire, North Carolina, Rhode Island, Vermont, and Wisconsin; *roofing materials and supplies*, from York, Pa., to points in North Carolina, Virginia, and the District of Columbia, and from points in New Jersey, to York, Pa.; *building materials and wire*, between York, Pa., and points in Pennsylvania within 25 miles thereof, on the one hand, and, on the other, points in Maryland, New Jersey, and Pennsylvania; *lime, plaster, gypsum, plaster and gypsum articles, plaster retarder, plaster accelerator, plasterboard joint system, and nails, clips, wedges, wire fasteners, and channels* used in the installation of lime plaster, gypsum, and gypsum articles, from Akron, N.Y., to points in Delaware; *insulating materials*, when moving in the same vehicle and at the same time with roofing materials and supplies, from York, Pa., to Martinsburg, W. Va., and points in North Carolina, Virginia, New Jersey, New York, Maryland, Delaware, Ohio, and the District of Columbia; *insulating materials*, when moving in the same vehicle and at the same time with plaster, plasterboard, gypsum lath, and gypsum sheathing, from Akron, N.Y., to points in Delaware and that part of Pennsylvania on and east of U.S. Highway 219 (except points in McKean, Potter, Elk, and Cameron Counties); *roofing and building materials* and *materials, supplies, equipment, and machinery* used in or incidental to the production and distribution of roofing and building materials, between York, Pa., on the one hand, and, on the other, points in Maryland and New Jersey and Wilmington, Del., and Washington, D.C.; and roofing and building materials and materials used in the installation and application of such commodities (except iron and steel and commodities in bulk), between the plantsite of Certain-Teed Products Corportion at Avery, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

The above-indicated applications under the provisions of section 212(b), Interstate Commerce Act, and the governing rules (49 CFR 1132) will be handled on a consolidated record with the applications under section 5 of the Act in Nos. MC–F–11200 and MC–F–11205, which are also described in this issue.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6702 Filed 3–21–74;8:45 am]

[Notice No. 48]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 11, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74970. By order of March 18, 1974, the Motor Carrier Board approved the transfer to Glover Trucking, Corp., Holland, Va., of the operating rights in Certificate No. MC–2788 issued March 5, 1973 to B & B Lines, Inc., Ahoskie, N.C., authorizing the transportation of various commodities from, to and between specified points and areas in Virginia and North Carolina. Charles Ephraim, 1250 Conn. Ave. N.W., Washington, D.C. 20036. J. Edward Moyler, Jr., 506 N. Main St., Franklin, Va. 23851, attorneys for applicants.

No. MC–FC–75007. By order entered March 18, 1974, the Motor Carrier Board approved the transfer to Bulman Trucking Service, Inc., Waukon, Iowa, of the operating rights set forth in Permits Nos. MC–127571 (Sub-No. 1) and MC–127571 (Sub-No. 3), issued January 11, 1968 and September 21, 1971, respectively, to Gary C. Bulman, doing business as Bulman Trucking Service, Waukon, Iowa, authorizing the transportation butter, from Waukon, Iowa, to points in Cook County, Ill., under a continuing contract with Waukon Farmers Cooperative Creamery; and cheese, from Elkader and Waukon, Iowa, to points in Wisconsin, and butter, from Waukon, Iowa, to Plymouth, Wis., under a continuing contract or contracts with Meadowland Dairy Association, Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC–FC–75019. By order of March 18, 1974, the Motor Carrier Board approved the transfer to Maple Leaf Coach Lines Limited, Burlington, Ontario, Canada, of the operating rights in Certificates Nos. MC–124433 and MC–124433 (Sub-No. 1) issued February 24, 1964, and January 29, 1968, respectively, to C. H. Norton, Burlington, Ontario, Canada, authorizing the transportation of passengers and their baggage, in special operations in round-trip sightseeing or pleasure tours, beginning and ending at ports of entry on the United States-Canada Boundary line at the St. Lawrence, Niagara, St. Clair, St. Marys, Pigeon, and Rainy Rivers and extending to points in the United States (except Alaska and Hawaii); and passengers and their baggage, in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada Boundary line at the St. Lawrence, Niagara, Detroit, St. Marys, Pigeon, and Rainy Rivers and extending to all points in the United States (except Alaska and Hawaii). John W. Ester, 100 W. Long Lake Road, Bloomfield Hills, Mich. 48013, attorney for applicants.

No. MC–FC–75021. By order of March 18, 1974, the Motor Carrier Board approved the transfer to Neil R. Carley, doing business as Carley's Moving & Storage Co., Gary, Ind., of the operating rights in Certificate No. MC–2981 issued June 30, 1958, to Ferguson Transfer, Inc., Valparaiso, Ind., authorizing the transportation of household goods between Valparaiso, Ind., and points within 50 miles thereof, on the one hand, and, on the other, points in Indiana, Illinois, Michgan, Ohio, and Wisconsin. Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204, attorney for applicants.

No. MC–FC–75026. By order of March 18, 1974, the Motor Carrier Board approved the transfer to A–1 Tours, Inc., San Diego, Calif., of License No. MC–130126 issued June 21, 1972, to L. J. Slaughter, doing business as A–1 Tours, San Diego, Calif., authorizing operations as a broker at San Diego in connection with the transportation of passengers and their baggage, in special or charter operations, beginning and ending at San Diego, Calif., and extending to points in Arizona, Colorado, Nevada, New Mexico, Oregon, Washington, and Utah. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6709 Filed 3–21–74;8:45 am]

[Notice No. 37]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 11, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 1756 (Sub-No. 28 TA), filed February 27, 1974. Applicant: PEOPLES EXPRESS CO., 497 Raymond Blvd., Newark, N.J. 07105. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers and container ends*, from the plantsite or other facilities of Kaiser Aluminum & Chemical Corporation at Edison Township, N.J., to Baltimore, Md., for 180 days. SUPPORTING SHIPPER: Kaiser Aluminum & Chemical Co., 300 Lakeside Drive, Oakland, Calif. 94604. SEND PROTESTS TO: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 76032 (Sub-No. 306 TA), filed February 29, 1974. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Wichita, Kans., and Oklahoma City, Okla., from Wichita over Interstate Highway 35 to Oklahoma City, and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular route operations, for 180 days.

NOTE.—Carrier does not intend to tack with other authority held by it or to interline

with other carriers. SUPPORTED BY: There are approximately 24 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Roger L. Buchahan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 107403 (Sub-No. 885 TA), filed February 27, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in water-carrier supplied containers, (1) from New Orleans, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas except (a) vegetables oil, between points in Louisiana; and (b) alcohol and alcohol products, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Missouri, Oklahoma, Tennessee, and Texas to New Orleans, La. RESTRICTION: (1) The authority sought in Items 1 and 2 above is restricted to traffic originating at or destined to the territory described herein; (2) *chemicals*, between Baton Rouge, La., and New Orleans, La., for 180 days. SUPPORTING SHIPPER: D. G. Massingale, Pricing Manager, Sea Land Service, Inc., Gulf-Puerto Rico Lines, Inc., 2700 France Road, New Orleans, La. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 108382 (Sub-No. 20 TA) (Amendment), filed February 12, 1974, published in the FR issue of February 27, 1974, and republished as amended this issue. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, P.O. Box 357, Bay City, Mich. 48706. Applicant's representative: Michael M. Briley, 1200 Edison Plaza, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), to serve Willow Run Airport near Ypsilanti, Mich., as an off-route point in connection with its regular route service between Bay City, Mich., and Toledo, Ohio, for 180 days.

NOTE.—Applicant states it does intend to tack with its authority in MC 108382 and Subs thereto.

SUPPORTING SHIPPERS: West Branch Tube Company, 460 S. Valley, West Branch, Mich.; J.F.B. Manufacturing Co., 1150 N. State Street, St. Ignace, Mich. 49871; Essex International, Inc., P.O. Box 395, Atlanta, Mich.; Hancock Industries, Inc., M 18, Roscommon, Mich.; Lewiston Lustre, Inc., 516 N. Airport Road, Lewiston, Mich., and Diehl Industries, Inc. (Lord Industries), P.O. Box 434, Gaylord, Mich. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

NOTE.—The purpose of this republication is to indicate the supporting shipper of Lewiston Lustre, Inc.

No. MC 111434 (Sub-No. 86 TA), filed March 4, 1974. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 1700 West Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite* from Carbondale, Colo., to the site of Kaiser Steel Corp., York Canyon Mine located approximately 35 miles northwest of Raton, N. Mex., for 150 days. SUPPORTING SHIPPER: Mid-Continent Coal and Coke Company, Carbondale, Colo. 81623. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115322 (Sub-No. 99 TA), filed March 4, 1974. Applicant: REDWING REFRIGERATED, INC., Mlg: P.O. Box 10177; Off: Highway 527, Taft, Fla. 32809. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from St. Martinville, La., to points in Florida, for 180 days. SUPPORTING SHIPPER: Southern Brands, Inc., P.O. Box 151, St. Martinville, La. 70582. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 115331 (Sub-No. 359 TA), filed February 26, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from Memphis, Tenn., to points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, and Washington, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 117344 (Sub-No. 232 TA), filed February 27, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 34215. Applicant's representative: John C. Spencer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from East Chicago, Ind., to Cincinnati, Ohio, for 180 days. SUPPORTING SHIPPER: E. I. DuPont de Nemours & Company, Brower Road, North Bend, Ohio 45052. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117940 (Sub-No. 109 TA) (Correction), filed February 11, 1974, published as MC–117940 (Sub-No. 105 TA) in the FR issue of March 5, 1974, and republished as corrected this issue. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Anthony C. Vance, 111 E Street NW., Suite 501, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Logs of compressed wood, bark, or sawdust and paper and paper products*, from Plymouth, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and the District of Columbia, and *return shipments* to Plymouth, N.C.; and (2) *woodpulp*, from Askin, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and the District of Columbia, and *return shipments* to Askin, N.C., for 180 days. SUPPORTING SHIPPER: Weyerhaeuser Company, P.O. Box 787, Plymouth, N.C. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding in MC–117940 (Sub-No. 109 TA).

No. MC 117940 (Sub-No. 111 TA), filed March 1, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas from Mobile, Ala., and Tampa, Fla., to ports of entry on the International Boundary line between the United States and Canada located in Minnesota and North Dakota, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, P.O. Box 1940, Miami, Fla. 33101. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building &

U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 119619 (Sub-No. 69 TA), filed March 1, 1974. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Philadelphia, Pa., to points in Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Minnesota, Iowa, Missouri, and Nebraska, for 180 days. SUPPORTING SHIPPER: Mrs. Paul's Kitchens, Inc., Mr. Martin J. Carroll, Assistant Traffic Manager, 5830 Henry Avenue, Philadelphia, Pa. 19128. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 120877 (Sub-No. 4 TA) (Amendment), filed February 11, 1974, published in the FR issue of March 5, 1974, and republished as amended this issue. Applicant: TIMM MOVING AND STORAGE COMPANY, Highway 2, 52 Bypass, Minot, N. Dak. 58701. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Adams, Benson, Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Pierce, Renville, Rollette, Sheridan, Sioux, Slope, Stark, Towner, Ward, Wells, and Williams Counties, N. Dak., for 180 days. RESTRICTION: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operations are further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. SUPPORTING SHIPPERS: Karevan, Inc., P.O. Box 9240 Queen Anne Station, Seattle, Wash. 98109; Towne International Forwarding, Inc., P.O. Box 16156, San Antonio, Tex. 78246; and DeWitt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, Calif. 90042. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

NOTE.—The purpose of this republication is to indicate the additional North Dakota counties included in the request above.

No. MC 126600 (Sub-No. 10 TA), filed February 26, 1974. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Applicant's representative: Bob W. Storey, 820 W. Quincy, 310 Columbian Title Bldg., Topeka, Kans. 66612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials handling and processing equipment, elevator equipment, power transmission equipment, and materials and supplies used in the manufacture of such commodities*, between Arkansas City, Kans., on the one hand, and, points in the United States (except Alaska and Hawaii), on the other, for 180 days.

NOTE.—Applicant does not intend to tack the authority here applied for to another authority held by it, or to interline with other carriers. SUPPORTING SHIPPER: C-E Ehrsam, Inc., Abilene, Kans. 67410. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 129417 (Sub-No. 3 TA), filed March 1, 1974. Applicant: GUARDIAN VAN LINES, INC., 605 South Second, Blytheville, Ark. 72315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Randolph, Clay, Greene, Mississippi, Lawrence, Craighead, Poinsett, Crittenden, Jackson, Cross, and St. Francis Counties, Ark.; Ripley, Butler, Stoddard, Scott, Dunklin, Pemiscot, Mississippi, New Madrid, and Cape Girardeau and Carter Counties, Mo.; and Dyer, Gibson, Lauderdale, Crockett, Shelby, Tipton, Haywood, and Fayette Counties, Tenn., for 180 days. SUPPORTING SHIPPER: Procurement Division, 97CSG (SAC) Blytheville Air Force Base, Ark. 72315. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 129532 (Sub-No. 1 TA), filed February 28, 1974. Applicant: MERLIN MARTIN MOVING AND STORAGE, INC., 1306 South Jefferson, Wadena, Minn. 56482. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Lake of the Woods, Beltrami, Koochiching, Itasca, Hubbard, Cass, Wadena, Crow Wing, Aitkin, Todd, Morrison, Mille Lacs, Kanabec, Stearns, Benton, Sherburne, Isanti, Kandiyohi, Meeker, Wright and McLeod Counties, Minn., for 180 days. RESTRICTION: The service authorized herein is subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. SUPPORTING SHIPPER: Duluth Air Force Base, Duluth, IAP, Minn. 55814. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133377 (Sub-No. 4 TA), filed March 1, 1974. Applicant: COMMERCIAL SERVICES, INC., 102 Elm Street, Lakeside, Iowa 50588. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and cold storage facilities utilized by Wilson & Co., Inc., at Cedar Rapids, Iowa, to Omaha, Nebr., and points in the Omaha Commercial Zone, for 180 days. SUPPORTING SHIPPER: Wilson & Co., Inc., A. N. Brent, Manager of Transportation, 4545 Lincoln Boulevard, Oklahoma City, Okla. 73105. SEND PROTESTS TO: District Supervisor Carroll Russell, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134349 (Sub-No. 10 TA), filed February 28, 1974. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by or used in the operations of retail department stores, between Jersey City, N.J., and New York, N.Y., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Michigan, Florida, Kentucky, Missouri, North Carolina, Georgia, Alabama, Louisiana, and Texas, for 90 days. SUPPORTING SHIPPER: Mangel Stores Corporation, 115 West 18th Street, New York, N.Y. 10011. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135861 (Sub-No. 5 TA), filed February 27, 1974. Applicant: LISA MOTOR LINES, INC., Mlg: P.O. Box 4550, 2800 N. Main St., Fort Worth, Tex. 76106. Applicant's representative: Charles E. Tidwell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site of Swift Fresh Meats Company, Div. Swift & Company at Brownwood, Tex., to points in the District of Columbia, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, for 180 days. SUP-

PORTING SHIPPER: Swift Fresh Meats Company, Div. of Swift & Company, Brownwood, Tex. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 136318 (Sub-No. 20 TA), filed March 5, 1974. Applicant: COYOTE TRUCK LINE, INC., 395 West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: David R. Parker, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Santa Ana, Calif. to points in the United States (except Alaska and Hawaii); (2) *mirrors and component parts* used in the manufacture and distribution of the commodities named in (1) above, from Newton, N.C., to Santa Ana, Calif.; (3) *corner caps*, from Jacksonville, Tex. to Santa Ana, Calif.; and (4) *returned, rejected and damaged* of commodities named in (1) above, from points in the United States (except Alaska and Hawaii) to Santa Ana, Calif., for 180 days. RESTRICTED: (1) Against the shipment of commodities in bulk; and (2) to traffic originating at or destined to the facilities utilized by Consolidated Foods Corporation, B. P. John Furniture Company Division, under continuing contract with same. SUPPORTING SHIPPER: B. P. John Furniture Company (a Division of Consolidated Foods Corporation), 2001 East Dyer Road, Santa Ana, Calif. 92705. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 139472 TA (CORRECTION), filed January 29, 1974, published in the FR issue of February 20, 1974, and republished as corrected this issue. Applicant: CHARLES LEE AND DONALD TWEEDY, a Partnership, doing business as LEE AND TWEEDY, West Penn and Route 1, Hoopeston, Ill. 60942. Applicant's representative: John White (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, supplies and materials* as may be used in the selling, manufacturing or distribution of cans between the plant site of American Can Company at Hoopeston, Ill., and points in Indiana, Iowa, Michigan, and Wisconsin, for 180 days. SUPPORTING SHIPPER: R. H. Lorenz, Director-Transportation, American Can Company, American Lane, Greenwich, Conn. 06830. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

NOTE.—The purpose of this republication is to indicate applicant's correct name.

No. MC 139492 (Sub-No. 1 TA), filed March 4, 1974. Applicant: GARLAND D. TOWE, GARLAND W. PIKE AND BENJAMIN E. SMITH, doing business as TOWE-PIKE GRAIN AND SUPPLY COMPANY, Route 2, Hertford, N.C. 27944. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Nansemond City and Norfolk, Va., to points in Pasquotank, Perquimans, Gates, Hertford, and Northampton Counties, N.C., for 180 days. SUPPORTING SHIPPER: Swift Chemical Co., Elizabeth City, N.C. 27609. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 139515 Sub-1 TA, filed March 1, 1974. Applicant: HOODWOOD, INC., P.O. Box 537, Fall City, Wash. 98024. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets and casework*, between points in Washington, on the one hand, and, on the other, points in Oregon, California, and Nevada, for 180 days. SUPPORTING SHIPPER: Durabilt Industries, 10400 Snoqualmie Meadowbrook Road, North Bend, Wash. 98045. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 139523 TA (AMENDMENT), filed February 19, 1974, published in the FR issue of March 6, 1974, and republished as amended this issue. Applicant: JOHN ARDITO AND HAROLD FLAUM, doing business as J & H TRUCKING CO., 439 Bayview Avenue, Inwood, N.Y. 11696. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, used by and sold by retailers and distributors of carpeting, rugs and padding, (1) from Inwood, N.Y., to Bridgeport, Conn., and points in Baltimore County, Md.; (2) from Barrington, R.I., to Inwood, N.Y.; and (3) between Inwood, N.Y., on the one hand, and, on the other, points in New Jersey, Bucks, Chester, Delaware, and Montgomery Counties, and Philadelphia, Pa., and Dedham, Mass., for 180 days. SUPPORTING SHIPPER: Allen Carpet Shops, Inc., 690 Bayview Avenue, Inwood, N.Y. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—The purpose of this republication is to indicate the additional destination territory of Baltimore County, Md., in (1) above.

No. MC 139545 (Sub-No. 1 TA), filed March 1, 1974. Applicant: HENRY C. KOCOT, HENRY J. KOCOT AND ANTHONY J. KOCOT, doing business as H. C. KOCOT & SONS, Whately Road, South Deerfield, Mass. 01373. Applicant's representative: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in dump vehicles, between the plants and facilities of Kerr-McGee Chemical Corp. located in South Deerfield, Mass., East Windsor, North Haven, and Portland, Conn., West Kingston, R.I., North Walpole, N.H., Bradford and Vergennes, Vt., and Salem, Chatham, Amenia, Goshen, and Newark, N.Y., for 180 days. SUPPORTING SHIPPER: Kerr-McGee Chemical Corp., P.O. Box 25861, Oklahoma City, Okla. 73125. SEND PROTESTS TO: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building and U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 139546 (Sub-No. 1 TA), filed February 27, 1974. Applicant: JAMES B. GRAY, INC., Danforth, Maine 04424. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Patten and Crystal, Maine, to points in Maine on the International Boundary line between the United States and Canada, for 180 days. SUPPORTING SHIPPER: Northern Mill and Lumber Co., Patten, Maine 04765. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6711 Filed 3-21-74;8:45 am]

[No. AB-55 (Sub-No. 1)]

SEABOARD COAST LINE RAILROAD CO.

Abandonment Between Chemical and Trilby, Fla.

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321 *et seq.*, and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Pasco and Pinellas Coun-

ties, Fla., within 15 days of the date of service of this order, and certifies to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and forwarding a copy to the Director, Office of the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of March 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-55 (Sub-No. 1)]

THE SEABOARD COAST LINE RAILROAD COMPANY ABANDONMENT BETWEEN CHEMICAL AND TRILBY, FLA.

The Interstate Commerce Commission hereby gives notice that by order dated March 13, 1974, it has determined that the proposed abandonment in the above-entitled proceeding by the Seaboard Coast Line Railroad Company between Chemical and Trilby, Fla., if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. sections 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the proposed abandonment, if approved, would be consistent with land use plans in the area. The land along the line is very rural, and there are no major development plans. Traffic on the line has decreased to a point of being almost non-existent, and there is adequate alternative rail service in the area. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 8, 1974.

[FR Doc.74-6705 Filed 3-21-74;8:45 am]

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PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

Low Rent Housing Homeownership Opportunities

Title 24—Housing and Urban Development

CHAPTER VIII—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (LOW RENT PUBLIC HOUSING)

[Docket No. R-74-218]

PART 1270—LOW RENT HOUSING HOMEOWNERSHIP OPPORTUNITIES

On October 9, 1973, Title 24 of the Code of Federal Regulations was amended to add a new Part 1270, entitled "Low Rent Housing Homeownership Opportunities." The Department is republishing Part 1270 in order to correct the printing errors in the final publication and to clarify certain technical provisions. The technical changes clarify the procedures to be followed by the local housing authority when a homebuyer family loses its potential for homeownership (see § 1270.107(o)), and when the only surviving occupants of a homebuyer family are minor children (see § 1270.107(1)(3)). The changes are as follows:

1–5. On page 27889, first and second columns, Subpart B, insert periods after "§ 1270.108 Break-Even Amount," "1270.110 Earned Home Payments Account (EHPA)", and "1270.111 Nonroutine Maintenance Reserve (NRMR)" to conform to others in the series.

6. On page 27889, second column, Subpart A, second line, change "Ownership" to "Homeownership".

7. On page 27889, third column, § 1270.101(b)(2), fourteenth line, change "Subpart" to "subpart".

8. On page 27889, third column, § 1270.101(b)(3), change "Homebuyers" to "homebuyers".

9. On page 27889, third column, paragraph (3)(i), second line, insert a quotation mark before "Special".

10. Page 27890, first column, § 1270.102(a), change the period at the end to a semicolon and add the following:

Provided, however, That in the case of a development that is organized as a condominium or a planned unit development (PUD) the term "common property" shall have the meaning established by the condominium or PUD documents and the State law pursuant to which the condominium or PUD is organized, under the terms "common areas," "common facilities," "common elements," "common estate," or other similar terms.

11. On page 27890, first column, last line, change "subpart C" to "Subpart D".

12. On page 27890, second column, § 1270.103(c), third line, change the first "and" to "in".

13. On page 27890, second column, § 1270.103(c), seventh line, change "suport" to "support."

14. On page 27890, second column, § 1270.104(a)(2), sixth line, change "subpart" to "Subpart."

15. On page 27890, second column, § 1270.104(b)(1), sixth line, change "(6)(2)" to "(b)(2)."

16. On page 27890, second column, § 1270.104(b)(1), fourth line from end of paragraph, change "Civil Rights Act" to read "Civil Rights Acts".

17.–18. On page 27891, second column § 1270.105, second line, change "subpart" to "Subpart."

19. On page 27891, § 1270.105, twelfth line, change "ativities to "activities."

20. On page 27892, first column, § 1270.107(h), thirteenth line, change "§ 1270.13" to "§ 1270.110(j)(1)."

21. On page 27892, first column, § 1270.107(j), second line from bottom of first column, change "breakeven" to "break-even."

22. On page 27892, third column, in § 1270.107(1)(2), the final sentence is deleted.

23. On page 27892, third column, add the following to § 1270.107(1):

"(3) If there is no qualified successor in accordance with paragraph (1)(2), the LHA shall terminate the Agreement and another family shall be selected except under the following circumstances: Where a minor child or children of the homebuyer family are in occupancy, then in order to protect their continued occupancy and opportunity for acquisition of ownership of the home, the LHA may approve, as occupant(s) of the unit, an appropriate adult(s) who has been appointed legal guardian of the children with a duty to perform the obligations of the Homebuyers Ownership Opportunity Agreement in their interest and behalf."

24. Page 27892, third column, § 1270.107(m) is changed by (1) deleting subparagraph (m)(2), (2) re-numbering (m)(3) to (m)(2), and (3) changing the reference on the last line in (m)(1) from (m)(3) to (m)(2).

25. Page 27892, third column, in § 1270.107(n), the words "vacates the home" are substituted for "abandons the home, or vacates it" and the word "left" is substituted for "abandoned".

26. Page 27892, third column, add the following to § 1270.107:

"(o) *Transfer to rental unit.* (1) Inasmuch as the homebuyer was found eligible for admission to the Project on the basis of having the necessary elements of potential for homeownership, continuation of eligibility requires continuation of this potential, subject only to temporary unforeseen changes in circumstances. Accordingly, in the event it should develop that the homebuyer no longer meets one or more of these elements of homeownership potential, the LHA shall investigate the circumstances and provide such counseling and assistance as may be feasible in order to help the family overcome the deficiency as promptly as possible. After a reasonable time, not to exceed 30 days from the date of evaluation of the results of the investigation, the LHA shall make a re-evaluation as to whether the family has regained the potential for homeownership or is likely to do so within a further reasonable time, not to exceed 30 days from the date of the re-evaluation. Further extension of time may be granted in exceptional cases, but in any event, a final determination shall be made no later than 90 days from the date of evaluation of the results of the initial investigation. The LHA shall invite the HBA to participate in all investigations and evaluations. "(2) If the final determination of the LHA, after considering the views of the HBA, is that the homebuyer should be transferred to a suitable dwelling unit in an LHA rental project, the LHA shall give the homebuyer written notice of the loss of homeownership potential and of the offer of transfer to a rental unit. The notice shall state that the transfer shall occur as soon as a suitable rental unit is available for occupancy, but no earlier than 30 days from the date of the notice, provided that an eligible successor for the homebuyer unit has been selected by the LHA. The notice shall also state that if the homebuyer should refuse to move under such circumstances, the family may be required to vacate the homebuyer unit, without further notice. The notice shall include a statement (i) that the homebuyer may respond to the LHA in writing or in person, within a specified reasonable time, regarding the reason for the determination and offer of transfer, (ii) that in such response he may be represented or accompanied by a person of his choice including a representative of the HBA, and (iii) that the LHA has consulted the HBA concerning this determination and offer of transfer. "(3) When a Homebuyers Ownership Opportunity Agreement is terminated pursuant to this paragraph (o), the amount in the homebuyer's EHPA shall be paid in accordance with the provisions of § 1270.110(j)."

27. On page 27893, second column, § 1270.109(b), last line, change "§ 1270.107(j)(4)" to "§ 1270.107(j)(3)."

28. On page 27893, second column, § 1270.109(c), third from last line of (c), change "§ 1270.112" to "§ 1270.112(b)."

29. On page 27893, third column, § 1270.110(c), fifth line, change "16 or 17" to "§ 1270.113 or § 1270.115."

30. On page 27894, second column, § 1270.110(j)(1), sixth line, change "§ 1270.107(d)" to "§ 1270.107(m), (n) and (o)."

31. On page 27894, second column, § 1270.110(j)(3), fourth line, change (a)(i)(iii) to "(j)(1)(iii)."

32. On page 27895, second column, § 1270.112(c), twelfth line, change "and" to "or" and fifteen line, change "homebuyers" to "homebuyer".

33. On page 27895, third column, § 1270.113(b), the second line from the bottom of the paragraph, change "one-forth" to "one-fourth".

34. On page 27896, first column, in § 1270.113(c)(2), a footnote "1" is added following the words "excess amount" the footnote to read as follows:

"[1] Under section 234(c) of the National Housing Act, as of the date of publication of this subpart, mortgage insurance for a condominium unit in a multi-family project is generally authorized only if the project is currently or has been covered by a mortgage insured under another section of the National Housing Act. There is, however, a proviso which authorizes mortgage insurance for a condominium unit in a multi-family project even though the project is not or has not been covered by such a project mortgage, if the project involves eleven or less units."

35. On page 27896, first column, § 1270.114(a)(1), seventh line, insert "section" after "this" and before the comma.

36. On page 27896, second column, § 1270.114(a)(3), Illustration, 1st chart, change "Incidental costs" to "Incidental Costs."

37. On page 27896, second column, Illustration, 2nd chart, change "incidental costs." to "Incidental Costs."

38. On page 27896, third column, § 1270.115(a) seventh line, change "§ 1270.107(k)(2)" to "§ 1270.107(1)(2)."

39–40. On page 27898, second column, A, 4th and 6th lines of second column; B2, fourth and sixth lines; C, 6th line; D, fourth line; F, fifth line; and G, second line, change "part" to "Part."

41. On page 27898, second column, H, change entire first paragraph and "This agreement" of the second paragraph to all capital letters.

42. On page 27898, second column, H, sixteenth line, insert a colon after "WITNESSES."

43. On page 27898, third column, paragraph 1.a., second and eighth lines, change "part" to "Part."

44. On page 27898, third column, paragraph 1.d(2) change the period at the end to a semi-colon and add the following:

"provided, however, that in the case of a Development that is organized as a condominium or a planned unit development (PUD), the term 'common property' shall have the meaning established by the condominium or PUD documents and the State law pursuant to which the condominium or PUD is organized, under the terms 'common areas,' 'common facilities,' 'common elements,' 'common estate,' or other similar terms."

45. On page 27898, third column, first and second lines from bottom of page, change "homebuyers ownership opportunity agreement" to "Homebuyers Ownership Opportunity Agreement."

46. On page 27899, first column, third line, change "part" to "Part".

47. On page 27899, first column, first line of paragraphs 3 and 4, respectively, change "homebuyer" to "Homebuyer."

48. On page 27899, first column, footnote 2, sixth line, omit the symbol "§".

49. On page 27899, second column, 6(h), twelfth line, change "10i" to "10k."

50. On page 27899, second column, first line of paragraphs 6c and 6e, respectively, change "home" to "Home."

51. On page 27900, first column, paragraph 9a(2), first line, omit the dash after "services."

52. On page 27900, third column, paragraph 10f, second sub-paragraph, third line, substitute a colon for the semi-colon.

53. On page 27900, third column, paragraph 10f, second sub-paragraph, seventh line, substitute a semi-colon for the comma after "EHPAs."

54. On page 27900, third column, 10.g, delete the word "equity".

55. On page 27900, third column, last line of the column, substitute a colon for the semi-colon.

56. On page 27901, second column, paragraph 11c(1), fifth line, change "(c)(2)" to "c(2) and c(3)."

57. On page 27901, second column, subparagraph 11c(1), add the following:

"Such maintenance may be provided by the Homebuyer but only pursuant to a prior written agreement with the Authority covering the nature and scope of the work and the amount of credit the Homebuyer is to receive. The amount of any credit shall, upon completion of the work, be credited to the Homebuyer's EHPA and charged as provided in paragraph c(2) of this section."

58. On page 27901, third column, section 12, change "c" to "d", change "d" to "e"; and insert the following between paragraphs b and d:

"*c. Maximum operating reserve.* The maximum operating reserve that may be retained by the Authority at the end of any fiscal year shall be the sum of (1) one-half of total routine expense included in the operating budget approved for the next fiscal year and (2) one-third of total break-even amounts included in the operating budget approved for the next fiscal year; provided that such maximum may be increased if necessary as determined or approved by HUD. Total routine expense means the sum of the amounts budgeted for administration, homebuyer services, Authority-supplied utilities, routine maintenance of common property, protective services, and general expense or other category of day-to-day routine expense (see section 9 above for explanation of various categories of expense)."

59. On page 27902, third column, paragraph 17.b, fifteenth line, change "part" to "Part".

60. On page 27903, first column, paragraph 19(2), thirteenth line, change "protest" to "protect".

61. On page 27903, first column, subparagraph 19(2), third line from end of second paragraph, change "of" to "resulting from".

62. On page 27903, first column, paragraph 19, change "(3) Residency Requirements" to "b. Residency Requirements."

63. On page 27903, first column, paragraph 20, first line, change "homeowner" to "Homeowner".

64. On page 27903, first column, footnote 4, third line, insert "in" after "is".

65. On page 27903, first column, footnote 4, fourth line, insert "a" after "in".

66. On page 27903, third column, paragraph 24.a, delete subparagraph (2) and re-number subparagraph (3) to (2).

67. On page 27903, third column, eighth line, change reference in subparagraph (1) from (3) to (2).

68. On page 27903, third column, in paragraph 24.b, the words "vacates the Home" are substituted for "abandons the Home, or vacates it" and the word "left" is substituted for "abandoned".

69. On page 27903, third column, add the following to paragraph 24:

"c. *Transfer to rental unit.* (1) Inasmuch as the Homebuyer was found eligible for admission to the Project on the basis of having the necessary elements of potential for Homeownership, continuation of eligibility requires continuation of this potential, subject only to temporary unforeseen changes in circumstances. The standards of potential for Homeownership are the following:

"(i) Income sufficient to result in a required monthly payment which is not less than the sum of the amounts necessary to pay the EHPA, the NRMR, and the estimated average monthly cost of utilities attributable to the Home;

"(ii) Ability to meet all the obligations of a Homebuyer under the Homebuyers Ownership Opportunity Agreement;

"(iii) At least one member gainfully employed, or having an established source of continuing income.

"(2) Accordingly, in the event it should develop that the Homebuyer no longer meets one or more of these elements of Homeownership potential, the Authority shall investigate the circumstances and provide such counseling and assistance as may be feasible in order to help the family overcome the deficiency as promptly as possible. After a reasonable time, not to exceed 30 days from the date of evaluation of the results of the investigation, the Authority shall make a re-evaluation as to whether the family has regained the potential for Homeownership or is likely to do so within a further reasonable time, not to exceed 30 days from the date of the re-evaluation. Further extension of time may be granted in exceptional cases, but in any event a final determination shall be made no later than 90 days from the date of evaluation of the results of the initial investigation. The Authority shall invite the HBA to participate in all investigations and evaluations.

"(3) If the final determination of the Authority, after considering the views of the HBA, is that the Homebuyer should be transferred to a suitable dwelling unit in an Authority rental project, the Authority shall give the Homebuyer written notice of the Authority determination of the loss of Homeownership potential and of the offer of transfer to a rental unit. The notice shall state that the transfer shall occur as soon as a suitable rental unit is available for occupancy, but no earlier than 30 days from the date of the notice, provided that an eligible successor for the Homebuyer unit has been selected by the Authority. The notice shall also state that if the Homebuyer should refuse to move under such circumstances, the family may be required to vacate the Homebuyer unit, without further notice. The notice shall include a statement (i) that the Homebuyer may respond to the Authority in writing or in person, within a specified reasonable time, regarding the reason for the determination and offer of transfer, (ii) that in such response he may be represented or accompanied by a person of his choice including a representative of the HBA, and (iii) that the Authority has consulted the HBA concerning this determination and offer of transfer.

"(4) When a Homebuyers Ownership Opportunity Agreement is terminated pursuant to this paragraph 24c, the amount in the Homebuyer's EHPA shall be paid in accordance with the provisions of paragraph 10k of this Agreement."

70. Page 27903, third column, paragraph 25, add number (1) in front of "in the event" and delete the final sentence.

71. Page 27903, third column, paragraph 25, add the following paragraph:

"(2) If there is no qualified successor in accordance with the above, the Authority shall terminate the Agreement and another family shall be selected, except under the following circumstances: where a minor child or children of the Homebuyer family are in occupancy, then in order to protect their continued occupancy and opportunity for acquisition of ownership of the Home, the Authority may approve, as occupant(s) of the unit, an appropriate adult(s) who has been appointed legal guardian of the children with a duty to perform the obligations of the Homebuyers Ownership Opportunity Agreement in their interest and behalf."

72. On page 27904, first column, paragraph 27, sixth line, change "property" to "properly".

73. On page 27904, second column, § 1270.202(a), fourth and fifth lines, change "homeownership opportunity program" to read "Homeownership Opportunity Program".

74. On page 27905, second column, § 1270.204(b)(4), sixth line from top of second column, change "subpart" to "Subpart".

75. On page 27905, third column, § 1270.207, insert "(Subpart C)" below "APPENDIX I" and above "Content Guide—Program".

76. On page 27906, second column, § 1270.303(b), fourth line, change "subpart" to "Subpart".

77. On page 27908, first column, fourth line from bottom of Article IX, change "trem" to "term".

78. On page 27908, third column, section 3, first line, insert a period after "Directors."

79. On page 27908, third column, section 4, second line, insert a period after "board".

80. On page 27909, first column, section 5, first line, insert a period after "Directors."

81. On page 27909, first column, section 6, second line, insert a period after "Directors."

82. On page 27909, first column, section 6C(6), change "Article V:" to "Article VI."

83. On page 27909, first column, section 7, second line, insert a period after "duties".

84. On page 27909, second column, section 7,F.(1), fourth line, change "mortgage" to "mortgages".

85. On page 27910, first column, Appendix II, first paragraph, capitalize "Whereas" to read "WHEREAS".

86. On page 27910, first and second columns, Appendix II, place a comma after each "WHEREAS" at the beginning of the first and third paragraphs of the Appendix.

87. On page 27910, second column, Appendix II, first line of first and second full paragraphs, capitalize "whereas" to read "WHEREAS".

88. On page 27910, second column, Appendix II, third full paragraph, first line, capitalize "Now, therefore," to read "NOW, THEREFORE,".

(Sec. 7(d), Department of Housing and Urban Development Act; (42 U.S.C. 3535(d))

JAMES T. LYNN,
Secretary of Housing and Urban Development.

Part 1270 as corrected above is republished as follows:

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Subpart B—Turnkey III Program Description

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1270.102 Definitions.
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1270.104 Eligibility and Selection of Homebuyers.
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1270.110 Earned Home Payments Account. (EHPA)
1270.111 Nonroutine Maintenance Reserve (NRMR).
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1270.113 Achievement of Ownership by Initial Homebuyer.
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Appendix I—Content Guide for Counseling and Training Program

Subpart D—Homebuyers Association (HBA)

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1270.303 Organizing the HBA.
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Appendix I—Articles of Incorporation and By-Laws of Homebuyers Association

Appendix II—Recognition Agreement Between Local Housing Authority and Homebuyers Association

Subpart A—Introduction to Low-Rent Housing Howeownership Opportunity Program [Reserved]

Subpart B—Turnkey III Program Description

§ 1270.101 Introduction.

(a) *Purpose.* This subpart sets forth the essential elements of the HUD Homeownership Opportunities Program for Low-Income Families (Turnkey III).

(b) *Applicability.* This subpart shall be applicable to all Turnkey III developments, including those under development or in operation on the effective date of this subpart, as follows:

(1) With respect to any development to be operated as Turnkey III, the Annual Contributions Contract (ACC) shall contain the "Special Provisions for Turnkey III Homeownership Opportunity Project" as set forth in Appendix I. A Turnkey III development may include only units which are to be operated as such under Homebuyers Ownership Opportunity Agreements. If for any reason it is determined that certain units should be operated as conventional rental units, such units must comprise or be made part of a conventional rental project.

(2) With respect to Turnkey III developments pursuant to an executed ACC where no Agreements with Homebuyers have been signed, the ACC shall be amended (i) to include the "Special Provisions" set forth in Appendix I, (ii) to extend its term to 30 years, and (iii) to reduce its Maximum Contribution Percentage to a rate that will amortize the debt in 30 years at the minimum Loan Interest Rate specified in the ACC for the specific Turnkey III project involved. Further development and operation shall be in accordance with this subpart including use of the form of Homebuyers Ownership Opportunity Agreement set forth in Appendix II.

(3) With respect to developments where Agreements with homebuyers have been signed, the following steps shall be taken:

(i) The ACC shall be amended to include the Special Provisions" set forth in Appendix I; further development and operation of the Project shall be in accordance with this subpart.

(ii) The LHA shall offer all qualified homebuyers in the development a new Homebuyers Ownership Opportunity Agreement as set forth in Appendix II with an amendment to section 16a to refer to "the latest approved Development Cost Budget, or Actual Development Cost Certificate if issued," in lieu of "the Development Cost Budget in effect upon award of the Main Construction Contract or execution of the Contract of Sale," and, if the ACC for the Project has a term of 25 years, an amendment to section 16(b) to refer to a term of 25 years, instead of 30, for the Purchase Price Schedule. Each Purchase Price Schedule shall commence with the first day of the month following the effective date of the initial Agreement. No other modification in the new Agreement may be made. In the event the homebuyer refuses to accept the new Agreement, no modifications may be made in the old Agreement and the matter shall be referred to HUD.

(4) With respect to Projects which were under ACC on the effective date of this subpart, the Total Development Cost Budget shall be revised, if financially feasible, to include the cost of the appraisals which are necessary for computation of the initial purchase prices pursuant to § 1270.113. In the event this is not financially feasible, the matter shall be referred to HUD, which may, if necessary, authorize a different method for computation of such initial purchase prices on an equitable basis.

(5) With respect to all developments which were completed by the effective date of this subpart, the appraisals which are necessary for computation of the initial purchase prices pursuant to § 1270.113 shall be made as of the date of completion of the development.

§ 1270.102 Definitions.

(a) The term "common property" means the nondwelling structures and

equipment, common areas, community facilities, and in some cases certain component parts of dwelling structures, which are contained in the development: *Provided, however,* That in the case of a development that is organized as a condominium or a planned unit development (PUD), the term "common property" shall have the meaning established by the condominium or PUD documents and the State law pursuant to which the condominium or PUD is organized, under the terms "common areas," "common facilities," "common elements," "common estate," or other similar terms.

(b) The term "development" means the entire undertaking including all real and personal property, funds and reserves, rights, interests and obligations, and activities related thereto.

(c) The term "EHPA" means the Earned Home Payments Account established and maintained pursuant to § 1270.110.

(d) The term "homebuyer" means the member or members of a low-income family who have executed a Homebuyers Ownership Opportunity Agreement with the LHA.

(e) The term "homebuyers association" (HBA) means an organization as defined in § 1270.106.

(f) The term "homeowner" means a homebuyer who has acquired title to his home.

(g) The term "homeowners association" means an association comprised of homeowners, including condominium associations, having responsibilities with respect to common property.

(h) The term "HUD" means the Department of Housing and Urban Development which provides the LHAs with financial assistance through loans and annual contributions and technical assistance in development and operation.

(i) The term "LHA" means the local housing authority which acquires or develops a low-rent housing development with financial assistance from HUD, owns the homes until title is transferred to the homebuyers, and is responsible for the management of the homeownership opportunity program.

(j) The term "NRMR" means the Nonroutine Maintenance Reserve established and maintained pursuant to § 1270.111.

(k) The term "Project" is used to refer to the development in relation to matters specifically related to the Annual Contributions Contract.

§ 1270.103 Development.

(a) *Financial framework.* The LHA shall finance development or acquisition by sale of its notes (bond financing shall not be used) in the amount of the Minimum Development Cost. Payment of the debt service on the notes is assured by the HUD commitment to provide annual contributions.

(b) *Contractual framework.* There are three basic contracts:

(1) An Annual Contributions Contract containing "Special Provisions For Turnkey III Homeownership Opportunity Project," Form HUD–53010C (see Appendix I);

(2) A Homebuyers Ownership Opportunity Agreement (see Appendix II) which sets forth the respective rights and obligations of the low-income occupants and the LHA, including conditions for achieving homeownership; and

(3) A Recognition Agreement (see Appendix II of Subpart D of this part) between the LHA and the HBA under which the LHA agrees to recognize the HBA as the established representative of the homebuyers.

(c) *Community Participation Committee (CPC).* In the necessary development of citizens' participation in and understanding of the Turnkey III program, the LHA should consider formation and use of a CPC to assist the community and the LHA in the development and support of the Turnkey III program. The CPC shall be a voluntary group comprised of representatives of the low-income population primarily and may also include representatives of community service organizations.

§ 1270.104 Eligibility and selection of homebuyers.

(a) *Announcement of availability of housing; fair housing marketing.* (1) The availability of housing under Turnkey III shall be announced to the community at large. Families on the waiting list for LHA conventional rental housing who wish to be considered for Turnkey III must apply specifically for that program (see paragraph (d) of this section).

(2) The LHA shall submit to HUD an Affirmative Fair Housing Marketing Plan and shall otherwise comply with the provisions of the Affirmative Fair Housing Marketing Regulations, 24 CFR Part 200, subpart M, as if the LHA were an applicant for participation in an FHA housing program. This Plan shall be submitted with the development program, and no development program may be approved without prior approval of the Plan pursuant to HUD procedures under said Affirmative Fair Housing Marketing Regulations. If the development program has been approved, but the Annual Contributions Contract has not been executed, prior to the effective date of this subpart, an Affirmative Fair Housing Marketing Plan must be approved prior to execution of said contract.

(b) *Eligibility and standards for admission.* (1) Homebuyers shall be low-income families as determined in accordance with the income definitions and limits established by the LHA and approved by HUD (see paragraph (b)(2) of this section). The HUD-approved standards for admission to low-rent housing, including the LHA's established priorities and preferences and the requirements for administration of low-rent housing under Title VI of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241, 42 U.S.C. 2000d), shall be applicable except that the procedures used for homebuyer selection under Turnkey III shall be those set forth in this section. In carrying out these procedures the aim shall be to provide for equal housing opportunity in such a way as to prevent segregation or other discrimination on the basis of race, creed, color or national origin in accordance with the Civil Rights Acts of 1964 (Public Law 88–352, 78 Stat. 241, 42 U.S.C. 2000d) and 1968 (Public Law 90–284, 82 Stat. 73, 42 U.S.C. 3601).

(2) An LHA may establish income limits for Turnkey III which are different from those for its conventional rental program, provided that those limits are in accord with all applicable statutory and administrative requirements and are approved by HUD.

(c) *Determination of eligibility and preparation of list.* The LHA, without participation of a recommending committee (see paragraph (e)(1) of this section), shall determine the eligibility of each applicant family in respect to the income limits for the development and shall then assign each eligible applicant his appropriate place on a waiting list for the development, in sequence based upon the date of the application, suitable type or size of unit and factors affecting preference or priority established by the LHA's regulations.

(d) *List of applicants.* A separate list of applicants for Turnkey III shall be maintained, consisting of families who specifically apply and are eligible for admission to such housing.

(1) *Dating of applications.* All applications for Turnkey III shall be dated as received.

(2) *Effect on applicant status.* The filing of an application for Turnkey III by a family which is an applicant for LHA conventional rental housing or is an occupant of such housing shall in no way affect its status with regard to such rental housing. Such an applicant shall not lose his place on the rental housing waiting list until his application is accepted for Turnkey III and shall not receive any different treatment or consideration with respect to conventional rental housing because of having applied for Turnkey III.

(e) *Determination of potential for homeownership.* (1) *Recommending committee.* The LHA should consider use of a recommending committee to assist in the establishment of objective criteria for the determination of potential for homeownership and in the selection of homebuyers from the families determined to have such potential. If a recommending committee is used, it should be composed of representatives of the CPC (if any), the LHA and the HBA. The LHA shall submit to the committee prompt written justification of any rejection of a committee recommendation, stating grounds, the reasonableness of which shall be in accord with applicable LHA and HUD regulations. Each member of such a committee, at the time of appointment, shall be required to furnish the LHA with a signed statement that the member will (i) follow selection procedures and policies that do not automatically deny admission to a particular class, that insure selection on a nondiscriminatory and nonsegregated basis, and that facilitate achievement of the anticipated results for occupancy stated in the approved Affirmative Fair Housing Marketing Plan, and (ii) maintain strict confidentiality by not divulging any information concerning applicants or the

deliberations of the committee to any person except to the LHA as necessary for purposes of the official business of the committee.

(2) *Potential for homeownership.* In order to be considered for selection, a family must be determined to meet at least all of the following standards of potential for homeownership:

(i) Income sufficient to result in a required monthly payment which is not less than the sum of the amounts necessary to pay the EHPA, the NRMR, and the estimated average monthly cost of utilities attributable to the home;

(ii) Ability to meet all the obligations of a homebuyer under the Homebuyers Ownership Opportunity Agreement;

(iii) At least one member gainfully employed, or having an established source of continuing income.

(f) *Selection of homebuyers.* Homebuyers shall be selected from those families determined to have potential for homeownership. Such selection shall be made in sequence from the waiting list established in accordance with this section, provided that the following shall be assured:

(1) Selection procedures that do not automatically deny admission to a particular class; that insure selection on a nondiscriminatory and nonsegregated basis; and that facilitate achievement of the anticipated results for occupancy stated in the approved Affirmative Fair Housing Marketing Plan.

(2) Achievement of an average monthly payment for the Project, including consideration of the availability of the Special Family Subsidy, which is at least 10 percent more than the break-even amount for the Project (see § 1270.108). This standard shall be complied with both in the initial selection of homebuyers and in the subsequent filling of vacancies at all times during the life of the Project. If there is an applicant who has potential for homeownership but whose required monthly payment under the LHA's Rent Schedule would be less than the break-even amount for the suitable size and type of unit, such applicant may be selected as a homebuyer, provided that the incomes of all selected homebuyers shall result in the required average monthly payment of at least 10 percent more than the break-even amount for the Project. Such an average monthly payment for the Project may be achieved by selecting other low-income families who can afford to make required monthly payments substantially above the break-even amounts for their suitable sizes and types of units.

(g) *Notification to applicants.* (1) Once a sufficient number of applicants have been selected to assure that the provisions of paragraph (f)(2) of this section are met, the selected applicant shall be notified of the approximate date of occupancy insofar as such date can reasonably be determined.

(2) Applicants who are not selected for a specific Turnkey III development shall be so notified in accordance with HUD-approved procedure. The notice shall state the reason for the applicant's rejection (including a nonrecommendation by the recommending committee unless the applicant has previously been so notified by the committee) and the notice shall state that the applicant will be given an informal hearing on such determination, regardless of the reason for the rejection, if he makes a request for such a hearing within a reasonable time (to be specified in the notice) from the date of the notice.

(h) *Eligibility for continued occupancy.* (1) A homebuyer shall cease to be eligible for continued occupancy with the aid of HUD annual contributions when the LHA determines that his adjusted monthly income has reached the level, and is likely to continue at such level, at which the current amount of his required monthly payment equals or exceeds the monthly housing cost (see paragraph (h)(2) of this section). In such event, if the LHA determines, with HUD approval, that suitable financing is available, the LHA shall notify the homebuyer that he shall either (i) purchase the home or (ii) move from the development; provided, however, that if the LHA determines that, due to special circumstances, the homebuyer is unable to find decent, safe and sanitary housing within his financial reach although making every reasonable effort to do so, the homebuyer may be permitted to remain for the duration of such a situation if he pays an increased monthly payment consistent with his adjusted monthly income; provided that this monthly payment shall not exceed the maximum provided in § 1270.107(j)(1). Such an increased monthly payment shall also be payable by the homebuyer if he continues in occupancy without purchasing the home because suitable financing is not available.

(2) The term "monthly housing cost," as used in this paragraph, means the sum of: (i) The monthly debt service amount shown on the Purchase Price Schedule (except where the homebuyer can purchase the home by the method described in § 1270.113(c)(1) below): (ii) one-twelfth of the annual real property taxes which the homebuyer will be required to pay as a homeowner; (iii) one-twelfth of the annual premium attributable to fire and extended coverage insurance carried by the LHA with respect to the home; (iv) the current monthly per unit amount budgeted for routine maintenance (EHPA), and for routine maintenance-common property; and (v) the current LHA and HUD approved monthly allowance for utilities paid for directly by the homebuyer plus the monthly cost of utilities supplied by the LHA.

§ 1270.105 Counseling of homebuyers.

The LHA shall provide counseling and training as provided in subpart C of this part, with funding as provided in § 1270.206 of this part. Applicants for admission shall be advised of the nature of the counseling and training program available to them and the application for admission shall include a statement that the family agrees to participate and cooperate fully in all official pre-occupancy and post-occupancy training and counseling activities. Failure to participate as agreed may result in the family not being selected or retained as a homebuyer.

§ 1270.106 Homebuyers Association (HBA).

An HBA is an incorporated organization composed of all the families who are entitled to occupancy pursuant to a Homebuyers Ownership Opportunity Agreement or who are homeowners. It is formed and organized for the purposes set forth in § 1270.304 of this part. The HBA shall be funded as provided in § 1270.305 of this part. In the absence of a duly organized HBA, the LHA shall be free to act without the HBA action required by this subpart.

§ 1270.107 Responsibilities of homebuyer.

(a) *Repair, maintenance and use of home.* The homebuyer shall be responsible for the routine maintenance of the home to the satisfaction of the HBA and the LHA. This routine maintenance includes the work (labor and materials) of keeping the dwelling structure, grounds and equipment in good repair, condition and appearance so that they may be utilized continually at their designed capacities and at the satisfactory level of efficiency for their intended purposes, and in conformity with the requirements of local housing code and applicable regulations and guidelines of HUD. It includes repairs (labor and materials) to the dwelling structure, plumbing fixtures, dwelling equipment (such as range and refrigerator), shades and screens, water heater, heating equipment and other component parts of the dwelling. It also includes all interior painting and the maintenance of grounds (lot) on which the dwelling is located. It does not include maintenance and replacements provided for by the NRMR described in § 1270.111.

(b) *Repair of damage.* In addition to the obligation for routine maintenance, the homebuyer shall be responsible for repair of any damage caused by him, members of his family, or visitors.

(c) *Care of home.* A homebuyer shall keep the home in a sanitary condition; cooperate with the LHA and the HBA in keeping and maintaining the common areas and property, including fixtures and equipment, in good condition and appearance; and follow all rules of the LHA and of the HBA concerning the use and care of the dwellings and the common areas and property.

(d) *Inspections.* A homebuyer shall agree to permit officials, employees, or agents of the LHA and of the HBA to inspect the home at reasonable hours and intervals in accordance with rules established by the LHA and the HBA.

(e) *Use of home.* A homebuyer shall not (1) sublet the home without the prior written approval of the LHA and HUD, (2) use or occupy the home for any unlawful purpose nor for any purpose deemed hazardous by insurance com-

panies on account of fire or other risks, or (3) provide accommodations (unless approved by the HBA and the LHA) to boarders or lodgers. The homebuyer shall agree to use the home only as a place to live for the family (as identified in the initial application or by subsequent amendment with the approval of the LHA), for children thereafter born to or adopted by members of such family, and for aged or widowed parents of the homebuyer or spouse who may join the household.

(f) *Obligations with respect to other persons and property.* Neither the homebuyer nor any member of his family shall interfere with rights of other occupants of the development, or damage the common property or the property of others, or create physical hazards.

(g) *Structural changes.* A homebuyer shall not make any structural changes in or additions to the home unless the LHA has first determined in writing that such change would not (1) impair the value of the unit, the surrounding units, or the development as a whole, or (2) affect the use of the home for residential purposes, or (3) violate HUD requirements as to construction and design.

(h) *Statements of condition and repair.* When each homebuyer moves in, the LHA shall inspect the home and shall give the homebuyer a written statement, to be signed by the LHA and the homebuyer, of the condition of the home and the equipment in it. Should the homebuyer vacate the home, the LHA shall inspect it and give the homebuyer a written statement of the repairs and other work, if any, required to put the home in good condition for the next occupant (see § 1270.110(j)(1)). The homebuyer, his representative, and a representative of the HBA may join in any such inspections by the LHA.

(i) *Maintenance of common property.* The homebuyer may participate in nonroutine maintenance of his home and in maintenance of common property as discussed in § 1270.110(d) and § 1270.111(c).

(j) *Homebuyer's required monthly payment.* (1) The term "required monthly payment" as used herein means the monthly payment the homebuyer is required to pay as lease rental to the LHA on or before the first day of each month. Although the total monthly housing cost consists of the sum of the break-even amount (see § 1270.108) and the debt service (payments of principal and interest) on the applicable share of the capital cost of the development, the homebuyer, so long as he qualifies as low income, is not required to pay the full amount, but is assisted by HUD annual contributions. The homebuyer's required monthly payment, which is based upon his income, shall be an amount in accordance with the schedule established by the LHA and approved by HUD in accordance with the U.S. Housing Act of 1937 (P.L. 412, 75th Cong., 50 Stat. 888, 42 U.S.C. 1401 et seq.), taking into account a monthly allowance for those utilities which the homebuyer pays for directly computed in accordance with HUD requirements; provided, however, that the maximum required monthly payment, including any monthly allowance for utilities, shall be the sum of the monthly break-even amount plus the monthly debt service amount shown on the Purchase Price Schedule for the home, except that if the rent, including utilities, for comparable unsubsidized housing in the locality is lower, such lower amount may be established as the maximum if the LHA determines with HUD approval that this would be in the best interest of the project.

(2) The required monthly payment may be adjusted as a result of the LHA's regularly scheduled or specially scheduled reexamination of the family income and composition. Interim changes may be made in accordance with the LHA's policy on reexaminations, or under unusual circumstances, at the request of the homebuyer, if both the LHA and the HBA agree that such action is warranted.

(3) The required monthly payment may also be adjusted by changes in the required percentage of income to reflect (i) changes in operating expense as described in § 1270.109 and (ii) changes in utility allowances.

(4) The LHA shall not refuse to accept monthly payments because of any other charges (i.e., other than overdue monthly payments) owed by the homebuyer to the LHA; however, by accepting monthly payments under such circumstances, the LHA shall not be deemed to have waived any of its rights and remedies with respect to such other charges.

(k) *Application of monthly payment.* The LHA shall apply the homebuyer's monthly payment as follows:

(1) To the credit of the homebuyer's EHPA (see § 1270.110);

(2) To the credit of the homebuyer's NRMR (see § 1270.111); and

(3) For payment of monthly operating expense including contribution to operating reserve (see § 1270.109).

(l) *Assignment and survivorship.* Until such time as the homebuyer obtains title to the home, it shall be used only to house a family of low income. Therefore:

(1) A homebuyer shall not assign any right or interest in the home or under the Homebuyers Ownership Opportunity Agreement without the prior written approval of the LHA and HUD;

(2) In the event of death, mental incapacity or abandonment of the family by the homebuyer, the person designated as the successor in the Homebuyers Ownership Opportunity Agreement shall succeed to the rights and responsibilities under the Agreement if that person is an occupant of the home at the time of the event and is determined by the LHA to meet all of the standards of potential for homeownership as set forth in § 1270.104(e)(2). Such person shall be designated by the homebuyer at the time the Homebuyers Ownership Opportunity Agreement is executed. This designation may be changed by the homebuyer at any time. If there is no such designation or the designee is no longer an occupant of the home or does not meet the standards of potential for homeownership, the LHA may consider as the homebuyer any family member who was an occupant at the time of the event and who meets the standards of potential for homeownership.

(3) If there is no qualified successor in accordance with paragraph (l)(2) of this section, the LHA shall terminate the Agreement and another family shall be selected except under the following circumstances: where a minor child or children of the homebuyer family are in occupancy, then in order to protect their continued occupancy and opportunity for acquisition of ownership of the home, the LHA may approve as occupants of the unit, an appropriate adult(s) who has been appointed legal guardian of the children with a duty to perform the obligations of the Homebuyers Ownership Opportunity Agreement in their interest and behalf.

(m) *Termination by LHA.* (1) In the event the homebuyer should breach the Homebuyers Ownership Opportunity Agreement by failure to make the required monthly payment within ten days after its due date, by misrepresentation or withholding of information in applying for admission or in connection with any subsequent reexamination of income and family composition, or by failure to comply with any of the other homebuyer obligations under the Agreement, the LHA may terminate the Agreement 30 days after giving the homebuyer notice of its intention to do so in accordance with paragraph (m)(3) of this section.

(2) Notice of termination by the LHA shall be in writing. Such notice shall state (i) the reason for termination, (ii) that the homebuyer may respond to the LHA, in writing or in person, within a specified reasonable period of time regarding the reason for termination, (iii) that in such response he may be represented or accompanied by a person of his choice, including a representative of the HBA, (iv) that the LHA will consult the HBA concerning this termination, and (v) that unless the LHA rescinds or modifies the notice, the termination shall be effective at the end of the 30-day notice period.

(n) *Termination by the homebuyer.* The homebuyer may terminate the Homebuyers Ownership Opportunity Agreement by giving the LHA 30 days notice in writing of his intention to terminate and vacate the home. In the event that the homebuyer vacates the home without notice to the LHA, the Agreement shall be terminated automatically and the LHA may dispose of, in any manner deemed suitable by it, any items of personal property left by the homebuyer in the home. .

(o) *Transfer to rental unit.* (1) Inasmuch as the homebuyer was found eligible for admission to the Project on the basis of having the necessary elements of potential for homeownership, continuation of eligibility requires continuation of this potential, subject only to temporary unforeseen changes in circumstances. Accordingly, in the event it should develop that the homebuyer no longer meets one or more of these ele-

ments of homeownership potential, the LHA shall investigate the circumstances and provide such counseling and assistance as may be feasible in order to help the family overcome the deficiency as promptly as possible. After a reasonable time, not to exceed 30 days from the date of evaluation of the results of the investigation, the LHA shall make a re-evaluation as to whether the family has regained the potential for homeownership or is likely to do so within a further reasonable time, not to exceed 30 days from the date of the reevaluation. Further extension of time may be granted in exceptional cases, but in any event, a final determination shall be made no later than 90 days from the date of evaluation of the results of the initial investigation. The LHA shall invite the HBA to participate in all investigations and evaluations.

(2) If the final determination of the LHA, after considering the views of the HBA, is that the homebuyer should be transferred to a suitable dwelling unit in an LHA rental project, the LHA shall give the homebuyer written notice of the LHA determination of the loss of homeownership potential and of the offer of transfer to a rental unit. The notice shall state that the transfer shall occur as soon as a suitable rental unit is available for occupancy, but no earlier than 30 days from the date of the notice, provided that an eligible successor for the homebuyer unit has been selected by the LHA. The notice shall also state that if the homebuyer should refuse to move under such circumstances, the family may be required to vacate the homebuyer unit, without further notice. The notice shall include a statement (i) that the homebuyer may respond to the LHA in writing or in person, within a specified reasonable time, regarding the reason for the determination and offer of transfer, (ii) that in such response he may be represented or accompanied by a person of his choice including a representative of the HBA, and (iii) that the LHA has consulted the HBA concerning this determination and offer of transfer.

(3) When a Homebuyers Ownership Opportunity Agreement is terminated pursuant to this paragraph (o), the amount in the homebuyer's EHPA shall be paid in accordance with the provisions of § 1270.110(j).

§ 1270.108 Break-even amount.

(a) *Definition.* The term "break-even amount" as used herein means the minimum average monthly amount required to provide funds for the items listed in the illustration below. A separate break-even amount shall be established for each size and type of dwelling unit, as well as for the Project as a whole. The break-even amount for EHPA and NRMR will vary by size and type of dwelling unit; similar variations as to other line items may be made if the LHA deems this equitable.

Illustration. The following is an illustration of the computation of the break-even amount based upon hypothetical amounts.

(1) *Operating Expense (see § 1270.109):*		
Administration	$8.50	
Homebuyer services	2.00	
Project supplied utilities	3.00	
Routine maintenance—common property	3.00	
Protective services	2.00	
General expense	6.50	
Nonroutine maintenance — common property (Contribution to operating reserve)	2.00	$27.00
(2) Earned Home Payments Account (see § 1270.110)		12.00
(3) Nonroutine Maintenance Reserve (see § 1270.111)		7.50
Break-Even Amount		46.50

The break-even amount does not include the monthly allowance for utilities which the homebuyer pays for directly, nor does it include any amount for debt service on the Project notes.

(b) *Excess over break-even.* When the homebuyer's required monthly payment (see § 1270.107(j)) exceeds the applicable break-even amount, the excess shall constitute additional Project income and shall be deposited and used in the same manner as other Project income.

(c) *Deficit in monthly payment.* When the homebuyer's required monthly payment is less than the applicable break-even amount, the deficit shall be applied as a reduction of that portion of the monthly payment designated for operating expense (i. e., as a reduction of Project income). In all such cases, the EHPA and the NRMR shall be credited with the amount included in the break-even amount for these accounts.

§ 1270.109 Monthly operating expense.

(a) *Definition and categories of monthly operating expense.* The term "monthly operating expense" means the monthly amount needed for the following purposes:

(1) *Administration.* Administrative salaries, travel, legal expenses, office supplies, postage, telephone and telegraph, etc.;

(2) *Homebuyer services.* LHA expenses in the achievement of social goals, including costs such as salaries, publications, payments to the HBA to assist its operation, contract and other costs;

(3) *Utilities.* Those utilities (such as water), if any, to be furnished by the LHA as part of operating expense;

(4) *Routine maintenance—common property.* For community building, grounds, and other common areas, if any. The amount required for routine maintenance of common property depends upon the type of common property included in the development and the extent of the LHA's responsibility for maintenance (see also § 1270.109(c));

(5) *Protective services.* The cost of supplemental protective services paid by the LHA for the protection of persons and property;

(6) *General expense.* Premiums for fire and other insurance, payments in lieu of taxes to the local taxing body, collection losses, payroll taxes, etc.;

(7) *Nonroutine maintenance—common property (Contribution to operating reserve).* Extraordinary maintenance of equipment applicable to the community building and grounds, and unanticipated items for non-dwelling structures (see § 1270.112).

(b) *Monthly operating expense rate.* The monthly operating expense rate for each fiscal year shall be established on the basis of the LHA's HUD-approved operating budget for that fiscal year. The operating budget may be revised during the course of the fiscal year in accordance with HUD requirements. If it is subsequently determined that the actual operating expense for a fiscal year was more or less than the amount provided by the monthly operating expense established for that fiscal year, the rate of monthly operating expenses to be established for the next fiscal year may be adjusted to account for the difference (see § 1270.112(b)). Such adjustment may result in a change in the required monthly payment, see § 1270.107(j)(3).

(c) *Provision for common property maintenance.* During the period the LHA is responsible for the maintenance of common property, the annual operating budget and the monthly operating expense rate shall include the amount required for routine maintenance of all common property in the development, even though a number of the homes may have been acquired by homebuyers. During such period, this amount shall be computed on the basis of the total number of homes in the development (i. e., the annual amount budgeted for routine maintenance of common property shall be divided by the number of homes in the development, resulting in the annual amount for each home; this figure shall in turn be divided by 12 to determine the monthly amount to be included in the monthly operating expense (and in the break-even amount) for routine maintenance of common property). After the home owners association assumes responsibility for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment by the homeowners association for the remaining homes owned by the LHA (see § 1270.112(b) for nonroutine maintenance of common property).

(d) *Posting of monthly operating expense statement.* A statement showing the budgeted monthly amount allocated in the current operating budget to each operating expense category shall be provided to the HBA and copies shall be provided to homebuyers upon request.

§ 1270.110 Earned Home Payments Account (EHPA).

(a) *Credits to the account.* The LHA shall establish and maintain a separate EHPA for each homebuyer. Since the homebuyer is responsible for maintaining the home, a portion of his required monthly payment equal to the LHA's estimate, approved by HUD, of the monthly cost for such routine mainte-

nance, taking into consideration the relative type and size of the homebuyer's home, shall be set aside in his EHPA. In addition, this account shall be credited with (1) any voluntary payments made pursuant to § 1270.110(f), and (2) any amount earned through the performance of maintenance as provided in § 1270.110(d) and § 1270.111(c).

(b) *Charges to the account.* (1) If for any reason the homebuyer is unable or fails to perform any item of required maintenance as described in § 1270.107 (a), the LHA shall arrange to have the work done in accordance with the procedures established by the LHA and the HBA and the cost thereof shall be charged to the homebuyer's EHPA. Inspections of the home shall be made jointly by the LHA and the HBA.

(2) To the extent NRMR expense is attributable to the negligence of the homebuyer as determined by the HBA and approved by the LHA (see § 1270.111), the cost thereof shall be charged to the EHPA.

(c) *Exercise of option; required amount in EHPA.* The homebuyer may exercise his option to buy the home, by paying the applicable purchase price pursuant to § 1270.113 or § 1270.115, only after satisfying the following conditions precedent:

(1) Within the first two years of his occupancy, he has achieved a balance in his EHPA equal to 20 times the amount of the monthly EHPA credit as initially determined in accordance with paragraph (a) of this section;

(2) He has met, and is continuing to meet, the requirements of the Homebuyers Ownership Opportunity Agreement;

(3) He has rendered, and is continuing to render, satisfactory performance of his responsibilities to the HBA.

When the homebuyer has met these conditions precedent, the LHA shall give the homebuyer a certificate to that effect. After achieving the required minimum EHPA balance within the first two years of his occupancy, the homebuyer shall continue to provide the required maintenance, thereby continuing to add to his EHPA. If the homebuyer fails to meet either his obligation to achieve the minimum EHPA balance, as specified, or his obligation thereafter to continue adding to the EHPA, the LHA and the HBA shall investigate and take appropriate corrective action, including termination of the Agreement by the LHA in accordance with § 1270.107(m).

(d) *Additional equity through maintenance of common property.* Homebuyers may earn additional EHPA credits by providing in whole or in part any of the maintenance necessary to the common property of the development. When such maintenance is to be provided by the homebuyer, this may be done and credit earned therefor only pursuant to a prior written agreement between the homebuyer and the LHA (or the home owners association, depending on who has responsibility for maintenance of the property involved), covering the nature and scope of the work and the amount of credit the homebuyer is to receive. In such cases, the agreed amount shall be charged to the appropriate maintenance account and credited to the homebuyer's EHPA upon completion of the work.

(e) *Investment of excess.* (1) When the aggregate amount of all EHPA balances exceeds the estimated reserve requirements for 90 days, the LHA shall notify the HBA and shall invest the excess in federally insured savings accounts, federally insured credit unions, and/or securities approved by HUD and in accordance with any recommendations made by the HBA. If the HBA wishes to participate in the investment program, it should submit periodically to the LHA a list of HUD-approved securities, bonds, or obligations which the association recommends for investment by the LHA of the funds in the EHPAs. Interest earned on the investment of such funds shall be prorated and credited to each homebuyer's EHPA in proportion to the amount in each such reserve account.

(2) Periodically, but not less often than semi-annually, the LHA shall prepare a statement showing (i) the aggregate amount of all EHPA balances; (ii) the aggregate amount of investments (savings accounts and/or securities) held for the account of all the homebuyers' EHPAs, and (iii) the aggregate uninvested balance of all the homebuyers' EHPAs. This statement shall be made available to any authorized representative of the HBA.

(f) *Voluntary payments.* To enable the homebuyer to acquire title to his home within a shorter period, he may, either periodically or in a lump sum, voluntarily make payments over and above his required monthly payments. Such voluntary payments shall be deposited to his credit in his EHPA.

(g) *Delinquent monthly payments.* Under exceptional circumstances as determined by the HBA and the LHA, a homebuyer's EHPA may be used to pay his delinquent required monthly payments, provided the amount used for this purpose does not seriously deplete the account and provided that the homebuyer agrees to cooperate in such counseling as may be made available by the LHA or the HBA.

(h) *Annual statement to homebuyer.* The LHA shall provide an annual statement to each homebuyer specifying at least (1) the amount in his EHPA, and (2) the amount in his NRMR. During the year, any maintenance or repair done on the dwelling by the LHA which is chargeable to the EHPA or to the NRMR shall be accounted for through a work order. A homebuyer shall receive a copy of all such work orders for his home.

(i) *Withdrawal and assignment.* The homebuyer shall have no right to assign, withdraw, or in any way dispose of the funds in its EHPA except as provided in this section or in § 1270.113 and § 1270.115.

(j) *Application of EHPA upon vacating of dwelling.* (1) In the event a Homebuyers Ownership Opportunity Agreement with the LHA is terminated or if the homebuyer vacates the home (see § 1270.107 (m), (n) and (o), the LHA shall charge against the homebuyer's EHPA the amounts required to pay (i) the amount due the LHA, including the monthly payments the homebuyer is obligated to pay up to the date he vacates; (ii) the monthly payment for the period the home is vacant, not to exceed 30 days from the date of notice of intention to vacate, or, if the homebuyer fails to give notice of intention to vacate, 30 days from the date the home is put in good condition for the next occupant in conformity with § 1270.107; and (iii) the cost of any routine maintenance, and of any nonroutine maintenance attributable to the negligence of the homebuyer, required to put the home in good condition for the next occupant in conformity with § 1270.107.

(2) If the EHPA balance is not sufficient to cover all of these charges, the LHA shall require the homebuyer to pay the additional amount due. If the amount in the account exceeds these charges, the excess shall be paid to the homebuyer.

(3) Settlement with the homebuyer shall be made promptly after the actual cost of repairs to the dwelling has been determine (see paragraph (j)(1)(iii) of this section), provided that the LHA shall make every effort to make such settlement within 30 days from the date the homebuyer vacates. The homebuyer may obtain a settlement within 7 days of the date he vacates, even though the actual cost of such repair has not yet been determined, if he has given the LHA notice of intention to vacate at least 30 days prior to the date he vacates and if the amount to be charged against his EHPA for such repairs is based on the LHA's estimate of the cost thereof (determined after consultation with the appropriate representative of the HBA).

§ 1270.111 Nonroutine Maintenance Reserve (NRMR).

(a) *Purpose of reserve.* The LHA shall establish and maintain a separate NRMR for each home, using a portion of the homebuyer's monthly payment. The purpose of the NRMR is to provide funds for the nonroutine maintenance of the home, which consists of the infrequent and costly items of maintenance and replacement shown on the Nonroutine Maintenance Schedule for the home (see paragraph (b) of this section). Such maintenance may include the replacement of dwelling equipment (such as range and refrigerator), replacement of roof, exterior painting, major repairs to heating and plumbing systems, etc. The NRMR shall not be used for nonroutine maintenance of common property, or for nonroutine maintenance relating to the home to the extent such maintenance is attributable to the Homebuyer's negligence or to defective materials or workmanship.

(b) *Amount of reserve.* The amount of the monthly payments to be set aside for NRMR shall be determined by the LHA, with the approval of HUD, on the basis of the Nonroutine Maintenance

Schedule showing the amount likely to be needed for nonroutine maintenance of the home during the term of the Homebuyers Ownership Opportunity Agreement, taking into consideration the type of construction and dwelling equipment. This Schedule shall (1) list each item of nonroutine maintenance (e.g., range, refrigerator, plumbing, heating system, roofing, tile flooring, exterior painting, etc.), (2) show for each listed item the estimated frequency of maintenance or useful life before replacement, the estimated cost of maintenance or replacement (including installation) for each occasion, and the annual reserve requirement, and (3) show the total reserve requirements for all the listed items, on an annual and a monthly basis. This Schedule shall be prepared by the LHA and approved by HUD as part of the submission required to determine the financial feasibility of the Project. The Schedule shall be revised after approval of the working drawings and specifications, and shall thereafter be reexamined annually in the light of changing economic conditions and experience.

(c) *Charges to NRMR.* (1) The LHA shall provide the nonroutine maintenance necessary for the home and the cost thereof shall be funded as provided in paragraph (c)(2) of this section. Such maintenance may be provided by the homebuyer but only pursuant to a prior written agreement with the LHA covering the nature and scope of the work and the amount of credit the homebuyer is to receive. The amount of any credit shall, upon completion of the work, be credited to the homebuyer's EHPA and charged as provided in paragraph (c)(2) of this section.

(2) The cost of nonroutine maintenance shall be charged to the NRMR for the home except that (i) to the extent such maintenance is attributable to the fault or negligence of the homebuyer, the cost shall be charged to the homebuyer's EHPA after consultation with the HBA if the homebuyer disagrees, and (ii) to the extent such maintenance is attributable to defective materials or workmanship not covered by warranty, or even though covered by warranty if not paid for thereunder through no fault or negligence of the homebuyer, the cost shall be charged to the appropriate operating expense account of the Project.

(3) In the event the amount charged against the NRMR exceeds the balance therein, the difference (deficit) shall be made up from continuing monthly credits to the NRMR based upon the homebuyer's monthly payments. If there is still a deficit when the homebuyer acquires title, the homebuyer shall pay such deficit at settlement (see paragraph (d)(2) of this section).

(d) *Transfer of NRMR.* (1) In the event the Homebuyer's Ownership Opportunity Agreement is terminated, the homebuyer shall not receive any balance or be required to pay any deficit in the NRMR. When a subsequent homebuyer moves in, the NRMR shall continue to be applicable to the home in the same amount as if the preceding homebuyer had continued in occupancy.

(2) In the event the homebuyer purchases the home, and there remains a balance in the NRMR, the LHA shall pay such balance to the homebuyer at settlement. In the event the homebuyer purchases and there is a deficit in the NRMR, the homebuyer shall pay such deficit to the LHA at settlement.

(e) *Investment of excess.* (1) When the aggregate amount of the NRMR balances for all the homes exceeds the estimated reserve requirements for 90 days the LHA shall invest the excess in federally insured savings accounts, federally insured credit unions, and/or securities approved by HUD. Income earned on the investment of such funds shall be prorated and credited to each homebuyer's NRMR in proportion to the amount in each reserve account.

(2) Periodically, but not less often than semi-annually, the LHA shall prepare a statement showing (i) the aggregate amount of all NRMR balances, (ii) the aggregate amount of investments (savings accounts and/or securities) held for the account of the NRMRs, and (iii) the aggregate uninvested balance of the NRMRs. A copy of this statement shall be made available to any authorized representative of the HBA.

§ 1270.112 Operating reserve.

(a) *Purpose of reserve.* To the extent that total operating receipts (including subsidies for operations) exceed total operating expenditures of the Project, the LHA shall establish an operating reserve up to the maximum approved by HUD in connection with its approval of the annual operating budgets for the Project. The purpose of this reserve is to provide funds for (1) the infrequent but costly items of nonroutine maintenance and replacements of common property, taking into consideration the types of items which constitute common property, such as nondwelling structures and equipment, and in certain cases, common elements of dwelling structures, (2) nonroutine maintenance for the homes to the extent such maintenance is attributable to defective materials or workmanship not covered by warranty, (3) working capital for payment of a deficit in a homebuyer's NRMR, until such deficit is offset by future monthly payments by the homebuyer or at settlement in the event the homebuyer should purchase, and (4) a deficit in the operation of the Project for a fiscal year, including a deficit resulting from monthly payments totaling less than the break-even amount for the Project.

(b) *Nonroutine Maintenance—common property (Contribution to operating reserve).* The amount under this heading to be included in operating expense (and in the break-even amount) established for the fiscal year (see § 1270.108 and § 1270.109) shall be determined by the LHA, with the approval of HUD, on the basis of estimates of the monthly amount needed to accumulate an adequate reserve for the items described in paragraph (a)(1) of this section. This amount shall be subject to revision in the light of experience. This contribution to the operating reserve shall be made only during the period the LHA is responsible for the maintenance of any common property; and during such period, the amount shall be determined on the basis of the requirements of all common property in the development in a manner similar to that explained in § 1270.109(c). When the operating reserve reaches the maximum authorized in § 1270.112(c) below, the break-even (monthly operating expense) computations (see § 1270.108 and § 1270.109) for the next and succeeding fiscal years need not include a provision for this contribution to the operating reserve unless the balance of the reserve is reduced below the maximum during any such succeeding fiscal year.

(c) *Maximum operating reserve.* The maximum operating reserve that may be retained by the LHA at the end of any fiscal year shall be the sum of (1) one-half of total routine expense included in the operating budget approved for the next fiscal year and (2) one-third of total break-even amounts included in the operating budget approved for the next fiscal year; provided that such maximum may be increased if necessary as determined or approved by HUD. Total routine expense means the sum of the amounts budgeted for administration, homebuyers services, LHA-supplied utilities, routine maintenance of common property, protective services, and general expense or other category of day-to-day routine expense (see § 1270.109 above for explanation of various categories of expense).

(d) *Transfer to homeowners association.* The LHA shall be responsible for and shall retain custody of the operating reserve until the homeowners acquire voting control of the homeowners association (see § 1270.118(c) and § 1270.119(f)). When the homeowners acquire voting control, the homeowners association shall then assume full responsibility for management and maintenance of common property under a plan approved by HUD, and there shall be transferred to the homeowners association a portion of the operating reserve then held by the LHA. The amount of the reserve to be transferred shall be based upon the proportion that one-half of budgeted routine expense (used as a basis for determining the current maximum operating reserve—see paragraph (c) of this section) bears to the approved maximum operating reserve. Specifically, the portion of operating reserve to be transferred shall be computed as follows: obtain a percentage by dividing one-half of budgeted routine expense by the approved maximum operating reserve; and multiply the actual operating reserve balance by this percentage.

(e) *Disposition of reserve.* If, at the end of a fiscal year, there is an excess over the maximum operating reserve, this excess shall be applied to the operating deficit of the Project, if any, and any remainder shall be paid to HUD. Following the end of the fiscal year in

which the last home has been conveyed by the LHA, the balance of the operating reserve held by the LHA shall be paid to HUD, provided that the aggregate amount of payments by the LHA under this paragraph shall not exceed the aggregate amount of annual contributions paid by HUD with respect to the Project.

§ 1270.113 Achievement of ownership by initial homebuyer.

(a) *Determination of initial purchase price.* The LHA shall determine the initial purchase price of the home by two basic steps, as follows:

Step 1: The LHA shall take the Estimated Total Development Cost (including the full amount for contingencies as authorized by HUD) of the development as shown in the Development Cost Budget in effect upon award of the Main Construction Contract or execution of the Contract of Sale, and shall deduct therefrom the amounts, if any, attributed to (1) relocation costs, (2) counseling and training costs, and (3) the cost of any community, administration or management facilities including the land, equipment, and furnishings attributable to such facilities as set forth in the development program for the development. The resulting amount is herein called Estimated Total Development Cost for Homebuyers.

Step 2: The LHA shall apportion the Estimated Total Development Cost for Homebuyers among all the homes in the development. This apportionment shall be made by obtaining an FHA appraisal of each home and adjusting such appraised values (upward or downward) by the percentage difference between the total of the appraisal for all the Homes and the Estimated Total Development Cost for Homebuyers. The adjusted amount for each home shall be the initial purchase price for that home.

(b) *Purchase price schedule.* Each homebuyer shall be provided with a Purchase Price Schedule showing (1) the monthly declining purchase price over a 30-year period,[1] commencing with the initial purchase price on the first day of the month following the effective date of the Homebuyers Ownership Opportunity Agreement and (2) the monthly debt service amount upon which the Schedule is based. The Schedule and debt service amount shall be computed on the basis of the initial purchase price, a 30-year period,[2] and a rate of interest equal to the minimum loan interest rate as specified in the Annual Contributions Contract for the Project on the date of HUD approval of the Development Cost Budget, described in paragraph (a) of this section, rounded up, if necessary, to the next multiple of one-fourth of one percent (¼ percent).

(c) *Methods of purchase.* (1) The homebuyer may achieve ownership when the amount in his EHPA, plus such portion of the NRMR as he wishes to use for the purchase, is equal to the purchase price as shown at that time on his Purchase Price Schedule plus all Incidental Costs (Incidental Costs mean the costs incidental to acquiring ownership, including, but not limited to, the costs for a credit report, field survey, title examination, title insurance, and inspections, the fees for attorneys other than the LHA's attorney, mortgage application and organization, closing and recording, and the transfer taxes and loan discount payment, if any). If for any reason title to the home is not conveyed to the homebuyer during the month in which such circumstances occur, the purchase price shall be fixed at the amount specified for such month and the homebuyer shall be refunded (i) the net additions, if any, credited to his EHPA subsequent to such month, and (ii) such part of the monthly payments made by the homebuyer after the purchase price has been fixed which exceeds the sum of the break-even amount attributable to the unit and the interest portion of the debt service shown in the Purchase Price Schedule.

(2) Where the sum of the purchase price and Incidental Costs is greater than the amounts in the homebuyer's EHPA and NRMR as described in paragraph (c)(1) of this section, the homebuyer may achieve ownership by obtaining financing for or otherwise paying the excess amount. The purchase price shall be the amount shown on his Purchase Price Schedule for the month in which the settlement date for the purchase occurs.

(d) The maximum period for achieving ownership shall be 30 years, but depending upon increases in the homebuyers income and the amount of credit which the homebuyer can accumulate through maintenance and voluntary payments, the period may be shortened accordingly.

§ 1270.114 Payment upon resale at profit.

(a) *Promissory note.* (1) When a homebuyer achieves ownership (regardless of whether ownership is achieved under § 1270.113 or § 1270.115), he shall sign a note obligating him to make a payment to the LHA, subject to the provisions of paragraph (a)(2) or this section, in the event he resells his home at a profit within 5 years of actual residence in the home after he becomes a homeowner. If, however, the homeowner should purchase and occupy another home within one year (18 months in case of a newly constructed home) of the resale of the Turnkey III home, the LHA shall refund to the homeowner the amount previously paid by him under the note, less the amount, if any, by which the resale price of the Turnkey III home exceeds the acquisition price of the new home, provided that application for such refund shall be made no later than 30 days after the date of acquisition of the new home.

(2) The note to be signed by the homebuyer pursuant to paragraph (a)(1) of this section shall be a non interest-bearing promissory note (see Appendix IV) to the LHA. The note shall be executed at the time the homebuyer becomes a homeowner and shall be secured by a second mortgage. The initial amount of the note shall be computed by taking the appraised value of the home at the time the homebuyer becomes a homeowner and subtracting (i) the homebuyer's purchase price plus the Incidental Costs and (ii) the increase in value of the home, determined by appraisal, caused by improvements paid for by the homebuyer with funds from sources other than the EHPA or NRMR. The note shall provide that this initial amount shall be automatically reduced by 20 percent thereof at the end of each year of residency as a homeowner, with the note terminating at the end of the five-year period of residency, as determined by the LHA. To protect the homeowner, the note shall provide that the amount payable under it shall in no event be more than the net profit on the resale, that is, the amount by which the resale price exceeds the sum of (i) the homebuyer's purchase price plus the Incidental Costs, (ii) the costs of the resale, including commissions and mortgage prepayment penalties, if any, and (iii) the increase in value of the home, determined by appraisal, due to improvements paid for by him as a homebuyer (with funds from sources other than the EHPA or NRMR) or as a homeowner.

(3) Amounts collected by the LHA under such notes shall be retained by the LHA for use in making refunds pursuant to paragraph (a)(1) of this section. After expiration of the period for the filing of claims for such refunds, any remaining amounts shall be applied (i) to reduce the LHA's capital indebtedness on the Project and (ii) after such indebtedness has been paid, for such purposes as may be authorized or approved by HUD under such Annual Contributions Contract as the LHA may then have with HUD.

Illustration. If the homeowner's purchase price is $10,000, the Incidental Costs are $500, the value added by improvements is $1,000, and the FHA appraised value at the time he acquires ownership is $17,000, the note computation would be as follows:

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[1] Change to 25-year period where appropriate pursuant to § 1270.101(b)(3).

[2] Under section 234(c) of the National Housing Act, as of the date of publication of this subpart, mortgage insurance for a condominium unit in a multi-family project is generally authorized only if the project is currently or has been covered by a mortgage insured under another section of the National Housing Act. There is, however, a proviso which authorizes mortgage insurance for a condominium unit in a multi-family project even though the project is not or has not been covered by such a project mortgage, if the project involves eleven or less units.

FHA appraised value		$17,000
Homeowner's purchase price	10,000	
Incidental Costs	500	
Improvements	1,000	−11,500
Initial note amount		5,500

In this example, the amount of the note during the first year of residence is $5,500. In the second year, the amount of the note is $4,400, and in the third year, it is $3,300, etc. The note shall terminate at the end of the fifth year.

If the homeowner in this example resells his home during the first year for a sales price of $17,500, has resale costs of $1,600 (including a sales commission), and has added $1,500 value by further improvements, he would be required to pay the LHA $2,900 rather than the $5,500, as indicated in the following computations:

Resale price		$17,500
Resale costs	1,600	
Purchase price and Incidental Costs	10,500	
All improvements	2,500	−14,600
Payable to LHA		2,900

(b) *Residency requirements.* The five-year note period does not end if the homeowner rents or otherwise does not use the home as his principal place of residence for any period within the first five years after he achieves ownership. Only the actual amount of time he is in residence is counted and the note shall be in effect until a total of five years time of residence has elapsed, at which time the homeowner may request the LHA to release him from the note, and the LHA shall do so.

§ 1270.115 Achievement of ownership by subsequent homebuyers.

(a) *Definition.* In the event the initial homebuyer and his family vacate the home before having acquired ownership, a subsequent occupant who enters into a Homebuyer's Ownership Opportunity Agreement and who is not a successor pursuant to § 1270.107(l)(2) is herein called a "subsequent homebuyer."

(b) *Determination of initial purchase price.* The initial purchase price for a subsequent homebuyer shall be an amount equal to (1) the purchase price shown in the initial homebuyer's Purchase Price Schedule as of the date of this Agreement with the subsequent homebuyer plus (2) the amount, if any, by which the appraised fair market value of the home, determined or approved by HUD as of the same date, exceeds the purchase price specified in paragraph (b)(1) of this section.

(c) *Purchase price schedule.* The subsequent homebuyer's Purchase Price Schedule shall be the same as the unexpired portion of the initial homebuyer's Purchase Price Schedule except that where his purchase price includes an additional amount as specified in paragraph (b)(2) of this section, the initial homebuyer's Purchase Price Schedule shall be followed by an Additional Purchase Price Schedule for such additional amount based upon the same monthly debt service and the same interest rate as applied to the initial homebuyer's Purchase Price Schedule.

(d) *Residual receipts.* After payment in full of the LHA's debt, if there are any subsequent homebuyers who have not acquired ownership of their homes, the LHA shall continue to pay to HUD all residual receipts from the operation of the Project, including payments received on account of any Additional Purchase Price Schedules applicable to the homes, provided the aggregate amount of such payments of residual receipts does not exceed the aggregate amount of annual contributions paid by HUD with respect to the Project.

§ 1270.116 Transfer of title to homebuyer.

When the homebuyer is to obtain ownership as described in § 1270.113 or § 1270.115, a closing date shall be mutually agreed upon by the parties. On the closing date the homebuyer shall pay the required amount of money to the LHA, sign the promissory note pursuant to § 1270.114, and receive a deed for the home.

§ 1270.117 Responsibilities of homebuyer after acquisition of ownership.

After acquisition of ownership, each homeowner shall be required to pay to the LHA or to the homeowners association, as appropriate, a monthly fee for (a) the maintenance and operation of community facilities including utility facilities, if any, (b) the maintenance of grounds and other common areas and, (c) such other purposes as determined by the LHA or the homeowners association, as appropriate, including taxes and a provision for a reserve. This requirement shall be set out in the planned unit development or condominium documents which shall be recorded prior to the date of full availability, or in an LHA-homeowner contract in this regard.

§ 1270.118 Homeowners association—planned unit development (PUD).

If the development is organized as a planned unit development:

(a) *Ownership and maintenance of common property.* The common areas, sidewalks, parking lots, and other common property in the development shall be owned and maintained as provided for in the approved planned unit development (PUD) program except that the LHA shall be responsible for maintenance until such time as the homeowners association assumes such responsibility (see § 1270.112(d)).

(b) *Title restrictions.* The title ultimately conveyed to each homebuyer shall be subject to restrictions and encumbrances to protect the rights and property of all other owners. The homeowners association shall have the right and obligation to enforce such restrictions and encumbrances and to assess owners for the costs incurred in connection with common areas and property and other responsibilities.

(c) *Votes in association.* There shall be as many votes in the association as there are homes in the development, and, at the outset, all the voting rights shall be held by the LHA. As each home is conveyed to the homebuyer, one vote shall automatically go to the homeowner so that, when all the homes have been conveyed, the LHA shall no longer have any interest in the homeowners association.

(d) *Voting control.* The LHA shall not lose its majority voting interest in the association as soon as a majority of the homes have been conveyed, unless the law of the state requires control to be transferred at a particular time, or the LHA so desires. If permitted by state law, provision shall be made for each home owned by the LHA to carry three votes, while each home owned by a homeowner shall carry one vote. Under this weighted voting plan, the LHA shall continue to have voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when at least 50 percent of the homes have been acquired by the homeowners.

§ 1270.119 Homeowners association—condominium.

If the development is organized as a condominium:

(a) The LHA at the outset shall own each condominium unit and its undivided interest in the common areas;

(b) All the land, including that land under the housing units, shall be a part of the common areas;

(c) The homeowners association shall own no property but shall maintain and operate the common areas for the individual owners of the condominium units except that the LHA shall be responsible for maintenance until such time as the homeowners association assumes such responsibility (see § 1270.112(d));

(d) The percentage of undivided interest attached to each condominium unit shall be based on the ratio of the value of the units to the value of all units and shall be fixed when the development is completed. This percentage shall determine the homeowner's liability for the maintenance of the common areas and facilities;

(e) Each homeowner's vote in the homeowners association shall be identical with the percentage of undivided interest attached to his unit; and

(f) The LHA shall not lose its majority voting interest in the association as soon as units representing 50 percent of the value of all units have been conveyed, unless the law of the state requires control to be transferred at a particular time or the LHA so desires. For voting purposes, until units representing 75 percent of the value of all units have been acquired by homeowners, the total undivided interest attributable to the homes owned by the LHA shall be multiplied by three, if such weighted voting plan is permitted by state law. Under this plan, the LHA shall continue to maintain voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when units representing at least 50 percent of the value of all units have been acquired by the homeowners.

§ 1270.120 Relationship of homeowners association to HBA.

The HBA and the LHA may make arrangements to permit homebuyers to participate in homeowners association matters which affect the homebuyers. Such arrangements may include rights to attend meetings and to participate in homeowners association deliberations and decisions.

§ 1270.121 Use of appendices.

Use of the following Appendices is mandatory for Projects developed under this subpart:

Appendix I—Annual Contributions Contract "Special Provisions for Turnkey III Homeownership Opportunity Project"
Appendix II—Homebuyers Ownership Opportunity Agreement (Turnkey III)
Appendix III—Certificate of Achievement of Homebuyer Status
Appendix IV—Promissory Note for Payment Upon Resale by Homebuyer at Profit

No modification may be made in format, content or text of these Appendices except (1) as required under state or local law as determined by HUD or (2) with approval of HUD.

APPENDIX I

(Subpart B)

ANNUAL CONTRIBUTIONS CONTRACT

( ) Special Provisions for Turnkey III Homeownership Opportunity Project No. ____.

(1) The Local Authority agrees to operate the Project in accordance with requirements for the Homeownership Opportunity Program for Low-Income Families (Turnkey III) as prescribed by the Government. The Local Authority shall enter into an agreement with the occupant of each dwelling unit in the Project which agreement shall be in the form of the Homebuyers Ownership Opportunity Agreement approved by the Government, which form provides an opportunity for the acquisition of ownership of the dwelling unit by each occupant who has performed all of the obligations and conditions precedent imposed upon him by such agreement. Upon conveyance of any such dwelling unit, the Local Authority's outstanding obligations in respect to the Project shall be reduced by the amount received for such conveyance, and the Government's obligation for payment of annual contributions in respect to the Project shall be reduced by the amount allocable to the initial purchase price of the dwelling unit. The term "initial purchase price" as used in these Special Provisions shall have the same meaning as in the Homebuyers Ownership Opportunity Agreement, and the term "dwelling unit" shall have the same meaning as the term "Home" used in the Homebuyers Ownership Opportunity Agreement.

(2) Failure of the Local Authority to enter into such Homebuyers Ownership Opportunity Agreements at the time and in the form as required by the Government, failure to perform any such agreement, and failure to meet any of its obligations under these Special Provisions shall constitute a Substantial Default under this Contract.

(3) The books of account and records of the Local Authority shall be maintained to meet the requirements of the Homebuyers Ownership Opportunity Agreement as well as the other provisions of this Contract and in such manner as will at all times show the operating receipts, operating expenditures, reserves, residual receipts, and other required accounts for the Project separate and distinct from all other Projects under this Contract.

(4) As of the Date of Full availability, or at such earlier date as the Government may require, the Local Authority shall determine and submit to the Government for its approval the amount below which the Development Cost of the Project will in no event fall. Upon approval thereof by the Government, such amount shall constitute and be known as the "Minimum Development Cost" of the Project. The Local Authority shall issue its Project Loan Notes, Permanent Notes or Project Notes as the Government may require to finance the Minimum Development Cost. On each Annual Contribution Date the Governmen. shall pay an annual contribution for the Project in an amount equal to the Maximum Contribution Percentage of the latest approved Minimum Development Cost. The first annual contribution shall be paid or made available as of the next Annual Contribution Date following the approval of the Minimum Development Cost of the Project.

(5) Notwithstanding section 403(A)(4), the term "Development Cost" shall include interest on that portion of borrowed monies allocable to the Project for the period ending with the Date of Full Availability or such earlier date as may be specifically approved by the Government.

(6) (a) During the —[1] year Maximum Contribution Period established for the Project, the Local Authority shall, within 60 days after the end of each Fiscal Year, pay to the Government all Residual Receipts of the Project for such Fiscal Year for application to the reduction of Annual Contributions payable by the Government with respect to the Project.

(b) During the period of years immediately following and equal to the Maximum Contribution Period established for the Project, the Local Authority shall, within 60 days after the end of each Fiscal Year, pay to the Government all Residual Receipts of the Project for such Fiscal Year.

(c) Following the end of the Fiscal Year in which the last dwelling unit has been conveyed by the Local Authority, the balance of the operating reserve held by the Local Authority shall be paid to the Government, provided that the aggregate amount of payments under (b) and (c) of this paragraph shall not exceed the aggregate amount of annual contributions paid by the Government with respect to the Project.

(7) No part of the Funds on deposit in the Debt Service Fund or the Advance Amortization Fund with respect to any other Project under this Contract or the funds available for deposit in such Funds for such other Projects, shall be applied to the retirement of Notes issued for this Project, nor shall any such funds on deposit for this Project be used with respect to any other Project or Projects under this Contract.

(8) To the extent that the provisions of this section conflict with other provisions of this Contract, the provisions of this section shall be controlling with respect to the Project.

APPENDIX II

(Subpart B)

HOMEBUYERS OWNERSHIP OPPORTUNITY AGREEMENT

(Turnkey III)

PART I

This Agreement, made and entered into _____, 19__, by and between _____ (herein called the "Authority"), and _____ (herein called the "Homebuyer");

WITNESSETH:

In consideration of the agreements and covenants contained in this Agreement and in Homebuyers Ownership Opportunity Agreement Part II, which is hereby incorporated into this Agreement by reference, the Authority leases to the Homebuyer the following described land and improvements thereon together with an undivided interest in all common areas and property (herein called the "Home") located in the _____ Development (Project No. ____), which Home is identified and located as follows: [Insert address and legal description of location of Home, including rights with respect to common areas and property, and making reference to Book and Page No. in Recorder of Deeds Office].

A. *Term of Agreement.* The term of this Agreement shall commence on _____, 19__, and shall expire at midnight on the last day of this same calendar month. Said term shall be extended automatically for successive periods of one calendar month for a total term of ____[1] years from the first day of the next calendar month unless the Homebuyer acquires title to the home pursuant to section 16 or 17 of Part II, as applicable, or unless this Agreement is terminated pursuant to section 24 of Part II.

B. *Monthly Payment.* 1. Until changed in accordance with this Agreement, the Homebuyer's Monthly Payment shall be $____ per month, due and payable on or before the first day of each month. If liability for the Monthly Payment shall start on a day other than the first day of a calendar month, or if for any reason the effective date of termination occurs on other than the last day of the month, the Monthly Payment for such month shall be proportionate to the period of occupancy during that month.

2. The amount of the Monthly Payment may be increased or decreased only by reason of changes in the Rent Schedule (see section 7c of Part II) or changes in the Homebuyer's family income or other circumstances (see section 7b of Part II). Any change in Monthly Payment shall become effective by written notice from the Authority to the Homebuyer as of the date specified in such notice, and such notice shall be deemed to constitute an Amendment to this Agreement.

C. *Option to Purchase.* In consideration of the covenants contained herein, the Authority grants the Homebuyer an option to purchase the Home for the applicable purchase price, to be exercised in accordance with section 10d of Part II.

D. *Purchase Price.* The Initial Purchase Price of this Home is $_____ (this price has been determined in accordance with section 16 or 17 of Part II as applicable); this amount shall be reduced periodically in accordance with the schedule (hereinafter called Purchase Price Schedule) for that amount, which Schedule is hereby furnished the Homebuyer.

E. *Amount of NRMR.* The balance (or deficit) in the NRMR on the date of this Agreement is $_____.

F. *Homebuyers Association.* Upon the signing of this Agreement, the Homebuyer's family automatically becomes a member of the Homebuyers Association, as provided in section 5 of Part II.

G. *Designation of Successor.* For the purpose of section 25 of Part II, the designee and his address are: _____

First Name Initial

_____ _____

Last Name Relationship

H. *Entire Agreement.* THIS AGREEMENT (COMPRISING PARTS I AND II, THE PURCHASE PRICE SCHEDULE, THE NONROUTINE MAINTENANCE SCHEDULE, AND THE PROMISSORY NOTE) IS THE ENTIRE AGREEMENT BETWEEN THE AUTHORITY

[1] 25 or 30, as applicable.

[1] Fill in term of years equal to term of Purchase Price Schedule (and Additional Purchase Price Schedule, if applicable) (see Section 16 or 17 of Part II as applicable).

AND THE HOMEBUYER, AND, EXCEPT AS OTHERWISE PROVIDED IN THIS AGREEMENT, NO CHANGES SHALL BE MADE OTHER THAN IN WRITING SIGNED BY THE AUTHORITY AND THE HOMEBUYER.

THIS AGREEMENT is signed in duplicate, original for all purposes. The Homebuyer hereby acknowledges receipt of one of these signed copies.

WITNESSES:

_____

_____

The Authority:

By_____

(Official Title)

The Homebuyer(s):

☐ Initial

☐ Subsequent

_____

_____

PART II

TERMS AND CONDITIONS

1. *Introduction*—a. *The Home.* The Home described in Part I of this Agreement is part of a Development, which the Authority has acquired or caused to be constructed. This Development contains a number of dwelling units including related land, and may also include common areas and property as described in Part I for occupancy by low-income families under lease-purchase agreements, each in the form of this Homebuyers Ownership Opportunity Agreement. This Development is financed by sale of the Authority's notes which will be amortized over the period of years specified in the Annual Contributions Contract relating to this Development.

b. *Annual Contributions Contract.* The Authority has entered into an Annual Contributions Contract ("ACC") with the Department of Housing and Urban Development ("HUD") under which the Authority will receive Annual Contributions provided by HUD, and will perform certain operational functions, to provide housing for the Homebuyers and assist the Homebuyers in achieving homeownership.

c. *Management.* The Authority may enter into a contract or contracts for management of the Development or for performance of management functions, by the Homebuyers Association (see section 5) or others.

d. *Definitions.*

(1) The term "Authority" means the local housing authority which acquires or develops a low-rent housing development with financial assistance from HUD, owns the Homes until title is transferred to the Homebuyers, and is responsible for the management of the homeownership opportunity program.

(2) The term "common property" means the nondwelling structures and equipment, common areas, community facilities, and in some cases certain component parts of dwelling structures, which are contained in the Development: *Provided, however,* That in the case of a Development that is organized as a condominium or a planned unit development (PUD), the term "common property" shall have the meaning established by the condominium or PUD documents and the State law pursuant to which the condominium or PUD is organized, under the terms, "common areas," "common facilities," "common elements," "common estate," or other similar terms.

(3) The term "Development" means the entire undertaking including all real and personal property, funds and reserves, rights, interests and obligations, and activities related thereto.

(4) The term "EHPA" means the Earned Home Payments Account established and maintained pursuant to section 10 of the Agreement.

(5) The term "Homebuyer" means the member or members of a low-income family who have executed a Homebuyers Ownership Opportunity Agreement with the Authority.

(6) The term "Homebuyers Association" (HBA) means an organization as defined in section 5 of this Agreement.

(7) The term "Homeowner" means a Homebuyer who has acquired title to his Home.

(8) The term "Homeowners Association" means an association comprised of Homeowners, including condominium associations, having responsibilities with respect to common property.

(9) The term "HUD" means the Department of Housing and Urban Development which provides the Authority with financial assistance through loans and annual contributions and technical assistance in development and operation.

(10) The term "NRMR" means the Nonroutine Maintenance Reserve established and maintained pursuant to section 11 of this Agreement.

(11) The term "Project" is used to refer to the Development in relation to matters specifically related to the Annual Contributions Contract.

2. *The Homebuyers Ownership Opportunity Agreement.* Under this Homebuyers Ownership Opportunity Agreement, the Homebuyer may achieve ownership of the home described in Part I by making the required monthly payments and providing maintenance and repairs to build up a credit in his Earned Home Payments Account (hereinafter called "EHPA"). While the Homebuyer is performing his obligations, the purchase price will be reduced in accordance with the Purchase Price Schedule, so that, while this purchase price is being reduced, the Homebuyer is increasing the amount of his EHPA. The Homebuyer may also make voluntary payments to his EHPA which will enable him to acquire ownership more quickly. The Homebuyer may take title to his Home when he is able to finance or pay in full the balance of the purchase price as shown on the Purchase Price Schedule plus the costs incidental to acquiring ownership, as provided in section 16 or 17, as applicable.

3. *Status of Homebuyer.* Until the Homebuyer satisfies the conditions set forth in section 10d precedent to the exercise of his option to purchase the Home for the applicable purchase price, the Homebuyer shall have the status of a lessee of the Authority from month to month with an obligation to build up such balance in his EHPA within the first two years of his occupancy and to continue adding to his EHPA thereafter. For convenience the term "Homebuyer" also refers to the occupant during his status as a lessee.

4. *Counseling of Homebuyers.* The Authority shall provide training and counseling, as required and approved by HUD. The Authority's own staff and resources, existing community resources, a private agency under contract with the Authority, or any combination of the three, shall be utilized to prepare Homebuyers for the rights, responsibilities, and obligations of homeownership including participation in the Homebuyers Association. The Homebuyer agrees to participate in and cooperate fully in all official training and counseling activities.

5. *Homebuyers Association.*[2] Upon the signing of this Agreement, the Homebuyer's family automatically becomes a member of the Homebuyers Association having membership and purposes as set forth in the Articles of Incorporation of said Association. In the absence of a duly organized Homebuyers Association, the Authority shall be free to act without the HBA action required by this Agreement.

6. *Routine maintenance, repair and use of premises.* a. *Routine maintenance.* The Homebuyer shall be responsible for the routine maintenance of his dwelling and grounds, to the satisfaction of the Homebuyers Association and the Authority. This routine maintenance includes the work (labor and materials) of keeping the dwelling structure, grounds and equipment in good repair, condition and appearance so that they may be utilized continually at their designed capacities and at the satisfactory level of efficiency for their intended purposes, and in conformity with the requirements of local housing codes and applicable regulations and guidelines of HUD. It includes repairs (labor and materials) to the dwelling structure, plumbing fixtures, dwelling equipment (such as range and refrigerator), shades and screens, water heaters, heating equipment and other component parts of the dwelling. It also includes all interior painting and maintenance of the grounds (lot) on which the dwelling is located. It does not include maintenance and replacements provided for by the Nonroutine Maintenance Reserve described in Section 11.

b. *Repair of damage.* In addition to his obligation for routine maintenance, the Homebuyer shall be responsible for repair of any damage caused by the Homebuyer, members of his family, or visitors.

c. *Care of Home.* The Homebuyer agrees to keep his dwelling in a sanitary condition; to cooperate with the Authority and the Homebuyers Association in keeping and maintaining the common area and property, including fixtures and equipment, in good condition and appearance; and to follow all rules of the Authority and of the Homebuyers Association concerning the use and care of the dwellings and the common areas and property.

d. *Inspections.* The Homebuyer agrees to permit officials, employees, or agents of the Authority, and of the Homebuyers Association to inspect his Home at reasonable hours and intervals in accordance with rules established by the Authority and the Homebuyers Association.

e. *Use of Home.* The Homebuyer shall not (1) sublet his Home without the prior written approval of the Authority and HUD, (2) use or occupy his home for any unlawful purpose nor for any purpose deemed hazardous by insurance companies on account of fire and other risks, or (3) provide accommodations (unless approved by the Homebuyers Association and the Authority) to boarders or lodgers. The Homebuyer agrees to use the Home only as a place to live for himself and his family (as identified in his initial application or by subsequent amendment with the approval of the Authority), for children thereafter born to or adopted by members of such family, and for aged or widowed parents of the Homebuyer or spouse who may join the household.

f. *Obligations with respect to other persons and property.* Neither the Homebuyer nor any member of his family shall interfere with rights of other occupants of the Development, or damage the common property

[2] There may be cases, such as where the homes are on scattered sites, where there is no Homebuyers Association but an alternative method for homebuyer representation and counseling is provided (see 24 CFR 1270.307). In such cases, section 5 and other portions of this Agreement referring to the Homebuyers Association should be modified to reflect the alternative method provided for homebuyer representation and counseling.

or the property of others, or create physical hazards.

g. *Structural changes.* A Homebuyer shall not make any structural changes in or additions to his Home unless the Authority has first determined in writing that such change would not (1) impair the value of the unit, the surrounding units, or the Development as a whole, or (2) affect the use of the Home for residential purposes, or (3) violate HUD requirements as to construction and design. Any changes made in accordance with this paragraph shall be at the Homebuyer's expense, and in the event of termination of this Agreement before the Homebuyer acquires title to the Home, whether by reason of the Homebuyer's default or otherwise, the Homebuyer shall not be entitled to any compensation on account of his having made such changes.

h. *Statement of condition and repair.* When the Homebuyer moves in, the Authority shall inspect the Home and shall give the Homebuyer a written statement, to be signed by the Authority and the Homebuyer, of the condition of the Home and the equipment in it. Should the Homebuyer vacate, the Authority shall inspect the Home and give the Homebuyer a written statement of the repairs and other work, if any, required to put the Home in good condition for the next occupant (see section 10k). The Homebuyer or his representative, or both, may join in any such inspections with the Authority and the Homebuyer Association.

7. *Monthly payments by Homebuyer*—a. *Determination of amount.* Except as otherwise provided hereinafter, the Homebuyer agrees to pay to the Authority, so long as this Agreement is in effect, a required Monthly Payment as lease rental in an amount determined in accordance with a schedule adopted by the Authority and approved by HUD. Although the total monthly housing cost consists of the sum of the break-even amount (see section 8) and the debt service (payment of principal and interest) on the applicable share of the capital cost of the Development, the Homebuyer, so long as he qualifies as low income, is not required to pay the full amount, but is assisted by HUD annual contributions. The schedule shall provide for payments to be based upon a percentage of the family's adjusted monthly income and shall indicate allowances for those utilities which the Homebuyer will pay for directly.

b. *Changes in monthly payment due to changes in family income or other circumstances.* The required Monthly Payment may be adjusted as a result of the Authority's regularly or specially scheduled reexamination of the Homebuyer's family income and family composition. Interim changes may be made in accordance with the Authority's policy on reexaminations, or under unusual circumstances, at the request of the Homebuyer, if both the Authority and the Homebuyers Association agree that such action is warranted.

c. *Changes in monthly payment due to changes in rent schedules.* The required Monthly Payment may also be adjusted by changes in the required percentage of income to reflect (1) changes in operating expense as described in section 9b and (2) changes in utility allowances.

d. *Acceptance of monthly payment.* The Authority shall not refuse to accept monthly payments because of any other charges (i.e., other than overdue monthly payments) owed by the Homebuyer to the Authority; however, by accepting monthly payments under such circumstances the Authority shall not be deemed to have waived any of its rights and remedies with respect to such other charges.

e. *Application of monthly payment.* The Homebuyer's Monthly Payment shall be applied by the Authority as follows: First, to the credit of the Homebuyer's EHPA pursuant to section 10 below; second, to the credit of the Nonroutine Maintenance Reserve for the Home pursuant to Section 11 below; and third, for payment of Monthly Operating Expense, including contribution to Operating Reserve, as provided in section 9 below.

8. *Break-even amount*—a. *Definition.* The term "Break-even Amount" means the minimum monthly amount needed to provide funds for:

(1) Monthly Operating Expense, including provision for a contribution to Operating Reserve, pursuant to section 9a below;

(2) the monthly amount to be credited to the Homebuyer's EHPA pursuant to Section 10 below; and

(3) the monthly amount to be credited to the Nonroutine Maintenance Reserve for the Home pursuant to section 11 below.

b. *Monthly payment in excess of break-even amount.* When the Homebuyer's required Monthly Payment exceeds the applicable Break-even Amount, the excess shall constitute additional Project income and shall be deposited and used in the same manner as other Project income.

c. *Monthly payment below break-even amount.* When the Homebuyer's required Monthly Payment is less than the applicable Break-even Amount, the deficit shall be applied as a reduction of that portion of the Monthly Payment designated for Operating Expense (i.e., as a reduction of project income). In all such cases, the EHPA and the NRMR shall be credited with the amount included in the Break-even Amount for these accounts.

9. *Monthly operating expense*—a. *Definition and categories of monthly operating expense.* The term "monthly operating expense" means the monthly amount needed for the following purposes:

(1) *Administration.* Administrative salaries, travel, legal expenses, office supplies, postage, telephone and telegraph, etc.;

(2) *Homebuyer services.*—Authority expenses in the achievement of social goals, including costs such as salaries, publications, payments to the HBA to assist its operation, contract and other costs;

(3) *Utilities.* Those utilities (such as water), if any to be furnished by the Authority as part of operating expense;

(4) *Routine maintenance—Common property.* For community building, grounds, and other common areas, if any. The amount required for routine maintenance of common property depends upon the type of common property included in the Development and the extent of the Authority's responsibility for maintenance (see also section 9c);

(5) *Protective services.* The cost of supplemental protective services paid by the Authority for the protection of persons and property;

(6) *General expense.* Premiums for fire and other insurance, payments in lieu of taxes to the local taxing body, collection losses, payroll taxes, etc.;

(7) *Nonroutine maintenance—common property (contribution to operating reserve).* Extraordinary maintenance of equipment applicable to the community building and grounds, and unanticipated items for non-dwelling structures (see section 12).

b. *Monthly operating expense rate.* The monthly operating expense rate for each fiscal year shall be established on the basis of the Authority's HUD-approved operating budget for that fiscal year. The operating budget may be revised during the course of the fiscal year in accordance with HUD requirements. If it is subsequently determined that the actual operating expense for a fiscal year was more or less than the amount provided by the monthly operating expense established for that fiscal year, the rate of monthly operating expense to be established for the next fiscal year may be adjusted to account for the difference (see section 12). Such adjustment may result in a change in the required monthly payment (see section 7c).

c. *Provision for common property maintenance.* During the period the Authority is responsible for the maintenance of common property, the annual operating budget and the monthly operating expense rate shall include the amount required for routine maintenance of all common property in the Development, even though a number of the homes may have been acquired by homebuyers. During such period, this amount shall be computed on the basis of the total number of homes in the Development (i.e., the annual amount budgeted for routine maintenance of common property shall be divided by the number of Homes in the Development, resulting in the annual amount for each Home; this figure shall in turn be divided by 12 to determine the monthly amount to be included in the monthly operating expense (and in the break-even amount) for routine maintenance of common property). After the Homeowners Association assumes responsibility for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment by the homeowners association for the remaining homes owned by the Authority (see section 11 for nonroutine maintenance of common property).

d. *Posting of monthly operating expense statement.* A statement showing the budgeted monthly amount allocated in the current operating budget to each operating expense category shall be provided to the HBA and a copy shall be provided to the Homebuyer upon request.

10. *Earned Home Payments Account (EHPA).*—a. *Credits to the account.* The Authority shall establish and maintain a separate EHPA for each Homebuyer. Since the Homebuyer is responsible for maintaining his Home as provided in section 6, a portion of his required Monthly Payment equal to the Authority's estimate, approved by HUD, of the monthly cost for such routine maintenance, taking into consideration the relative type and size of the Home, shall be set aside in his EHPA. In addition, this account shall also be credited with (1) any voluntary payments made pursuant to section 10g and (2) any amount earned through the performance of maintenance pursuant to paragraph e of this section. All amounts received by the Authority for credit to the Homebuyer's account, including credits for performance of maintenance pursuant to paragraph e of this section, shall be held by the Authority for the account of the Homebuyer.

b. *Use of EHPA funds.* The unused balance in the Homebuyer's EHPA may be used toward purchase of the Home as provided in section 16 or 17 as applicable, or shall be payable to the Homebuyer if he leaves the Project as provided in paragraph k of this section.

c. *Charges to the account.* (1) If for any reason the Homebuyer is unable or fails to perform any item of required maintenance as described in section 6, the Authority shall arrange to have the work done in accordance with the procedures established by the Authority and the HBA and the cost thereof shall be charged to the Homebuyer's EHPA. Inspections of the Home shall be made jointly by the Authority and the HBA.

(2) To the extent nonroutine maintenance expense is made necessary by the negligence of the Homebuyer as determined by the HBA and the Authority (see section 11), the cost thereof shall be charged to the EHPA.

d. *Exercise of option; required amount in EHPA.* The Homebuyer may exercise his option to buy the Home, by paying the applicable purchase price pursuant to section 16 or 17, only after satisfying the following conditions precedent:

(1) Within the first two years of his occupancy, he has achieved a balance in his EHPA equal to 20 times the amount of the monthly EHPA credit as initially determined in accordance with paragraph a of this section;

(2) He has met, and is continuing to meet, the requirements of this Agreement;

(3) He has rendered, and is continuing to render, satisfactory performance of his responsibilities to the HBA.

When the Homebuyer has met these conditions precedent, the Authority shall give the Homebuyer a certificate to that effect. After achieving the required minimum EHPA balance within the first two years of his occupancy, the Homebuyer shall continue to be obligated to provide the required maintenance, thereby continuing to add to his EHPA. If the Homebuyer fails to meet either his obligation to achieve the minimum EHPA balance as specified or his obligation thereafter to continue adding to the EHPA, the Authority and the HBA shall investigate and take appropriate corrective action, including termination of this Agreement by the Authority in accordance with section 24.

e. *Additional equity through other maintenance.* Besides the maintenance which the Homebuyer must provide pursuant to section 6, the Homebuyer may earn additional EHPA credits by providing in whole or in part any of the maintenance necessary to the common property of the Development or maintenance for which the Nonroutine Maintenance Reserve is established (see section 11). Such maintenance may be provided by the Homebuyer and credit earned therefor only pursuant to a prior written agreement between the Homebuyer and the Authority (or the Homeowners Association, depending on who has responsibility for maintenance of the property involved), covering the nature and scope of the work and the amount of credit the Homebuyer is to receive. Upon completion of such work, the agreed amount shall be charged to the appropriate maintenance account and credited to the Homebuyer's EHPA.

f. *Investment of excess.* When the aggregate amount of all EHPA balances exceeds the estimated reserve requirements for 90 days, the Authority shall notify the HBA and shall invest the excess in federally-insured savings accounts, federally insured credit unions, and/or securities approved by HUD and in accordance with any recommendations made by the HBA. If the HBA wishes to participate in the investment program it should submit periodically to the Authority a list of HUD approved securities, bonds, or obligations which the HBA recommends for investment by the Authority of the funds in the EHPAs. Interest earned on the investment of such funds shall be prorated and credited to each Homebuyer's EHPA in proportion to the amount in each such reserve account.

Periodically, but not less often than semi-annually the Authority shall prepare a statement showing; (1) The aggregate amount of all EHPA balances; (2) the aggregate amount of investments (savings accounts and/or securities) held for the account of all the Homebuyers' EHPAs, and (3) the aggregate uninvested balance of all the Homebuyers' EHPAs. This statement shall be made available to any authorized representative of the HBA.

g. *Voluntary payments.* To enable the Homebuyer to acquire title to the Home within a shorter period, he may either periodically or in a lump sum voluntarily make payments over and above his required monthly payments. Such voluntary payments shall be deposited to his credit in his EHPA.

h. *Delinquent monthly payments.* Under exceptional circumstances as determined by the HBA and the Authority, the Homebuyer's EHPA may be used to pay his delinquent required monthly payments, provided the amount used for this purpose does not seriously deplete the account and provided that the Homebuyer agrees to cooperate in such counseling as may be made available by the Authority or the HBA.

i. *Annual statement to homebuyer.* The Authority shall provide an annual statement to the Homebuyer specifying at least (1) the amount in his EHPA, and (2) the amount in his Nonroutine Maintenance Reserve. During the year, any maintenance or repair done on the dwelling by the Authority which is chargeable to the EHPA or to the Nonroutine Maintenance Reserve, shall be accounted for through a work order. The Homebuyer shall receive a copy of all such work orders for his Home.

j. *Withdrawal and assignment.* The Homebuyer shall have no right to assign, withdraw, or in any way dispose of the funds in his EHPA except as provided in this section or in sections 16 and 17.

k. *Application of EHPA upon vacating of dwelling.* (1) In the event this Agreement is terminated or if the Homebuyer vacates the Home, the Authority shall charge against the Homebuyer's EHPA the amounts required to pay; (i) The amount due the Authority, including the monthly payments the Homebuyer is obligated to pay up to the date he vacates; (ii) the monthly payment for the period the Home is vacant, not to exceed 30 days from the date of notice of intention to vacate, or if the Homebuyer failed to give notice of intention to vacate, 30 days from the date the Home is put in good condition for the next occupant in conformity with section 6; and (iii) the cost of any routine maintenance, and of any nonroutine maintenance attributable to the negligence of the Homebuyer, required to put the Home in good condition for the next occupant in conformity with section 6.

(2) If the Homebuyer's EHPA balance is not sufficient to cover all of these charges, the Authority shall require the Homebuyer to pay the additional amount due. If the amount in the EHPA exceeds these charges, the excess shall be paid the Homebuyer.

(3) Settlement with the Homebuyer shall be made promptly after the actual cost of repairs to the dwelling has been determined (see paragraph k(1)(iii) of this section), provided that the Authority shall make every effort to make such settlement within 30 days from the date the Homebuyer vacates. The Homebuyer may obtain a settlement within 7 days of the date he vacates, even though the actual cost of such repairs has not yet been determined, if he has given the Authority notice of intention to vacate 30 days prior to the date he vacates and if the amount to be charged against his EHPA for such repairs is based on the Authority's estimate of the cost thereof (determined after consultation with the appropriate representative of the HBA).

11. *Nonroutine maintenance reserve (NRMR)*—a. *Purpose of reserve.* The Authority shall establish and maintain a separate nonroutine maintenance reserve (NRMR) for the Home, using a portion of the Homebuyer's monthly payment. The purpose of the NRMR is to provide funds for the nonroutine maintenance of the Home, which consists of the infrequent and costly items of maintenance and replacement shown on the Nonroutine Maintenance Schedule for the Home (see paragraph b of this section). Such maintenance may include the replacement of dwelling equipment (such as range and refrigerator), replacement of roof, exterior painting, major repairs to heating and plumbing systems, etc. The NRMR shall not be used for nonroutine maintenance of common property, or for nonroutine maintenance relating to the Home to the extent such maintenance is attributable to the Homebuyer's negligence or to defective materials or workmanship.

b. *Amount of reserve.* The amount of the monthly payments to be set aside for NRMR shall be determined by the Authority, with the approval of HUD, on the basis of the Nonroutine Maintenance Schedule showing the amount estimated to be needed for nonroutine maintenance of the Home during the term of this Agreement, taking into consideration the type of construction and dwelling equipment. This Schedule shall (1) list each item of nonroutine maintenance (e.g., range, refrigerator, plumbing, heating system, roofing, tile flooring, exterior painting, etc.), (2) show for each listed item the estimated frequency of maintenance or useful life before replacement, the estimated cost of maintenance or replacement (including installation) for each occasion, and the annual reserve requirement, and (3) show the total reserve requirements for all the listed items, on an annual and a monthly basis. This Schedule shall be prepared by the Authority and approved by HUD as part of the submission required to determined the financial feasibility of the Project. The Schedule shall be revised after approval of the working drawings and specifications, and shall thereafter be reexamined annually in the light of changing economic conditions and experience.

c. *Charges to reserve.* (1) The Authority shall provide the nonroutine maintenance necessary for the Home and the cost thereof shall be funded as provided in paragraph c(2) and c(3) of this section. Such maintenance may be provided by the Homebuyer but only pursuant to a prior written agreement with the Authority covering the nature and scope of the work and the amount of credit the Homebuyer is to receive. The amount of any credit shall, upon completion of the work, be credited to the Homebuyer's EHPA and charged as provided in paragraph c(2) of this section.

(2) The cost of nonroutine maintenance shall be charged to the NRMR for the Home except that (i) to the extent such maintenance is attributable to the fault or negligence of the Homebuyer, the cost shall be charged to the Homebuyer's EHPA after consultation with the HBA if the Homebuyer disagrees, and (ii) to the extent such maintenance is attributable to defective materials or workmanship not covered by warranty, or even though covered by warranty if not paid for through no fault or negligence of the Homebuyer, the cost shall be charged to the appropriate operating expense account of the Project.

(3) In the event the amount charged against the NRMR exceeds the balance therein, the difference (deficit) shall be made up from continuing monthly credits to the NRMR based upon the Homebuyer's monthly payments. If there is still a deficit when the Homebuyer acquires title, the Homebuyer shall pay such deficit at settlement.

d. *Transfer of NRMR.* (1) In the event this Agreement is terminated, the Homebuyer shall not receive any balance or be required to pay any deficit in the NRMR. When a subsequent Homebuyer moves in, the NRMR shall continue to be applicable to the Home

in the same amount as if the preceding Homebuyer had continued in occupancy.

(2) In the event the Homebuyer purchases the Home, and there remains a balance in the NRMR, the Authority shall pay such balance to the Homebuyer at settlement. In the event the Homebuyer purchases the Home and there is a deficit in the NRMR, the Homebuyer shall pay such deficit to the Authority at settlement.

e. *Investment of excess.* (1) When the aggregate amount of the NRMR balances for all the Homes exceeds the estimated reserve requirements for 90 days, the Authority shall invest the excess in federally insured savings accounts, federally insured credit unions, and/or securities approved by HUD. Income earned on the investment of such funds shall be prorated and credited to each Homebuyer's NRMR in proportion to the amount in each reserve account.

(2) Periodically, but not less often than semi-annually, the Authority shall prepare a statement showing (i) the aggregate amount of all NRMR balances, (ii) the aggregate amount of investments (savings accounts and/or securities) held for the account of the NRMR and (iii) the aggregate uninvested balance of the NRMRs. A copy of this statement shall be made available to any authorized representative of the HBA.

12. *Operating reserve*—a. *Purpose of reserve.* To the extent that total operating receipts (including subsidies for operations) exceeds total operating expenditures of the Project, the LHA shall establish an operating reserve up to the maximum approved by HUD in connection with its approval of the annual operating budgets for the Project. The purpose of this reserve is to provide funds for (1) the infrequent but costly items of nonroutine maintenance and replacements of common property, taking into consideration the types of items which constitute common property, such as nondwelling structures and equipment, and, in certain cases, common elements of dwelling structures, (2) nonroutine maintenance for the Homes to the extent such maintenance is attributable to defective materials or workmanship not covered by warranty, (3) working capital for payment of a deficit in a Homebuyer's NRMR, until such deficit is offset by future monthly payments by the Homebuyer or at settlement in the event the Homebuyer should purchase, and (4) a deficit in the operation of the Project for a fiscal year, including a deficit resulting from monthly payments totaling less than the break-even amount for the Project.

b. *Nonroutine maintenance—common property (contribution to operating reserve).* The amount under this heading to be included in operating expense (and in the break-even amount) established for the fiscal year (see sections 8 and 9) shall be determined by the Authority, with the approval of HUD, on the basis of estimates of the monthly amount needed to accumulate an adequate reserve for the items described in paragraph a(1) of this section. This amount shall be subject to revision in the light of experience. This contribution to the Operating Reserve shall be made only during the period the Authority is responsible for the maintenance of any common property; and during such period, the amount shall be determined on the basis of the requirements of all common property in the Development in a manner similar to that explained in Section 9. When the Operating Reserve reaches the maximum authorized in paragraph c of this Section, the break-even (monthly operating expense) computations (see Sections 8 and 9) for the next and succeeding fiscal years need not include a provision for this contribution to the Operating Reserve unless the balance of the Reserve is reduced below the maximum during any such succeeding fiscal year.

c. *Maximum operating reserve.* The maximum operating reserve that may be retained by the Authority at the end of any fiscal year shall be the sum of (1) one-half of total routine expense included in the operating budget approved for the next fiscal year and (2) one-third of total break-even amounts included in the operating budget approved for the next fiscal year; provided that such maximum may be increased if necessary as determined or approved by HUD. Total routine expense means the sum of the amounts budgeted for administration, homebuyer services, Authority-supplied utilities, routine maintenance of common property, protective services, and general expense or other category of day-to-day routine expense (see section 9 above for explanation of various categories of expense).

d. *Transfer to Homeowners Association.* The Authority shall be responsible for and shall retain custody of the Operating Reserve until the Homeowners acquire voting control of the Homeowners Association (see sections 21c and 22f). When the Homeowners acquire voting control, the Homeowners Association shall then assume full responsibility for management and maintenance of common property under a plan approved by HUD, and there shall be transferred to the Homeowners Association a portion of the Operating Reserve then held by the Authority, as determined by the Authority with the approval of HUD.

e. *Disposition of reserve.* If, at the end of a fiscal year, there is an excess over the maximum Operating Reserve, this excess shall be applied to the operating deficit of the Project, if any, and any remainder shall be paid to HUD. Following the end of the fiscal year in which the last Home has been conveyed by the Authority, the balance of the Operating Reserve held by the Authority shall be paid to HUD, provided that the aggregate amount of payments by the Authority under this paragraph shall not exceed the aggregate amount of annual contributions paid by HUD with respect to the Project.

13. *Annual statement and copies of work orders to homebuyer.* a. The Authority shall maintain books of accounts and provide a statement at least annually to each Homebuyer which will show (1) the amount in his EHPA, and (2) the amount in the NRMR for his Home.

b. During the year, any maintenance or repair done on the dwelling by the Authority, which is chargeable to the EHPA or to the NRMR shall be accounted for through a work order. The Homebuyer shall receive a copy of all such work orders for his Home.

14. *Insurance.* a. Until transfer of title to the Homebuyer, the Authority shall carry all insurance prescribed by HUD including fire and extended coverage insurance upon the Home in such form and amount and with such company or companies as it determines. The Authority shall not carry any insurance on the Homebuyer's furniture, clothing, automobile, or any other personal property, or personal liability insurance covering the Homebuyer.

b. In the event the Home is damaged or destroyed by fire or other casualty, the Authority shall consult with the Homebuyer as to whether the Home shall be repaired or rebuilt. If the Authority determines that the Home should not be repaired or rebuilt but the Homebuyer disagrees, the matter shall be submitted to HUD for final determination. If the final determination is that the Home should not be repaired or rebuilt, the Authority shall terminate this Agreement upon reasonable notice to the Homebuyer. In such case, the Homebuyer shall be paid the balance in his EHPA and (to assist him in connection with relocation expenses) the balance in his NRMR, less amounts, if any, due from him to the Authority, including Monthly Payments he may be obligated to pay.

c. In the event of termination or if the Home must be vacated during the repair period, the Authority will use its best efforts to assist in relocating the Homebuyer. If the Home must be vacated during the repair period, Monthly Payments shall be suspended during the vacancy period.

15. *Eligibility for continued occupancy.* a. The Homebuyer shall cease to be eligible for continued occupancy with the aid of HUD annual contributions when the Authority determines that his adjusted monthly income has reached the level, and is likely to continue at such level, at which the current amount of his required monthly payment equals or exceeds the monthly housing cost (see paragraph b of this section). In such event, if the Authority determines, with HUD approval, that suitable financing is available, the Authority shall notify the Homebuyer that he shall either (1) purchase the Home or (2) move from the Development; provided, however, that if the Authority determines that, due to special circumstances, the Homebuyer is unable to find decent, safe and sanitary housing within his financial reach although making every reasonable effort to do so, the Homebuyer may be permitted to remain for the duration of such a situation if he pays an increased monthly payment consistent with his adjusted monthly income; provided that this monthly payment shall not exceed the sum of the monthly break-even amount plus the monthly debt service amount shown on the Purchase Price Schedule for the Home, except that if the rent, including utilities, for comparable unsubsidized housing in the locality is lower, such lower amount may be established as the maximum if the Authority determines with HUD approval that this would be in the best interest of the project. Such an increased monthly payment shall also be payable by the Homebuyer if he continues in occupancy without purchasing the Home because suitable financing is not available.

b. The term "monthly housing cost," as used in this section means the sum of: (1) The monthly debt service amount shown on the Purchase Price Schedule (except where the Homebuyer can purchase the Home by the method described in section 16 below); (2) one-twelfth of the annual real property taxes which the Homebuyer will be required to pay as a Homeowner; (3) one-twelfth of the annual premium attributable to fire and extended coverage insurance carried by the Authority with respect to the Home; (4) the current monthly per unit amount budgeted for routine maintenance (EHPA) and routine maintenance-common property; and (5) the current Authority and HUD approved monthly allowance for utilities paid for directly by the Homebuyer plus the monthly cost of utilities supplied by the Authority.

16. *Achievement of ownership by initial homebuyer.*—a. *Determination of initial purchase price.* The Authority shall determine the initial purchase prices of the Homes by two basic steps, as follows:

Step 1. The Authority shall take the Estimated Total Development Cost (including the full amount for contingencies as authorized by HUD) of the Development as shown in the Development Cost Budget in effect upon award of the Main Construction Contract or execution of the Contract of Sale, and shall deduct therefrom the amounts, if any, attributed to (1) relocation costs, (2) counseling and training costs, and (3) the cost of any community, administration or management facilities including the land, equipment and furnishings attirbutable to such facilities as set forth in

the development program for the Development.

The resulting amount is herein called Estimated Total Development Cost for Homebuyers.

Step 2: The Authority shall apportion the Estimated Total Development Cost for Homebuyers among all the Homes in the Development. This apportionment shall be made by obtaining an FHA appraisal of each Home, and adjusting such appraised values (upward or downward) by the percentage difference between the total of the appraisal for all the Homes and the Estimated Total Development Cost for Homebuyers. The adjusted amount for each Home shall be the Initial Purchase Price for that Home.

b. *Purchase Price Schedule.* The Homebuyer shall be provided with a Purchase Price Schedule showing (1) the monthly declining purchase price over a 30-year period,[3] commencing with the initial purchase price on the first day of the month following the effective date of this Agreement and (2) the monthly debt service amount upon which the Schedule is based. This Schedule and debt service amount shall be computed on the basis of the initial purchase price, a 30-year period,[3] and a rate of interest equal to the minimum loan interest rate as specified in the Annual Contributions Contract for the Project on the date of HUD approval of the Development Cost Budget, described in paragraph a of this section, rounded up, if necessary, to the next multiple of one-fourth of one percent (¼ percent).

c. *Methods of Purchase.* (1) The Homebuyer may achieve ownership when the amount in his EHPA, plus such portion of the NRMR as he wishes to use for the purchase, is equal to the purchase price as shown at that time on his Purchase Price Schedule plus all Incidental Costs ("Incidental Costs" means the costs incidental to acquiring ownership, including, but not limited to, the costs for a credit report, field survey title examination, title insurance, and inspections, the fees for attorneys other than the LHA's attorney, mortgage application and organization, closing and recording, and the transfer taxes and loan discount payment if any). If for any reason title to the Home is not conveyed to the Homebuyer during the month in which such circumstances occur, the purchase price shall be fixed at the amount specified for such month and the Homebuyer shall be refunded (i) the net additions, if any, credited to his EHPA subsequent to such month, and (ii) such part of the monthly payments made by the Homebuyer after the purchase price has been fixed which exceeds the sum of the break-even amount attributable to the Home and the interest portion of the debt service shown in the Purchase Price Schedule.

(2) Where the sum of the purchase price and Incidental Costs is greater than the amounts in the Homebuyer's EHPA and NRMR, the Homebuyer may achieve ownership by obtaining financing for or otherwise paying the excess amount. The purchase price shall be the amount shown on his Purchase Price Schedule for the month in which the settlement date for the purchase occurs.

d. The maximum period for achieving ownership shall be 30 years, but depending upon increases in the Homebuyer's income and the amount of credit which the Homebuyer can accumulate through maintenance and voluntary payments, the period may be shortened accordingly.

17. *Achievement of Ownership by Subsequent Homebuyer.* a. *Definition.* In the event the initial Homebuyer and his family vacate the Home before having acquired ownership, a subsequent occupant who enters into a Homebuyer's Ownership Opportunity Agreement and who is not a successor pursuant to section 25 is herein called "Subsequent Homebuyer."

b. *Determination of Initial Purchase Price.* The initial purchase price for a subsequent Homebuyer shall be an amount equal to (1) the purchase price shown in the initial Homebuyer's Purchase Price Schedule as of the date of this Agreement with the subsequent Homebuyer plus (2) the amount, if any, by which the appraised fair market value of the Home determined or approved by HUD as of the same date, exceeds the purchase price specified in (1). In the event such appraised value has not been determined by the date of execution of this Agreement, the amount of the Initial Purchase Price shall be inserted in part I, section D after this determination has been made, with appropriate initialling or signing by the parties.

c. *Purchase Price Schedule.* The Subsequent Homebuyer's Purchase Price Schedule shall be the same as the unexpired portion of the initial Homebuyer's Purchase Price Schedule except that where his purchase price includes an additional amount as specified in paragraph b(2) of this section, the initial Homebuyer's Purchase Price Schedule shall be followed by an Additional Purchase Price Schedule for such additional amount based upon the same monthly debt service and the same interest rate as applied to the initial Homebuyer's Purchase Price Schedule.

18. *Transfer of Title to Homebuyer.* When the Homebuyer is to obtain ownership, a closing date shall be mutually agreed upon by the patries. On the closing date, the Homebuyer shall pay the required amount of money to the Authority, sign the promissory note pursuant to section 19, and receive a deed for the Home.

19. *Payment Upon Resale at Profit*—a. *Promissory Note.* (1) When a Homebuyer (whether Initial or Subsequent Homebuyer) achieves ownership, he shall sign a note obligating him to make a payment to the Authority, subject to the provisions of paragraph (a)(2) of this section, in the event he resells his Home at a profit within 5 years of actual residence in the Home after he becomes a Homeowner. If, however, the Homeowner should purchase and occupy another Home within one year (18 months in case of a newly constructed home) of the resale of the Turnkey III Home, the Authority shall refund to the Homeowner the amount previously paid by him under the note, less the amount, if any, by which the resale price of the Turnkey III Home exceeds the acquisition price of the new home, provided that application for such refund shall be made no later than 30 days after the date of acquisition of the new home.

(2) The note to be signed by the Homebuyer pursuant to paragraph (a)(1) of this section shall be secured by a second mortgage. The initial amount of the note shall be computed by taking the appraised value of the Home at the time the Homebuyer becomes a Homeowner and subtracting (i) the Homebuyer's purchase price plus the Incidental Costs and (ii) the increase in value of the Home, determined by appraisal, caused by improvements paid for by the Homebuyer with funds from sources other than the EHPA or NRMR. The note shall provide that this initial amount shall be automatically reduced by 20 percent thereof at the end of each year of residency as Homeowner, with the note terminating at the end of the five-year period of residency, as determined by the Authority. To protect the Homeowner, the note shall provide that the amount payable under it shall in no event be more than the net profit on the resale, that is, the amount by which the resale price exceeds the sum of (i) the Homebuyer's purchase price plus the Incidental Costs, (ii) the costs of the resale, including commissions and mortgage prepayment penalties, if any, and (iii) the increase in value of the Home, determined by appraisal, resulting from improvements paid for by him as a Homebuyer (with funds other than from the EHPA or NRMR) or as a Homeowner.

(b) *Residency requirements.* The five-year note periods does not end if the Homeowner rents or otherwise does not use the Home as his principal place of residence for any period within the first five years after he achieves ownership. Only the actual amount of time he is in residence is counted and the note shall be in effect until a total of five years time of residence has elapsed, at which time the Homeowner may request the Authority to release him from the note, and the Authority shall do so.

20. *Responsibilities of Homeowner.* After acquisition of ownership, the Homeowner shall pay to the Authority or to the Homeowners Association, as appropriate, a monthly fee for (a) the maintenance and operation of community facilities including utility facilities, if any, (b) the maintenance of grounds and other common areas, and (c) such other purpose as determined by the Authority or the Homeowners Association, as appropriate, including taxes and a provision for a reserve.

21. *Homeowners Association—Planned Unit Development (PUD)*[4]

If the Development is organized as a planned unit development:

a. The common areas, sidewalks, parking lots and other common property in the Development shall be owned and maintained as provided for in the approved planned unit development (PUD) program, except that the Authority shall be responsible for maintenance until such time as the Homeowners Association assumes such responsibility (see section 12 above).

b. The title ultimately conveyed to the Homebuyer shall be subject to restrictions and encumbrances to protect the rights and property of all other Homeowners. The Homeowners Association shall have the right and obligation to enforce such restrictions and encumbrances and to assess Homeowners for the costs incurred in connection with common areas and property and other responsibilities.

c. There shall be as many votes in the Association as there are Homes in the Development, and at the outset all the voting rights will be held by the Authority. As each Home is conveyed to a Homebuyer, one vote shall automatically go to that Homebuyer so that when all the Homes have been conveyed, the Authority shall no longer have any interest in the Homeowners Association.

d. The Authority shall not lose its majority voting interest in the Association as soon as a majority of the Homes have been conveyed, unless the law of the state requires control to be transferred at a particular time or the Authority so desires. If permitted by state law, provisions shall be made for each Home owned by the Authority to carry three votes while each Home owned by a Homeowner shall carry one vote. Under this weighted voting plan, the Authority will continue to have voting control until 75 percent of the Homes have been acquired by Homeowners. However, at its discretion, the Authority may transfer voting control to the Homeowners when at least 50 percent of the Homes have been acquired by the Homeowners.

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[3] Change to 25-year period where appropriate pursuant to § 1270.101(b)(3) of this subpart.

[4] If this Home is a Development of scattered sites, delete both sections 21 and 22. If this Home is in a Planned Unit Development, delete section 22. If this Home is in a Condominium, delete section 21.

22. *Homeowners Association—Condominium.*[5] If the Development is organized as a condominium:

a. The Authority at the outset shall own each condominium unit and the undivided interest of such unit in the common areas.

b. All the land, including that land under the housing units, shall be a part of the common areas.

c. The Homeowners Association shall own no property and shall merely maintain and operate the common areas for the individual owners of the condominium units, except that the Authority shall be responsible for maintenance until such time as the Homeowners Association assumes such responsibility (see section 12 above).

d. The percentage of undivided interest attached to each condominium unit shall be based on the ratio of the value of the unit to the value of all units and shall be fixed when the Development is completed. This percentage shall determine the Homeowner's liability for the maintenance of the common areas and facilities.

e. Each Homeowner vote in the Homeowners Association will be identical with the percentage of undivided interest attached to his unit.

f. The Authority shall not lose its majority voting interest in the Association as soon as units representing more than 50 percent of the value of all units have been conveyed, unless the law of the state requires control to be transferred at a particular time or the Authority so desires. For voting purposes, until units representing 75 percent of the value of all units have been acquired by Homeowners, the total undivided interest attributable to the Homes owned by the Authority shall be multiplied by three, if such weighted voting plan is permitted by state law. Under this plan, the Authority will continue to have voting control until units representing 75 percent of the value of all units have been acquired by Homeowners. However, at its discretion the Authority may transfer voting control to the Homeowners when units representing at least 50 percent of the value of all units have been acquired by the Homeowners.

23. *Relationship of Homeowners Association to Homebuyers Association.* The Homebuyers Association and the Authority may make arrangements with the Homeowners Association to permit Homebuyers to participate in Homeowners Association matters which affect the Homebuyers. Such arrangements may include rights to attend meetings and to participate in Homeowners Association deliberations and decisions.

24. *Termination of Agreement.* a. *Termination by the Authority.* (1) In the event the Homebuyer should breach this Agreement by failure to make a required Monthly Payment within 10 days after its due date, by misrepresentation or withholding of information in applying for admission or in connection with any subsequent reexamination of income and family composition, or by failure to comply with any other Homebuyer obligation under this Agreement, the Authority may terminate this Agreement 30 days after giving the Homebuyer notice of its intention to do so in accordance with paragraph (2) of this section.

(2) Notice of termination by the Authority shall be in writing. Such notice shall state (i) the reason for termination, (ii) that the Homebuyer may respond to the Authority, in writing or in person, within a specified reasonable period of time regarding the reason for termination, (iii) that in such response he may be represented or accompanied by a person of his choice, including a representative of the HBA, (iv) that the Authority will consult the HBA concerning the termination, and (v) that, unless the Authority rescinds or modifies the notice, the termination will be effective at the end of the 30-day notice period.

b. *Termination by the Homebuyer.* The Homebuyer may terminate this Agreement by giving the Authority 30 days notice in writing of his intention to terminate and to vacate the Home. In the event that the Homebuyer vacates the Home without notice to the Authority, this Agreement shall be terminated automatically and the Authority may dispose of, in any manner deemed suitable by it, any items of personal property left by the Homebuyer in the Home.

c. *Transfer to rental unit.* (1) Inasmuch as the Homebuyer was found eligible for admission to the Project on the basis of having the necessary elements, of potential for Homeownership, continuation of eligibility requires continuation of this potential, subject only to temporary unforeseen changes in circumstances. The standards of potential for Homeownership are the following:

(i) Income sufficient to result in a required monthly payment which is not less than the sum of the amounts necessary to pay the EHPA, the NRMR, and the estimated average monthly cost of utilities attributable to the Home;

(ii) Ability to meet all the obligations of a Homebuyer under the Homebuyers Ownership Opportunity Agreement;

(iii) At least one member gainfully employed, or having an established source of continuing income.

(2) Accordingly, in the event it should develop that the Homebuyer no longer meets one or more of these elements of Homeownership potential, the Authority shall investigate the circumstances and provide such counseling and assistance as may be feasible in order to help the family overcome the deficiency as promptly as possible. After a reasonable time, not to exceed 30 days from the date of evaluation of the results of the investigation, the Authority shall make a re-evaluation as to whether the family has regained the potential for Homeownership or is likely to do so within a further reasonable time, not to exceed 30 days from the date of the re-evaluation. Further extension of time may be granted in exceptional cases, but in any event a final determination shall be made no later than 90 days from the date of evaluation of the results of the initial investigation. The Authority shall invite the HBA to participate in all investigations and evaluations.

(3) If the final determination of the Authority, after considering the views of the HBA, is that the Homebuyer should be transferred to a suitable dwelling unit in an Authority rental project, the Authority shall give the Homebuyer written notice of the Authority determination of the loss of Homeownership potential and of the offer of transfer to a rental unit. The notice shall state that the transfer shall occur as soon as a suitable rental unit is available for occupancy, but no earlier than 30 days from the date of the notice, provided that an eligible successor for the Homebuyer unit has been selected by the Authority. The notice shall also state that if the Homebuyer should refuse to move under such circumstances, the family may be required to vacate the Homebuyer unit, without further notice. The notice shall include a statement (i) that the Homebuyer may respond to the Authority in writing or in person, within a specified reasonable time, regarding the reason for the determination and offer of transfer, (ii) that in such response he may be represented or accompanied by a person of his choice including a representative of the HBA, and (iii) that the Authority has consulted the HBA concerning this determination and offer of transfer.

(4) When a Homebuyers Ownership Opportunity Agreement is terminated pursuant to this paragraph 24c, the amount in the Homebuyer's EHPA shall be paid in accordance with the provisions of paragraph 10k of this Agreement.

25. *Survivorship.* (1) In the event of death, mental incapacity or abandonment of the family by the Homebuyer, the person designated as the successor in part I of this Agreement shall succeed to the rights and responsibilities under the Agreement if that person is an occupant of the Home at the time of the event and is determined by the Authority to meet all of the standards of potential for homeownership as set forth in section 24a. This designation may be changed by the Homebuyer at any time. If there is no such designation or the designee is no longer an occupant of the Home or does not meet the standards of potential for homeownership, the Authority may consider as the Homebuyer any family member who was in occupancy at the time of the event and who meets the standards of potential for homeownership.

(2) If there is no qualified successor in accordance with the above, the Authority shall terminate the Agreement and another family shall be selected, except under the following circumstances: where a minor child or children of the Homebuyer family are in occupancy, then in order to protect their continued occupancy and opportunity for acquisition of ownership of the Home, the Authority may approve as occupants of the unit, an appropriate adult(s) who has been appointed legal guardian of the children with a duty to perform the obligations of the Homebuyers Ownership Opportunity Agreement in their interest and behalf.

26. *Nonassignability and Use of Reserves and Accounts.* a. *Nonassignability.* The Homebuyer shall not assign this Agreement, or assign, mortgage or pledge any right or interest in the Home or in this Agreement including any right or interest in any reserve or account, except with the prior written approval of the Authority and HUD.

b. *Use of Reserves and Accounts.* It is understood and agreed that the Homebuyer shall have no right to receive or use the money in any reserve or account created pursuant to this Agreement except for the limited purposes and under the special circumstances set forth by the terms of this Agreement. It is further understood and agreed that both the Authority and HUD have a financial and a governmental interest in the Earned Home Payments Account and other reserves as security for the financial integrity of the Development, as a means of savings in cost to the Government by minimizing the amount and period over which HUD annual contributions must be paid, and as a means of advancing the public interest and welfare by assisting low-income families to achieve homeownership.

27. *Notices.* Any notice required hereunder or by law shall be sufficient if delivered in writing to the Homebuyer personally or to an adult member of his family residing in the dwelling unit or if sent by certified mail, return receipt requested, properly addressed to the Homebuyer, postage prepaid. Notice to the Authority shall be in writing, and either delivered to any Authority employee at the office of the Authority or sent to the Authority by certified mail, properly addressed, postage prepaid.

[5] If this Home is a Development of scattered sites, delete both section 21 and 22. If this Home is in a Planned Unit Development, delete section 22. If this Home is in Condominium, delete section 21.

28. *Grievance Procedure.* All grievances or appeals arising under this Agreement shall be processed and resolved pursuant to the grievance procedure of the Authority, which procedure shall provide for participation of the HBA in the grievance process. This grievance procedure shall be posted in the Authority's Office.

APPENDIX III

(Subpart B)

CERTIFICATION OF HOMEBUYER STATUS

State of_____} ss
County of_____}

This is to certify that _____ (Homebuyer)

of the Home located at _____:

(1) has achieved, within the first two years of his occupancy a balance in his Earned Home Payments Account (EHPA) of at least _____ dollars (representing 20 times the amount of the monthly EHPA credit applicable to said Home);

(2) has met and is continuing to meet the requirements of his Homebuyers Ownership Opportunity Agreement; and

(3) has rendered and is continuing to render satisfactory performance of his responsibilities to the Homebuyers Association.

Accordingly, said Homebuyer may, upon payment of the purchase price, exercise the option to purchase the Home in accordance with and subject to the provisions of his Homebuyers Ownership Opportunity Agreement.

Housing Authority	Homebuyers Association
By _____ (Signature and official title)	By _____ (Signature and official title)
(Date)	(Date)

APPENDIX IV

(Subpart B)

PROMISSORY NOTE FOR PAYMENT UPON RESALE BY HOMEBUYER AT PROFIT

FOR VALUE RECEIVED, _____ (Homeowner) promises to pay to _____ (Authority) or order, the principal sum of _____[1] Dollars ($_____), without interest, on the date of resale by the Homeowner of the property conveyed by the Authority to the Homeowner.

Such principal sum shall be reduced automatically by 20 percent of the initial amount at the end of each year of such residency, as a Homeowner, and this note shall terminate at the end of five years of such residency, as determined by the Authority; Provided, however, that the amount payable under this note shall in no event be more than the net profit on the resale, that is, the amount by which the resale price exceeds the sum of (1) the Homeowner's purchase price, (2) the costs incidental to his acquisition of ownership, (3) the costs of the resale, including commissions and mortgage prepayment penalties, if any, and (4) the increase in value of the Home, determined by appraisal, due to improvements paid for by the Homeowner whether as a Homebuyer (with funds from sources other than his Earned Home Payments Account or his Nonroutine Maintenance Reserve) or as a Homeowner.

If the Homeowner shall pay this note at the time and in the manner set forth above, or if, by its provisions, the amount of this note shall be zero, then the note shall terminate and the Authority shall, within thirty (30) days after written demand therefor by the Homeowner, execute a release and satisfaction of this note. The Homeowner hereby waives the benefits of all statutes or laws which require the earlier execution or delivery of such release and satisfaction by the Authority.

Presentment, protest, and notice are hereby waived.

Dated _____, 19__

Local Housing Authority	Homeowner
By: _____	_____ Homeowner's Spouse

[1] Amount determined in accordance with section 19 of the Homebuyers Ownership Opportunity Agreement.

Subpart C—Homeownership Counseling and Training

§ 1270.201 Purpose.

The purpose of the counseling and training program shall be to assure that the homebuyers, individually and collectively through their homebuyers association (HBA), will be more capable of dealing with situations with which they may be confronted, making decisions related to these situations, and understanding and accepting the responsibility and consequences that accompany those decisions.

§ 1270.202 Objectives.

The counseling and training program should seek to achieve the following objectives:

(a) Enable the potential homebuyer to have a full understanding of the responsibilities that accompany his participation in the Homeownership Opportunity Program;

(b) Enable the potential homebuyer to have an understanding of homeownership tasks with specific training given to individuals as the need and readiness for counseling or training indicates;

(c) Assure that the role of the HBA is understood and plans for its organization are initiated at the earliest practical time;

(d) Develop an understanding of the role of the LHA and of the need for a cooperative relationship between the homebuyer and the LHA;

(e) Encourage the development of self-help by the homebuyer through reducing dependency and increasing independent action;

(f) Develop an understanding of mutual assistance and cooperation that will develop a feeling of self-respect, pride and community responsibility;

(g) Develop local resources that can be of assistance to the individual and the community on an on-going basis.

§ 1270.203 Planning.

(a) The counseling and training program shall be flexible and responsive to the needs of each prospective homebuyer. While many subjects lend themselves to group sessions, consideration shall be given to individual counseling. Individuals should not be required to attend training classes on subject matter they are familiar with unless they can actively participate in the instruction process.

(b) The program may be provided by contract with an outside organization, or by the LHA staff, in either case with voluntary involvement and assistance of groups and individuals within the community. It is essential that the training entity be completely knowledgeable and supportive of the entire Homeownership Opportunity Program. It may be recognized that most of the objectives stated require specialized instructional skill and content knowledge. There shall be recognition of the differences in communication and in value systems, and an understanding and respect for past experience of the individual. Maximum possible use shall be made of indigenous trainers to insure good communication and rapport. Special attention shall be directed to the needs of working members of the family for counseling and training sessions to be held where and during the time they can attend. Where the services of outside contractors are utilized, there shall be a close working relationship with the LHA and a program for phasing in LHA staff who will have the on-going responsibility for the program. The value of local agencies, educational institutions, etc., for implementing the program rather than an outside firm shall be carefully considered since the continuing presence of such agencies and institutions in the community can often develop into an on-going resource beyond the contract period.

(c) In planning a homeownership counseling and training program, whether self-administered or contracted, the LHA shall consult with HUD for advice and information on programs, qualified contractors, local resources, reasonable costs, and other similar matters.

(d) Where the program is to be contracted to an outside group, proposals shall be secured either by public advertising or by sending requests for proposals to a number of competent public or private organizations.

(e) In areas where there are large concentrations of homebuyers who do not read, write, or understand English fluently, the native language of the people shall be used. If feasible all instructional materials shall be in both languages.

§ 1270.204 General requirements and information.

(a) The counseling and training program shall be designed to meet the needs of the homebuyers and be sufficiently flexible to meet new needs as they arise. The nature of the program suggests four phases of counseling: (1) Pre-occupancy; (2) move-in; (3) post-occupancy; (4) assistance to the HBA. While some elements of the program lend themselves more to one phase than another, the program areas shall be coordinated and interrelated. It is recommended that the entity providing these services work closely with the participants and ensure that policies established are agreeable to both the LHA and the homebuyer.

(b) The following is a description of major elements of the program which experience thus far has shown to be relevant. More detailed information is set

forth in Appendix I, "Content Guide for Counseling and Training Program."

(1) *Pre-occupancy phase.* The purpose of this phase is to prepare the selected families to assume the responsibilities of homeownership, and to provide an opportunity for the LHA and each family to reassess the family's potential for successful participation in the homeownership development.

(i) An overload of information should be avoided in this phase since many of the subjects will be dealt with in greater depth after the family is in occupancy, and experience has shown that much of the information will be more relevant at that time.

(ii) This phase should be completed for each family before the beginning of its occupancy.

(2) *Move-in phase.* During this phase, the counseling and training staff should be available to the homebuyers on an individual basis. Services may include (i) inspecting the units, interior and exterior, with the homebuyers and a representative of the LHA, (ii) testing appliances and equipment, (iii) providing information on the moving process (packing, trucks, etc.), and (iv) assisting homebuyers in making adjustments occasioned by the move, serving as liaison among homebuyers, LHA, builder and other agencies, and assisting homebuyers in meeting new neighbors.

(3) *Post-occupancy phase.* Before this phase begins, a period (possibly one month) should elapse to allow homebuyers an opportunity to adjust to their new surroundings. This is a time when new questions and problems come to light that can be dealt with in further counseling and training. This phase should be designed to cover many of the same basic subjects as the pre-occupancy phase, both by review and refresher where necessary but in much greater depth.

(4) *Assistance to the HBA.* The parties responsible for the counseling and training program shall be responsible for the formation, incorporation, and development of the HBA, including the execution of the Recognition Agreement between the LHA and HBA, as provided in Subpart D of this part.

§ 1270.205 Training methodology.

Equal in importance to the content of the pre- and post-occupancy training is the training methodology. Because groups vary, there should be adaptability in the communication and learning experience. Methods to be utilized may include group presentations, small discussion groups, special classes, and workshops. Especially important to a successful program are individual family home visits for discussion and instruction on unique problems and operation of equipment.

§ 1270.206 Funding.

(a) *Source of funds.* For purpose of funding counseling and training pursuant to this Subpart and for establishing the HBA, the LHA shall include an amount equal to $500 per dwelling unit in the development cost budget. If additional funds should be needed for any of these purposes, the LHA with the assistance of the CPC, if any, shall explore all other possible sources of services and funds.

(b) *Planned use of $500-per-unit funds.* These funds are to be used to pay for:

(1) Pre- and post-occupancy counseling and training;

(2) Establishment and initial operation of the HBA (for operation in the management phase, see § 1270.305).

In planning the use of these funds, the LHA shall recognize that for a number of years after the initial counseling and training there is likely to be some turnover and follow-up counseling and training needs. Therefore, the LHA shall limit the amounts for the counseling and training of the initial homebuyers and shall reserve a reasonable amount for future counseling and training needs during the management phase of the development.

(c) *Period of availability of $500-per-unit funds.* These funds shall be available during the development phase, and a specific amount shall be set aside, in accordance with paragraph (b) of this section, to be used for ongoing needs after the close of the development period.

(d) *Budgeting of $500-per-unit funds.* (1) The Development Cost Budget submitted with the Development Program shall include an estimated amount for counseling and training program costs. However, such costs shall not be incurred until after HUD approval of the counseling and training program.

(2) Upon HUD approval of the counseling and training program, the LHA shall include the approved amount in its Contract Award Development Cost Budget. This amount shall constitute the maximum amount that may be included for such purposes in the project development cost; provided that, if the approved amount is less than $500 per dwelling unit, it may, if necessary, be amended with HUD approval, but not later than the Final Development Cost Budget and subject to the $500-per-unit limitation.

(e) *Application for approval of counseling and training program.* (1) The LHA shall submit an application for approval of a counseling and training program and for approval of funds therefor. This application shall be submitted to HUD at the time of the submission of the development program or as soon thereafter as possible but no later than the submission of the working drawings and specifications.

(2) The application shall include a narrative statement outlining the counseling and training program, including any services and funds to be obtained from other sources, together with copies of any proposed contract and other pertinent documents. This statement shall include the following:

(i) Indication that the training entity is completely knowledgeable of the Homeownership Opportunity Program and is aware of the needs and problems of prospective homebuyers;

(ii) The method and/or instruments to be used to determine individual training and counseling needs;

(iii) The scope of the proposed program, including a detailed breakdown of tasks to be performed, products to be produced, and a time schedule, including provision for progress payments for specific tasks;

(iv) An outline of the proposed content of the counseling and training to be provided, and the local community resources to be utilized;

(v) The methods of counseling and training to be utilized;

(vi) The experience and qualifications of the organization and of personnel who will directly provide the counseling and training;

(vii) The estimated cost, source of funds, and methods of payment for the tasks and products to be performed or produced, including estimates of costs for each of the following categories:

(*a*) Counseling and training during development phase:

Salaries
Materials, supplies and expendable equipment
Contract costs
Other costs

(*b*) Establishment and initial operation of HBA

(*c*) Counseling and training during management phase

§ 1270.207 Use of appendix.

A Content Guide for Counseling and Training Program (Appendix I) is provided as further detailed information for consideration in designing the counseling and training program. The items set forth therein are not to be considered mandatory.

APPENDIX I

(Subpart C)

CONTENT GUIDE FOR COUNSELING AND TRAINING PROGRAM

Inclusion of the following items in the Counseling and Training Program should be considered, keeping in mind that the extent to which they are covered will depend on specific needs of homebuyers in the given development.

PREOCCUPANCY PHASE

1. *Explanation of program.* Includes the background and a full description of the program with special emphasis on the financial and legal responsibilities of the homebuyers, the HBA, and the LHA; and a review for homebuyers of the computation of the monthly payment and of the accumulation and purpose of EHPA and reserves.

2. *Property care and maintenance.* Includes making homebuyers generally familiar with the overall operation of the home, including fixtures, equipment, interior designing, and building and equipment warranties, and the appropriate procedures for obtaining services and repairs to which the homebuyers may be entitled. (This aspect will probably have to be covered in more detail during the Post-Occupancy Phase.)

3. *Money management.* Includes budgeting, consumer education, credit counseling, insurance, utility costs, etc.

4. *Developing community.* Includes a view of the surrounding community, and especially how the homebuyer relates to it as an individual and as a member of the HBA.

5. *Referrals.* Includes information as to community resources and services where assistance can be obtained in relation to individual or family problems beyond the scope of the contract agency. This may include referrals to community services that can upgrade employment skills, provide legal services, offer educational opportunities, care for health and dental needs, care for children of working mothers, provide guidance in marital problems and general family matters, including drugs and alcohol.

POST-OCCUPANCY PHASE

1. *Home maintenance.* This should include builder responsibility, identification of minor and major repairs, instructions on do-it-yourself repairs and methods of having major repairs completed.

2. *Money management.* This should involve an in-depth study of the legal and financial aspects of consumer credit, savings and investments, and budget counseling.

3. *Developing community.* This will consist primarily of creating an awareness on the part of the homebuyer of the nature and function of the HBA and the value of his participation in, and working through, the HBA as a responsible member of his community. By this means much will be learned about relationships with neighbors, community cooperation, and the ways in which individual and group problems are solved.

OTHER ITEMS

In addition to the above, there are other needs and concerns, especially those expressed by the homebuyers, that may be dealt with in special classes or workshops. These may include such topics as child care, selection of furnishings, decorating and furnishing, refinishing of furniture, upholstery, sewing, food and nutrition, care of clothing, etc.

Subpart D—Homebuyers Association (HBA)

§ 1270.301 Purpose.

(a) It is essential that the homebuyers have an organized vehicle for pursuing their common interests, for effectively representing the needs of residents in dealing with the LHA, and for undertaking eventual management responsibility for the development. Although this organization, called the homebuyers association (HBA), shall be representative of the homebuyers and independent of the LHA, it shall be the responsibility of the LHA and the training and counseling staff to assist the homebuyers in their initial efforts at organization.

(b) Except as noted in § 1270.307, each Turnkey III development shall have an HBA. There shall be a separate HBA for each development or developments where there is a physical and financial community of interest.

§ 1270.302 Membership.

Every family entitled to occupancy pursuant to a Homebuyers Ownership Opportunity Agreement and every family which is a homeowner shall automatically be a member of the HBA.

§ 1270.303 Organizing the HBA.

(a) The HBA should be organized and incorporated as early in the life of the development as is feasible, in order to allow selected homebuyers an opportunity to meet each other and begin forging a sense of community, but in any case the HBA shall be organized and incorporated no later than the date on which 50 percent of the homebuyers have been selected. Interim officers and directors shall be designated as part of the initial organization of the HBA to serve until full-term officers and directors are elected. Such full-term officers and directors shall be elected when 60 percent of the homebuyers are in occupancy, but, in any event, not later than one year from the date the first home is occupied.

(b) The LHA, in cooperation with the CPC, if any, shall be responsible for assuring that competent counseling and training assistance pursuant to Subpart C of this Part will be provided in organizing the HBA. These services shall be continued until the HBA is fully operational.

(c) The provision of such services shall include at least the following functions:

(1) Assembling homebuyers for initial orientation and planning;

(2) Explaining to homebuyers the structure and functions of an HBA and the rights and responsibilities of the HBA and the LHA;

(3) Aiding in the preparation of charters, by-laws, contracts with the LHA and other appropriate documents;

(4) Assisting in the formation of the organization, including such things as the initial designation of interim officers and directors and subsequent election of full-term HBA officers and directors, and the establishment of necessary committees, if any.

(d) The LHA and the HBA shall execute an agreement recognizing the HBA as the official representative of the homebuyers, and establishing the functions, rights, and responsibilities of both parties (see Appendix II). This agreement shall be executed as soon as possible after incorporation of the HBA.

§ 1270.304 Functions of the HBA.

(a) Subject to possible variations agreed to by the HBA and approved by HUD, the functions of the HBA shall include the following:

(1) Representing its members, individually and collectively, with respect to any deficiencies in the development or in the homes and with respect to fulfillment of the construction contract and related warranties;

(2) Representing its members, individually and collectively, in their relationships with the LHA and others in regard to financial matters such as monthly payments, credits to and charges against reserves, settlement upon vacating the home, acquisition of ownership, and other matters pertaining to operation and management of the development;

(3) Recommending policies and rules to the LHA for operation and management including rules concerning use of the common areas and community facilities;

(4) Participating in the operation of official grievance mechanisms;

(5) Advising and assisting its members regarding procedures and practices relative to the Earned Home Payments Account and the acquisition of homeownership;

(6) Participating with the LHA in periodic maintenance inspections of homes after occupancy, and making recommendations in case of disagreements arising out of maintenance inspections;

(7) Participating with the LHA in the selection of subsequent homebuyers;

(8) Coordinating, supervising, or managing the operation of credit union, child care, or other supportive services established for the development;

(9) Participating with the LHA in the establishment and implementation of policies related to collection of monthly payments, termination of occupancy, and resolution of hardship situations; and

(10) Performing management services as specified under contract with the Authority or with the Homeowners Association and participating in other activities pursuant to agreement with the LHA or with the Homeowners Association.

(b) In addition, the HBA may offer such special services as the following:

(1) The development of self-help such as consumer clubs, furniture and other co-ops, credit unions, transportation pools, and skill pools;

(2) Assisting homebuyers in acquiring group insurance;

(3) Developing programs and contracting for services such as child care centers to be located in the community facility where such a facility exists;

(4) Assisting homebuyers in their employment, especially by participating in skill development and apprenticeship programs in cooperation with local educational organizations;

(5) Assisting homebuyers in planning the management role of the HBA and in negotiating any contract for management services with the LHA.

§ 1270.305 Funding of HBA.

(a) In addition to providing the HBA with noncash contributions such as office space and duplicating services, the LHA shall make cash contributions for operating expenses of the HBA, in the amount provided for in paragraph (b) of this section. Until the project goes into management, these contributions shall be made from the development funds budgeted for the counseling and training program (see § 1270.206). Thereafter, these contributions shall be provided for in the annual operating budgets of the LHA.

(b) The cash contributions pursuant to paragraph (a) of this section shall be in the amount provided for in the LHA budget (development cost budget or annual operating budget, as the case may be) and approved by HUD. Such contributions shall be subject to whatever restrictions are applied by HUD to the funding of tenant councils generally, but they shall not exceed $3 per year per dwelling unit; provided that as an incentive to the HBA to provide additional funds from other sources such as homebuyer's dues, contributions, revenues from special projects or activities, etc., the LHA shall, to the extent ap-

proved by HUD in the LHA budget, match such additional funds beyond the $3 up to a maximum of $4.50, for a total LHA share of $7.50 where the total funding for the HBA is $12 or more. The HBA shall not be precluded from seeking to achieve total funding in excess of $12 per unit where this can be done with additional funds from sources other than the LHA. Furthermore, funding by the LHA for the normal expenses of the HBA is not to be confused with fees paid pursuant to management services contracts as described in § 1270.306.

§ 1270.306 Performing management services.

The LHA may also contract with the HBA to perform some or all of the functions of project management for which the HBA may be better suited or located than the LHA. Such functions may include security, maintenance of common property, or collection of monthly payments. For this purpose, the HBA may form a management corporation and the officers of the HBA shall be the directors of such corporation. This corporation and the LHA shall then negotiate a management services contract. Such arrangements are consistent with the objective of providing for maximum participation by residents in the management of their developments. As an alternative, the HBA and the LHA may elect to undertake any other arrangement approved by HUD.

§ 1270.307 Alternative to HBA.

Where the homes are on scattered sites (noncontiguous lots throughout a multiblock area, with no common property), or where the number of homes may be too few to support an HBA, and where an alternative method for homebuyer representation and continuing counseling is provided, an HBA shall not be required. For such cases, a modified form of homebuyers association may be called for or a less formal organization may be desirable. This decision shall be made jointly by the LHA and the homebuyers, acting on the recommendation of HUD.

§ 1270.308 Relationship with homeowners association.

The HBA and the homeowners association are, in legal terms, separate and distinct organizations with different functions. The homeowners association may hold title to and be responsible for maintenance of common property (see § 1270.119 and § 1270.120), while the HBA has more general service and representative functions. While all residents are members of the HBA, only those who have acquired title to their homes are members of the homeowners association.

§ 1270.309 Use of appendices.

Use of the Articles of Incorporation (Part I of Appendix I) and the Recognition Agreement between the Local Housing Authority and Homebuyers Association (Appendix II) is mandatory for projects developed under Subpart B of this Part which have homebuyers associations. No modification may be made in format, content or text of these Appendices except (1) as required under state or local law as determined by HUD or (2) with approval of HUD. The By-Laws of the Homebuyers Association is provided as a guide for such projects and it may be used or modified to the extent required by the HBA and LHA respectively to meet local needs and desires.

§ 1270.310 Waivers.

Upon determination of good cause, the Secretary of Housing and Urban Development may, subject to statutory limitations, waive any provision of this Chapter. Each such waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

APPENDIX I

(Subpart D)

ARTICLES OF INCORPORATION AND BY-LAWS OF _____ HOMEBUYERS ASSOCIATION

Part I—*Articles of Incorporation*

In compliance with the requirements of

_____

(reference to statute under which incorporation is sought)

the undersigned, all of whom are natural persons, residents of _____, of full age, have this day voluntarily associated themselves together for the purpose of forming a Corporation, not-for-profit, and do hereby certify:

ARTICLE I—NAME

The name of the corporation is _____ Homebuyers Association (hereinafter referred to as the "Association").

ARTICLE II—OFFICE

The principal office of the Association is located at_____.

ARTICLE III—AGENT

_____, whose address is _____, is hereby appointed the initial registered agent of the Association.

ARTICLE IV—DURATION

The period of duration of the Association is perpetual.

ARTICLE V—MEMBERSHIP

Membership in the Association shall be limited to families who are entitled to occupancy of a Home in the Development pursuant to a Homebuyers Ownership Opportunity Agreement and families who are Homeowners in the Development, and all such families shall automatically be members so long as they are in occupancy of a Home. For purposes of these Articles, the term "Development" includes the following described Development or Deveolpments in the Homeownership Opportunity Program of _____ (hereinafter referred to as the Authority):

_____

_____

_____

ARTICLES VI—PURPOSES

The purposes for which this Association is formed shall not result in pecuniary gain or profit to the members thereof. These purposes are to provide organization and representation for its members in their relationships with the Authority in all matters regarding the homeownership opportunity program and, if appropriate, to perform management responsibilities for the Development under contract with the Authority.

1. In order to carry out these purposes, the Association shall perform the following functions:

a. Represent its members, individually and collectively, with respect to any deficiencies in the Development or in the Homes and with respect to fulfillment of the construction contract and related warranties;

b. Represent its members, individually and collectively, in their relationships with the Authority and others in regard to financial matters such as monthly payments, credits to and charges against reserves, settlement upon vacating a Home, and acquisition of ownership, and other matters pertaining to operation and management of the development;

c. Recommend policies and rules to the Authority for operation and management including rules concerning use of the common areas and community facilities;

d. Participate in the operation of official grievance mechanisms;

e. Advise and assist its members regarding procedures and practices relative to their Earned Home Payments Accounts and to their acquisition of homeownership;

f. Participate with the Authority in periodic maintenace inspections of the Homes after occupancy and make recommendations in case of disagreement arising out of maintenance inspections;

g. Participate with the Authority in the selection of subsequent homebuyers;

h. Coordinate, supervise, or manage the operation of credit union, child care, or other supportive services established for the Development;

i. Participate with the Authority in the establishment and implementation of policies related to collection of monthly payments, termination of occupancy, and resolution of hardship situations;

j. Perform management services as specified under contract with the Authority or with the Homeowners Association and participate in other activities pursuant to agreement with the Authority or with the Homeowners Association.

2. The Association may also offer special services such as:

a. The development of self-help such as consumer clubs, furniture and other co-ops, credit unions, transportation pools, and skill pools;

b. Assisting Homebuyers in acquiring group insurance;

c. Developing programs and contracting for services such as child care centers to be located in the community facility, where such a facility exists;

d. Assisting Homebuyers in their employment, especially by participating in skill development and apprenticeship programs in cooperation with local educational organizations; and

e. Assisting Homebuyers in planning the management role of the Association and in negotiating any contract for management services with the Authority.

ARTICLE VII—POWERS

This Association shall have all the powers, privileges, rights and immunities which are necessary or convenient for carrying out its purposes and which are conferred by the provisions of all applicable laws of the State of _____ pertaining to non-profit corporations.

ARTICLE VIII—VOTING

There shall be only one vote per Home regardless of the number of persons in the family that occupies the Home.

ARTICLE IX—BOARD OF DIRECTORS AND BY-LAWS

The affairs of the Association shall be managed by a Board of Directors, all of whom shall be members of the Association. The number of Directors shall be as provided in the By-Laws of the Association. The following persons shall serve as the first Board of Directors and as the first officers:

Name	Office	Address
----------	----------	----------
----------	----------	----------
----------	----------	----------

This Board shall manage the affairs of the Association until election of their successors by the membership.

Promptly after 60 percent of the Homes are occupied, or one year from the date the first Home is occupied, whichever occurs sooner, the Board shall call the first annual meeting of the Association at which the members shall adopt By-Laws and elect one-third of the Board for a term of one year, one-third for a trem of two years, and one-third for a term of three years. At each annual meeting thereafter the members shall elect one-third of the Board for a term of three years.

ARTICLE X—DISSOLUTION

After all members have acquired ownership of their Homes, the Association shall be dissolved with the assent given in writing and signed by not less than two-thirds of the members. The dissolution shall be effective when all of the assets of the Association remaining after payment of its liabilities have been granted, conveyed and assigned in such manner as the Association and Authority may mutually agree.

ARTICLE XI—AMENDMENT

Amendment of these Articles shall require the assent of 75 percent of the entire membership.

In witness whereof, for the purposes of incorporating this Association under the laws of the State of ----------, we, the undersigned constituting the incorporators of this Association, have executed these Articles of Incorporation this -------- day of ------ ------, 19----.

[Witness, Notary, or Acknowledgment as required by state law]

[NOTE.—The following is a suggested form of By-Laws. Different format and content to meet local needs may be used. For example, it may be considered desirable to combine HBA offices, eliminate or change functions of various committees, provide for other committees, etc.]

Part II—*By-Laws*

The members of the ---------- Homebuyers Association (hereinafter referred to as the "Association") do hereby adopt in accordance with Article IX of the Articles of Incorporation the following By-Laws:

SECTION 1. *Organization.*—The affairs of the Association shall be managed by a Board of Directors elected by and from the members of the Association. The Board shall elect officers of the Association, including a President, Vice President, Secretary, and Treasurer, who shall carry out such functions and duties as are prescribed by these By-Laws and the Board.

SEC. 2. *Association meetings.*—A. *Annual meetings.* The Association shall have an annual meeting at ----------
(time)
on the ----------
(day of week and month)
each year for the purpose of transacting such business as may be necessary or appropriate. If the date of the annual meeting is a legal holiday, the meeting shall be held at the same hour on the first day following which is not a legal holiday.

B. *Quarterly and special meetings.* Between annual meetings, quarterly meetings shall be called by the President and be held for the purpose of advising the membership of activities of the Board and enabling the members to bring up matters of common concern. Special meetings may be called at any time (1) by the President with the written concurrence of at least two of the other officers or (2) by a petition filed with the Secretary stating the purpose of the meeting and signed by at least one-fifth of the total number of members in the Association.

C. *Notice of meetings.* Written notice of each annual, quarterly or special meeting of the members shall be given by, or at the direction of, the Secretary by mailing a copy of such notice at least fifteen days before an annual or quarterly meeting or at least seven days before a special meeting, addressed to each member at the member's address shown on the records of the Association. Such notice shall specify the place, date, and hour of the meeting and, in the case of a special meeting, the purpose of such meeting. No business shall be transacted at any special meeting other than that stated in the notice unless by consent of at least one-half of the total number of votes of the Association.

D. *Quorum.* A quorum at any meeting shall consist of members entitled to cast votes which represent at least one-tenth of the votes of the Association. If such a quorum is not present, those present shall have the power to reschedule the meeting from time to time without notice other than an announcement at the meeting until there is a quorum. At any rescheduled meeting at which a quorum is present, the only business which may be transacted is that which might have been transacted at the original meeting.

E. *Voting.* Each family shall designate in writing to the Secretary the family member who is to cast the family vote. That designee may appoint as a proxy for a specific meeting any other member of the Association. A proxy must be in writing and filed with the Secretary not later than the time that meeting is called to order. Every proxy shall be revocable and shall be automatically revoked when the person who appointed the proxy attends the meeting or ceases to have voting privileges in the Association. Votes represented by proxy shall be counted in determining the presence or absence of a quorum at any meeting.

F. *Agenda.* An agenda shall be prepared for every meeting.

SEC. 3. Board of Directors—A. *Number of directors.* The affairs of the Association shall be managed by a Board of ------ Directors, all of whom shall be members of the Association. The number of Directors may be changed by amendment of the By-Laws of the Association.

B. *Term of Office.* The Board of Directors shall be elected at the annual meeting of the Association. At the first annual meeting, the members shall elect ------[1] Directors for a term of one year, ------[1] Directors for a term of two years, and ------[1] Directors for a term of three years. At each annual meeting thereafter the members shall elect --------[1] Directors for a term of three years.

[1] Each group shall be one-third of the total number of Directors.

C. *Removal and other vacancies of Directors.* Any Director may be removed from the Board, for cause, by a majority of the votes of the Association at any annual or quarterly meeting or any special meeting called for such purpose, provided that the Director has been given an opportunity to be heard at such meeting. In the event of death, resignation or removal of a Director, his successor shall be elected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

D. *Chairman of the Board.* At the first regular Board meeting after each annual meeting, the Board of Directors shall elect a Chairman from among their number.

E. *Compensation.* No compensation shall be paid to the Board for its services. However, any Director may be reimbursed for his actual expense incurred in the performance of his duties, as long as such expense receives approval of the Board and is within the approved Association budget.

SEC. 4. *Nomination and election of the board*—A. *Nomination.* Nomination for election to the Board of Directors (other than for filling of vacancies under section 3. C.) shall be made by the Nomination Committee; provided, however, that nominations may also be made from the floor at the annual meeting by motion properly made and seconded, or by a petition which states the name of the person nominated, is signed by members representing at least ten votes, and is filed with the Secretary not later than the day prior to the annual meeting. Persons nominated must be members of the Association.

B. *Election.* Election of the Board of Directors shall be in accordance with Section 2. E., and by secret written ballot. The ballots shall be prepared by the Secretary. Cumulative voting is not permitted (that is, a voter who refrains from voting with respect to one or more vacancies may not on that account cast any extra vote or votes with respect to another vacancy). The persons receiving the largest number of votes shall be elected.

SEC. 5. *Meetings of Directors*—A. *Regular meetings.* Regular meetings of the Board of Directors shall be held monthly at such time and hours as may be fixed from time to time by resolution of the Board. Notice of time and place of the meetings shall be mailed to each Director no later than seven days before the meeting.

B. *Special meetings.* Special meetings of the Board of Directors shall be held when called by the President of the Association, the Chairman of the Board or by any two Directors, after not less than three days notice to each Director.

C. *Quorum.* A simple majority of the Board shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Board present at a duly held meeting shall be regarded as an act of the Board.

D. *Action taken without a meeting.* Any action which could be otherwise taken at a Board meeting may be taken in the absence of a meeting, by obtaining the written approval of all Directors. Any action so approved shall have the same effect as though taken at a meeting of the Board.

SEC. 6. *Power and duties of the Board of Directors*—A. *Power and duties generally.* The Board of Directors shall have and exercise all the powers, duties, and authority necessary for the administration of the affairs and to carry out the purposes of the Association, excepting only those acts and things as are required by law, by the Articles of Incorporation, or by these By-Laws to be exercised and done by the members or their officers.

B. *Powers.* The Board shall have the power to: (1) adopt and publish such rules and regulations as are appropriate in the exercise of its powers and duties, including but not lim-

ited to rules and regulations governing the amount and payment of dues, use of common areas and facilities and the conduct of the members and their guests thereon, and the establishment of penalties for violation of such rules and regulations; (2) appoint or designate officers, agents, and employees, and make such delegations of authority as in its judgment are in the best interest of the Association; (3) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from at least three consecutive regular meetings of the Board of Directors.

C. *Duties.* It shall be the duty of the Board of Directors to: (1) Cause to be kept a complete record of all its acts and Association affairs, and to present a statement thereof to the members at the annual meeting, or at any special meeting when such statement is requested in writing by members representing at least one-fifth of the votes of the Association; (2) cause to be prepared an annual audit of the Association books to be made at the completion of each fiscal year; (3) cause to be supervised all officers, agents, and employees of the Association, and see that their duties are properly performed; (4) procure and maintain adequate liability and hazard insurance on any property owned by the Association; (5) cause such officers or employees having fiscal responsibilities to be bonded as the Board may deem appropriate; (6) cause to be performed the functions listed in Article V of the Articles of Incorporation.

SEC. 7. *Association officers and their duties*—A. *Election.* The Board of Directors shall elect the following officers of the Association: a President, a Vice President, a Secretary, a Treasurer, and such other special officers as, in the opinion of the Board, the Association may require. The President and Vice President shall be elected from members of the Board. The election of officers shall take place biennially at the first meeting of the Board of Directors following the annual meeting of the members.

B. *Term.* The officers shall hold office for two years unless they shall resign sooner, be removed, or otherwise be disqualified to serve; provided, however, that special officers shall hold office for such period as the Board may determine, but not to exceed one year.

C. *Removal and resignation.* Any officer may be removed from office, for cause, by the Board. Any officer may resign at any time by giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

D. *Vacancies.* A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

E. *Multiple Officers.* No person shall simultaneously hold more than one of the offices required by these By-Laws.

F. *Duties.* The duties of the officers are as follows:

(1) *President.* The President shall preside at all Association meetings; shall excute the orders and resolutions of the Board; shall sign all leases, mortgage, deeds, and other written instruments; and shall cosign with the Treasurer all checks and promissory notes.

(2) *Vice President.* The Vice President shall act in place and stead of the President in the event of his absence or disability and shall exercise and discharge such other duties as may be required of him by the Board.

(3) *Secretary.* The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Association; shall keep the corporate seal of the Association and affix it on all papers requiring said seal; shall serve notice of the meetings of the Board and of the Association; shall keep appropriate current records showing the names and addresses of the members of the Association; and shall perform such duties as may be required by the Board.

(4) *Treasurer.* The Treasurer shall receive and deposit in appropriate bank accounts all funds of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall cosign with the President all checks and promissory notes of the Association; shall keep proper books of account; and shall prepare an annual budget and statement of income and expenditures which shall be approved by the Board before presentation to the Association at its regular annual meeting, and furnish a copy to each of the members.

(5) *Special officers.* Special officers shall have such authority and perform such duties as the Board may determine.

(6) *Compensation.* Officers may not be compensated except as may be determined by the Board, in accordance with the approved Association budget.

SEC. 8. *Committees.*—A. *Committees to be established.* The Board of Directors shall establish the following committees:

(1) *Representation Committee* which shall represent members, individually and collectively, with respect to: any deficiencies in the Development or the individual Homes therein; fulfillment of the construction contract and related warranties; relationships with the Authority and others in regard to financial matters such as monthly payments, credits to and charges against reserves, settlement upon vacating the home, and acquisition of ownership; matters pertaining to project management; and matters in the Authority's official grievance mechanisms.

(2) *Rules Committee* which shall present to the Board for recommendation to the Authority policies for operation and management and, where appropriate, assist the Board in establishing Association rules in that respect.

(3) *Homeownership Committee* which shall advise and assist members in regard to maintenance and acquisition of ownership of their homes, financial matters and other matters related to homeownership and home management.

(4) *Selection Committee* which shall recommend proposed homebuyers from a list of eligible applicants.

(5) *Nominating Committee* which shall consist of a chairman, who shall be a member of the Board of Directors, and two or more members of the Association, none of whom are Directors. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies to be filled.

B. *Other committees.* The Board may establish other committees, permanent or temporary, which it deems necessary or desirable to carry out the purposes of the Association.

C. *Committee Chairman and Members.* The chairmen of all committees, except the Nominating Committee, shall be appointed by and serve at the pleasure of the President. Committee members shall be appointed by the chairman of the committee on which they are to serve and shall serve until a new chairman is appointed.

D. *Committee Reports.* The chairman of each committee shall make a report to the President in writing of committee meetings and activities prior to each regular monthly meeting of the Board of Directors.

E. *Authority.* Unless specifically authorized in writing by the Board of Directors or the President, a committee chairman or a committee shall have no authority to legally obligate the Association or incur any expenditure on behalf of the Association.

SEC. 9. *Suspension of rights.* The Board may suspend, by a majority vote of the Board, the voting rights and rights to use the recreational facilities, of a member, and his family and guests, during any period in which the member shall be in default in the payment of any dues or assessment imposed by the Association. Such rights may also be suspended, after notice and hearing, for a period not to exceed sixty days, for violation of the Association's rules and regulations.

SEC. 10. *Books and records.* The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member.

SEC. 11. *Amendments.* Amendments to these By-Laws may be introduced and discussed at any annual or special meeting of the Association, provided that copies of any proposed amendment shall be mailed to all the members with the notice of the meeting at which such amendment will be introduced. A vote on adopting such amendment shall be taken at the first Association meeting held at least two weeks subsequent to the meeting at which the amendment was introduced. Amendments shall be adopted by a vote of a majority of the members of the Association.

SEC. 12. *Corporate seal.* The Association shall have a seal which shall appear as follows: [SEAL]

SEC. 13. *Fiscal year.* The first fiscal year of the Association shall begin on the date of incorporation and shall end on the last day of _____ (month, year). Each successive fiscal year shall begin on the first day of _____ (month) and end on the last day of _____ (month).

The foregoing By-Laws were adopted at the first annual meeting of the Association held _____ by the undersigned members of the Association.

APPENDIX II

(Subpart D)

RECOGNITION AGREEMENT BETWEEN LOCAL HOUSING AUTHORITY AND HOMEBUYERS ASSOCIATION

WHEREAS, the _____ ("Authority"), a public body corporate and politic, has developed or acquired with the aid of loans and annual contributions from the Department of Housing and Urban Development ("HUD"), the following Development or Developments in its homeownership opportunity program (hereinafter referred to as the "Development"): [1]

_____

_____

_____

[1] List here the specific Development or Developments whose Homebuyers are represented by the Homebuyers Association with which this Agreement is entered into.

WHEREAS, an organization of residents ("Homebuyers") is an essential element in such Development for purposes of effective participation of the Homebuyers in the management of the Development and representation of the Homebuyers in their relationships with the Authority, and for other purposes; and

WHEREAS, the _____ Homebuyers Association ("Association") fully represents the Homebuyers of the Development;

NOW, THEREFORE, this agreement is entered into by and between the Authority and the Association and they do hereby agree as follows:

1. The Association, whose Articles of Incorporation are attached hereto and made a part hereof, is hereby recognized as the established representative of the Homebuyers of the Development and is the sole group entitled to represent them as tenants or Homebuyers before the Authority;

2. For each fiscal year, the Authority shall make available funds to the Association for its normal expenses, in such amounts as may be available to the Authority for such purposes and subject to whatever applicable HUD regulations;

3. The Association shall be entitled to the use of office space in _____ at the Development without charge by the Authority for such use;

4. The Authority and the officers of the Association shall meet at a location convenient to both parties on the _____ (day) of each month to discuss matters of interest to either party;

5. In the event the parties later agree that the Association should assume management responsibilities now held by the Authority, a contract for such purpose will be negotiated by _____ the Association;

_____ terminate upon dissolution of the Association.

IN WITNESS HEREOF, the parties have executed this Agreement on _____, 19____.

Local Housing Authority
By _____
(Official Title)
Homebuyers Association
By _____
(Official Title)

WITNESSES:
_____
_____

[FR Doc.74-6178 Filed 3-21-74;8:45 am]

federal register

FRIDAY, MARCH 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 57

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor, specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the 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 modfied, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New General Wage Determination Decisions

Florida	AQ–4091
	AQ–4092
Kentucky	AQ–4093
Tennessee	AQ–4094

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State:

California:	
AQ–1087	Feb. 22, 1974
AQ–1088	Mar. 1, 1974
Maryland:	
AQ–2040	Jan. 25, 1974
Mississippi:	
AQ–4081	Feb. 22, 1974
New Mexico:	
AQ–82	Mar. 8, 1974
Oklahoma:	
AQ–22	Aug. 31, 1973
Pennsylvania:	
AQ–2011	Aug. 17, 1973
AQ–2045; AQ–2057; AQ–2063; AQ–2064; AQ–2065	Feb. 15, 1974
Wyoming:	
AQ–1043	Oct. 5, 1973
AQ–1078	Feb. 8, 1974

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are in parentheses following the number of the decisions being superseded:

California:	
AQ–1064(AQ–1094); AQ–1065)(AQ–1095)	Dec. 14, 1973 Oct. 12, 1973
Connecticut:	
AQ–3014(AQ–3149)	Nov. 9, 1973
AQ–3035(AQ–3149)	May 18, 1973
Indiana:	
AP–662(AQ–3139); AP–663 (AQ–3140); AP–664(AQ–3141); AP–665(AQ–3142); AP–666(AQ–3143); AP–667(AQ–3144)	Jan. 4, 1974
Massachusetts:	
AQ–3073(AQ–3150)	

Signed at Washington, D.C., this 15th day of March 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Florida COUNTY: Broward
DECISION NUMBER: AQ-4091 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

6-FLA-1-K (1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanics	$ 9.13				
Asbestos workers	9.54	.35	.35		.02
Boilermakers	8.13	.40	.70		.01
Bricklayers	8.60	.38	.35		.03
Stonemasons	8.60	.38	.35		.03
Marble setters	8.60	.38	.35		.03
Terrazzo workers	8.60	.38	.35		.03
Plasterers	8.60	.38	.35		.03
Cement masons	8.76	.38	.35		.03
Block layers	8.85	.38	.35		.03
Carpenters & Soft floor layers	8.27	.45	.30		.02
Electricians	8.88	3.5%	1%+.40	4%	2%
Cable splicers	9.38	3.5%	1%+.40	4%	2%
Elevator constructors	9.03	.34 1/2	.23	2%+a&b	.01 1/2
Elevator constructors' helpers	70%JR	.34 1/2	.23	2%+a&b	.01 1/2
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	7.62				
Ironworkers	8.55	.55	.33		.03
Laborers:					
Laborers	5.85	.55	.30		
Mason tenders	6.10	.55	.30		
Plasterers' tenders	6.13	.55	.30		
Mortar mixers	5.95	.55	.30		
Power tool operators	5.95	.55	.30		
Vibrators	5.95	.55	.30		
Lathers	5.95	.30	.10		.02
Line construction:					
Linemen	7.56	3%	1%		1/4 of 1%
Cable splicer	7.81	3%	1%		1/4 of 1%
Groundman	4.54	3%	1%		1/4 of 1%
"A" Class operators	7.56	3%	1%		1/4 of 1%
"B" Class operators	6.05	3%	1%		1/4 of 1%
Painters:					
Brush	7.70	.40	.40		.02
Spray	8.20	.40	.40		.02
Structural steel	7.95	.40	.40		.02
Plumbers & Steamfitters	9.90	.50	.50		.07
Roofers	6.40	.30	.15		
Sheet metal workers	9.75	.45	.35		
Sprinkler fitters	8.41	.30	.50		.07
Tile setters	6.60	.30			.05
Welders - Rate for craft					

6-FLA-1-K (2-2)

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS:

A. New Year's Day
B. Memorial Day
C. Independence Day
D. Labor Day
E. Thanksgiving Day
F. Christmas Day

1-FL-PEO-1-A

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air compressor	$4.25				
Backhoe	5.20				
Batching plants	4.75				
Boring & Drilling machines (all types)	4.75				
Bulldozer & Pans	4.25				
Clam shell	5.20				
Compressor, small (under 105 cu. ft.)	3.90				
Cranes:					
Cranes or Derricks	5.20				
Austin Western Crane	5.20				
Hydro Crane	5.20				
Two (2) Operators on Tower Cranes	5.35				
Distributor - Bituminous	4.00				
Dragline	5.20				
Drilling of Piling (all types)	5.20				
Earth freezing equip. (all types)	5.20				
Finishing machine - paving	4.00				
Fireman	4.25				
Front end loader	4.25				
Generator (electric power supply)	4.50				
Gradall	5.20				
Hoist	5.20				
Jet pump	4.25				
Mechanics	4.75				
Mixers - Charger Pan	4.00				
Motor grader - finish grade	4.75				
Motor grader - pans & pulls & other dirt moving equipment	4.25				
Piledriver	5.20				
Pumps under 6"	3.90				
Pumps 6" and over	4.25				
Pumps concrete machines (all types)	4.75				
Pumps motor mixer (all types)	4.60				
Rollers	4.25				
Scraper	4.00				
Shovel	5.20				
Tractor boom	4.75				
Trenching machine	4.25				
Welding machines limit (4)	3.75				
Well points 1 system limit 3 pumps not over 600' distance	3.90				
Winch trucks & A frames	4.40				

FOOTNOTES: (Where Applicable)

a. Cranes with 150' boom or more additional 25¢ per hour

STATE: Florida COUNTIES: Martin & Palm Beach
DECISION NUMBER: AQ-4092 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

50-FLA-1-N (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning & refrigeration mech.	$9.52	.39	.55		.16
Asbestos workers	9.96	.35	.35		.02
Boilermakers	7.50	.40	.90		.02
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, tile setters	8.42	.40	.50		
Carpenters & soft floor layers	8.07	.45	.30		.03
Electricians	8.55	3.5%	1%	6%	1.5%
Cable splicers	9.36	3.5%	1%	6%	1.5%
Elevator constructors	9.03	.345	.23	2%+a&b	.015
Elevator constructors' helpers	70%JR	.345	.23	2%+a&b	.015
Elevator constructors' helpers (prob.)	50%JR				
Ironworkers	8.05	.35	.28	.50	.10
Laborers:					
General	6.45	.45	.30		.01
Mason tenders, mortar mixers, air tool operators & pipelayers	6.55	.45	.30		.01
Plasterers' tenders	6.73	.45	.30		.01
Lathers	7.47		.10		.025
Line construction:					
Linemen	8.00	3.5%	1%		3/8 of 1
Cable splicers	8.30	3.5%	1%		3/8 of 1
Winch truck operators	6.36	3.5%	1%		3/8 of 1
Groundmen	4.35	3.5%	1%		3/8 of 1
Truck drivers	5.24	3.5%	1%		3/8 of 1
Heavy equipment operators	8.00	3.5%	1%		3/8 of 1
Millwrights	8.70	.45	.30		.01
Painters, brush	7.27	.25	.30		.03
Piledrivermen	8.45	.45	.30		.01
Plumbers & steamfitters	9.52	.39	.55		.16
Roofers	6.85	.20	.25		
Sheet metal workers	8.60	.30	.25		.05
Sprinkler fitters	8.71	.40	.60		.10
Riveters & Welders - Rate for craft					

FOOTNOTES:
a. Six paid holidays; A through F.
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE)
A. New Year's Day, B. Memorial Day, C. Independence Day, D. Labor Day, E. Thanksgiving Day, F. Christmas Day.

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payment				
		H & W	Pensions	Vacation	App. Tr.	Other
Air Compressors	$4.25					
Backhoe	5.20					
Batching plants	4.75					
Boring & Drilling machines (all types)	4.75					
Bulldozer & Pans	4.25					
Clam shell	5.20					
Compressor, small (under 105 cu. ft.)	3.90					
Cranes:						a.
Cranes or Derricks	5.20					
Austin Western Crane	5.20					
Hydro Crane	5.20					
Two (2) Operators on Tower Cranes	5.35					
Distributor - Bituminous	4.00					
Dragline	5.20					
Drilling of Piling (all types)	5.20					
Earth freezing equip. (all types)	5.20					
Finishing machine - paving	4.00					
Fireman	4.25					
Front end loader	4.25					
Generator (electric power supply)	4.50					
Gradall	5.20					
Hoist	5.20					
Jet pump	4.25					
Mechanics	4.75					
Mixers - Charger Pan	4.00					
Motor grader - finish grade	4.75					
Motor grader - pans & pulls & other dirt moving equipment	4.25					
Piledriver	5.20					
Pumps under 6"	3.90					
Pumps 6" and over	4.25					
Pumps concrete machines (all types)	4.75					
Pumps motor mixer (all types)	4.60					
Rollers	4.25					
Scraper	4.00					
Shovel	5.20					
Tractor boom	4.75					
Trenching machine	4.25					
Welding machines limit (4)	3.75					
Well points 1 system limit 3 pumps not over 600' distance	3.90					
Winch trucks & A frames	4.40					

FOOTNOTES: (Where Applicable)
a. Cranes with 150' boom or more additional 25¢ per hour

NEW DECISION

AQ-4093 P. 2

STATE: Kentucky
DECISION NUMBER: AQ-4093
COUNTY: Henderson
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

51-Kentucky-1-a

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.45	.35	.30		
Boilermakers	8.10	.30	.70	.55	.01
Bricklayers	8.15				
Carpenters	7.49	.30	.30		
Cement Masons	7.33	.40	.20		
Electricians	8.08	.25	1%		1/8 of 1%
Glaziers	7.565	.26	.20		.01
Ironworkers, structural, ornamental & reinforcing	8.15	.25	.25		
Millwrights	7.50	.25	.35		
Painters (Commercial):					
Brush	6.85	.45	.20		
Spray; Sandblasting	7.60	.45	.20		
Painters (Industrial):					
Brush	8.00	.45	.20		
Spray	8.75	.45	.20		
Sandblasting	8.75	.45	.20		
Plumbers & Pipefitters	8.48	.30	.50		
Roofers	7.43	.30	.15		
Sheet Metal Workers	7.70	.25	.25		
Steamfitters	8.48	.30	.50		
Truck Drivers	6.65		a		

Footnote:
a. $10.00 per week for each employee.

Footnote:
a. $10.00 per week for each employee

51-KY-LAB-1-

LABORERS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A					
Building & Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers & cleaners, roofers' helpers, railroad laborer, masonary wall washers (interior & exterior), cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders	$5.85	.30	.25		.07
GROUP B					
Waterproofing, handling of cresote lumber on like treated material (excluding railroad material), asphalt rakers & lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen & sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic & non-metallic) motor-driven wheelbarrows & concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine & winch operator, water main & cable ducking (metallic & non-metallic)	6.05	.30	.25		.07
GROUP C					
Plaster tenders, Mortar Mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders	6.15	.30	.25		.07
GROUP D					
Dynamite Men	6.85	.30	.25		.07

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Single axle straight trucks	$6.65		a			
Tandem trucks or "Dog-Legs", trucks over 15-ton payload, single axle semi-trucks (3-axle unit)	6.75		a			
Tandem axle semi-trucks, (4 axle unit) pavement breakers	6.85		a			
Tandem-tandem semi-trucks (5 axle unit)	6.91		a			
Equipment when not self-loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, Euclid bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu. yds, and under	6.85		a			
Equipment when not self-loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment over 12 cu. yds.	6.95		a			
Mechanics, mixer trucks, all types	6.95		a			
Bituminous distributor, two-man	6.70		a			
Bituminous distributor, one-man	6.81		a			
Winch trucks or A-Frames when used for transportation purposes, batch trucks wet or dry, over 3-34E batches	6.75		a			
Batch trucks, wet or dry, 3-34E, batches or less	6.65		a			
Pickup trucks when hauling equipment, supplies and materials to, from and on the job site, except when used by a superintendent or a foreman for his own transportation, or for the use of a mechanic for the transportation of himself, his tools, & repair parts, job site warehousemen	6.55		a			
Helpers, greasers, tire men, & members tending batch boards	6.56		a			

FOOTNOTE:
a. Per week per employee - $10.00

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Class A Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, draglinc, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumperete, ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader	$7.75	.25	.25			
Class B Operators: All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self propelled compactor, tractair and road widening trencher and farm tractor with						

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class B Operators (cont'd): attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor	$6.11	.25	.25		
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper	5.67	.25	.25		

NEW DECISION

STATE: Tennessee
DECISION NO.: AQ-4094
COUNTY: Madison
DATE: See Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

57-Tennessee-1-G

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.775	.35	.25		
Bricklayers	6.00	.30			
Carpenters	6.10				
Cement Masons	5.25				
Electricians	6.90	.22	1%		1/2%
Glaziers	6.80	.35	.20		
Ironworkers, structural, ornamental & reinforcing	7.75	.30	.35		.125
Laborers:					
Laborers	3.05		.10		
Air tool operator (Jackhammer, vibrator)	3.25		.10		
Mason tenders	3.15		.10		
Mortar mixers	3.25		.10		
Plasterer tenders	3.15		.10		
Lathers	6.80	.20			
Millwrights	6.30				
Painters, brush	5.30				
Piledrivermen	6.10				
Plasterers	5.25				
Plumbers	7.30				
Roofers	6.75		.20		
Sheet metal workers	7.15	.40	.15	.30	.02
Sprinkler fitters	8.20	.30	.25		
Tile setters	4.90	.30			
Truck drivers	3.05		.10		
Power Equipment Operators:					
Bulldozer	3.00				
Fork lift	3.60				
Front end loader	3.75				
Grader	3.00				
Motor patrol	4.35				
Paving machine	3.00				
Pump operator	3.25				
Roller	3.00				
Tractor	3.40				
Trenching machine	4.00				

DECISION #AQ-1087 - Mod. #1
(39 FR 7021 - February 22, 1974)

Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Mercod, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama Tuolumne, Yolo and Yuba Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers	$9.05	.90	.65	1.07	.06
Cement Masons:					
Cement masons	7.39	.56	1.00	.75	
Mastic; Magnesite; All Composition Masons	7.64	.56	1.00	.75	
Men working from swinging or slip form scaffolds	7.64	.56	1.00	.75	
Glaziers					
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solana (SW from E. of Fairfield) and Sonoma Cos.	8.795	.45	.61		.01
Plasterers					
Alameda and Contra Costa Cos.	8.94	.645	.58		.03
San Mateo County	7.72	.48	.90	1.50	
Sheet Metal Workers					
San Mateo County	9.25	.38	.97		.02

DECISION #AQ-1088 - Mod. #1
(39 FR 8103 - March 1, 1974)

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers	$9.05	.90	.65	1.07	.06
Cement Masons:					
Cement Masons	7.39	.56	1.00	.75	
Mastic; Magnesite; All Composition Masons	7.64	.56	1.00	.75	
Men working from swinging or slip form scaffolds	7.64	.56	1.00	.75	
Glaziers					
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern Half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E. of Fairfield) and Sonoma Counties	8.795	.45	.61		.01
Line Construction:					
Contra Costa County					
Groundmen	7.53	.60	1%+.50		.02
Line Equipment Operator	8.89	.60	1%+.50		.02
Linemen	9.80	.60	1%+.50		.02
Cable Splicers	11.05	.60	1%+.50		.02
Plasterers					
Alameda and Contra Costa Cos.	8.94	.645	.58		.03
San Mateo County	7.72	.48	.90	1.50	
Sheet Metal Workers					
San Mateo County	9.25	.38	.97		.02

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2040 - Mod. #2 (39 FR 3396 - January 25, 1974) Anne Arundel County, Maryland						
ADD: To Modification #1 - 39 FR 3-15-74:						
CHANGE (Building Construction Schedule)						
DECISION #AQ-4081 - Mod. #1 (39 FR 7054 - February 22, 1974) Harrison & Pearl River Counties, Mississippi						
Change:						
Asbestos workers (Pearl River Co.)	$6.65	.30	.70			
Laborers:						
Laborers	4.20	.10	.10			
Vibrator - jackhammer, mortar mixer; pipelayers (sewer; power saw op)	4.35	.10	.10			
Piledrivermen	7.02	.30	.30			
Piledrivermen on creosote material	7.26	.30	.30			
Soft floor layers	6.65					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-82 - Mod. #1 (39 FR 9398 - March 8, 1974) Statewide, New Mexico						
Omit:						
CARPENTERS: Dwelling houses and apartments over two stories in height:						
CEMENT MASONS: Dwelling houses and apartments over two stories in height:						
ELECTRICIANS (Chaves, Curry, Lincoln, Roosevelt Counties): The following zones shall be designated from the main post office of Roswell, Ruidoso, Portales and Carrizozo:						
Add:						
CARPENTERS: General Building and Heavy Engineering & Residential Construction (Dwelling houses and apartments over two stories in height):						
CEMENT MASONS: General Building and Heavy Engineering & Residential Construction (Dwelling houses and apartments over two stories in height):						
ELECTRICIANS (Chaves, Curry, Lincoln, Roosevelt Counties): The following zones shall be designated from the main post office of Roswell, Ruidoso, Portales, Carrizozo and Clovis:						

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-82 - Mod. #1						
Change:						
PAINTERS:						
Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties:						
Painters and roller	$5.30	.30			.01	
Paperhangers	5.55	.30			.01	
Spray; sandblast; pressure roller, and gunnite operator	5.95	.30			.01	
Steel painter; bridges, structural steel, machinery tank, towers, pipes boiler rooms and power plant-brush and spray	5.80	.30			.01	
Dry wall finisher:						
Hand finisher	5.80	.30			.01	
Ames tool operator and machine finishing	6.05	.30			.01	
High Pay:						
30 to 75 feet	5.80	.30			.01	
75 to 100 feet	6.30	.30			.01	
100 feet and over	7.30	.30			.01	
DECISION #AQ-22 - Mod. #6 (38 FR 23735 - August 31, 1973) Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma.						
Change:						
Plumbers and Pipefitters	$7.70	.45	.40		.10	

DECISION #AQ-2011 - Mod. # 1
(38 FR - 22341 - August 17, 1973)
Bucks, Chester, Delaware, Montgomery, Philadelphia Counties, Pennsylvania

Add:
Schedule Attached

MODIFICATIONS P. 6

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others

DECISION NO. AQ-2011 Cont'd

POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION

MODIFICATIONS P. 7

PA-51-PEO- 2-E 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

DECISION NO. AQ-2011 Cont'd

POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION

MODIFICATIONS P. 8

PA-51-PEO- 2-E 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP IV					
Concrete breaking machines Rollers Machines similar to the above	$8.40	4.6%	9.5%	a	1.2%
WAGE GROUP V					
All bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y. Seaman pulverizing mixer Welders and Maintenance Engineers Fireman on Power Equipment Maintenance Engineer (Power Boat) Machines similar to the above	8.10	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Conveyors (Building) Welding Machines Heaters Wellpoints Compressors Farm Tractors Form line graders Road finishing machines Pumps Power Broom (Self contained) Seed Spreader Machines similar to the above	7.92	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
Fireman	7.40	4.6%	9.5%	a	1.2%
WAGE GROUP VIII					
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2045 - Mod. #1 (39 FR 5934 - February 15, 1974) Indiana County, Pennsylvania					
Change:					
Line Construction:					
Lineman	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%
DECISION #AQ-2057 - Mod. #1 (39 FR 5943 - February 15, 1974) Beaver County, Pennsylvania					
Change:					
Line Construction:					
Lineman	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%
DECISION #AQ-2063 - Mod. #1 (39 FR 6014 - February 15, 1974) Westmoreland County, Pennsylvania					
Change:					
Line Construction:					
Lineman	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%
DECISION #AQ-2064 - Mod. #1 (39 FR 6018 - February 15, 1974) Washington County, Pennsylvania					
Change:					
Line Construction:					
Lineman	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2065 - Mod. #1 (39 FR 6022 - February 15, 1974) Allegheny County, Pennsylvania					
Change:					
Line Construction:					
Linemen	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%

DECISION #AQ-1043 - Mod. #1
(38 FR 27745-October 5, 1973)
Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming

Change:
Line Construction:
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicer	$7.55	.25	1%		3/4%
Linemen	6.86	.25	1%		3/4%
Equipment Operator	6.28	.25	1%		3/4%
Groundmen	5.18	.25	1%		3/4%
All work 34.5 KV and under					
Lineman	6.63	.25	1%		3/4%
Line Equipment Operator	5.76	.25	1%		3/4%
Groundman	5.12	.25	1%		3/4%

DECISION #AQ-1078 - Mod. #1
(39 FR 5163 - February 8, 1974)
Statewide, Wyoming

Change:
Line Construction:
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications works, and all motor traffic controlling, street and highway lighting:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicer	$7.55	.25	1%		3/4%
Linemen	6.86	.25	1%		3/4%
Equipment Operator	6.28	.25	1%		3/4%
Groundman	5.18	.25	1%		3/4%
All work 34.5 KV and under					
Lineman	6.63	.25	1%		3/4%
Line Equipment Operator	5.76	.25	1%		3/4%
Groundman	5.12	.25	1%		3/4%

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NO.: AQ-1094

DATE: Date of Publication

Supersedes Decision No. AQ-1064, dated December 14, 1973, in 38 FR 34579.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$ 10.17	.78	.72		.045	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Imperial County	8.25	.62	.80		.05	
Inyo, Kern and Mono Counties	7.90	.65	.70	.40	.12	
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach); Orange County	8.30	.65	.70		.07	
Los Angeles County (except cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach	8.53	.65	.70		.07	
Riverside and San Bernardino Counties	7.80	.65	.70		.07	
Santa Barbara and San Luis Obispo Cos.	8.55	.65	.45			
Ventura County	8.14	.50	1.00		.02	
BRICK TENDERS:						
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	6.05	.65	1.35	.35		
Kern, Los Angeles, Orange, Santa Barbara and Ventura Counties	6.15	.65	1.35	.35		
San Luis Obispo County	6.05	.65	1.35	.35		
CARPENTERS:						
Carpenters	7.05	.74	.95	.70	.01	
Saw filers	7.13	.74	.95	.70	.01	
Table power saw operators	7.15	.74	.95	.70	.01	
Shinglers; Piledriverman, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01	
Hard wood floor layers; Millwrights	7.25	.74	.95	.70	.01	
Head rock slinger	7.28	.74	.95	.70	.01	
Pneumatic nailer	7.30	.74	.95	.70	.01	
CEMENT MASONS:						
Cement masons	$ 6.36	.90	1.20	.80	.0325	
Cement floating and troweling machine	6.61	.90	1.20	.80	.0325	
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.80	.50	1%+ .80			
Cable splicers	9.08	.50	1%+ .80			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians, Technicians	10.70	.70	1%+ .90		.10	
Cable splicers	11.77	.70	1%+ .90		.10	
Kern County (Remainder of County)						
Electricians; Technicians	8.70	.70	1%+ .90		.10	
Cable splicers	9.57	.70	1%+ .90		.10	
Los Angeles County						
Electricians	9.64	.50	1%+ 1.05		.06	
Cable splicers	9.94	.50	1%+ 1.05		.06	
Traffic Signal & Street Lighting:						
Electricians	9.64	.50	1%+ 1.05		.06	
Utility Technician No. 1	7.23	.50	1%+ 1.05		.06	
Utility Technician No. 2	6.75	.50	1%+ 1.05		.06	
Tunnel:						
Electricians	10.60	.50	1%+ 1.05		.06	
Cable splicers	10.90	.50	1%+ 1.05		.06	
Sound Technicians:						
Sound Technicians (on building construction)	9.50	.50	1%			
Sound Technicians (on modification of existing building)	7.66	.50	1%			
Orange County						
Electricians	9.40	.45	1%+ .75		.02	
Cable splicers	9.81	.45	1%+ .75		.02	
Riverside County						
Electricians	9.16	.60	1%+ .40		.04	
Cable splicers	9.46	.60	1%+ .40		.04	
Inyo, Mono and San Bernardino Cos.						
Electricians	8.76	.50	1%+ 1.10		.04	
Cable splicers	9.06	.50	1%+ 1.10		.04	
Tunnel:						
Electricians	9.32	.40	1%+ .75		.02	
Cable splicers	9.62	.40	1%+ .75		.02	
San Luis Obispo County						
Electricians	9.18	.60	1%+ .55		.01	
Cable splicers	10.10	.60	1%+ .55		.01	
Santa Barbara County (Vandenburg AFB)						
Electricians	10.25	.65	1%+ .85		.05	
Cable splicers	11.25	.65	1%+ .85		.05	
Remainder of County						
Electricians	9.00	.65	1%+ .85		.05	
Cable splicers	10.00	.65	1%+ .85		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (Cont'd)						
Ventura County						
Electricians	$ 9.57	.60	1%+ .45		.02	
Cable splicers	10.53	.60	1%+ .45		.02	
ELEVATOR CONSTRUCTORS:						
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties						
Elevator constructors	9.21	.195	.20	2% + a		
Elevator constructors' helpers	70%JR	.195	.20	2% + a		
Elevator constructors' helpers (Prob.)	50%JR					
Kern County (North of Tehachapi Range)						
Elevator constructors	9.48	.345	.23	2% + a	.015	
Elevator constructors' helpers	70%JR	.345	.23	2% + a	.015	
Elevator constructors' helpers (Prob.)	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Inyo, Kern, Mono Counties	7.68	.41	.55	.66	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	8.27	.50	.60		.04	
IRONWORKERS:						
Fence erectors	8.64	.73	.975	.85	.02	
Reinforcing	8.75	.73	.975	.85	.02	
Ornamental; Structural	8.78	.73	.975	.85	.02	
IRRIGATION AND LAWN SPRINKLERS:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	6.75	10%	16%	13%	1%	
LATHERS:						
Imperial County	7.00	.24			.01	
Inyo and Kern Counties	6.88	.45	.85	.55		
Los Angeles County (except City of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Areas II; III; IV)**	7.12	.39	.50		.03	
Orange County	8.29	.55	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
LINE CONSTRUCTION:						
Imperial County						
Groundmen	7.04	.50	1%+ .80			
Linemen	8.80	.50	1%+ .80			
Cable splicers	9.08	.50	1%+ .80			

* See Page 8 for definition
** See Page 8 for definition

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION: (Cont'd)						
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)						
Groundmen	$ 8.025	.70	1%+ .90		.10	
Linemen	10.70	.70	1%+ .90		.10	
Cable splicers	11.77	.70	1%+ .90		.10	
Kern County (Remainder of County)						
Groundmen	6.525	.70	1%+ .90		.10	
Linemen	8.70	.70	1%+ .90		.10	
Cable splicers	9.57	.70	1%+ .90		.10	
Los Angeles County						
Groundmen	7.30		1%			
Linemen	9.73		1%			
Cable splicers	10.03		1%			
Orange County						
Groundmen, 1st year	7.25	.25	1%+ .45			
Groundmen, 2nd year	7.68	.25	1%+ .45			
Linemen	8.90	.25	1%+ .45			
Cable splicers	9.31	.25	1%+ .45			
Riverside County						
Groundmen	6.87	.60	1%+ .40		.04	
Linemen; Line equipment operators	9.16	.60	1%+ .40		.04	
Cable splicers	9.46	.60	1%+ .40		.04	
Inyo, Mono, San Bernardino Counties						
Groundmen	6.36	.40	1%+ .75		.02	
Linemen	8.48	.40	1%+ .75		.02	
Cable splicers	8.78	.40	1%+ .75		.02	
San Luis Obispo County						
Linemen	8.98	.60	1%		.01	
Cable splicers	9.88	.60	1%		.01	
Santa Barbara County (Vandenberg AFB):						
Groundmen	6.95	.35	1%+ .45		.03	
Linemen	8.85	.35	1%+ .45		.03	
Cable splicers	9.10	.35	1%+ .45		.03	
Santa Barbara County (Remainder of Co.)						
Linemen	7.60	.35	1%+ .45		.03	
Cable splicers	7.85	.35	1%+ .45		.03	
Ventura County						
Groundmen	8.39	.60	1%+ .45		.02	
Linemen	9.57	.60	1%+ .45		.02	
Cable splicers	10.53	.60	1%+ .45		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
MARBLE SETTERS:						
Inyo and Mono Counties	$ 8.57	.76	.51	1.03		
Imperial County	7.26	.55	.65	.60		
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.16	.65	.55			
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles, (Pomona Area), San Bernardino (excl. western portion)						
Brush; Paint burners	7.43	.49	.39	.60	.03	
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.93	.49	.39	.60	.03	
Brush (swing stage); Spray	7.68	.49	.39	.60	.03	
Steeplejack	8.83	.49	.39	.60	.03	
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino west of a line north in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)						
Brush	7.90	.305	.40	.30		
Structural steel and bridge; Paint burner; Taper	8.02	.305	.40	.30		
Brush swing stage (13 stories or less);						
Paperhangers; Sandblasters; Spray	8.15	.305	.40	.30		
Brush swing stage (over 13 stories)	8.27	.305	.40	.30		
Structural steel and bridge, swing	8.30	.305	.40	.30		
Spray sandblaster swing stage (13 stories or less); Paste machine;						
Special coating spray	8.40	.305	.40	.30		
Steeplejack	9.15	.305	.40	.30		
Kern County (Remainder of County)						
Brush	7.82	.35	.41		.01	
Swing stage (brush-roller	7.97	.35	.41		.01	
Paperhangers; Spray; Sandblasters	8.07	.35	.41		.01	
Taping joint sheet rock	8.02	.35	.41		.01	
Swing stage and sandblasters	8.22	.35	.41		.01	
San Luis Obispo, Santa Barbara and Ventura Counties						
Brush	8.01	.35	.40		.02	
Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper	8.26	.35	.40		.02	
Spraymen	8.51	.35	.40		.02	
Steeplejack	9.01	.35	.40		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Parking Lot Striping Work and/or Highway Markers:						
Inyo and Mono Counties						
Striper	$ 7.37	.35	.20	b		
Striper helper	6.37	.35	.20	b		
Traffic delineating device applicator; Sandblaster	6.27	.35	.20	b		
Traffic delineating device applicator helper	5.77	.35	.20	b		
Remaining Counties						
Traffic delineating device applicator	6.27	.20	.20	b		
Traffic surface protective coating applicator; Wheel stop installers; Traffic surface sandblaster; Striper	5.88	.20	.20	b		
Helper (traffic surface sandblaster, wheel stop installer, and traffic surface protective coating applicator; Striper)	5.38	.20	.20	b		
PLASTERERS:						
Imperial County	8.15	.45	.75		.06	
Inyo, Kern and Mono Counties	7.77	.45	.60	.60	.06	
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07	
Riverside and San Bernardino Counties	10.675					
San Luis Obispo County	9.25					
Santa Barbara County	8.69	.70	1.05		.01	
Ventura County	8.625	.55	.50	.50	.02	
PLASTER TENDERS:						
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	7.93	.65	1.35	.30		
Kern County	6.50	.65	1.35	.30		
Los Angeles and Orange Counties	7.175	.65	1.80	.60		
San Luis Obispo County	6.50	.65	1.35	.30		
Santa Barbara County (except Santa Maria)	7.0275	.65	1.35	1.00		
Santa Barbara County (Santa Maria)	6.94	.65	1.35	1.29		
Ventura County	7.10	.65	1.475	1.00		
PLUMBERS; Steamfitters:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	8.62	10%	16%	13%	1%	
Inyo, Kern (except east of Los Angeles Aqueduct), and Mono Counties	7.74	.60	1.53	1.00	.10	
Kern County (east of Los Angeles Aqueduct)	9.74	.60	1.53	1.00	.10	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Imperial County	$ 7.14	.40	.25	1.00		
Inyo, Kern and Mono Counties	7.50	.50	.50			
Riverside and San Bernardino Counties	7.05	.55	.40	.50		
Los Angeles, Orange and Ventura Cos.	8.18	.35	.60		.025	
San Luis Obispo and Santa Barbara Cos.	7.76	.36	.205		.0025	
SHEET METAL WORKERS:						
Imperial County	9.13	.69	1.15			
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines), and Mono Counties	8.72	.69	1.05			
Los Angeles County (Remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside and San Bernardino Counties	8.25	.69	1.05		.05	
San Luis Obispo, Santa Barbara and Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:						
Imperial County	7.90	.45	.63	.60	.05	
Inyo (incl. Inyo-Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	8.14	.37	.28	.44	.02	
Kern County (remaining portion)	8.05	.37	.15	.44		
SPRINKLER FITTERS:						
Imperial, Inyo, Kern, Mono, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara, and Ventura (except Santa Paula, Point Mugu, and Port Hueneme)	11.30	.40	.60		.07	
Los Angeles (Los Angeles City and area within 25 miles; and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu, and Port Hueneme	11.04	.44	.50		.06	
TERRAZZO WORKERS:						
Imperial County	7.26	.55	.65	.60		
Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	7.02	.25	.40	.60		
TILE SETTERS:						
Imperial County	7.26	.55	.65	.60		
Inyo, Kern and Mono Counties	7.30	.40		.30		
Los Angeles, Orange, and Ventura Cos.	7.65	.495	.65		.04	
Riverside and San Bernardino Counties	7.70	.70	.65		.025	
San Luis Obispo and Santa Barbara Cos.	8.29	.65	.45			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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.

b. Employer contributes $.17 per hour to Holidays Fund plus $.10 per hour to Vacation for 1 year's service, $.20 per hour after 1 year but less than 5 years' service, $.30 per hour after 5 years but less than 10 years' service, $.40 per hour after 10 years' service.

* Area I - That portion of Los Angeles County including the Cities of Burbanks, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** Area II; III; and IV:

Area II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east of San Bernardino County line, then south along the San Bernardino County line.

Area III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

Area IV - Beginning ar the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean including San Clemente Island.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)						
*Group 1:	$ 7.28	.75	1.50	.30	.02	
Group 2:	7.52	.75	1.50	.30	.02	
Group 3:	7.76	.75	1.50	.30	.02	
Group 4:	7.87	.75	1.50	.30	.02	
Group 5:	8.06	.75	1.50	.30	.02	
Group 6:	8.16	.75	1.50	.30	.02	
Group 7:	8.26	.75	1.50	.30	.02	
Group 8:	8.40	.75	1.50	.30	.02	
Group 9:	8.50	.75	1.50	.30	.02	
TRUCK DRIVERS						
** Group 1:	6.42	.75	.65	1.00		
Group 2:	6.50	.75	.65	1.00		
Group 3:	6.56	.75	.65	1.00		
Group 4:	6.65	.75	.65	1.00		
Group 5:	6.68	.75	.65	1.00		
Group 6:	6.74	.75	.65	1.00		
Group 7:	6.75	.75	.65	1.00		
Group 8:	6.83	.75	.65	1.00		
Group 9:	6.88	.75	.65	1.00		
Group 10:	6.90	.75	.65	1.00		
Group 11:	7.20	.75	.65	1.00		
Group 12:	7.45	.75	.65	1.00		
Group 13:	7.55	.75	.65	1.00		

* See Page 15 for definition
** See Page 18 for definition

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, slabs decks, floors foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$5.645	.65	1.35	.35	
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.695	.65	1.35	.35	
GUINEA CHASER	5.825	.65	1.35	.35	
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	5.745	.65	1.35	.35	
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	5.77	.65	1.35	.35	
UNDERGROUND (INCL. CAISSON BELLOWERS)	5.775	.65	1.35	.35	
CHUCKTENDER; Septic tank digger and installer	5.795	.65	1.35	.35	
CESSPOOL DIGGER AND INSTALLER	5.825	.65	1.35	.35	
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER: Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.835	.65	1.35	.35	
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.935	.65	1.35	.35	

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	$5.855	.65	1.35	.35		
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	5.955	.65	1.35	.35		
ROCK SLINGER	5.905	.65	1.35	.35		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.035	.65	1.35	.35		
CONCRETE VIBRATOR OPERATOR, 70 lbs. and OVER	6.055	.65	1.35	.35		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.155	.65	1.35	.35		
GAS AND OIL PIPELINE WRAPPER - (6" and Over; Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	5.985	.65	1.35	.35		
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	6.155	.65	1.35	.35		
BLASTER POWDERMAN	6.295	.65	1.35	.35		
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	6.07	.65	1.35	.35		

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SANDBLASTER (Nozzleman)	$6.095	.65	1.35	.35		
DRILLER (Core-Diamond-Wagon)	6.295	.65	1.35	.35		
HEAD ROCK SLINGER	6.165	.65	1.35	.35		
GUNNITE LABORERS: NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35		
GUNMEN	6.72	.65	1.35	.35		
REBOUNDMEN	5.76	.65	1.35	.35		

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
(Tunnel and Tunnel-Shaft Construction)						
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, incl. rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$6.88	.65	1.35	.35		
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	6.98	.65	1.35	.35		
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Grout pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	7.13	.65	1.35	.35		
SHAFT, Raise miner; Diamond driller	7.38	.65	1.35	.35		

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POWER EQUIPMENT OPERATORS (DREDGING)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HYDRAULIC SUCTION DREDGES						
LEVERMAN	$8.65	.75	1.50	.30	.015	
WATCH ENGINEER; Welder	8.16	.75	1.50	.30	.015	
DECKMATE	7.76	.75	1.50	.30	.015	
WINCH MAN (stern winch or dredge)	7.70	.75	1.50	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	7.24	.75	1.50	.30	.015	
(CLAM SHELL DREDGES)						
LEVERMAN	8.65	.75	1.50	.30	.015	
WATCH ENGINEER	8.16	.75	1.50	.30	.015	
DECKMATE	7.76	.75	1.50	.30	.015	
BARGEMATE	7.70	.75	1.50	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	7.24	.75	1.50	.30	.015	

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal 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. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar): Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)

POWER EQUIPMENT OPERATORS CONT'D:
(Except Piledriving and Steel Erection)

GROUP 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to and including 25 tons capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman;Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator; Loader operator (Athey, Euclid, Sierra and similar type; Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and incl. 6-1/2 yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu.yds. M.R.C.

GROUP 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber- tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar)(over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

GROUP8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull)(.50¢ per hour additional to base rate); Tandem equipment operators (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (cont'd)
(Except Piledriving and Steel Erection)

GROUP 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Drivers of Vehicles or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load

Group 3: Truck mounted power broom

Group 4: Drivers of Vehicles or Combination of vehicles of 3 axles; Water truck, 2 axles

Group 5: Bootman; Cement distributor; Fuel truck; Driver of road oil spreader truck

Group 6: Transit-mix, under 3 yds.; Dumpcrete, less than 6 1/2 yds.

Group 7: Water Truck, 3 or more axles; Truck repairman helper

Group 8: Truck Greaser and Tiremen (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used

Group 9: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over

Group 10: Drivers or Vehicles or combination of vehicles of 4 or more axles

Group 11: A-Frame or Swedish Crane, or similar type of equipment; Fork lift; Ross carrier (Hwy)

Group 12: All Off-Highway Equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman

Group 13: Truck Repairman - Welder

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NO.: AQ-1095

DATE: Date of Publication

Supersedes Decision No. AQ-1065 dated December 14, 1973, in 38 FR 34589.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.17	.78	.72		.045
BOILERMAKERS	7.95	.60	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	8.25	.62	.80		.05
Kern County	7.90	.65	.70	.40	.12
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach); Orange County	8.30	.65	.70		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach)	8.53	.65	.70		.07
Riverside and San Bernardino Cos.	7.80	.65	.70		.07
Santa Barbara and San Luis Obispo Counties	8.55	.65	.45		
Ventura County	8.14	.50	1.00		.02
BRICK TENDERS:					
Imperial, Riverside and San Bernardino Counties	6.05	.65	1.35	.35	
Kern, Los Angeles, Orange, Santa Barbara and Ventura Counties	6.15	.65	1.35	.35	
San Luis Obispo County	6.05	.65	1.35	.35	
CARPENTERS:					
Carpenters	7.05	.74	.95	.70	.01
Saw filers	7.13	.74	.95	.70	.01
Table power saw operators	7.15	.74	.95	.70	.01
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01
Hard wood floor layers; Millwrights	7.25	.74	.95	.70	.01
Head rock slinger	7.28	.74	.95	.70	.01
Pneumatic nailer	7.30	.74	.95	.70	.01
CEMENT MASONS:					
Cement masons	6.36	.90	1.20	.80	.0325
Cement floating and troweling machine	6.61	.90	1.20	.80	.0325

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DRYWALL INSTALLERS	$8.60	.61	.75	.50	.04
ELECTRICIANS:					
Imperial County					
Electricians	8.80	.50	1%+.80		
Cable splicers	9.08	.50	1%+.80		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	10.70	.70	1%+.90		.10
Cable splicers	11.77	.70	1%+.90		.10
Kern County (Remainder of County)					
Electricians; Technicians	8.70	.70	1%+.90		.10
Cable splicers	9.57	.70	1%+.90		.10
Los Angeles County					
Electricians	9.64	.50	1%+1.05		.06
Cable splicers	9.94	.50	1%+1.05		.06
Orange County					
Electricians	9.40	.45	1%+.75		.02
Cable splicers	9.81	.45	1%+.75		.02
Riverside County					
Electricians	9.16	.60	1%+.40		.04
Cable splicers	9.46	.60	1%+.40		.04
San Bernardino County					
Electricians	8.76	.50	1%+1.10		.04
Cable splicers	9.06	.50	1%+1.10		.04
San Luis Obispo County					
Electricians	9.18	.60	1%+.55		.01
Cable splicers	10.10	.60	1%+.55		.01
Santa Barbara County (Vandenberg AFB):					
Electricians	10.25	.65	1%+.85		.05
Cable splicers	11.25	.65	1%+.85		.05
Remainder of County:					
Electricians	9.00	.65	1%+.85		.05
Cable splicers	10.00	.65	1%+.85		.05
Ventura County					
Electricians	9.57	.60	1%+.45		.02
Cable splicers	10.53	.60	1%+.45		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	$9.21	.195	.20	2%+a	
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	9.48	.345	.23	2%+a	.015
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	.015
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	9.05	.35	.30		
Kern County	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara					
San Luis Obispo and Ventura Cos.	8.27	.50	.60		.04
IRONWORKERS:					
Fence erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	6.75	10%	16%	13%	1%
LATHERS:					
Imperial County	7.00	.24			.01
Kern County	6.88	.45	.85	.55	
Los Angeles County (except City of Lancaster)					
Metal furring	7.12	.39	.50		.03
Nail on (Area I)*	6.985	.29	.35		.045
Nail on (Area II; III; IV)**	7.12	.39	.50		.03
Orange County	8.29	.55	.65	.50	.03
Riverside County	7.375	.24	.105	.53	.01
San Bernardino County	8.61	.245	.60		.015
San Luis Obispo and Santa Barbara Counties	8.47	.24	.35		
Ventura County	6.11	.30	.50	.60	.01

* See Page 7 for definition
** See Page 7 for definition

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding western portion)					
Brush; Paint burners	$7.43	.49	.39	.60	.03
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.93	.49	.39	.60	.03
Brush (swing stage); Spray	7.68	.49	.39	.60	.03
Steeplejack	8.83	.49	.39	.60	.03
Kern (Lancaster, Mohave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line north in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	7.90	.305	.40	.30	
Structural steel & bridge; Paint burner; Taper	8.02	.305	.40	.30	
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	8.15	.305	.40	.30	
Brush swing stage (over 13 stories)	8.27	.305	.40	.30	
Structural steel & bridge, swing	8.30	.305	.40	.30	
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.40	.305	.40	.30	
Steeplejack	9.15	.305	.40	.30	
Kern County (Remainder of County)					
Brush	7.82	.35	.41		.01
Swing stage (brush-roller)	7.97	.35	.41		.01
Taping joint sheet rock	8.02	.35	.41		.01
Paperhangers; Spray; Sandblasters	8.07	.35	.41		.01
Swing stage and Sandblasters	8.22	.35	.41		.01
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	8.01	.35	.40		.02
Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper	8.26	.35	.40		.02
Spraymen	8.51	.35	.40		.02
Steeplejack	9.01	.35	.40		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
Imperial County	$8.15	.45	.75		.06
Kern County	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07
Riverside and San Bernardino Cos.	10.675				
San Luis Obispo County	9.25				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50	.50	.02
PLASTERERS' TENDERS:					
Imperial, Riverside, and San Bernardino Counties	7.93	.65	1.35	.30	
Kern County	6.50	.65	1.35	.30	
Los Angeles and Orange Counties	7.175	.65	1.80	.60	
San Luis Obispo County	6.50	.65	1.35	.30	
Santa Barbara County (except Santa Maria)	7.0275	.65	1.35	1.00	
Santa Barbara County (Santa Maria)	6.94	.65	1.35	1.29	
Ventura County	7.10	.65	1.475	1.00	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.62	10%	15%	13%	1%
Kern, (except east of Los Angeles Aqueduct)	7.74	.60	1.53	1.00	.10
Kern County (East of Los Angeles Aqueduct)	9.74	.60	1.53	1.00	.10
ROOFERS:					
Imperial County	7.14	.40	.25	1.00	
Kern County	7.50	.50	.50		
Los Angeles, Orange and Ventura Counties	8.18	.35	.60		.025
San Luis Obispo and Santa Barbara Counties	7.76	.36	.205		.0025
Riverside and San Bernardino Cos.	7.05	.55	.40	.50	
SHEET METAL WORKERS:					
Imperial County	9.13	.69	1.15		
Kern, Los Angeles (north of line between Gorman and Big Pines)	8.72	.69	1.05		
Los Angeles County (Remaining portion)	6.27	.39	.40		.025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS (cont'd)					
Orange County	$9.52	.69	1.20		
Riverside and San Bernardino Cos.	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.32	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County (Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Cos.	7.90	.45	.63	.60	.05
Kern County (Remaining portion)	8.14	.37	.28	.44	.02
TILE SETTERS:	8.05	.37	.15	.44	
Imperial County	7.26	.55	.65	.60	
Kern County	7.30	.40		.30	
Los Angeles, Orange, and Ventura Counties	7.65	.495	.65		.04
Riverside and San Bernardino Cos.	7.70	.70	.65		.025
San Luis Obispo and Santa Barbara Counties	8.55	.65	.45		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

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.

* AREA I - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Rendondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** AREAS II; III; and IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
*Group 1:	$ 7.28	.75	1.50	.30	.02
Group 2:	7.52	.75	1.50	.30	.02
Group 3:	7.76	.75	1.50	.30	.02
Group 4:	7.87	.75	1.50	.30	.02
Group 5:	8.06	.75	1.50	.30	.02
Group 6:	8.16	.75	1.50	.30	.02
Group 7:	8.26	.75	1.50	.30	.02
Group 8:	8.40	.75	1.50	.30	.02
Group 9:	8.50	.75	1.50	.30	.02
TRUCK DRIVERS					
**Group 1:	6.42	.75	.65	1.00	
Group 2:	6.50	.75	.65	1.00	
Group 3:	6.56	.75	.65	1.00	
Group 4:	6.65	.75	.65	1.00	
Group 5:	6.68	.75	.65	1.00	
Group 6:	6.74	.75	.65	1.00	
Group 7:	6.75	.75	.65	1.00	
Group 8:	6.83	.75	.65	1.00	
Group 9:	6.88	.75	.65	1.00	
Group 10:	6.90	.75	.65	1.00	
Group 11:	7.20	.75	.65	1.00	
Group 12:	7.45	.75	.65	1.00	
Group 13:	7.55	.75	.65	1.00	

* See Page 12 for definition
** See Page 15 for definition

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer temporary water and air lines; Material hoseman (Walls, slab, floors and decks); Mixer-truck chute man (Walls, slabs, deck, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$5.645	.65	1.35	.35	
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.695	.65	1.35	.35	
GUINEA CHASER	5.825	.65	1.35	.35	
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways and similar type heavy construction; Landscape gardener and nursery man	5.745	.65	1.35	.35	
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	5.77	.65	1.35	.35	
UNDERGROUND (INCL. CAISSON BELLOWERS)	5.775	.65	1.35	.35	
CHUCKTENDER; Septic tank digger and installer	5.795	.65	1.35	.35	
CESSPOOL DIGGER AND INSTALLER	5.825	.65	1.35	.35	
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.835	.65	1.35	.35	

LABORERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	$5.935	.65	1.35	.35	
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	5.855	.65	1.35	.35	
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	5.955	.65	1.35	.35	
ROCK SLINGER	5.905	.65	1.35	.35	
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.035	.65	1.35	.35	
CONCRETE VIBRATOR OPERATOR, 70 lbs. and Over	6.055	.65	1.35	.35	
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.155	.65	1.35	.35	

LABORERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and men applying asphalt, laykold, creosote, lime caustic and similar type materials	$5.985	.65	1.35	.35	
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING, HAND-GUIDED LAGGING HAMMER	6.155	.65	1.35	.35	
BLASTER POWDERMAN	6.295	.65	1.35	.35	
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	6.07	.65	1.35	.35	
SANDBLASTER (nozzleman)	6.095	.65	1.35	.35	
DRILLER (Core-Daimond-Wagon)	6.295	.65	1.35	.35	
HEAD ROCK SLINGER	6.165	.65	1.35	.35	
GUNNITE LABORERS: NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35	
GUNMEN	6.72	.65	1.35	.35	
REBOUNDMEN	5.76	.65	1.35	.35	

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal 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. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar): Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)

POWER EQUIPMENT OPERATORS CONT'D:
(Except Piledriving and Steel Erection)

GROUP 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to and including 25 tons capacity); Crushing plant operator; Elevating grader; Fork-lift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman;Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator; Loader operator (Athey, Euclid, Sierra and similar type; Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and incl. 6-1/2 yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu.yds. M.R.C.

GROUP 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber- tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar)(over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

GROUP8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull)(.50¢ per hour additional to base rate); Tandem equipment operators (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (cont'd)
(Except Piledriving and Steel Erection)

GROUP 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Drivers of Vehicles or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load

Group 3: Truck mounted power broom

Group 4: Drivers of Vehicles or Combination of vehicles of 3 axles; Water truck, 2 axles

Group 5: Bootman; Cement distributor; Fuel truck; Driver of road oil spreader truck

Group 6: Transit-mix, under 3 yds.; Dumpcrete, less than 6 1/2 yds.

Group 7: Water Truck, 3 or more axles; Truck repairman helper

Group 8: Truck Greaser and Tiremen (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used

Group 9: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over

Group 10: Drivers or Vehicles or combination of vehicles of 4 or more axles

Group 11: A-Frame or Swedish Crane, or similar type of equipment; Fork lift; Ross carrier (Hwy)

Group 12: All Off-Highway Equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman

Group 13: Truck Repairman - Welder

STATE: Connecticut
COUNTY: Fairfield
DECISION NUMBER: AQ-3149
DATE: Date of Publication
Supersedes Decisions No. AQ-3014 dated October 12, 1973 in 38 FR 28475 and
No. AQ-3035 dated November 9, 1973 in 38 FR 31088
DESCRIPTION OF WORK: Building (including residential), Heavy and Highway Construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.12	.55	.53			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters (Building Only):						
Darien-Stamford	9.05	.48	.25			
Norwalk-New Canaan-Westport Weston-Wilton & Ridgefield	8.75	.50	.50			
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Southport	8.90	.35+.15	.50			
Greenwich	9.10	.40	.45			
Remainder of County	8.90	.35+.15	.25			
Marble setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.93	.63	.66+.75			
Remainder of County	7.65	.35	.15+.25			
Terrazzo workers' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	7.43	.475+.45	.475			
Remainder of County	7.65	.35	.15+.225			
Tile setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.96	.40	.27+1.00			
Remainder of County	7.65	.35	.15+.225			
Bricklayers, cement masons-finishers stonemasons (Heavy & Highway Only):						
Stamford-Darien	8.68	.43	.25	g		
Greenwich	8.60	.40	.45	g		
Remainder of County	7.75	.35	.15	g		
Carpenters, soft floor layers (Building Only):						
Darien-Stamford-New Canaan-Wilton-Ridgefield Norwalk	8.90	.50	.30		.05	
Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Westport, Weston	8.85	.50	.30	f	.02	
Greenwich	8.38	.45	.35	.50	.02	
Shelton	8.80	.50	.50	i		
Remainder of County	8.85	.45	.30	h		
Carpenters - Piledrivermen (Heavy and Highway Only)	8.65	.45	.30	g	.03	
Electricians:						
Darien-Greenwich-New Canaan-Stamford	9.33	.35	1%+.82	.93	½ of 1%	
Norwalk-Westport-Wilton-Weston	8.20	.33	1%+.20	6%	3/4of1%	
Remainder of County	9.20	.43	1%+.20		¾ of 1%	
Remainder of County, Residential	5.30	.43	1%		¾ of 1%	

1-CONN-1-2-3-T 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Elevator Constructors	$8.21	.345	.23	2%+a+b	.015	
Elevator Constructors' Helpers	5.75	.345	.23	2%+a+b	.015	
Elevator Constructors' Helpers (Prob.)	4.105					
Glaziers	5.30	.125	.125			
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.35	.44		.04	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newton-Sherman	8.75	.25	.15		.01	
Norwalk	4.50					
Greenwich-Stamford-New Canaan	8.51	.35	.20	.75	.01	
Remainder of County	8.95	.25	.40		.01	
Lead burners	8.75	.30		c	.01	
Line Construction:						
Darien-Greenwich- New Canaan-Stamford-that portion of Norwalk West of Five Mile River:						
Linemen	8.88	3-3/4%	6.5%+m	10%	½ of 1%	
Cable splicer	8.88	3-3/4%	6.5%+m	10%	½ of 1%	
Driver groundman	8.88	3-3/4%	6.5%+m	10%	½ of 1%	
Remainder of County:						
Linemen	9.41	.35	1%	d	3/8 of 1%	
Equipment operator	8.78	.35	1%	d	3/8 of 1%	
Groundman, truck driver	6.78	.35	1%	d	3/8 of 1%	
Painters:						
Greenwich:						
Brush	7.15	3%	9%	4%		
Structural Steel	7.15	3%	9%	4%		
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	6.20	.25				
Structural steel	7.20	.25				
Norwalk-Westport-Weston-Wilton:						
Brush	4.50	.10				
Roller	4.80	.10				
Steel	4.75	.10				
New Canaan:						
Brush	4.35	.15				
Roller	4.85	.15				
Shelton-Monroe:						
Brush	4.75	.12		e		
Structural steel	5.75	.12		e		
Spray	5.75	.12		e		
Byram:						
Brush	6.85	.29	.76-6/7			
Structural steel	7.82-6/7	.29	.76-6/7			
Darien-Stamford:						
Brush	7.38	.35	.30			
Structural steel	7.38	.35	.30			
Spray	6.00	.25	.20			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters (Cont'd)						
Remainder of County						
Brush	7.40	.35	.55	e		
Structural steel	8.40	.35	.55	e		
Millwrights:						
Norwalk	8.65	.50	.30			
Piledrivermen (Building Only):						
Greenwich	7.55	.35	.20	.50		
Darien-Stamford-New Canaan	8.25	.40	.20		.05	
Bridgeport-Easton-Fairfield-Monroe						
Stratford-Trumbull	8.45	.50	.30	f		
Norwalk	8.40	.50	.30			
Shelton	8.25	.50	.30	h		
Westport-Weston	8.15	.20	.20	f		
Wilton-Ridgefield	8.25	.40	.20		.05	
Remainder of County	8.15	.20	.20			
Plumbers, Steamfitters:						
Greenwich	9.25	.30	.50		.01	
Bethel-Brookfield-Danbury-New Fairfield-						
Newton-Redding-Ridgefield-Sherman	8.95	.40	.30	.45		
New Canaan	8.20	.40	.30			
Stamford-Darien	9.20	.55	.50	.37		
Bridgeport-Easton-Fairfield-Monroe-						
Shelton-Stratford-Trumbull	9.01	.45	.50	.36	.01	
Remainder of County	8.50	.55	.30	.30		
Roofers:						
Composition, kettlemen	8.75	.60	.30			
Slate	9.00	.60	.30			
Helper (slater)	8.00	.60	.30			
Sheet metal workers	9.71	.44	.29		.02	
Sprinkler fitters	9.08	.40	.60		.05	
Waterproofers	8.75	.60	.30			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E- Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: 9 Paid Holidays, A through F; Washington's Birthday and Good Friday, plus one (1) floating holiday per year provided the employee has been employed for a period of ten (10) working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

e. Two (2) paid holidays: C and D providing the employee works the day before and the day after the holiday.

f. Holidays: B, C, D, plus Good Friday provided the employee has been employed 14 consecutive days immediately prior to the holiday.

g. Paid Holidays: A through F plus Good Friday.

h. Paid Holidays: C through E.

i. Paid Holidays: C, D and E.

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers: (Building):					
Laborers, carpenters tenders, wrecking laborers	6.90	.50	.40		.05
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.50	.40		.05
Air track operators, wagon drill ops. and sandblasters	7.40	.50	.40		.05
Open Air Caisson, Cylindrical Work and Boring Crew:					
Bottom man	7.40	.50	.40		.05
Top man	6.90	.50	.40		.05
Laborers (Heavy and Highway):					
Laborers	6.90	.50	.40		.05
Asphalt rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected there with	7.15	.50	.40		.05
Air track operators, block pavers, rammers, curb setters	7.40	.50	.40		.05
Powdermen and blasters	7.65	.50	.40		.05

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roller Operator	8.18	.30	.50+a	b		

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POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

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. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through E and Good Friday.

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SW-CONN-2-3-W (1 of 2)

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Erecting and handling structural steel, front end loader (7 yds. or over)	$ 8.97	.30	.50 + a	b	.05
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kolhering loader (skooper)	8.86	.30	.50 +a	b	.05
Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	8.60	.30	.50 +a	b	.05
Asphalt spreader	8.44	.30	.50 +a	b	.05
Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader	8.33	.30	.50 +a	b	.05
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 +a	b	.05
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 +a	b	.05
Compressor, pump opr.	7.83	.30	.50 +a	b	.05
Fireman, high pressure	7.91	.30	.50 +a	b	.05
Well point system	8.21	.30	.50 +a	b	.05
Compressor battery operator	8.49	.30	.50 +a	b	.05
Oiler	7.54	.30	.50 +a	b	.05
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05

SW-CONN-2-3-W (2 of 2)

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Crane with 150 ft. boom - additional $.25 per hour					
Crane with 200 ft. boom - additional $.50 per hour					
PAID HOLIDAYS(Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
FOOTNOTE:					
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.					
b. Seven (7) paid holidays: A thru F and Good Friday.					

1-TD-SW-CONN-1-2-3-G

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		
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. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.						
b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.						
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.						

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO.: AQ-3139
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. AP-662, dated May 18, 1973, in 38 FR 13214
DESCRIPTION OF WORK: Heavy and Highway Construction

Ind-Hlf-Zone #1

COUNTIES: Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, Wells, LaGrange, Marshall, Noble, Starke, Stueben & Whitley	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Starke County:	$9.20	.50	.57		.05	
Remainder of Counties	8.58	.40	.40		.05	
Cement Masons:						
Starke County	7.63	.45	.70		.03	
Marshall County	7.87	.40	.50		.01	
Wells County	7.45	.30				
Elkhart, Kosciusko & LaGrange Cos.	8.73		.30		.02	
Remainder of Counties	7.90	.40				
Ironworkers:						
Elkhart, Kosciusko, Marshall, Starke Counties & western ½ of LaGrange Co.	8.70	.55	.65		.01	
Remainder of Counties	8.80	.50	.75		.01	
Linemen:						
North Indiana exclusive of Calumet Area	7.38	.35	1%		.25%	
Calumet Area	7.68	.35	1%		.25%	
Painters:						
Adams, Allen, DeKalb, Huntington, Wells, (North of Blufton) LaGrange, Noble, Stueben & Whitley Counties:						
Brush & Roller	6.76	.32	.25		.05	
Spray	7.76	.32	.25		.05	
Elkhart, Kosciusko & Marshall Cos:						
Brush, Roller & Spray	6.85		.20			
Starke County:						
Brush & Roller	4.80					
Spray	6.05					
Remainder of Wells County:						
Brush, Roller & Spray	4.35					

Indiana-1-LAB-2-3- I

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laborers, unskilled	5.10	.18	.25		.07	

INDIANA-5-LABORERS-T&S N

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (SEWER AND TUNNEL)						
Top Laborer	$4.92	.18	.25		.07	
Well Point Lead Man	4.97	.18	.25		.07	
Jackhammer & Air Tool Operators	5.02	.18	.25		.07	
Bottom Man	5.22	.18	.25		.07	
Pipelayer	5.22	.18	.25		.07	
Free Air Tunnel & Caisson Work:						
Miners or header men	6.00	.18	.25		.07	
Muckers & Tunnel Laborers	5.50	.18	.25		.07	
Bottom men & concrete men	5.40	.18	.25		.07	
Topmen	5.30	.18	.25		.07	

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TUNNEL & SEWER CONST.						
GROUP 1						
Air compressor(pressurizing shafts, tunnels & divers, Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor(w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) Dredge, Elevators(when hoisting material or tool) Forklift (machinery) Formless Paver, Generator (power for welders or compressors) Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Piledriver, Push Cat, Scoop & Tractor, Scraper-Rubber Tired Spreader-Tractor mounted, Straddle Carrier-Ross Type, Sub Base Finish, Machine(C.M.I. or similar Tower Crane, Tractor w/backhoe(over ½ yard) Welder	$8.40	.30	.30		.05	
GROUP 2						
A-Frame truck, Batcher Plant(automatic dry batch) Bending Machine-Power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-Self Propelled, Concrete Mixer(21 cu. ft or over) Concrete Spreader-power driven, Dinkey Engine, Ditching Machine(less than 18") Drilling Machine, Finish Machine & Bullfloat, Finishing Machine, Fireman, Piledriving & Boilers, Forklift-Masonry & Material Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-Mesh Placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone & Sub Base, Sheep stone Roller Self-Propelled, Shop Mule						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Spreader or Base Paver-Self Propelled, Subgrader, Throttle Valve w/Air Compressor or Boiler, Tractor w/Backhoe (½ yard & under) Tractor-High lift-Farm-Type, Tractor-Industrial Type, Tractor w/winch, Well Points, Winch truck	7.60	.30	.30		.05	
GROUP 3						
Air Compressor(210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot-Power Agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-Power Driven, Minor Equip. Op. Paving Joint Machine, Post Hole Digger Roller-Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type, Truck Crane Driver	7.00	.30	.30		.05	
GROUP 4						
Air Compressor(less than 210 cu. ft.) Concrete Mixer(under 21 cu. ft.) Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers	6.40	.30	.30		.05	

ELKHART, KOSCIUSKO, LAGRANGE, MARSHALL, NOBLE & STARKE COS.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY & HIGHWAY CONSTRUCTION						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, fravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.00	.40	.50		.05	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete speader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping nachine (R.R.), P.C.C. conrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, wastertound macadam, bituminous						

POWER EQUIPMENT OPERATORS: Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
macadam, Brick surface, trench machine (24" and under(, welder	7.55	.40	.50		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curl machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment) paving breaker, power broom (self propelled), roller (earth and subbase material), slurry seal machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valne and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type	7.12	.40	.50		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distribucor, bituminous patching ramper, brorm and belt machine, coleman type screen conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generater, Hetherington driver, Hetherington helper, mechcanics helper, mechanical heater, oper., two pieces of minor equipment outboard or inboard motor obat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine paint (motor driven),						

POWER EQUIPMENT OPERATORS:(Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W.	Pensions	Vacation	App. Tr.	Others
subgrader, tractaire, tractor below 50 H.P.), truck crane oiler-driven, water pump, welding machine	6.31	.40	.50		.05	

REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY & HIGHWAY CONSTRUCTION						
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$8.30	.30	.30		.05	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (cont'd):						
and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	7.42	.30	.30		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (con'd):						
form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tourna-trailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO.: AQ-3140
Supersedes Decision No. AP-663, dated May 18, 1973 in 38 FR 20420
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

Ind-HH-Zone #2 : 1 of 2

COUNTIES: Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Jasper and Newton Counties	$9.20	.50	.57		.05	
Remainder of Counties	8.58	.40	.40		.05	
Cement Masons:						
Tipton County	7.87	.40	.35			
Wabash County	7.45	.30				
Cass, Fulton & Miami Counties	6.35	.15			.01	
Remainder of Counties	7.25	.40	.30			
Ironworkers:						
Wabash County	8.80	.50	.75		.01	
Fulton & Pulaski Counties	8.70	.55	.65		.01	
Newton County & nothern ½ of Jasper Co.	9.90	.50	.60		.05	
Howard & Tipton Cos. & eastern 1/3 of Clinton County	8.75	.55	.55		.05	
Southern ½ of Jasper Co., western 2/3 of Clinton Co. & Remainder of Counties	8.64	.55	.65		.02	
Linemen:						
Benton, Fulton, Jasper, Newton, Pulaski, & White Counties:						
North Indiana exclusive of Calumet Area	7.38	.35	1%		.25%	
Calumet Area	7.68	.35	1%		.25%	
Carroll, Cass, Clinton, Howard, Miami, Tippecanoe, Tipton & Wabash Cos:	7.47	.35	1%		.25%	
Painters:						
Cass, Fulton & White Counties:						
Brush	6.00					
Spray	7.25					
Benton, Clinton, Jasper & Tippecanoe:						
Brush	7.25					
Spray	10.52					
Howard & Miami Counties:						
Brush	7.25		.40			
Spray	8.00		.40			

AQ-3140 P. 2

Ind-HH-Zone #2 2 of 2

Painters: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Newton County:						
Brush & Roller	8.35	.32	.35		.02	
Spray	9.10	.32	.35		.02	
Pulaski County:						
Brush & Roller	4.80					
Spray	6.05					
Tipton County:						
Brush	7.25					
Spray	8.00					
Wabash County:						
Brush & Roller	6.76	.32	.25		.05	
Spray	7.76	.32	.25		.05	

Indiana-1-LAB-2-3- I

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laborers, unskilled	5.10	.18	.25		.07	

POWER EQUIPMENT OPERATORS: SEWER & TUNNEL	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Air compressor(pressurizing shafts, tunnels & divers, Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor(w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) Dredge, Elevators(when hoisting material or tool) Forklift (machinery) Formless Paver, Generator (power for welders or compressors) Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Piledriver, Push Cat, Scoop & Tractor, Scraper-Rubber Tired Sprender-Tractor mounted, Straddle Carrier-Ross Type, Sub Base Finish, Machine(C.M.I. or similar Tower Crane, Tractor w/backhoe(over ½ yard) Welder	$8.40	.30	.30		.05	
GROUP 2						
A-Frame truck, Batcher Plant(automatic dry batch) Bending Machine-Power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-Self Propelled, Concrete Mixer(21 cu. ft or over) Concrete Spreader-power driven, Dinkey Engine, Ditching Machine(less than 18") Drilling Machine, Finish Machine & Bullfloat, Finishing Machine, Fireman, Piledriving & Boilers, Forklift-Masonry & Material Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-Mesh Placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone & Sub Base, Sheepstone Roller Self-Propelled, Shop Mule						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Spreader or Base Paver-Self Propelled Subgrader, Throttle Valve w/Air Compressor or Boiler, Tractor w/Backhoe (½ yard & under) Tractor-High lift-Farm-Type, Tractor-Industrial Type, Tractor w/winch, Well Points, Winch truck	7.60	.30	.30		.05	
GROUP 3						
Air Compressor(210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot-Power Agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-Power Driven, Minor Equip. Op., Paving Joint Machine, Post Hole Digger, Roller-Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type, Truck Crane Driver	7.00	.30	.30		.05	
GROUP 4						
Air Compressor(less than 210 cu. ft.) Concrete Mixer(under 21 cu. ft.) Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers	6.40	.30	.30		.05	

FULTON, JASPER, NEWTON & PULASKI COS. Ind. -13 -PEO 1 of 3

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, fravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.00	.40	.50		.05	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete speader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. conrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, wasterbound macadam, bituminous						

Ind. -13-PEO 2 of 3

POWER EQUIPMENT OPERATORS: Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
macadam, Brick surface, trench machine (24" and under(, welder	7.55	.40	.50		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment) paving breaker, power broom (self propelled), roller (earth and subbase material), slurry seal machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valne and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type	7.12	.40	.50		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching ramper, brorm and belt machine, coleman type screen conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generater, Hetherington driver, Hetherington helper, mechcanics helper, mechanical heater, oper., two pieces of minor equipment outboard or inboard motor obat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine paint (motor driven),						

POWER EQUIPMENT OPERATORS:(Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
subgrader, tractaire, tractor below 50 H.P.), truck crane oiler-driven, water pump, welding machine	6.31	.40	.50		.05	

REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY & HIGHWAY CONSTRUCTION						
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$8.30	.30	.30		.05	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (cont'd):						
and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	7.42	.30	.30		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (con'd):						
form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tourna-trailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: See Below
DECISION NO.: AQ-3141 DATE: Date of Publication
Supersedes Decision No. AP-664, dated May 18, 1973, in 38 FR 13227
DESCRIPTION OF WORK: Heavy and Highway Construction

Ind-HH-Zone #3

COUNTIES: Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union and Wayne	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Rush & Shelby Counties	$8.38	.35	.35		.05	
Remainder of Counties	8.58	.40	.40		.05	
Cement Masons:						
Grant, Blackford, Jay, Delaware and Randolph Counties	7.45	.30				
Shelby County	6.70					
Fayette, Rush, Union & Wayne Counties	7.80					
Marion and Johnson Cos., southern ½ of Hamilton Co., & western ½ of Hancock County	7.76				.04	
Henry and Madison Cos., northern ½ of Hamilton Co. & eastern ½ of Hancock County	7.87	.40	.35			
Ironworkers:						
Fayette, Jay, Randolph, Union and Wayne Counties	9.16	.55	.65		.02	
Blackford & Grant Cos., & N/E corner corner of Delaware County	8.80	.50	.75		.01	
Marion County	8.60	.55	.55		.05	
Southwest 2/3 of Delaware County and the Remainder of Counties	8.75	.55	.55		.05	
Linemen:						
Jay County	7.38	.35	1%		.25%	
Remainder of Counties	7.47	.35	1%		.25%	
Painters:						
Fayette, Henry, Randolph, Rush, Union and Wayne Counties:						
Brush	6.25					
Spray	7.25					
Hamilton, Hancock, Johnson, Marion & Shelby Counties:						
Brush & Roller	6.60	.20	.20			
Spray	7.40	.20	.20			
Madison & Delaware Counties:						
Brush	7.25		.40			
Spray	8.00		.40			
Blackford & Jay Counties:						
Brush, Roller & Spray	4.35					

IND.-4-LABORERS K

LABORERS: (SEWER & TUNNEL CONST.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1					
Common Laborers	$5.45	.18	.25		.07
CLASS 2					
Jackhammer, drill, air spades, air tampers & vibrator operators, oprs. of mechanical equipment (which replaces wheelbarrows & buggies), chipping & cutting hammers, laborers in ditches deeper than 6 feet not sheeted or sloped	5.65	.18	.25		.07
CLASS 3					
Sewer Pipe Layers	5.85	.18	.25		.07
CLASS 4					
FREE AIR TUNNEL WORK:					
Miner or Header Man	6.25	.18	.25		.07
Muckers & Tunnel Laborers	5.75	.18	.25		.07
Bottom Men & Concrete Men	5.65	.18	.25		.07
Top Men	5.55	.18	.25		.07

Indiana-1-LAB-2-3- I

HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I					
Dynamite and powdermen	$5.45	.18	.25		.07
Class II					
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07
Class III					
Common laborers, unskilled	5.10	.18	.25		.07

POWER EQUIPMENT OPERATORS:

SEWER & TUNNEL

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Air compressor(pressurizing shafts, tunnels & divers, Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor(w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) Dredge, Elevators(when hoisting material or tool) Forklift (machinery) Formless Paver, Generator (power for welders or compressors) Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Piledriver, Push Cat, Scoop & Tractor, Scraper-Rubber Tired, Spreader-Tractor mounted, Straddle Carrier-Ross Type, Sub Base Finish, Machine(C.M.I. or similar Tower Crane, Tractor w/backhoe(over ½ yard) Welder	$8.40	.30	.30		.05	
GROUP 2						
A-Frame truck, Batcher Plant(automatic dry batch) Bending Machine-Power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-Self Propelled, Concrete Mixer(21 cu. ft or over) Concrete Spreader-power driven, Dinkey Engine, Ditching Machine(less than 18") Drilling Machine, Finish Machine & Bullfloat, Finishing Machine, Fireman, Piledriving & Boilers, Forklift-Masonry & Material Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-Mesh Placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone & Sub Base, Sheepstone Roller Self-Propelled, Shop Mule						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Spreader or Base Paver-Self Propelled Subgrader, Throttle Valve w/Air Compressor or Boiler, Tractor w/Backhoe (½ yard & under) Tractor-High lift-Farm-Type, Tractor-Industrial Type, Tractor w/winch, Well Points, Winch truck	7.60	.30	.30		.05	
GROUP 3						
Air Compressor(210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot-Power Agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-Power Driven, Minor Equip. Op, Paving Joint Machine, Post Hole Digger Roller-Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type, Truck Crane Driver	7.00	.30	.30		.05	
GROUP 4						
Air Compressor(less than 210 cu. ft.) Concrete Mixer(under 21 cu. ft.) Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers	6.40	.30	.30		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY & HIGHWAY CONSTRUCTION						
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$8.30	.30	.30		.05	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (cont'd):						
and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	7.42	.30	.30		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (con'd): form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tourna-trailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

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TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO.: AQ-3142
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. AP-665, dated May 18, 1973, in 38 FR 18817
DESCRIPTION OF WORK: Heavy and Highway Construction

Ind-HH-Zone #4 — 1 of 2

COUNTIES: Boone, Clay, Davies, Fountain, Greene, Hendricks, Knox, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo & Warren

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Boone, Clay, Fountain, Hendricks, Montgomery, Parke, Putnam, Vigo, Vermillion, Warren, Owen (North of White River) & Morgan (North of White River)	$8.58	.40	.40		.05	
Morgan & Owen Cos., (South of White River) and Remainder of Counties	8.38	.35	.35		.05	
Cement Masons:						
Green County	6.85	.30				
Daviess and Knox Counties	7.45	.40				
Fountain, Montgomery, Warren and northern ½ of Boone County	7.25	.40	.30			
Hendricks County, southern ½ of Boone County & northern ½ of Morgan County	7.76				.04	
Southern ½ of Morgan County & southern half of Owen County	7.35					
Sullivan, Vermillion, Vigo, Clay, Parke, Putnam & the extreme western part of Owen County	6.60	.45	.25			
Ironworkers:						
Montgomery County & northwestern ½ of Boone County	8.64	.55	.65		.02	
Hendricks, Morgan, Owen & southeastern ½ of Boone County	8.75	.55	.55		.05	
Fountain and Warren Counties	7.70	.40	.60		.04	
Remainder of Counties	8.60	.55	1.10			
Linemen:						
Fountain, Warren & Vermillion Cos.	8.28	.25	1%+.30		.25%	
Remainder of Counties	7.47	.35	1%		.25%	
Painters:						
Fountain and Warren Counties:						
Brush	7.25					
Spray	10.52					
Putnam, Sullivan & Vigo Counties:						
Brush & Roller	7.30				.02	
Spray	8.30				.02	
Boone & Hendricks Counties:						
Brush & Roller	6.60	.20	.20			
Spray	7.40	.20	.20			

Ind-HH-Zone #4 — 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters: (Cont'd)						
Green, Morgan & Owen Counties:						
Brush & Roller	$6.40					
Spray	7.40					
Vermillion & Parke Counties:						
Brush	6.45					
Roller	7.45					
Spray	7.90					
Clay County:						
Brush	5.25					
Spray	7.375					
Daviess & Knox Counties:						
Brush	6.05					
Spray	7.50					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laborers, unskilled	5.10	.18	.25		.07	

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A						
Master Mechanic	$8.31	.30	.40		.05	
GROUP B						
Utility Operator	8.20	.30	.40		.05	
GROUP C						
Power Cranes, Draglines, Derricks, electric overhead cranes, shovels, gradall, mechanics, repair & maintenance of all equipment, tractor highlift shovel, tournadozer, concrete mixers with skip, tournamixer, two-drum machine or two cage hoists w/tower or boom, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, winch truck, winch or hydraulic boom truck, truck crane, torunapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers & rollers on asphalt, gravel, macadam & brick surface, ross carrier or similar machine gravel processing machine, asphalt plant engineer or pug mill, 2 air compressors, hetherington paver operator, farm tractor with ½ yard bucket and/or backhoe attachment, dredge engineer, dredge operator, central mix plant engineer, rock spreader, CMI or similar type machine concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, boiler operator, concrete plant engineer, ditching machine over 6" or with a dual attachment, tractor mounted loaders, cherry picker, hydra crane, air compressor 300 cu. ft. or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, backfiller, elevating machine, power blade, asphalt plant engineer, drilling machines including well testing, caissons, shaft or any similiar type drilling machines, paint machine,						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
pipe cleaning machine, pipe wrapping machine, pipe bending machine, Apsco Paver, Boring Machine, Tractors without winch, head equipment greasers, barber green loaders, formless paver, well point system, concrete spreader	$8.02	.30	.40		.05	
GROUP D						
Power subgrader, bull float, form grader, finishing machine, concrete mixers without skip, pavement breaker, rock crushers, ditching machine under 6", curing machine, truck crane oiler and driver, one drum machines w/o tower or boom, air tugger, self propelled concrete saw, post hole digger, two or four generators or welding machines, mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, two or four water pumps, fork-lift, curing machine, concrete & blacktop curb machine, farm tractor with less than half yard bucket	7.18	.30	.40		.05	
GROUP E						
One Water pumps, oilers, air valves or Steam Valves from plant, one welding machine, track jack, mud jack, air compressor less than 300 cu. ft. capacity, gunnite machine, house elevators, when used for hoisting material, engine tenders, foreman, wagon drill, flexplane, conveyor, siphon & pulsometer, switchman on paint pots, fireman on asphalt plants, distriping machine, (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, operators to do winter work in shop between Nov. 1st & March 1st and Deck Hands	6.29	.30	.40		.05	

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, fravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.10	.30	.50		.05
GROUP II					
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete speader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping nachine (R.R.), P.C.C. conrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, vasterbound macadam, bituminous					

POWER EQUIPMENT OPERATORS: Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
macadam, Brick surface, trench machine (24" and under(, welder	7.65	.30	.50		.05
GROUP III					
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment) paving breaker, power broom (self propelled), roller (earth and subbase material), slurry seal machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valne and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type	7.22	.30	.50		.05
GROUP IV					
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching ramper, brorm and belt machine, coleman type screen conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generater, Hetherington driver, Hetherington helper, mechcanics helper, mechanical heater, oper., two pieces of minor equipment outboard or inboard motor obat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine paint (motor driven),					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:(Cont'd)					
subgrader, tractaire, tractor below 50 H.P.), truck crane oiler-driven, water pump, welding machine	6.41	.30	.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tourna-trailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO.: AQ-3143
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. AP-666, dated May 18, 1973, in 38 FR 13237
DESCRIPTION OF WORK: Heavy and Highway Construction

Ind-HH-Zone #5 — 1 of 2

COUNTIES: Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switerland & Washington	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Bartholomew (Camp Atterbury)	$8.58	.40	.40		.05	
Bartholomew (except Camp Atterbury) & Remainder of Counties	8.38	.35	.35		.05	
Cement Masons:						
Monroe County	7.80					
Martin County	7.45	.40				
Bartholomew and Brown Counties	7.80					
Decatur and Franklin Counties	6.25					
Clark, Floyd and Harrison Counties	7.98					
Dearborn, Ohio, Ripley and Switerland Counties	4.70					
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott and Washington Counties	6.10					
Ironworkers:						
Western ½ of Martin County	8.15		.25			
N/W 1/6 of Lawrence County	8.60	.55	1.10			
Bartholomew, Brown & Monroe Counties & the N/E 1/6 of Lawrence County & the western ½ of Decatur County	8.75	.55	.55		.03	
Dearborn, Franklin, Ohio, Ripley, & Switzerland Counties & the eastern ½ of Decatur County	8.895	.55	.85		.02	
Eastern ½ of Martin County, southern ½ of Jackson County & the southern ½ of Jennings County, southern 2/3 of Lawrence County & the Remainder of Counties	8.70	.55	.65		.04	
Linemen:						
All Counties	7.47	.35	1%		.25%	
Painters:						
Bartholomew, Decatur, Jackson & Jennings Counties:						
Brush & Roller	5.45					
Spray	5.70					
Clark, Floyd, Harrison, Jefferson, Scott & Washington Counties:						
Brush	7.59		.10		.03	
Spray	8.04		.10		.03	

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Ind-HH-Zone #5 — 2 of 2

Painters (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dearborn, Ohio, Ripley & Switerland Counties:						
Brush & Roller	$7.40					
Spray	7.90					
Lawrence & Martin Counties:						
Brush	5.00					
Spray	6.00					
Monroe & Brown Counties:						
Brush & Roller	6.40			.20		
Spray	7.40			.20		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laborers, unskilled	5.10	.18	.25		.07	

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A						
Master Mechanic	$8.31	.30	.40		.05	
GROUP B						
Utility Operator	8.20	.30	.40		.05	
GROUP C						
Power Cranes, Draglines, Derricks, electric overhead cranes, shovels, gradall, mechanics, repair & maintenance of all equipment, tractor highlift shovel, tournadozer, concrete mixers with skip, tournamixer, two-drum machine or two cage hoists w/tower or boom, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, winch truck, winch or hydraulic boom truck, truck crane, torunapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers & rollers on asphalt, gravel, macadam & brick surface, ross carrier or similar machine gravel processing machine, asphalt plant engineer or pug mill, 2 air compressors, hetherington paver operator, farm tractor with ½ yard bucket and/or backhoe attachment, dredge engineer, dredge operator, central mix plant engineer, rock spreader, CMI or similar type machine concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, boiler operator, concrete plant engineer, ditching machine over 6" or with a dual attachment, tractor mounted loaders, cherry picker, hydra crane, air compressor 300 cu. ft. or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, backfiller, elevating machine, power blade, asphalt plant engineer, drilling machines including well testing, caissons, shaft or any similiar type drilling machines, paint machine,						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
pipe cleaning machine, pipe wrapping machine, pipe bending machine, Apsco Paver, Boring Machine, Tractors without winch, head equipment greasers, barber green loaders, formless paver, well point system, concrete spreader	$8.02	.30	.40		.05	
GROUP D						
Power subgrader, bull float, form grader, finishing machine, concrete mixers without skip, pavement breaker, rock crushers, ditching machine under 6", curing machine, truck crane oiler and driver, one drum machines w/o tower or boom, air tugger, self propelled concrete saw, post hole digger, two or four generators or welding machines, mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, two or four water pumps, fork-lift, curing machine, concrete & blacktop curb machine, farm tractor with less than half yard bucket	7.18	.30	.40		.05	
GROUP E						
One Water pumps, oilers, air valves or Steam Valves from plant, one welding machine, track jack, mud jack, air compressor less than 300 cu. ft. capacity, gunnite machine, house elevators, when used for hoisting material, engine tenders, foreman, wagon drill, flexplane, conveyor, siphon & pulsometer, switchman on paint pots, fireman on asphalt plants, distriping machine, (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, operators to do winter work in shop between Nov. 1st & March 1st and Deck Hands	6.29	.30	.40		.05	

MONROE COUNTY

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POWER EQUIPMENT OPERATORS:

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, fravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandam push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.10	.30	.50		.05
GROUP II					
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete speader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous					

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POWER EQUIPMENT OPERATORS: Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
macadam, Brick surface, trench machine (24" and under(, welder	7.65	.30	.50		.05
GROUP III					
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment paving breaker, power broom (self propelled), roller (earth and subbase material), slurry seal machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valne and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type	7.22	.30	.50		.05
GROUP IV					
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching ramper, brorm and belt machine, coleman type screen conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generater, Hetherington driver, Hetherington helper, mechcanics helper, mechanical heater, oper., two pieces of minor equipment outboard or inboard motor obat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine paint (motor driven),					

POWER EQUIPMENT OPERATORS:(Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
subgrader, tractaire, tractor below 50 H.P.), truck crane oiler-driven, water pump, welding machine	6.41	.30	.50		.05

REMAINDER OF COUNTIES AQ-3143 P. 8 Ind-19-PEO-2-3 1 of 3

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.30	.30	.30		.05
GROUP II					
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete speader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (cont'd):						
and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	7.42	.30	.30		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (con'd):						
form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tourna-trailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: See Below
DECISION NO.: AQ-3144 DATE: Date of Publication
Supersedes Decision No. AP-667, dated May 18, 1973, in 38 FR 13244
DESCRIPTION OF WORK: Heavy and Highway Construction

Ind-HH-Zone #6

COUNTIES: Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
All Counties	$8.38	.35	.35		.05	
Cement Masons:						
Gibson & Pike Counties	7.45	.40				
Remainder of Counties	7.33	.40	.20			
Ironworkers:						
Crawford County	8.70	.55	.65		.04	
Remainder of Counties	8.15	.25	.25			
Linemen:						
All Counties	8.48	.25	1%			
Painters:						
Crawford County:						
Brush	7.59	.25	.10		.03	
Spray	8.04	.25	.10		.03	
Gibson County:						
Brush	6.05					
Spray	7.50					
DuBois, Perry, Posey, Spencer, Vanderburgh & Warrick Counties:						
Brush & Roller	8.00	.45	.20			
Spray	8.75	.45	.20			

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
GROUP I					
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine auto-grade, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.30	.30	.30		.05
GROUP II					
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete speader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. conrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (cont'd):					
and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05
GROUP III					
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	7.42	.30	.30		.05
GROUP IV					
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (con'd): form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

Indiana-1-IAB-2-3- I

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers; transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laborers, unskilled	5.10	.18	.25		.07	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

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TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

STATE: Massachusetts COUNTY: Worcester
DECISION NO.: AQ-3150 DATE: Date of Publication
Supersedes Decision No. AQ-3073, dated January 4, 1974 in 39-FR 1197
DESCRIPTION OF WORK: Building Construction (excluding single family hames and garden type apartments up to and including 4 stories), Heavy & Highway Const.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.62	.47	.20		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:						
Warren	9.10	.45	.40		.02	
Hopedale, Milford, & Southboro	8.70	.60	.65		.04	
Ashburnham, Athol, E. Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, & Winchendon	8.75	.60	.60		.04	
Remainder of County	8.50	.50	.45		.02	
CARPENTERS; Soft floor layers:						
Ashburnham, Athol, E. Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminster, & Winchendon	8.85	.50	.50		.03	
Berlin, Bolton, Clinton, Northboro, Southboro, & Westboro	8.50	.50	.30		.07	
Blackstone, Millville	7.67	.25	.25			
Hopedale, Mendon, Milford, Upton, & W. Upton	8.48	.30	.30		.025	
Hardwick, Warren, & W. Brookfield	8.63	.35	.50		.02	
Remainder of County	8.95	.40	.50		.03	
ELECTRICIANS:						
Warren	8.47	.30	1%+.15	.43	a	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Princeton, Royalston, Templeton, Westminster, & Winchendon	8.80	.45	1%+.35		.02	
Remainder of County	9.33	5%	1%+.24		.01	
ELEVATOR CONSTRUCTORS	8.13	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS:						
Blackstone	7.95	.50	1.40		.03	
Remainder of County	8.39	.50	1.40		.06	
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS:						
Sturbridge, & Warren	7.60	.45	.25			
Clinton, Harvard, Lancaster, Leominster, Southboro, & Uxbridge	8.12	1.25	.25		.01	
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Lineman	8.08	.25	1%	e		
Equipment operator	7.17	.25	1%	e		
Driver groundman	5.41	.25	1%	e		
Groundman	5.16	.25	1%	e		
MARBLE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	9.13	.50	.50		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Warren:						
Brush	$5.525	.30	.25			
Spray	7.366	.40	.3334			
Swing stage under 40 & steel	5.712	.30	.25			
Swing stage over 40 & steel	6.025	.30	.25			
Hopedale, Mendon, Milford, Southboro, Upton, & Westboro:						
Brush (New construction)	7.85	.35	.35		.06	
Brush (Repaint)	7.30	.35	.35		.06	
Steel (New construction)	8.10	.35	.35		.06	
Steel (Repaint)	7.55	.35	.35		.06	
Spray (New construction)	8.80	.35	.35		.06	
Spray (Repaint)	8.25	.35	.35		.06	
Remainder of County:						
Brush	7.83	.50	.25		.02	
Steel	8.455	.50	.25		.02	
Sandblasting; Spray	8.83	.50	.25		.02	
PILEDRIVERMEN	9.15	.50	.30			
PIPEFITTERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Remainder of County	9.725	.35	.25		.05	
PLASTERERS' TENDERS:						
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, E. Brookfield, Grafton, Hardwick, Holden, Hopedale, Leicester, Mendon, Milford, Millbury, New Braintree, Northboro, Northbridge, N. Brookfield, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southboro, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westboro, W. Boylston, W. Brookfield, Whitinsville, & Worcester	7.05	.40	.40		.05	
PLUMBERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			
ROOFERS; Damp-proofers	8.50					
SHEET METAL WORKERS	9.50	.55	.25		.05	
SPRINKLER FITTERS	9.08	.40	.60		.07	
STEAMFITTERS:						
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TERRAZZO WORKERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	$8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day.

FOOTNOTES:
a. $.30 per man per week
b. 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.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.55	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.80	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	7.05	.40	.40		.05	
Blasters; Powdermen	7.30	.40	.40		.05	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.10	.45	.60	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-under 10 ton.	7.60	.45	.60	a	.05	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$6.93	.45	.60	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.74	.45	.60	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.12	.45	.60	a	.05	

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, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.10	.45	.60	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-up to 10 ton.	7.60	.45	.60	a	.05	

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$6.93	.45	.60	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	6.74	.45	.60	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.12	.45	.60	a	.05	

Footnotes:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		
HEAVY AND HIGHWAY CONSTRUCTION						
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b		
Three axle equipment and tiremen	6.06	.35	.50	a+b		
Four and five axle equipment	6.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

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