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MEMORANDUM OF APRIL 19, 1974

[Presidential Determination No. 74-16]

Determination under Sections 610(a), 614(a), and 653(a) of the Foreign Assistance Act of 1961, As Amended—Egypt

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, April 19, 1974.

Pursuant to the authority vested in me by the Foreign Assistance Act of 1961, as amended (hereinafter "the Act"), I hereby:

(a) Determine, pursuant to section 610(a) of the Act, that it is necessary for the purposes of the Act that not to exceed $5 million of funds available in the fiscal year 1974 for military assistance under section 504 of the Act be transferred to, and consolidated with, funds available in the fiscal year 1974 for security supporting assistance under section 532 of the Act;

(b) Determine, pursuant to section 614(a) of the Act, that the use of not to exceed $8 million of funds available in the fiscal year 1974 for security supporting assistance to Egypt, without regard to the requirements of the Act, is important to the security of the United States;

(c) Authorize, pursuant to section 614(a) of the Act, such use of not to exceed $8 million as security supporting assistance to Egypt for the purpose of clearing the Suez Canal of mines and providing technical and advisory assistance in disposing of unexploded ordnance in the Canal and along its banks; and

(d) Determine, pursuant to section 653(a) of the Act that it is in the security interests of the United States that Egypt receive not to exceed $8 million in security supporting assistance from funds available under section 532 of the Act for the fiscal year 1974.

This determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.74-9718 Filed 4-24-74;4:00 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 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Modified Certified Brucellosis Areas

This amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that these areas no longer come within the definition of § 78.1(i): Jo Daviess and Stephenson Counties in Illinois; Sullivan County in Missouri; and Kaufman, Lubbock, and Washington Counties in Texas.

The following county was deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified date: Creek County in Oklahoma on March 29, 1974. Since said date, it has been determined that this county again comes within the definition of § 78.1(i); and therefore, it has been redesignated as a Modified Certified Brucellosis Area.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Illinois, Missouri, Oklahoma, and Texas.

(b) The following States are hereby designated as Modified Certified Brucellosis Areas except for the counties named:

(1) Illinois except Jo Daviess and Stephenson Counties.

(2) Missouri except Sullivan County.

(3) Oklahoma except Muskogee County.

(4) Texas except Kaufman, Lubbock, and Washington Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141, 9 CFR 73.16).

Effective Date. The foregoing amendment shall become effective April 26, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C., it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22nd day of April 1974.

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

[FR Doc.74–9590 Filed 4–25–74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—BUREAU OF THE COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 7—INTERPRETIVE RULINGS

Interest-Bearing Deposits Between Affiliated Banks

The Comptroller published an interpretive ruling 12 CFR 7.7370, 39 FR 3927 on January 31, 1974 prohibiting national banks from accepting interest-bearing deposits from affiliates. He is now revising that section to make it clear that the prohibition only applies where the depositing affiliate is itself a bank.

This part is a codified body of interpretive rulings which interpret and apply the laws and regulations relating to national banks and general principles of prudent banking, and is issued under R. S. 324, et seq., as amended; 12 U.S.C. 1, et seq. No public procedures or delayed effectiveness is required for interpretive rulings or for amendments thereto.

Part 7, of 12 CFR Chapter I, is amended to revise § 7.7370 as follows:

§ 7.7370 Interest-bearing deposits between affiliated banks.

An interest-bearing deposit made by a member bank is considered to be a loan or extension of credit to the affiliate under 12 U.S.C. 371c. Loans or extensions of credit to an affiliate are required to be secured under 12 U.S.C. 371c. However, 12 U.S.C. 90 and applicable case law restrict the authority of national banks to pledge their assets to secure private deposits. Similar restrictions on securing deposits also apply to many state-chartered banks. Consequently, a national bank may not make an interest-bearing deposit in an affiliated national bank and it may not make an interest-bearing deposit in an affiliated State bank unless the affiliated State bank can legally offer collateral for such deposit in conformance with the requirements of section 371c. A national bank may not receive such a deposit from its affiliated member bank, either State or national, because of its legal inability to provide the required collateral.

Dated: April 22, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–9556 Filed 4–25–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73–NE–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Additional Control Area and Transition Area

On February 5, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 4581) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would expand the Bangor, Maine, Transition Area to include more airspace in the southeastern part of Maine; redefine the Portland, Maine, Transition Area to eliminate reference to Warning Area W–103; and enlarge the Brunswick Additional Control Area to include airspace above 5,500 feet MSL adjacent to the southern Maine portion of the U.S. shoreline.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 20, 1974, as hereinafter set forth.

1. In § 71.163 (39 FR 346) the Brunswick, Maine, Additional Control Area is amended to read as follows:

BRUNSWICK, MAINE

That airspace extending upward from 2,000 feet MSL W of longitude 69°30'00" W., and from 5,500 feet MSL E of longitude 69°-30'00" W., bounded on the W and N by the Portland, Maine, and the Bangor, Maine, Transition Areas; on the E by the W boundary of the Moncton Flight Information Region; on the S by the N boundary of Control 1141; and on the SW between latitude 42°40'10" N., longitude 70°30'00" W., and latitude 42°45'-00" N., longitude 70°37'00" W., by a line 3 nautical miles from and parallel to the U.S. shoreline.

2. Section 71.181 (39 FR 440) is amended as follows:

a. In the 1200-foot portion of the Bangor, Maine, Transition Area, "bounded by a line beginning at latitude 44°50'00" N., longitude 67°56'00" W.," is deleted and "bounded by a line beginning at latitude 44°20'10" N., longitude 67°56'00" W.," is substituted therefor; also, "latitude 45°09'00" N., longitude 67°23'00" W.," and all that follows is deleted and "latitude 44°47'45" N., longitude 66°53'-00" W., thence by a line 3-nautical miles from and parallel to the U.S. shoreline to the point of beginning." is substituted therefor.

b. The Portland, Maine, Transition Area is amended to read as follows:

PORTLAND, MAINE

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00" N., longitude 69°16'00" W., thence to latitude 43°-50'00" N., longitude 69°18'00" W., to latitude 43°44'00" N., longitude 69°19'42" W., to latitude 43°41'00" N., longitude 69°30'00" W., to latitude 43°30'00" N., longitude 70°-06'00" W., to latitude 43°15'00" N., longitude 70°30'00" W. to latitude 42°45'00" N., longitude 70°37'00" W., to latitude 42°53'00" N., longitude 71°05'00" W., to latitude 43°45'00" N., longitude 71°09'00" W., to latitude 44°06'-00" N., longitude 70°43'00" W., to latitude 44°02'05" N., longitude 70°37'30" W., to latitude 44°13'30" N., longitude 70°11'30" W., to latitude 44°12'00" N., longitude 70°10'00" W., to latitude 44°05'00" N., longitude 70°-23'00" W., to latitude 43°55'00" N., longitude 70°28'00" W., to latitude 43°50'00" N., longitude 70°12'00" W., to latitude 44°03'00" N., longitude 70°06'00" W., to latitude 44°09'00" N., longitude 69°57'00" W., thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44°09'00" N., longitude 69°39'00" W., thence to the point of beginning.

(Sec. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Washington, D.C., on April 22, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-9543 Filed 4-25-74;8:45 am]

[Airspace Docket No. 74-WE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 15, 1974 a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9986) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fallon, Nevada transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., June 20, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on April 18, 1974.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (39 FR 440) the description of the Fallon, Nevada transition area is amended to read as follows:

FALLON, NEV.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of NAS Fallon TACAN and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°01'00" N., longitude 118°01'00" W.; to latitude 39°51'00" N., longitude 117°-58'00" W.; to latitude 39°51'00" N., longitude 117°31'00" W.; to latitude 39°34'00" N., longitude 117°39'30" W.; to latitude 39°18'-00" N., longitude 117°47'30" W.; to latitude 39°00'00" N., longitude 117°40'00" W., to point of intersection of a line 8 miles NE of and parallel to the Reno VORTAC 135° radial and the NE edge of V-105E, thence via a line 8 miles NE of and parallel to Reno 135° radial to longitude 119°00'00" W., to latitude 39°42'00" N., longitude 119°00'00" W., to latitude 40°01'00" N., longitude 118°19'00" W., to point of beginning, excluding that airspace below 1,500 feet AGL within R-4516N and that airspace within R-4816S extending upward from 500 feet AGL to and including 2,000 feet AGL which lies N of and within 1 nautical mile from U.S. Highway 50 between the intersections of Highway 50 with longitude 118°25'30" W. and 118°09'50" W.; that airspace extending upward from 9,500 feet MSL extending from 23 to 44 miles SE of Fallon TACAN bounded on the NE by a line 10 miles NE of and parallel to the Fallon TACAN 139° radial and on the SW by the NE edge of V-105E. The 1,200 foot portion underlying the 9,500 foot MSL portion of the transition area is excluded.

[FR Doc.74-9542 Filed 4-25-74;8:45 am]

[Airspace Docket No. 73-SW-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Monroe, La., terminal area.

On June 27, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 16913) stating the Federal Aviation Administration proposed to alter the Monroe, La., 700-foot transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

In § 71.181 (38 FR 435), the Monroe, La., transition area is amended to read:

MONROE, LA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Monroe Municipal Airport (latitude 32°30'30" N., longitude 92°02'20" W.); within 5 miles NW and 8 miles SE of the Monroe ILS localizer SW course extending from 5 miles NE to 12 miles SW of the LOM and 4.5 miles each side of the Monroe VOR TAC (latitude 32°31'00" N., longitude 92°-02'09" W.) 308° radial extending from the 6-mile radius area to 18 miles NW of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on April 17, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-9539 Filed 4-25-74;8:45 am]

[Airspace Docket No. 74-NE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 8631 of the FEDERAL REGISTER dated March 6, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would alter the Rockland, Maine, 700-foot Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 20, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Burlington, Massachusetts on April 11, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Rockland, Maine 700-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Knox County Regional Airport, Rockland, Maine (lat. 44°03'40" N., long. 69°06'05" W.) and within 3.5 miles each side of the 194° bearing from the Sprucehead NDB (lat. 43°59'54" N., long. 69°07'17" W.), extending from the 7.5-mile radius area to 11.5 miles south of the NDB.

[FR Doc.74-9540 Filed 4-25-74;8:45 am]

[Airspace Docket No. 74-WE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 13, 1974 a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9671) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Nogales, Arizona.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been recieved and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., June 20, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on April 18, 1974.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (39 FR 440) the following transition area is added:

NOGALES, ARIZ.

That airspace extending upward from 700 feet above the surface within a five-mile radius of Nogales International Airport (latitude 31°25'00" N, longitude 110°50'55" W), within 4.5 miles S and 9.5 miles N of the Nogales VOR 289° radial, extending from the VOR to 18.5 miles W of the VOR and within four miles each side of the Nogales VOR 329° radial, extending from the VOR to 21 miles NW of the VOR, that airspace extending upward from 1,200 feet above the surface bounded on the N by the Tucson, Arizona transition area, on the E by the W boundary of R-2303B, on the S by the United States/Mexican border and on the W by longitude 111°18'00" W.

[FR Doc.74-9541 Filed 4-25-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Robenidine Hydrochloride With Roxarsone

The Commissioner of Food and Drugs has evaluated a new animal drug application (95-546V) filed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, proposing the safe and effective use of robenidine hydrochloride with roxarsone in medicated broiler feed. This application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135 are amended as follows:

1. In Part 121 § 121.262(c) is amended by adding a new item 1.24 to Table 1 as follows:

§ 121.262 3 - Nitro - 4 - hydroxyphenylarsonic acid.

* * * * * *

(c) * * *

TABLE 1.—*3-nitro-4-hydroxyphenylarsonic acid in complete chicken and turkey feed*

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
*	*	*	*	*	*
1.24 3-nitro-4-hydroxyphenylarsonic acid (roxarsone).	45.4 (0.005%)	Robenidine hydrochloride.	30 (0.0033%)	For broiler or fryer chickens only; do not feed to layers; feed continuously as the sole ration; withdraw 5 days prior to slaughter; use as sole source of organic arsenic; roxarsone provided by sponsor No. 031; see §135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *Eimeria mivati, E. brunetti, E. tenella, E. acervulina, E. maxima* and *E. necatrix*, and increased rate of weight gain.
*	*	*	*	*	*

2. In Part 135e § 135e.66(f) is amended by revising the table to read as follows:

§ 135e.66 Robenidine hydrochloride.

* * * * * * *

(f) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Robenidine hydrochloride.	30 (0.0033%)			For broiler or fryer chickens only; do not feed to layers; feed continuously as the sole ration; withdraw 5 days prior to slaughter.	As an aid in the prevention of coccidiosis caused by *Eimeria mivati, E. brunetti, E. tenella, E. acervulina, E. maxima* and *E. necatrix*.
2. Robenidine hydrochloride.	30 (0.0033%)	Roxarsone (3-nitro-4-hydroxyphenylarsonic acid).	45.4 (0.005%)	For broiler or fryer chickens only; do not feed to layers; feed continuously as the sole ration; withdraw 5 days prior to slaughter; as sole source of organic arsenic. Roxarsone provided by sponsor No. 031, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *Eimeria mivati, E. brunetti, E. tenella, E. acervulina, E. maxima* and *E. necatrix*, and increased rate of weight gain.

Effective date. This order shall be effective April 26, 1974.

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

Dated: April 18, 1974.

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

[FR Doc.74-9470 Filed 4-25-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Technical Changes and Updating of Regulations; Correction

In FR Doc. 74-5622 appearing at page 9540 in the FEDERAL REGISTER of Tuesday, March 12, 1974, the reference in § 135.35(a) reading "§ 144.26" is corrected to read "§§ 144.25 and 144.26."

Dated: April 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-9628 Filed 4-25-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R–74–266]

INTEREST RATE CHANGE

Miscellaneous Amendments

The following amendments are being made to this chapter to change the maximum interest rate which may be charged on a mortgage insured by this Department from 8¼ percent to 8½ percent. The Secretary has determined that such change is necessary to meet the mortgage market, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that said cause exists for making this amendment effective April 15, 1974.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. In § 203.20, paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages insured on or after April 15, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interpret or apply sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709))

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8½ percent per annum with respect to loans insured on or after April 15, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interpret or apply sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709)).

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

3. Section 205.50 is amended to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 15, 1974.

* * * * *

(Sec. 1011, formerly sec. 1010, 79 Stat. 464, (12 U.S.C. 1749jj); renumbered P.L. 89—754, sec. 401(a), 80 Stat. 1271)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

4. In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 15, 1974.

* * * * *

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b); Interprets or applies sec. 207, 52 Stat. 16, as amended (12 U.S.C. 1713))

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

5. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 8½ percent per annum with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 15, 1974.

* * * * *

6. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages insured on or after April 15, 1974.

* * * * *

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b); Interpret or apply sec. 213, 64 Stat. 54, as amended (12 U.S.C. 1715e))

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

7. In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8½ percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 15, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interpret or apply sec. 220, 68 Stat. 596, as amended; (12 U.S.C. 1715k))

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

8. In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 15, 1974. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 17151)

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

9. In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 15, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interprets or applies sec. 232, 73 Stat. 663; (12 U.S.C. 1715w))

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

10. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages insured on or after April 15, 1974.

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interprets or applies sec. 234, 75 Stat. 160; (12 U.S.C. 1715y))

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

11. Section 235.540 is amended to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages insured on or after April 15, 1974.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interprets or applies sec. 235, 82 Stat. 477 (12 U.S.C. 1715z))

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

12. Section 236.15 is amended to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 15, 1974.

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b); interprets or applies sec. 236, 52 Stat. 498; (12 U.S.C. 1715z–1))

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

13. Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8½ percent per annum with respect to loans insured on or after April 15, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interprets or applies sec. 241, 82 Stat. 508; (12 U.S.C. 1715z–b))

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

14. Section 242.33 is amended to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rates shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 15, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); Interprets or applies sec. 242, 82 Stat. 5999; (12 U.S.C. 1715z–7))

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

15. In § 244.45 paragraph (a) is amended to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 15, 1974.

* * * * *

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa–3)

Effective date. These amendments are effective as of April 15, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.74–9632 Filed 4–25–74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. R–74–109]

SUBCHAPTER C—FEDERAL CRIME INSURANCE PROGRAM

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS; AMENDMENTS TO DESIGNATION OF SERVICING COMPANIES; NAMES AND ADDRESSES OF SERVICING COMPANIES

The Department of Housing and Urban Development published on July 1, 1971, at 36 FR 12517, regulations with respect to the Federal Crime Insurance Program. Under the authority contained in 82 Stat. 566, 12 U.S.C. 1749bbb–17. Section 1930.6 is now being amended to add the names and addresses of servicing companies for the States of Delaware and Florida, which were admitted into the Federal Crime Insurance Program. Section 1930.6 is now also being revised to reflect changes in the addresses of the servicing companies for the States of Connecticut, New York (Buffalo) and Pennsylvania (Pittsburgh).

Because these amendments merely publish the results of previously submitted competitive bids and reflect address changes, notice and public procedure are unnecessary and good cause exists for making this amendment, effective on March 1, 1974.

Accordingly, Part 1930 is amended by revising § 1930.6 to read as follows:

§ 1930.6 Names and addresses of servicing companies.

* * * * *

Connecticut—Insurance Company of North America, 111 Founders Plaza, East Hartford, Connecticut 06108.

* * * * *

Delaware—Insurance Company of North America, 330 East Fayette Street, Baltimore, Maryland 21202.

Florida — Aetna Casualty and Surety Company, 5200 Kennedy Boulevard, Tampa, Florida 33609.

* * * * *

New York — Insurance Company of North America.

* * * * *

Buffalo—737 Delaware Avenue, Buffalo, New York 14202.

* * * * *

Pennsylvania—Insurance Company of North America.

* * * * *

Pittsburgh—875 Greentree Road, Parkway Center INA Building, Pittsburgh, Pennsylvania 15220.

Effective date. These amendments are effective March 1, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–9663 Filed 4–25–74;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

PART 214—ENVIRONMENTAL CONSIDERATIONS IN DEPARTMENT OF DEFENSE ACTIONS

Revision of Preparation and Processing Procedures

The Deputy Secretary of Defense has approved the following revision to Part 214. This Part 214 incorporates the revised and amplified procedures for preparing and processing environmental impact statements which were issued by the President's Council on Environmental Quality on August 1, 1973 (38 FR 20549) pursuant to E.O. 11514, March 5, 1970 (35 FR 4247) and section 102(2)(c) of the National Environmental Policy Act of 1969, January 1, 1970, Pub. L. 91–190, 83 Stat. 853; 42 USC 433(2)(c).

Sec.

214.1 Purpose.
214.2 Applicability and scope.
214.3 Policy and objectives.
214.4 Responsibilities.
214.5 Reporting requirements.
214.6 Determinations of requirement for environmental statements.
214.7 Major actions significantly affecting the quality of the human environment.
214.8 Preparation and processing of environmental statements.
214.9 Quarterly CEQ report.
214.10 References.

AUTHORITY: Sec. 1, 83 Stat. 853; (42 U.S.C. 4332).

§ 214.1 Purpose.

This Part 214 reiterates and amplifies DoD policy, responsibilities, and procedures for assessing the environmental impact of Defense actions on the quality of the human evnironment as required by Pub. L. 91–190 and § 214.10 insofar as they require inclusion of environmental considerations in the decision-making process.

§ 214.20 Applicability and scope.

(a) The provisions of this Part 214 apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, Unified and Specified Commands, and Defense Agencies (hereinafter referred to collectively as "DoD Components").

(b) This Part 214 encompasses Defense actions worldwide except for: (1) Multinational actions in which the DoD is not the primary decision-making authority,

(2) Combat or combat-related activities in a combat zone, and

(3) Other emergency activities.

(c) In countries or areas not under U.S. control or administration, DoD actions with the exception of those noted

in paragraph (b) of this section, are subject to the environmental laws, regulations and stipulations of the foreign government concerned subject to whatever agreements may exist between the U.S. and the country involved.

§ 214.3 Policy and objectives.

(a) It is the continuing policy of the Department of Defense, as a trustee of the environment, to demonstrate leadership and carry out its mission of national security in a manner consistent with national environmental policies and host country environmental standards, laws and policies. All practical means and measures will be used to minimize or avoid adverse environmental consequences and in attaining the objectives of:

(1) Providing a safe, healthful, productive and esthetically and culturally pleasing surrounding.

(2) Attaining the widest range of beneficial uses of the environment without degradation, risk to health, safety or undesirable and unintended consequences.

(3) Preserving important historic, cultural, and natural aspects of our national heritage and maintaining where possible an environment which supports diversity and variety of individual choice.

(4) Achieving a balance between resource use and development within the sustained carrying capacity of the ecosystem involved.

(5) Enhancing the quality of renewable resources and approaching the maximum attainable recycling of depletable resources.

(b) Toward this end, DoD Components shall:

(1) Assess at the earliest practical stage in the planning process and in all instances prior to the first significant point of decision, the environmental consequences of proposed actions.

(2) Review those continuing actions initiated prior to enactment of Pub. L. 91–190 for which the environmental consequences have not been assessed and ensure that any of the remaining actions are consistent with the provisions of this Part.

(3) Utilize a systematic interdisciplinary approach in planning and decision making.

(4) Concurrently consider along with the economic and technical considerations the unquantifiable environmental amenities and values in planning and decision making.

(5) Prepare and process under the criteria contained in §§ 214.6–214.8 a detailed environmental impact statement on every recommendation or report on proposals for legislation and other major defense actions which are expected to be environmentally controversial or could cause a significant effect on the quality of the human environment.

(6) Study, develop, and describe appropriate alternatives to the recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

(7) Recognize the worldwide and long-range character of environmental problems and, where consistent with national security requirements and the foreign policy of the U.S., lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world human environment.

(8) Make available advice and information useful in restoring, maintaining and enhancing the quality of the environment.

(9) Utilize ecological information in planning and developing resource oriented projects.

(10) Assist the Council on Environmental Quality (CEQ) as required by Presidential Statement on Preparation of Environmental Impact Statements, August 1, 1973.

(11) Refrain from taking any significant implementing steps on administrative action until 90 days has elapsed after filing the draft environmental statement and 30 days has elapsed after filing the final statement, except as provided in § 214.8(h).

§ 214.4 Responsibilities.

(a) The Assistant Secretary of Defense (Health and Environment) shall:

(1) Serve as the Secretary of Defense's responsible official under National Environmental Policy Act (NEPA) and the focal point for all Defense environmental matters.

(2) Provide assistance and advice on the preparation/processing of environmental assessments and statements and assign with the advice and coordination of the appropriate ASD's single service or lead office responsibilities in preparing and processing EIS's and environmental assessments when more than one Defense Component is involved.

(3) Review draft environmental statements submitted by DoD Components and other Federal agencies and solicit comments concerning such statements within the office of the Secretary of Defense and from appropriate DoD Components, and provide consolidated comments to the requesting DoD Component or agency that submitted the draft policies affecting the Department of Defense.

(4) Review issuances of the Office of the Secretary of Defense which have environmental implications to determine if environmental statements are required and to insure that environmental considerations are built into the decision-making process.

(5) Maintain liaison with CEQ, the Environmental Protection Agency (EPA), the Office of Management and Budget (OMB), and other Federal agencies and state and local groups, with respect to the enivronmental statements.

(6) In coordination with DoD Components, revise, supplement, consolidate or cancel the enclosures and attachments to this Directive as may be required to implement more effectively the policies set forth in this Part.

(7) Maintain a current quarterly DoD consolidated list of actions for which EIS's have been prepared or are under preparation, and a list of negative declarations (see paragraph (a) of § 214.8).

(8) Retain until the project is completed a copy of each draft and final environmental statement prepared with the Office of the Secretary of Defense for review by members of the public.

(9) Direct the preparation of EIS's for required actions.

(b) The Director, Defense Research and Engineering, Assistant Secretaries of Defense, Assistants to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff within their respective functional areas of responsibilities shall:

(1) Monitor the application of policies contained in this Part with respect to the environmental aspects of continuing and proposed programs and projects.

(2) Develop procedures for periodic evaluation to determine when an environmental statement is required for a research and development program and insure that statements required for programs or actions are prepared and processed.

(3) Insure that all regulations, directives, instructions, and other major policy publications are reviewed for environmental consequences, and when such consequences are significant, withhold publication of issuances until compliance with section 102(2) of Pub. L. 91–190, National Environmental Policy Act.

(4) Coordinate as applicable the preparation of environmental statements with other elements of the Department of Defense.

(5) Designate a single point of contact within their offices for matters pertaining to this Directive.

(6) Assist ASD(H&E) in the review of environmental assessments and statements.

(7) Coordinate with ASD(H&E) proposed directives and instructions that have environmental implications.

(c) The General Counsel shall:

(1) Advise the ASD(H&E) of all new legislation which has potential environmental implications for Defense activities.

(2) Advise the ASD(H&E) on matters relating to litigation interpreting statutory requirements and other areas as appropriate.

(d) The Secretaries of the Military Departments, Directors of Defense Agencies, and Commanders of the Unified and Specified Commands for operations under their jurisdiction, shall:

(1) Assess continuing and proposed programs and actions for their environmental consequence in accordance with the policies of this Part, and prepare and process environmental statements required for actions within their respective DoD Components.

(2) Insure that issuances and other major policy publications are reviewed for environmental consequences, and when such consequences are significant, withhold implementation until compli-

ance with section 102(2)(c) of Pub. L. 91-190.

(3) Review environmental statements in their areas of expertise in accordance with Presidential Statement on Preparation of Environmental Impact Statements, August 1, 1973.

(4) Designate a single point of contact for matters pertaining to this Part.

(5) Retain a copy of each draft and final EIS prepared by the Component until the project is completed, and designate an office responsible for making such environmental statements available to the public except for portions that may be privileged.

(6) Prepare and maintain an applicable list of administrative actions for which EIS's have been prepared or are being prepared and a list of negative declarations and statements pertaining to negative determinations.

(7) In addition to the above, the Secretary of the Army may prescribe separate criteria and procedures for determining the need for and processing of environmental impact statements (EIS) with respect to Civil Functions of the Corps of Engineers.

(e) In addition to paragraph (d)(1) of this section, Unified and Specified Commands shall process environmental matters under normal JCS procedures except for environmental statements which shall be processed in accordance with the procedures contained in this Part.

§ 214.5 Reporting requirements.

(a) Type information required. Submission is required of a quarterly report, to CEQ for actions on which environmental statements have been prepared, are being prepared, and in certain situations, when it has been decided that an impact statement is not required. Under these circumstances, the DoD Component concerned is required to prepare a publicly available record briefly setting forth the Component's decision and reasons for determination.

(b) Submission procedure. DoD Components will submit in triplicate to ASD (H&E) a quarterly listing covering the above actions as prescribed in § 214.9 and documentation for applicable negative determinations. This information is to arrive no later than 20 days after the quarter for consolidation and submittal to CEQ. The Unified and Specified Commands shall submit the required information to OJCS 15 days after the quarter for consolidation and submittal to ASD (H&E). Where more than one DoD Component is directly involved in preparing an EIS, only the lead agency will report the action. The initial submission shall cover the period September 1, 1973 to June 30, 1974. This reporting requirement has been assigned Reports Control Symbol DD-H&E(Q)1326.

(c) Environmental Impact Statements have been assigned Reports Control Symbol DD-H&E(AR)1327.

§ 214.6 Determinations of requirement for environmental statements.

(a) *General.* (1) Section 102(2)(c), Pub. L. 91-190, requires that a detailed environmental statement be included in "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment."

(2) Executive Order 11514 directs the Council on Environmental Quality to issue guidelines to Federal agencies for the preparation of the environmental statements required by section 102(2)(c) of Pub. L. 91-190.

(3) On August 1, 1973, the Council on Environmental Quality published revised guidelines for the preparation of environmental statements. These guidelines contain general guidance for determining when an environmental statement is required.

(4) This § 214.6 interprets and amplifies the general guidelines of the Council on Environmental Quality for Department of Defense actions.

(b) *Geographical location of actions.* (1) Environmental statements are required for actions described in paragraphs (c) and (d) of this section, conducted anywhere in the world except when conducted in, or partly in, areas which are in or under the jurisdiction of a nation other than the U.S. For major significant Defense actions conducted in, or partly in, areas which are in or under the jurisdiction of a nation other than the United States, the DoD Component responsible for the action shall provide the ASD(H&E) with a recommendation as to whether or not a statement should be prepared, reasons for the recommendation, and an evaluation of the effect of a statement on U.S. foreign relations. The ASD(H&E) shall coordinate these latter cases as appropriate, and shall furnish procedural instructions to the responsible DoD Component.

(2) Environmental statements are not required for multinational activities (such as NATO) when the DoD Component involved does not have primary decisionmaking authority, or for combat or combat-related activities in a combat zone. (See paragraph (d)(3)(v) of this section.)

(3) The DoD Component shall comply with applicable environmental laws and policies, even though an environmental statement is not required. In countries or areas not under U.S. control or administration, projects or activities are subject to the generally applicable environmental laws, regulations and stipulations of the foreign government concerned.

(c) *Actions included.* (1) The legislative history of the National Environmental Policy Act of 1969 and the guidelines of the Council on Environmental Quality define actions as including, but not limited to, the following:

(i) Recommendations or favorable reports relating to legislation, including that for appropriations.

(ii) Policy, regulation, and procedure-making.

(iii) New and continuing projects and program activities:

(*a*) Directly undertaken by Federal agencies;

(*b*) Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; and

(*c*) Involving a Federal lease, permit, license, certificate, or other entitlement for use.

(2) The differences in each of the above categories of actions should be considered in determining whether an environmental statement is required.

(d) *Evaluation of requirement for environmental statement*—(1) *Proposals for legislation, annual authorization requests, and favorable reports of legislation*—(i) *Legislative proposals other than authorization and appropriation acts.* Prior to preparing a legislative proposal, the DoD Component shall assess the environmental consequences of the proposal using the factors of § 214.7. If it is determined that the proposal would significantly affect the environment, an environmental statement is required and shall be submitted with the proposal.

(ii) *Annual budget requests.* Prior to submitting annual budget requests, the environmental consequences of each line item requested for inclusion shall be assessed by the DoD Component making the requests using a minimum the factors in § 214.7. For those items which are identified as major actions having a significant effect on the environment, or which are controversial, an environmental statement shall be prepared which will accompany the budget request. Additional guidance is contained in DoD Budget Guidance Manual 7100.1-M, July 1, 1971[1] and 35 FR 2573.

(iii) *Favorable reports on legislation.* (*a*) If the Department of Defense (DoD) is not the Federal agency that has primary responsibility for the subject matter involved in the legislative item, no environmental statement is required from DoD. If it is not clear from the legislative item whether DoD is the primary Federal agency responsible for the subject matter involved in the legislative item, advice should be sought from the General Counsel, Department of Defense.

(*b*) If DoD is the Federal agency that has primary responsibility for the subject matter involved in the legislative item, the DoD Component responsible for preparing the DoD report on the item shall assess the environmental consequences of the proposal, using the factors in § 214.7. If the assessment indicates that the proposal would significantly affect the quality of the human environment, an environmental statement is required and should accompany the report.

(2) *Policy, regulation, and procedure making.* (i) This shall be construed to apply to publications including, but not limited to, directives, instructions, regulations, manuals, or major policy statements of all DoD Components.

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[1] Filed as part of original. Copies may be obtained from U.S. Navy Publications and Forms Center, 5801 Labor Ave., Philadelphia, Pa. 19120.

(ii) The DoD Component shall assess the environmental consequences, for each proposed publication, using the factors in § 214.7. If it is determined that actions generated by the publication will significantly affect the environment, an environmental statement is required unless the publication is an implementation of a publication from another DoD Component and the environmental consequence will not deviate significantly from those of the basic publication. In these latter cases, the DoD Component responsible for the basic publication has the responsibility for assessing the environmental consequences of its publication and preparing an environmental statement.

(iii) If a proposed publication of a DoD Component is to be published for the purpose of implementing a Federal law or a publication of an agency outside of the Department of Defense, and actions resulting from the law or publication will significantly affect the quality of the environment, an environmental statement is required unless an environmental statement which covers the environmental impact of the DoD Component's publication was submitted in connection with adoption of the law or the other agency's publication.

(3) *Projects and continuing activities.* (i) This category includes the majority of the operations and activities of DoD Components. The DoD Components are encouraged to develop broad or generic EIS's for routine projects and continuing activities having a significant impact on the environment. Environmental statements should be prepared for these plans, programs, and procedures rather than for particular or individual actions taken pursuant to these plans, programs, or procedures. Only when a particular proposed action involves a potential impact on the environment not considered in the environmental statement for the applicable plan, program, or procedure, will it be considered necessary to prepare an impact statement on that individual or particular proposed action.

(ii) Each proposed project or activity shall be assessed for environmental consequences, using the factors in § 214.7 and:

(*a*) If it is determined that the action will not significantly affect the environment, a written assessment of the environmental aspects of the anticipated action shall be retained by the Component making the assessment until the action is completed.

(*b*) If it is determined that the action is major and will have a significant effect on the environment, a statement is required, unless it is excepted by subdivisions (iii), (iv), or (v) of this subparagraph.

(iii) If an environmental statement was submitted for a project or activity in accordance with paragraph (d)(1) of this section, no additional environmental statement is required for that project or activity unless it appears that there will be significant adverse environmental consequences from the project or activity that were not covered by the environmental statement.

(iv) If a project or activity is being carried out pursuant to a publication for which an environmental statement was submitted in accordance with paragraph (d)(2) of this section, no environmental statement is required for that project or activity unless it appears that there will be significant adverse environmental consequences from that project or activity that were not covered by the environmental statement.

(v) Combat or combat-related activities in a combat zone, riot control activities, and other emergency activities do not require environmental statements.

(vi) On occasion, laws other than the National Environmental Policy Act, such as those provided in Pub. L. 91–121, require the Department of Defense to gain approval of another Federal agency before commencing certain types of actions that may have environmental consequences. Compliance with the requirements of such laws does not relieve the responsible official from preparing and processing an environmental statement if the proposed action is a major action that would significantly affect the quality of the human environment. In this connection, compliance with Pub. L. 91–190 is applicable unless existing law applicable to a specific action or activity expressly prohibits or makes compliance impossible. However, insofar as practicable, the draft environmental statement format should be used in complying with other laws to minimize duplication of efforts.

§ 214.7 Major actions significantly affecting the quality of the human environment.

(a) It is impossible to list categorically all DoD projects or activities that are "major Federal actions significantly affecting the quality of the human environment." In making a judgment in a particular case, it will be necessary for the proponent of the action to assess the expected environmental effects of the action in conjunction with the intent of the National Environmental Policy Act (NEPA) as implemented by the Council on Environmental Quality (CEQ). It is essential that all the environmental effects of an action be assssed, whether those effects are adverse or beneficial. In determining whether or not the effects of an action are significant, the proponent must evaluate the nature and degree of all effects on the environment. These may be significant even though the net environmental effect of the proposed action will be beneficial.

(b) DoD Components shall insure that a decision is not made until the environmental consequences of the decision have been assessed. If the assessment indicates that the decision will either affect the environment on a large geographical scale or have a serious environmental effect in a more restricted geographical area, the proposed action shall be considered a Major Action Significantly Affecting the Quality of the Human Environment (MASAQHE), and the decision shall be deferred until Federal agencies possessing special expertise or persons affected by the environmental effects of the decision have had an opportunity to present their views. It is necessary to consider not only the degree of effect on the environment but also the scope of the action and the potential effect of the action on other persons.

(1) If a DoD Component or a major military command intends to take an action that will influence activities in many subordinate units, and the activities will each affect the environment, the action is probably a MASAQHE even though a single activity may not be in that category. For example, a limited maneuver or training exercise by small exercise by small elements of a Military Department might not be a major action nor would it normally affect the environment significantly. However, if a Military Department intended to publish a regulation prescribing the environmental considerations to be given to the planning of all training exercises or maneuvers of the DoD Component for an indefinite period of time, then it might be expected that such a regulation would have a significant effect on the quality of the environment because it would govern numerous activities which individually would have some effect on the environment. Thus, the regulation should be construed to be a MASAQHE.

(2) Another example of an action that could be a MASAQHE is a major realignment of a Component, involving numerous installations or activities. In this instance, the impact at one installation may be small but, because of the numerous installations involved, the overall impact may be significant, especially insofar as the secondary impacts are concerned. Although the secondary socioeconomic impacts are generally insufficient by themselves to require an EIS, these factors should be included in the statement, in the event an EIS is required.

(3) An example of an action that should be classified as a MASAQHE because of a localized effect is an extremely noisy activity to be conducted by a DoD Component near a residential area, where the resulting noise might seriously affect the comfort of residents of the area over an extended period. In keeping with the intent of NEPA, no decision should be made to take any actions until those residents have been given an opportunity to present their views and their views have been carefully considered.

(4) In many cases broad statements will be required in order to assess the environmental effects of a number of individual actions on a geographical area, or environmental impacts that are generic or common to a series of contemplated actions.

(c) Just as it is impossible to categorize all actions, so is it impossible to list in advance all of the environmental factors to be considered. The proponent of the action should consider all aspects of the action to determine if it will interfere unreasonably with the living conditions of man, wildlife, or marine life, or with

any ecosystems of an immediate, short-range or long-range basis. Examples of some factors that may apply.

(1) *Pollution effects.* (i) Air quality:

(*a*) Will the action result in emissions into the atmosphere of toxic or hazardous substance or significant amounts of other pollutants?

(*b*) Will be action result in the creation of excessive noise, when considering the proximity of the likely effects of the noise on humans or wildlife?

(*c*) Will the action tend to reduce the amount of pollution in the atmosphere?

(ii) *Water quality:*

(*a*) Will the action:

(*1*) Introducc toxic or hazardous substances or significant amounts of chemicals, organic substances or solid wastes into bodies of water?

(2) Significantly increase sedimentation in a body of water?

(3) Significant alter the temperature of a body of water?

(*b*) Will the action improve the quality of a body of water?

(iii) Effects of:

(*a*) Solid waste disposal.

(*b*) Hazardous substances disposal.

(2) *Effects on energy supply and natural resources development.* (i) Will the action require the use of nonrenewable energy sources in apparently excessive or disproportionate amounts?

(ii) Will the action result in significant destruction of vegetation, wildlife or marine life?

(iii) Will the action enhance the quality of renewable natural resources?

(iv) Will the action significantly affect soil quality?

(v) Will the action result in contamination or deterioration of food or food sources?

(vi) Will the action significantly affect, beneficially or adversely, other forms of life or ecosystems of which they are a part?

(3) *Effects on land use and land management.* Will the action affect:

(i) Population density and congestion?

(ii) Neighborhood character and zoning?

(iii) Hydrology and flood hazard?

(iv) Aesthetic qualities?

(v) Outdoor recreation?

(vi) Sites having historic, architectural, or archeological interests?

(d) Certain types of actions require close environmental scrutiny because of the possibility that they may either affect the quality of the environment or create environmental controversy. It may be desirable in such cases to have a complete presentation of the environmental aspects of the proposed action available for any interested party. For these reasons, consideration shall be given to documenting the environmental effect of the following types of actions in writing: (The written environmental assessment need not be elaborate for actions in which it is readily determinable that the impact would not be significant; however, negative declarations must be supported by written environmental assessments which generally meet the EIS format requirements.)

(1) Development or purchase of a new type of aircraft, ship or vehicle, or of a substantially modified propulsion system for any aircraft, ship or vehicle.

(2) Development or purchase of a new weapon system.

(3) Real estate acquisition disposal and outgrants.

(4) Construction projects.

(5) New installations (bases, posts, etc.).

(6) Production, storage, transportation, testing or disposal of lethal chemical munitions, pesticides, herbicides and containers.

(7) Mission changes and troop developments which precipitate long-term population increases or decreases in any area, with special attention to the secondary impacts which may cause indirect environmental impact.

(8) Large quarrying, or earth-moving operations.

(9) Constructing or installing fences or other barriers that might prevent migration or free movement of wildlife.

(10) Proposed construction of new sanitary landfills, incinerators, and sewage treatment plants.

(11) Existing or changes to master plans.

(12) Proposed construction or acquisition of new family housing.

(13) Dredging, and other similar activities in the water.

(14) Exercises on or off Federal property, where significant environmental damage might occur regardless of unit sizes.

(15) Opening areas that were previously closed to the public or closing or limiting of areas that previously were open to public use, such as roads or recreational areas.

(16) Proposed construction on flood plains or construction that may cause increased flooding or activities on wetlands.

(17) Channelization of streams.

(18) Disposal of significant quantities of POL waste products.

(19) Proposed construction of roads, transmission lines or pipelines.

(20) New, revised, or established regulations, directives or policy guidance concerning activities that could have an environmental effect. Regulations, directives, or policy guidance which limit any of the alternative means of performing the actions on this list.

(21) Any action which, because of real, potential or purported adverse environmental consequences, is a subject of controversy among people who will be affected by the action, or which, although not the subject of controversy, is likely to create controversy when the proposed action becomes known by the public.

(e) Even though a written assessment supports the conclusion that an action is not a MASAQHE, an environmental impact statement is to be written on a proposed action which is highly controversial because of environmental aspects. The environmental statement should be based on the information contained in the assessment.

§ 214.8 Preparation and processing of environmental statements.

(a) *General.* Preparation of environmental statements shall be based on the considerations discussed in the guidelines of the Council on Environmental Quality (CEQ) and the guidance of this Part. These directions are intended to assure consistency of effort in preparing statements. DoD Components shall develop procedures for reviewing environmental assessments which identify definite decision points for determining the need to formally submit an environmental statement. Toward this end, each DoD Component will maintain a list of negative declarations and a list of EIS's under preparation or to be prepared. The list will be supported where applicable by environmental assessments (EA) which are in the same format as a draft EIS. In addition, the DoD Components will maintain an estimate of the direct costs which are incurred solely for the purpose of preparing and processing the EIS. The costs will be broken out as follows:

(1) Salaries of military and civilian personnel.

(2) Associated travel costs.

(3) Research costs directly related to the DEIS.

(4) Contract and consultant costs directly related.

(5) Administrative costs.

(6) Costs of public hearings.

(b) *Environmental impact statement.* In developing and obtaining the necessary information to prepare a statement, early consultation with other Federal, State and local agencies is encouraged. The EIS should:

(1) Carefully detail environmental impacts, alternatives, and implications of proposed projects and activities and should provide reviewers insight into the particulars associated with the action. Reviewers will expect the statement to be a valid source of information on the proposed action, as well as a reflection of how the proponent views environmental factors and seeks to accommodate them. Since the statement will normally be made available to the public, it must be assumed that the EIS will receive careful scrutiny.

(2) Systematically present the environmental impacts and sufficiently describe the physical and environmental aspects to permit independent appraisal and evaluation of the proposal. It should be simple and concise, yet include all pertinent facts. Length will depend upon the particular proposal and the nature of its impacts.

(3) Not be limited to ultimate conclusions, but contain a thorough evaluation of all factors affecting the potential environmental impact of the proposal.

(4) Be a complete and objective appraisal of the beneficial and adverse environmental effects of available alternatives, rather than a justification for the proposal. In no case should adverse effects, either real or potential, be ignored or slighted in an attempt to justify an

action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

(5) Indicate at appropriate points in the text underlying studies, reports and other information obtained and considered in preparing the statement including applicable cost benefit analyses. Requirements by other statutes, such as the Fish and Wildlife Coordination Act, and the National Historic Preservation Act should be combined with environmental statement. Care should be taken to ensure that the statement remains an essentially self-contained document, capable of being understood by the reader without the need for undue cross reference. In the case of references not easily accessible, the statement should indicate how the information may be obtained.

(c) *Content of statement.* The draft statement must fulfill and satisfy, to the fullest extent possible, the requirements established for a final statement. The body of an environmental statement shall contain the following separable section with the length of each being adequate to identify and develop the required information.

(1) *Introduction*—(i) *Project description.* A description of a proposed action, a statement of its purposes, and a description of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendices with adequate bibliographic references.

(ii) *Existing environment of proposed site.* The statement should succinctly describe the environment of the area as it exists prior to a proposed action.

(*a*) Include other Federal activities and projects which are related to the proposed action, the interrelationships, and cumulative environmental impacts. The amount of detail should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decisionmaking (planning, feasibility, design, etc.).

(*b*) Site visits should be made where feasible to ensure accurate descriptions and environmental assessments.

(c) DoD Components should also take care to identify, as appropriate, area population and growth characteristics and assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives. In discussing these population impacts, consideration should be given to using the regional rates of growth contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the "OBERS" projection).

(*d*) Note, expressly, the sources of data used to identify, quantify or evaluate any and all environmental consequences.

(2) *Relationship of proposed action to land plans, policies and controls for the affected area.* (i) Discuss the ways in which the proposed action may conform or conflict with the objectives and specific terms of approval of any proposed Federal, State, and local land use plans, policies, and controls for the area affected. Include those developed in response to the Clean Air Act or the Federal Water Pollution Control Act Amendments of 1972.

(ii) Where a conflict or inconsistency exists, describe the extent to which the DoD Component has reconciled its proposed action with the plan, policy or control, and the reasons for deciding to proceed without full reconciliation.

(3) *The probable impact of the proposed action on the environment.* (i) Assess the positive and negative effects of the proposed action on the national and international environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among the factors to consider are the potential effects, such as those listed in paragraph (c)(3) of § 214.7.

(ii) Secondary or indirect, as well as primary or direct, consequences for the environment should be included in the analysis. Many major Federal actions, particularly those that involve construction, stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities. Such secondary effects, through their impacts on existing community facilities and activities, inducing new facilities and activities, or through changes in natural conditions, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth impacts should be estimated if expected to be significant and an evaluation made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

(4) *Alternatives.* (i) Discuss the alternatives to the proposed action, including, where relevant, those not within the existing authority of the responsible agency. A rigorous exploration and an objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs and risks should accompany the proposed action through the agency review process in order not to foreclose, prematurely, options which might enhance environmental quality or have less detrimental effects.

(ii) Examples of such alternatives include:

(*a*) Taking no action of postponing action pending further study.

(*b*) Requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts.

(c) Introducing different designs or details of the proposed action which would present different environmental impacts (e.g., cooling ponds vs. cooling towers for a power plant or alternatives that will significantly conserve energy).

(*d*) Providing for compensation of fish and wildlife losses, including the acquisition of land, waters, and interests therein.

(iii) In each case, the analysis should be sufficiently detailed to reveal the comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative. Where an existing impact statement already contains such an analysis, its treatment of alternatives may be incorporated, provided that such treatment is current and relevant to the precise purpose of the proposed action.

(iv) In a draft statement, the DoD Component concerned may decide not to favor an alternative until comments are received from relevant commenting entities.

(5) *Any probable adverse environmental effects which could not be avoided should the proposal be implemented.* Summarize briefly those impacts that are adverse and unavoidable under the proposed action. For purposes of contrast, include a clear statement of how other avoidable adverse effects will be mitigated.

(6) *The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity.* Discuss briefly the extent to which the proposed action involves tradeoffs between short-term environmental gains and the expense of long-term losses, or vice versa, and also the extent to which the proposed action forecloses future options. In this context, short-term and long-term do not refer to any fixed time periods, but to the environmentally significant consequences of the proposed action.

(7) *Any irreversible and irretrievable commitments of resources that would be involved if the proposed action were implemented.* Identify the extent to which the action irreversibly curtails the range of potential uses of the environment. Avoid construing the term "resources" to mean only the labor and materials devoted to an action. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.

(8) *Considerations that offset the adverse environmental effects.* Indicate the extent to which these stated countervailing benefits could be realized by following responsible alternatives to the proposed action (as identified above). In this connection, attach existing cost benefit analyses of proposed actions, or summaries thereof, to the environmental impact statement, and clearly indicate

the extent to which environmental costs have not been reflected in such analyses.

(9) *Summary sheet.* The environmental statement shall be accompanied by a summary sheet which must:

(i) Indicate whether the statement is draft or final.

(ii) Briefly describe the action and indicate what geographical region (States and Counties) is particularly affected.

(iii) Indicate whether it is an administrative or legislative action.

(iv) Summarize the environmental impact and adverse environmental effects.

(v) List alternatives considered.

(vi) For draft environmental impact statements (DEIS) (See (d), below): List all Federal, State, and local agencies from which comments have been requested.

(vii) For final statements (See paragraph (e) of this section): List all Federal, State, and local agencies and other sources from which written comments have been received.

(viii) Provide the dates the draft statement and final statement were made available to the CEQ and the public.

(d) *Draft statement.* (1) Draft statements are those prepared in accordance with the guidance of this § 214.8 and for which review comments will be requested from other DoD Components, the CEQ, appropriate Federal, State, and local agencies, and the public.

(i) Three copies of each draft environmental impact statement concerned with the annual budget request must accompany the recommendation through the DoD Components' review process to OSD. In those instances where it has been determined that a project or activity will not have a significant impact on the environment, such determination must be stated on the project/activity request. Additional guidance can be found in DoD Budget Guidance Manual 7110.1–M, July 1, 1971[1] and 35 FR 2573. It is the responsibility of the DoD Component to provide required environmental statements to the appropriate congressional committee at the time the legislative request is forwarded to the Congress.

(ii) Distribution of the DEIS to other agencies and to the public for comment shall be withheld until the legislative request has been forwarded to the Congress. However, if the DEIS does not divulge the fiscal year or the monetary amount involved, the DEIS can be distributed when approved by the concerned DoD Component.

(iii) In other cases where premature release would be contrary to existing administrative procedures or otherwise be inappropriate, distribution to other agencies and to the public for comments shall be made at the earliest appropriate time.

(iv) Normally it should not be necessary for a DoD Component to obtain OASD(H&E) approval prior to distributing the draft environmental statement outside the Department of Defense. This does not alter any requirement that may exist to coordinate the action itself within OSD, prior to public release, or to follow appropriate security review procedures.

(v) The advice of the Assistant Secretary of Defense (Public Affairs) shall be obtained through established command channels prior to routing outside the Department of Defense environmental statements that have significant public affairs implications. The official designated by a DoD Component to make determinations regarding release of draft environmental statements outside the Department of Defense should consult with Public Affairs' officers to familiarize himself with the subject matter they consider to be newsworthy and to advise them of all requests from the news media.

(2) Subject to the requirements of Information Security Program Regulation, June 1, 1972, 32 FR 159 and DoD Directive 5230.9, Clearance of DoD Public Information, December 24, 1966[1] distribution of the draft statement shall be as follows:

(i) Three copies to ASD(H&E). (These copies are in addition to those required by paragraph (d)(1)(i) of this section.)

(ii) Five copies to the CEQ who will publish a list of statements in the FEDERAL REGISTER. The date of publication in the FEDERAL REGISTER shall be the date from which the minimum review period shall be calculated.

(iii) One copy to the EPA Washington office and six copies to the cognizant EPA regional office as dictated by the geographical location of the proposed action.

(iv) A minimum of two copies to appropriate Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved. Appendix II of the CEQ Guidelines lists the agencies grouped according to three major categorical environmental impacts: (*a*) pollution, (*b*) energy supply and natural resources development, and (*c*) land use and land management.

(v) Two copies to State and local agencies authorized to develop and enforce environmental standards when the proposed action affects matters within their jurisdiction. These copies shall be sent to the appropriate State and regional or metropolitan clearinghouses in accordance with the procedures prescribed in OMB Circular No. A–95 unless the Governor of the State involved has designated some other point of contact for obtaining the State and local agency review. The clearinghouses are listed in the Directory of State, Metropolitan, and Regional Clearinghouses under OMB Circular No. A–95 (Revised) of April 19, 1971.

(vi) two copies of each to the cognizant Committee of the House and Senate in support of legislative proposals.

(vii) Statements are to be made available to relevant public commenting entities free of charge or at a fee which is not more than the actual cost of reproducing copies required to be sent to Government agencies.

(viii) At such time as the draft statement is forwarded to the CEQ, and other Federal, State and local agencies, it shall be made available to the public (to any organization or individual upon request) in accordance with DoD Directive 5400.7, Availability to the Public of DoD Information, June 23, 1967, 32 FR 286. The DoD Component shall solicit the views of public and special interest groups and in appropriate cases hold public hearings on the proposed action. Public hearings shall be conducted informally and need not be prolonged beyond a reasonable time necessary to obtain a representative view of the various segments of the public. No public hearings need to be held in connection with proposed legislation in view of the opportunity for public hearings in connection with Congressional consideration of the bill. However, informal public hearings may be appropriate in the following situations:

(*a*) Where the proposed action by the agency will have a direct or peculiar impact on the people residing in a particular geographical area in terms of magnitude of economic costs or commitment of resources.

(*b*) Where public organizations or members of the public possess expertise concerning the impact of the action that may not otherwise be available.

(*c*) Where a written request for a hearing evidences a high degree of interest in a proposed action and no overriding consideration of national security or time makes it illegal or impracticable to involve the interested organization, members of the public, or other Federal, State or local authority.

(ix) When it is determined that a public hearing will be held and a draft environmental statement is to be issued, copies of the draft statement should be made available to the public at least 15 days prior to the hearing.

(x) The DoD Component seeking review and comments may establish time limits of not less than 45 days for reply after CEQ publishes the action in the FEDERAL REGISTER. If the agency consulted does not reply within the established time limit, it may be presumed that the agency has no comment to make, unless a specific request for an extension of time has been made. DoD Components should endeavor to comply with request for extensions of time up to 15 days. In determining the length of the review period, consideration should be given to the magnitude and complexity of the statement and the possible extent of citizen interest.

(e) *Final statement.* (1) Final statements are prepared after receipt of review comments provided by other agencies. In many cases the final statements can be prepared by making minor revisions to the draft statement and attaching the review comments received from other sources. In other cases, it may be necessary to make major revisions to the draft statement. In either case, it may be appropriate to provide a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals and the disposition of the issues involved. Along with the comments received, this discussion should be attached to the final text of the environmental statement.

[1] Filed as part of original. Copies may be obtained from U.S. Navy Publications and Forms Center, 5801 Labor Ave., Philadelphia, Pa. 19120.

(2) Subject to the requirements of DoD Directive 5230.9, Clearance of DoD Public Information, December 24, 1966[1] and DoD Directive 5400.7, Availability to the Public of DoD Information, June 23, 1967, 32 FR 286, distribution of the final statement shall be as follows:

(i) One copy to ASD(H&E).

(ii) Five copies to the CEQ.

(iii) One copy to the EPA Washington office and six copies to the cognizant EPA regional office as dictated by the geographical location of the proposed action.

(iv) Five copies to the appropriate congressional committees (Senate and House of Representatives) of final statements relating to Public Law 86-149 or to the annual Military Construction Authorization Bill.

(v) The final statement also shall be made available to the public in accordance with DoD Directive 5400.7, Availability to the Public of DoD Information, June 23, 1967, 32 FR 286, but in any case, to all parties who filed substantive comments on the corresponding draft statement.

(f) *Supplementing or amending a draft or final statement.* A DoD Component may at any time supplement or amend a draft or final environmental statement. This should be accomplished when substantial changes are made in the proposed action or significant new information becomes available concerning its environmental aspects. The DoD Component should consult with CEQ with respect to the possible need for or desirability of recirculation of the statement.

(g) *Information to the public.* (1) Presidential statement on Preparation of Environmental Impact Statements, August 1, 1973, requires early public notification of the decision to prepare, or not prepare, an environmental statement for major administrative action (i.e., actions not involving legislative proposals). Toward this end, DoD Components shall maintain publicly available lists of administrative action as described in paragraph (g)(2) of this section and submit applicable reports in accordance with § 214.5, for eventual publication in the FEDERAL REGISTER by CEQ.

(2) A publicly available record, briefly setting forth reasons why an environmental statement is not required, will be maintained for a proposed action:

(i) Which the Component has identified as normally requiring preparation of a statement.

(ii) Which is similar to actions for which the Component has prepared a significant number of statements.

(iii) Which the Component has announced would be the subject of a statement.

(iv) On which the Component, in response to a request from the CEQ, has made a negative determination. (In this case, the Component will prepare an environmental assessment.)

(v) Which the Component has evaluated and concluded that preparation of a statement is not yet timely.

(h) *Waiting period before an action can be taken.* (1) It is important that draft environmental statements be prepared, circulated for comments, and furnished to the CEQ early enough in the review process to permit meaningful consideration of the environmental issues involved before an action is taken. No administrative action shall be taken earlier than 90 days after a draft environmental statement has been circulated for comment, furnished to the CEQ, and made available to the public, except where advance public disclosure will result in significantly increased costs of procurement. Neither shall administrative action be taken earlier than 30 days after the final text of the environmental statement (together with comments) has been made available to the CEQ and the public. The minimum 30-day and 90-day period may run concurrently to the extent that they overlap.

(2) When it is not practical for a DoD Component to comply with the time requirements contained in paragraph (g)(1) of this section, the DoD Component shall request the Council on Environmental Quality to waive a portion of the time requirement for that specific action.

(3) If it is impossible for a DoD Component to comply with the time requirements of paragraph (g)(2) of this section, the DoD Component shall forward the draft environmental statement, with an explanation of the facts and circumstances that preclude adherence to the time requirements, to ASD(H&E), who shall attempt to resolve the issues involved. The proposed action shall not be initiated until the time problem has been satisfactorily resolved unless such action is authorized by the Secretary or Deputy Secretary of Defense.

(i) *Classified environmental statements.* The fact that a proposed action is of a classified nature does not relieve the proponent of the action from complying with the requirements of this Part. Environmental statements, both draft and final, shall be prepared, safeguarded, and disseminated in accordance with the requirements applicable to classified information, DoD Regulation 5200.1-R, Information Security Program Regulation, July 15, 1972, 32 FR 159. When feasible, these statements shall be organized in such a manner that classified portions can be included as annexes, so that the unclassified portions can be made available to the public.

(j) *Processing environmental statements originated by other federal agencies.* (1) Environmental statements will be referred to the Department of Defense by other Federal agencies for two reasons:

(i) Where a proposed action may affect matters over which Department of Defense has jurisdiction by law.

(ii) Where a proposed action may have environmental effects in an area where a DoD Component has been designated in Appendix II of the CEQ Guidelines, Preparation of Environmental Impact Statements, August 1, 1973, as possessing special expertise.

(2) Comments by a DoD Component on an Environmental Statement prepared by another Federal agency should address, as a minimum, the aspect of the action for which the statement was referred. The comments should be organized in a manner consistent with the structure of the draft statement, stating the recommended changes and reasons for change. Modification to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impact are appropriate. In addition, commenting DoD Components should indicate whether any of their projects not identified in the draft statement are sufficiently advanced in planning and related environmentally to the proposed action so that a discussion of the environmental interrelationships should be included in the final statement. Comments should indicate the value of any monitoring of the environmental effects of the proposed project that appear particularly appropriate.

(3) When a request for review and comment on an environmental statement prepared by another Federal agency is received, the ASD(H&E) shall determine which DoD Components should review the environmental statement.

(i) When it has been determined that a single DoD Component should be responsible for the review, the ASD(H&E) shall request that the DoD Component reply directly to the agency involved, and provide one copy of the reply to the ASD(H&E).

(ii) When it has been determined that more than one DoD Component should review the statement, the ASD(H&E) shall prepare a consolidated review report or designate the DoD Component with primary interest to prepare such a report. The ASD(H&E) shall forward the consolidated report to the requesting agency.

(4) When a request for review and comment on an environmental statement from another Federal agency is received directly by a DoD Component, that DoD Component shall reply directly to the requesting agency in accordance with the procedures contained in paragraph (3)(i) of this section. For action involving two or more components, the statement should be forwarded to the ASD(H&E) for processing in accordance with paragraph (j)(3)(ii) of this section.

§ 214.9 Quarterly CEQ report (department or agency—inclusive dates).

(a) *Final statements.* Subject; date filed.

(b) *Draft statements.* Subject; date filed.

(c) *Statements under preparation.* Subject; projected date.

(d) *Lists of actions for which a statement is not required.* (1) Actions which normally require a statement:

(i) Subject; date of determination.

(ii) Brief reason for determination.

(2) Actions similar to those for which a significant number of statements have been filed:

(i) Subject; date of determination.

(ii) Brief reason for determination.

(3) Actions previously announced as requiring a statement:

(i) Subject; date of determination.

(ii) Brief reason for determination.

(4) Actions for which the CEQ requested a statement:

(i) Subject; date of determination.

(ii) Brief reason for determination.

(e) List of actions for which statements are not yet timely: Subject; date of evaluation.

§ 214.10 References.

(a) Public Law 91–190, "National Environmental Policy Act of 1969," January 1, 1970.

(b) Public Law 91–604, "Clean Air Amendments of 1970," December 31, 1970.

(c) Section 409 of Pub. L. 91–121, "Armed Forces Appropriation Authorization, 1970," November 19, 1969, as amended by Section 506 of Pub. L. 91–441, "Armed Forces Appropriation Authorization, 1971," October 7, 1970.

(d) Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 7, 1970, (35 FR 46, 4247 (1970)).

(e) Executive Order 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973 (38 FR 34793).

(f) Executive Office of the President, Council on Environmental Quality, "Preparation of Environmental Impact Statements," August 1, 1973.

(g) Executive Office of the President, Office of Management and Budget, "Proposed Federal Actions Affecting the Environment," Bulletin No. 72–6, September 14, 1971.

(h) DoD Directive 5100.50, "Protection and Enhancement of Environmental Quality," May 24, 1973.

(i) DoD Directive 5500.5, "Natural Resources—Conservation and Management," May 24, 1965 (32 CFR 263).

(j) Executive Office of the President, Office of Management and Budget, Circular No. A–95 (Revised), February 9, 1971 (Attachment A).

(k) "Directory of State, Metropolitan and Regional Clearinghouses," (OMB Circular No. A–95 (Revised)).

(l) Public Law 86–149, "To Authorize Certain Construction at Military Installations and for Other Purposes," August 10, 1959.

(m) DoD Regulation 5200.1R, "Information Security Program Regulation," July 15, 1972, authorized by DoD Directive 5200.1, June 1, 1972 (32 FR 159).

(n) DoD Directive 5230.9, "Clearance of DOD Public Information," [2] December 24, 1966.

(o) DoD Directive 5400.7, "Availability to the Public of DoD Information," June 23, 1967 (32 FR 286).

(p) DoD Directive 6050.1, "Environmental Considerations in DoD Actions," August 9, 1971 (hereby cancelled).

(q) DoD Instruction 7040.4, "Military Construction Authorization and Appropriation," July 16, 1971.

(r) DoD Budget Guidance Manual 7110.1–M,[2] July 1, 1971, authorized by DoD Instruction 7110.1, August 23, 1968.

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

APRIL 23, 1974.

[FR Doc.74–9558 Filed 4–25–74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 71–12E]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Miscellaneous Amendments

The purpose of this amendment to Title 46 Code of Federal Regulations is to:

1. Revise the shipping name for "calcium hypochlorite" to bring it in consonance with Title 49 of the Code of Federal Regulations.

2. Prohibit shipment of "dimethylhexane dihydroperoxide dry".

3. Revise § 146.05–3 to bring agreement with Title 49 of the CFR.

4. Revise § 146.05(b) and (c) to agree with Title 49 of the CFR.

5. Revise § 146.05 to reflect the provisions of 49 CFR 173.28.

6. Add a new section (§ 146.05–10(a)) to reiterate the proivsions of 49 CFR 173.24.

7. Remove the restriction placed on aerosol products, because of flash point, by removing § 146.24–20(c).

8. Remove the requirements for reports contained in § 146.02–14 (d) and (e), 146.20–51 (c) and (d), 146.24–75 and 146.02–13.

9. Show that Subpart 146.07 is applicable to all vessels.

10. Exempt those articles which qualify for limited quantity exemptions from the requirements of § 146.07–40(b).

11. State that the table in § 146.07–40(c) does not apply to passenger vessels.

12. Remove the bulkhead requirement in § 146.09–2(f) for explosives that are palletized.

13. Remove the requirements in § 146.20–35 pertaining to cargo nets and landing mattresses for explosives that are palletized.

14. Clarify that the requirements for compatibility stated elsewhere in the regulations apply to barges by revising § 146.10–2.

15. Revise the note for the article "Blasting Caps 1000 or less" in § 146.20–300.

16. Strike out § 146.23–10(c) because it is no longer applicable.

17. Allow empty portable tanks to be carried on passenger vessels, if they previously contained only combustible liquids.

18. Remove from the authorized storage location "on deek protected" for calcium hypochlorite.

19. Revise the warning given for the article "Hydrogen sulfide" in § 146.24–100.

20. State for the article "Calcium cyanamide not hydrated" in § 146.27–100 that it is not regulated if it contains less than 0.1 percent calcium carbide and also prescribe a new package for this article.

21. Allow compressed bales wrapped in burlap as packaging for nonferrous "metal borings, shavings, turnings, and cuttings".

22. Add a provision to § 146.27–32(a) authorizing "space specially suitable for vehicles" to be designated by administration of countries in which foreign vessels are registered.

23. Add a reference for prohibited shipment to the article "methyl methacrylate."

24. Change in § 146.26–100 for the article "Box toe gum" the reference in column 4 from § 20.01–5 to § 30.01–5.

25. Add to § 146.27–1(b) a sentence that certain liquids are not subject to the regulation of this part in accordance with § 146.27–5.

26. Revise the definition of oil well cartridge in § 146.20–300.

27. Add a new section (146.18–12(h)) to require that numerical values for package assignments as fissile Class I, the transport indices for fissile Class II packages and the vehicles limitations for fissile Class III packages be determined in accordance with 10 CFR 71.36 through 40.

In the March 20, 1971 FEDERAL REGISTER a notice of proposed rule making (36 FR 5400) was published. A public hearing was held June 8, 1971 on this notice. One comment dealt with a matter contained in this amendment.

The comment suggested that the proposal to allow baled "metal borings, shavings, turnings, and cuttings" to be wrapped in burlap and shipped be limited to non-ferrous metals. This limitation was in all the special permits issued for this type of shipment and therefore it is being incorporated into the regulations.

In the notice it was proposed to delete § 146.02–13(a) and reinstate it in § 146.02–35. It has been determined that this paragraph should be in § 146.02–12 and it will be placed there as paragraph (e). § 146.02–13 will be revoked since paragraph (b) is covered by § 146.02–14(c).

Previous amendments based on this notice were published in the FEDERAL REGISTERS of July 21, 1972 and January 11, 1973.

[2] Filed as part of the original document. Copies may be obtained from U.S. Navy Publications and Forms Center, 5801 Labor Ave., Philadelphia, Pa. 19120.

In consideration of the foregoing 46 CFR Part 146 is amended as follows:

§ 146.04–5 [Amended]

1. In § 146.04–5 *List of explosives and other dangerous articles and combustible liquids* by:

a. Striking out in column 1 the words "Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine" and inserting in place there of the words "Calcium hypochlorite mixtures dry, containing more than 39% available chlorine".

b. Striking out in column 2 and 3 for the article "demethylhexane dihydroperoxide dry" the words "Oxy M and Yellow" and inserting in column 2 the words "not permitted."

2. In § 146.05–3 paragraphs (a) and (b) are revised as follows:

§ 146.05–3 Prohibited packaging.

(a) The offering of packages of dangerous articles in outside packages containing in the same compartment interior packages, the mixtures of contents of which would be liable to cause a dangerous evolution of heat or gas or produce corrosive materials, is prohibited for transportation.

(b) The offering for transportation of any package or container of any liquid, solid or gaseous material which under conditions incident to transportation may polymerize (combines or react with itself) or decompose so as to cause dangerous evolution of heat or gas, is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited. Refrigeration may be used as a means of stabilization only when approved by the Commandant of the Coast Guard.

* * * * *

3. In § 146.05–5 paragraphs (b) and (c) are revised as follows:

§ 146.05–5 DOT and ICC specification packaging.

* * * * *

(b) Where the regulations require Specification 6D or 37M cylindrical steel overpacks, Specification 5B, 6J, or 37A (singletrip container) metal drums manufactured before March 18, 1964 having inside Specification 2S, 2SL, 2T, 2TL polyethylene containers, may be continued in use for the commodities and gross weight for which they were previously authorized.

(c) Reusable molded polyethylene containers for use without overpack complying with Specifications 34, manufactured before September 5, 1966, may be continued in use, if they are plainly marked "DOT 34", and are embossed with the maker's name or symbol, rated capacity, and the month and year of manufacture.

4. § 146.05–10 is revised to read as follows:

§ 146.05–10 Reuse of containers.

(a) Containers used more than once (refilled and reshipped after having been previously emptied) must be in such condition, including closure devices and cushioning materials, that they comply in all respects with the prescribed requirements for those containers. Repairs must be made in an efficient manner in accordance with requirements for materials and construction as prescribed in 49 CFR Parts 178 and 179 for new containers or as otherwise prescribed. Parts that are weak, broken or otherwise deteriorated must be replaced.

(1) Retest of carboy packages must have been made by or for shippers, or their authorized agents, as required by applicable provisions of the specifications in 49 CFR Part 178 before carboys which are to be offered for transportation are filled.

(b) Markings applied as prescribed by the specification must be maintained in a legible condition.

(c) If, as a result of painting or any other reason, the markings prescribed for any container cannot be kept plain and legible, a metal plate brazed or soldered, or otherwise securely fastened to the container with a reproduction of the prescribed markings plainly stamped thereon is permitted.

(d) Containers previously used for the shipment of any hazardous materials must have the old markings, including name of contents, addresses, and labels, if any, thoroughly removed or obliterated before being used for the shipment of other articles.

(e) Boxes previously used for high explosives containing a liquid explosive ingredient or boxes that have been contaminated by liquid explosive compounds must not be reused for shipments of any character.

(f) Kegs previously used for any chlorate must not be reused for shipments of any character.

(g) Metal kegs previously used for black powder not contained in an interior package must not be used again for shipment of any explosive.

NOTE 1: Because of the present emergency and until further order of the Department of Transportation, metal kegs, previously used for the shipment of black powder, may be used if the kegs are in good physical condition and are not liable to permit escape of contents during transportation. Empty kegs previously used for shipment of black powder must be entirely free of black powder on the inside and outside before being offered for transportation.

(h) Except as provided in paragraphs (m) and (n) of this section, single trip containers made under specifications in 49 CFR Part 178, from which contents have once been removed following use for shipment of any materials, must not be used thereafter for shipment of hazardous materials.

(i) Containers which are designated as nonreusable containers, marked NRC, and made under the specifications prescribed in 49 CFR Part 178, from which contents have once been removed following use for shipment of any article, must not be used again as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, or poisons, class B and C as defined in this part.

(j) Cylinders or other containers which are designated as nonrefillable or for single-trip use under the specification in 49 CFR Part 178, and from which the contents have once been removed following use for the shipment of any article, must not be reused as shipping containers for compressed gas.

(k) Containers used for shipments of etching acid liquid, n.o.s. must not be reused for shipment of any commodity.

(l) Cylinders used in anhydrous hydrofluoric acid service must comply with the requirements of 49 CFR 173.264(b)(1) and must not be used in any other service.

(m) Specifications 17C, 17E and 17H steel drums from which contents have been removed may be reused as prescribed in 49 CFR Part 173 as packagings for shipments of flammable liquids, flammable solids, oxidizing materials and radioactive materials only if the requirements of 49 CFR 173.28(m) are met.

(n) Any drum meeting one specification which has been altered to meet another specification must be capable of meeting the new specification completely. Each drum so altered must be inspected, tested, and marked in accordance with 49 CFR 173.28(m). In addition the drum must bear the specification markings required by the specification under which it was originally manufactured, and bear both the old and new specification identification in conjunction with the markings required by 49 CFR 173.28(m) with the specification to which the drum is converted shown last, e.g. "17E/17H".

5. By adding a new section, § 146.05–10a, to read as follows:

§ 146.05–10a Standard requirements for all packages.

(a) Each package used for shipping hazardous materials under this chapter shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation:

(1) There will be no significant release of hazardous materials to the environment.

(2) The effectiveness of the package will not be substantially reduced; and

(3) There will be no mixture of gases or vapors in the package which could, through any credible spontaneous increase of heat or pressure, or through an explosion, significantly reduce the effectiveness of the packaging.

(b) Materials for which detailed specifications for packaging are not set forth in this part must be securely packaged in strong tight packages meeting the requirements of this section.

(c) Packaging used to ship hazardous materials under this chapter must, unless otherwise specified or exempted therein, meet all of the design and construction criteria contained in 49 CFR 173.24(c).

(d) For specification containers, compliance with the applicable specifications in 49 CFR Parts 178 and 179 is required except as otherwise provided in 49 CFR Chapter I.

§ 146.24–20 [Amended]

6. Striking out § 146.24–20(c)(4) and redesignating paragraph (5) of that section as paragraph (4).

§ 146.02–14 [Amended]

7. Revising § 146.02–14(d) to read as follows:

(d) Damaged, leaking or insecure outside containers which it is not feasible to restore shall be refused.

8. By revoking § 146.02–14(e).

§ 146.20–51 [Amended]

9. By revoking § 146.20–51(c) and (d).

§ 146.24–75 [Revoked]

10. By revoking § 146.24–75.

§ 146.02–15 [Amended]

11. Adding a sentence to § 146.02–15 (b) at the end of the paragraph as follows:

"The report shall include a description of the location and quantity of the disposed material."

12. Adding a new paragraph to § 146.–02–15 to read as follows:

(d) The reports made in accordance with the provisions of this section are in addition to those that may be required by § 146.02–35(a).

§ 146.02–12 [Amended]

§ 146.02–13 [Revoked]

13. By redesignating § 146.02–13(a) as paragraph (e) of § 146.02–12, and by revoking § 146.02–13.

13a. By adding paragraph (c) to § 146.02–35 to read as follows:

§ 146.02–35 Notice and reports of certain hazardous materials incidents.

* * * * *

(c) For other reports which may be required in addition to those required by paragraph (a) of this section see § 146.02–15 (a) and (b), § 146.02–16 and § 146.19–50(a).

14. By striking out the word "Ocean" in the title of Subpart 146.07.

§ 146.07–1 [Amended]

15. By striking out the words "ocean-going" in § 146.07–1(a).

16. By revising § 146.07–40(b) to read as follows:

§ 146.07–40 Stowage on board vessels.

* * * * *

(b) *Other dangerous articles.* No dangerous articles or substances may be stored in the same vehicle or container with any other article or substance with which it is incompatible according to the regulations of this part. Vehicles or containers loaded with any other permitted dangerous article shall be stored on board the vessel in accordance with the storages required in the tables for the substances within the vehicles. Articles packaged in such limited quantities that they are exempted from the requirements for specifications packaging, labeling and marking other than true name of products, are exempt from the compatibility requirement in this paragraph.

Some storage requirements are not always appropriate for railroad or highway vehicles or containers stowed below deck on vessels; and, for the purpose of adapting them to the conditions incident to transportation of railroad and highway vehicles, and containers in this method of transportation, a conversion table is shown in paragraph (c) of this section. This table does not apply to passenger vessels. Permitted storage as shown in Tables A through K for the substances loaded within the vehicles may be converted in accordance with this table. When so converted the stowage in columns 2 and 3 may be utilized in lieu of the stowage in column 1.

* * * * *

17. Adding to paragraph (f) of § 1.46–09–2 a sentence as follows:

§ 146.09–2 Magazines, construction of.

* * * * *

(f) * * * When the explosives are palletized the bulkhead required in this paragraph need not be installed.

18. Adding to § 146.20–35(b) a sentence as follows:

§ 146.20–35 Handling explosives.

* * * * *

(b) * * * When explosives are palletized, cargo nets and landing mattresses need not be used.

§ 146.10–20 [Amended]

19. By striking out the words "and except as to stowage" in the first sentence of § 146.10–2.

§ 146.20–300 [Amended]

20. Revising § 146.20–300 for the article "Blasting Caps–1,000 or less" in column 4 the entire note to read as follows:

NOTE: When stored with other explosives, blasting caps in quantities of 1,000 or less shall be stored in accordance with the compatibility requirement set forth in § 146.20–90 for blasting caps (Class A explosives). They may be stored in portable magazines or metal lockers provided such are located in cargo carrying compartments away from all sources of heat and in which no flammable liquids, flammable solids, oxidizing materials, corrosive liquids or flammable compressed gases, are stored.

§ 146.23–10 [Amended]

21. By revoking § 146.23–10(c).

§ 146.27–100 [Amended]

22. By changing in 146.27–100 for the article "Tanks, portable, empty" the entry in column 5 to read as follows:

Stowage:
"On deck in open."
"On deck protected."
"On deck under cover."
"Under deck away from heat."

Only for tanks which had previously contained combustible liquids.

§ 146.22–200 [Amended]

23. By striking out in column 4 of 146.22–200 "Table E—Classification: Oxidizing materials" for the article "Calcium hypochlorite" the words "On deck protected."

§ 146.24–100 [Amended]

24. By striking out in column 2 of 146.24–100 "Table G—Classification: Compressed gases" for the article "Hydrogen sulfide" the words "Foul odor gives warning of dangerous quantities in air", and inserting in place thereof the following:

Offensive odor similar to that of rotten eggs. Do not depend on sense of smell to detect dangerous levels of concentration.

§ 146.27–100 [Amended]

25. By adding to column 2 of 146.27–100 "Table K—Classification: Hazardous articles" for the article "Calcium cyanamide, not hydrated" the following: "When this article contains less than 0.1 percent calcium carbide it is not regulated."

26. By adding to column 4 of 146.27–100 "Table K—Classification: Hazardous articles" for the article "Calcium cyanamide, not hydrated" the following: "Authorized for concentration of calcium carbide between 0.1 percent and 0.5 percent only. Burlap or 4 ply paper bags with water proof liners."

27. By adding to columns 4, 5, 6 and 7 of § 146.27–100 *Table K—Classification: Hazardous articles* for the article "Metal boring, shaving, turnings, cutting" the following: "Authorized for nonferrous material only: compressed bales wrapped in burlap provided the burlap shows no sign of oil."

§ 146.22–200 [Amended]

28. By striking out in 146.22–200 the entries in all seven columns for the article "Dimethylhexane dihydroperoxide, dry."

§ 146.22–100 [Amended]

29. By striking out in column 1 of § 146.22–100 the words "Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine" and inserting in place thereof the words "Calcium hypochlorite mixtures, dry, containing more than 39 percent available chlorine."

§ 146.27–32 [Amended]

30. By adding to § 146.27–32(a) the following as the first sentence: "Specially suitable spaces for vehicles on foreign vessels shall be designated as such by the Administration of the country in which the vessels are registered."

§ 146.21–100 [Amended]

31. By adding to column 2 of § 146.21–100 for the article "methyl methacrylate" the following: "See 146.05–3 for prohibited shipments."

§ 146.26–100 [Amended]

32. By revising the reference to § 20.–01–5 in column 4 of § 146.26–100 for the article "box toe gum" to read "§ 30.01–5."

§ 146.27–1 [Amended]

33. By adding to § 146.27–1(b) the following sentence: "(as stipulated by

§ 146.27–5, certain liquids are not subject to the regulations of this part.)"

§ 146.20–300 [Amended]

34. By striking out in § 146.20–300 for the article "Oil well cartridges" in column 2 the words "Oil well cartridges are * * * devices or element" and insert in place thereof the following:

Oil well cartridges are tubular devices each containing not more than 350 grains of propellant powder and having no ignition device or element. Cartridges must be constructed and packed so that they will be incapable of functioning en masse as a result of exposure to external flames.

35. By adding § 146.19–12(h) to read as follows:

§ 146.19–12 Fissile radioactive material.

* * * * *

(h) The numerical values for package assignments as fissile Class I, the transport indices for fissile Class II package and the vehicle limitations for fissile Class III packages must be determined in accordance with 10 CFR 71.36–71.40.

(R.S. 472 as amended, sec. 1, 19 Stat. 252 sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 170, 49 U.S.C. 1655(b)(1)) 49 CFR 1.46(b))

Effective date: May 25, 1974.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

APRIL 19, 1974.

[FR Doc.74–9552 Filed 4–25–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73–1283]

PART 73—RADIO BROADCAST SERVICES

Emergency Broadcast System

1. Section 73.911, Subpart G, Part 73, in addition to other provisions, provides for the EBS Authenticator List (Red Envelope) and the Authenticator Word List EBS (Voice) (White Envelope) to be issued on a quarterly basis. It has been concluded that issuance of these documents on a semi-annual basis will prove as effective as the current distribution time frame. In addition, this change will prove cost effective in that approximately 17,000 mailings will be saved on an annual basis. Changes required to the rules and regulations are as indicated below:

a. Section 73.911(a). The last sentence of the subparagraph is amended to read; "The EBS Authenticator List (Red Envelope) issued semi-annually by the Federal Communications Commission is utilized in these procedures."

b. Section 73.911(b). The last sentence of the subparagraph is amended to read; "The ESB Authenticator List (Red Envelope) ssued semi-annually by the Federal Communications Commission and associated with the EBS Checklist is utilized in these procedures."

c. Section 73.911(c). The last sentence of the subparagraph is amended to read; "Authenticator Word Lists EBS (Voice) series (White Envelope) issued semi-annually by the Federal Communications Commission are utilized in these procedures."

2. It is ordered that effective January 1, 1974, Subpart G, Part 73 of the Commission's rules and regulations is amended as shown in the attached appendix.

3. Authority for these amendments is set out in section 1, 4 (i) and (o), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154 (i) and (o), and 303(r). Because these amendments are procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

Adopted: December 6, 1973.

Released: December 7, 1973.

(Secs., 1, 4, 303, 48 Stat., as amended, 1064, 1066, 1082 (47 U.S.C. 151, 154, 303))

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

Section 73.911(a), (b), and (c) are revised to read as follows:

§ 73.911 Standard Operating Procedures (SOP's) and Authenticator Word Lists.

* * * * *

(a) EBS SOP–1 Series contains detailed operational and authentication procedures for the First and Second Methods National-Level interconnecting facilities of the Emergency Action Notification System and is promulgated by the Federal Communications Commission and issued to specified non-government control points of the nationwide commercial Radio and Television Broadcast Networks (ABC, CBS, IMN, MBS, NBC, UPI–Audio, ABC–TV, CBS–TV, NBC–TV) the American Telephone and Telegraph Co., the Associated Press (AP), and United Press International (UPI). The EBS Authenticator List (Red Envelope) issued semi-annually by the Federal Communications Commission is utilized in these procedures.

(b) EBS SOP–2 Series. The EBS SOP–2 Series contains detailed operational and authentication procedures for the First and Second Methods of the Emergency Action Notification System and is promulgated by the Federal Communications Commission and issued to all standard, FM, and television broadcast stations subscribing to the AP and UPI Radio Wire Teletype Networks and to network affiliates. The EBS Authenticator List (Red Envelope) issued semi-annually by the Federal Communications Commission and associated with the EBS Checklist is utilized in these procedures.

(c) EBS SOP–3 Series. The EBS SOP–3 Series contains detailed operational and authentication procedures providing a backup for the First and Second Methods National-Level interconnecting facilities of the Emergency Action Notification System and is promulgated by the Federal Communications Commission and issued to specified non-government control points of the nationwide commercial Radio and Television Broadcast Networks, the American Telephone and Telegraph Co., Associated Press (AP), and United Press International (UPI). Authenticator Word Lists EBS (Voice) series (White Envelope) issued semi-annually by the Federal Communications Commission are utilized in these procedures.

[FR Doc.74–9634 Filed 4–25–74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–52; Notice No. 74–6]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Sleeper Berths in Commercial Motor Vehicles

The Director of the Bureau of Motor Carrier Safety is amending § 393.76 of the Federal Motor Carrier Safety Regulations (49 CFR 393.76) to increase the minimum interior dimensional requirements for sleeper berths in commercial motor vehicles. Additionally, the amendment revises the organization and language of § 393.76 in order to eliminate areas of ambiguity.

This rule change follows a notice of proposed rulemaking (38 FR 25696), which the Director issued on September 4, 1973 in response to a petition for rulemaking filed by Local 222 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers. The petition argued that the present minimum interior dimensions of sleeper berths (75 inches long, 21 inches wide, and 21 inches deep for berths on vehicles manufactured after December 31, 1952) are inadequate, in that they prevent drivers who must rest in the berths from getting sufficient rest to enable them to be alert enough to handle large trucks safely. The petition requests that the minimum dimensions of sleeper berths be increased to 84 inches in length, 36 inches in width, and 36 inches in depth. The notice of proposed rulemaking proposed to fix the minimum dimensions at 75 inches, 24 inches, and 24 inches, respectively.

The Bureau of Motor Carrier Safety received 23 responses to the notice of proposed rulemaking. Twelve drivers, commenting as individuals and citing the general inability to obtain adequate rest in some sleeper berths as they are now designed, advocated increased dimensions. A lack of sufficient width was the problem most frequently noted by these drivers, and several asserted that the 36-inch width requirement in Local 222's petition should be considered an absolute minimum.

In addition to the driver comments, the Bureau received responses from six manufacturers of heavy-duty trucks and truck tractors. With minor exceptions, three of these manufacturers agreed with

the intent of the proposed rule change and concurred in the specified minimum berth dimensions proposed in the notice. One manufacturer objected to the proposal on the basis that the Bureau could not quantitatively demonstrate a direct correlation between the inability to sleep in berths as they are presently designed and heavy-duty commercial motor vehicle accidents. No other pertinent arguments were offered by this manufacturer.

The other two manufacturers submitting comments on this docket stated that the new rule would effectively preclude further manufacture of several of their short BBC (bumper to back of cab sleeper berth models. Since these models are designed primarily for use with twin 27-foot trailers, the maximum BBC dimension is limited by the fact that most States where this type of combination vehicle is operated have a 65-foot overall length limit. The manufacturers stated that the combined lengths of the two trailers, plus the minimum free space needed for articulation both between the two trailers and between the tractor and the first trailer permit a maximum BBC dimension of no more than 72 inches. Further, they argued, various cab structural requirements, and particularly the need for adequate driver's seat adjustment room, limit the latitude of designers to increase sleeper berth dimensions.

The Bureau also received comments supporting the proposed rule from one private carrier of property.

The American Trucking Associations, Inc., pointed out that the new rule would prohibit the use of a "suspended bunk" since the suspension system involved raises the level of the top of the bunk in such a manner as to violate the proposed 24-inch minimum height requirement for sleeper berths. The Association also doubted that there was a correlation between highway accidents involving sleeper berth equipped vehicles and lack of rest in these vehicles. It suggested further study of the need for change before action by the Bureau on the subject.

Finally, the Bureau is aware of the fact that some restraint support brackets, coat hooks, and other protrusions, which characteristically extend into sleeper berth compartments, often inflict minor contusions to relief drivers during severe braking maneuvers.

In an effort to obtain additional pertinent information on sleeper berth dimensional requirements, the Bureau has reviewed available literature on the subject of the physiological needs of a sleeping person. This review, which essentially corroborated the views of the drivers who responded to the notice of proposed rulemaking, led to the conclusion that a sleeper berth which is designed and constructed to conform to only the present minimum criteria (particularly the 21-inch width requirement) does not provide an adequate surface on which to sleep. Several points support this conclusion.

A sleeping person is known to change his position numerous times during a given sleep period. Johnson [1] found bodily movement necessary to ensure adequate blood flow, to prevent overheating of skin areas in contact with the bed surface, and to prevent localized muscle set. Laird and Miller [2] report that as bed widths decrease, muscle tension increases. Bergland, et al.,[3] found that diminishing the bed width reduces the number of feasible postures.

Regrettably, the various authorities in the field have not recommended any minimum width for sleeping surfaces. Nonetheless, several pertinent standards do exist. For example, the National Bureau of Standards' Simplified Practice Recommendation R2–62, Bedding Products and Components, sets 38 inches as the standardized width dimension of a single twin bed. The Coast Guard specifies that bunk accommodations for crew members of both cargo and passenger merchant vessels subject to its jurisdiction shall be no less than 76 inches long and 30 inches wide (46 CFR 92.20–20 (c)(1) and 46 CFR 72.20–20(c)(1), respectively).

Two respondents to the docket requested that consideration be given to allowing incursions into the minimum dimensions of the berth compartment, as proposed in the notice, in order to allow for rearward adjustment of the driver's seat. As noted above, this request was predicated on a maximum 72-inch BBC dimension, theoretically mandated by a twin-trailer operation conducted in a jurisdiction having a 65-foot maximum length limit. The premise of this argument is that driver safety, driver comfort, or both should be compromised so that additional length is available for the transport of cargo. In light of the findings previously discussed, and for reasons set forth in more detail below, the Director cannot agree with such a rationale.

One respondent, a manufacturer of truck tractors, advocated allowances for "slant-back" cab designs which incorporate a slanted rear cab wall and do not provide a rectangular sleeper berth compartment. It was requested that an inward slope not in excess of 10° be allowed for the rear wall. The manufacturer stated that presently its models utilize a 5½° slope.

While the Director can see the advantages of this type of design from the standpoint of maximizing the vehicle's cargo-carrying capability, it again represents an intrusion into the relief driver's sleeping space. Sanctioning this design for a sleeper berth that does not meet the minimum dimensional requirements along one axis would negate some of the benefits of increasing sleeper berth dimensions. Consequently, since no safety benefits are apparent from such a design, the Director is requiring sleeper berth compartments which have sloped rear walls to meet the same standards as apply to all sleeper berth compartments.

In sleeper berth trucking operations it is of critical importance that relief drivers be fresh and alert when they assume their driving tasks. To continue to permit berth sizes which do not provide sufficient space for drivers to obtain adequate rest would not be in the best interests of either the drivers of the commercial vehicles or other highway users. Accordingly, the berth dimensions proposed in the notice of proposed rulemaking are deemed by the Bureau to be absolute minimum standards. The Bureau will continue to study the problems of cab accommodations as they relate to driver safety and efficiency. Such areas as sleeper berth restraints, protective padding, driver seat adjustment, and the compatibility of controls and displays with typical operator capabilities will be considered. Until these data become available, further rulemaking which would affect basic cab dimensions is not contemplated.

The Director recognizes the validity of the American Trucking Associations' claim that berth height-dimensions should be based on the fact that the berth is occupied. Accordingly, a note has been added to the specification of the height dimension to indicate that, in the case of suspended bunks, the 24 inches of clearance between the top of the berth mattress and the sleeper berth compartment ceiling can be measured when the suspension system is adjusted to the height to which it would settle when occupied by a driver.

Two respondents objected to § 393.76 (e)(2)(iii) as proposed. One respondent claimed that many drivers prefer air mattresses to other types of mattresses, and that prohibiting air mattresses would be unfair. A second respondent claimed that the paragraph as proposed might be interpreted to preclude the use of urethane foam mattresses. The Director recognizes the validity of these claims, and believes that drivers and motor carriers should be given latitude to make these decisions. Language has been added to the regulation to prohibit the use of types of air mattresses which do not provide adequate support. The language of the section has also been clarified to permit utilization of urethane foam mattresses.

In consideration of the foregoing, § 393.76 of the Motor Carrier Safety Regulations (Subchapter B of 49 CFR Chapter III) is amended to read as set forth below.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655 and the delegations of authority at 49 CFR 1.48 and 49 CFR 389.4.

Issued on April 16, 1974.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

§ 393.76 Sleeper berths.

(a) *Dimensions*—(1) *Size.* A sleeper berth must be at least the following size:

[1] H. Johnson, "Bodily Positions in Restful Sleep" (1931), cited in Parsons, "The Bedroom, 14 Human Factors," 421–450 (1972).

[2] Laird and Miller, "Sleep: Why We Need It and How We Get It" (1930), cited in Parsons, supra n. 1.

[3] Bergland, et al., "Baddmobler: En Utredning Om Mattock Typer" (1950), cited in Parsons, supra n. 1.

Date of installation on motor vehicle.	Length measured on centerline of longitudinal axis (inches)	Width measured on centerline of transverse axis (inches)	Height measured from highest point of top of mattress (inches)
Before January 1, 1953	72	18	18
After December 31, 1952, and before October 1, 1975	75	21	21
After September 30, 1975	75	24	24

[1] In the case of a sleeper berth which utilities an adjustable mechanical suspension system, the required clearance can be measured when the suspension system is adjusted to the height to which it would settle when occupied by a driver.

(2) *Shape.* A sleeper berth installed on a motor vehicle on or after January 1, 1953 must be of generally rectangular shape, except that the horizontal corners and the roof corners may be rounded to radii not exceeding 10½ inches.

(3) *Access.* A sleeper berth must be constructed so that an occupant's ready entrance to, and exit from, the sleeper berth is not unduly hindered.

(b) *Location.* (1) A sleeper berth must not be installed in or on a semitrailer or a full trailer other than a house trailer.

(2) A sleeper berth located within the cargo space of a motor vehicle must be securely compartmentalized from the remainder of the cargo space. A sleeper berth installed on or after January 1, 1953 must be located in the cab or immediately adjacent to the cab and must be securely fixed with relation to the cab.

(c) *Exit from the berth.* (1) Except as provided in paragraph (c)(2) of this section, there must be a direct and ready means of exit from a sleeper berth into the driver's seat or compartment. If the sleeper berth was installed on or after January 1, 1963, the exit must be a doorway or opening at least 18 inches high and 36 inches wide. If the sleeper berth was installed before January 1, 1963, the exit must have sufficient area to contain an ellipse having a major axis of 24 inches and a minor axis of 16 inches.

(2) A sleeper berth installed before January 1, 1953 must either:

(i) Conform to the requirements of paragraph (c)(1) of this section; or

(ii) Have at least two exits, each of which is at least 18 inches high and 21 inches wide, located at opposite ends of the vehicle and useable by the occupant without the assistance of any other person.

(d) *Communication with the driver.* A sleeper berth which is not located within the driver's compartment and has no direct entrance into the driver's compartment must be equipped with a means of communication between the occupant and the driver. The means of communication may consist of a telephone, speaker tube, buzzer, pull cord, or other mechanical or electrical device.

(e) *Equipment.* A sleeper berth must be properly equipped for sleeping. Its equipment must include:

(1) Adequate bedclothing and blankets; and

(2) Either:

(i) Springs and a mattress; or

(ii) An innerspring mattress; or

(iii) A cellular rubber or flexible foam mattress at least four inches thick; or

(iv) An air mattress of sufficient thickness when inflated to prevent "bottoming-out" by a driver when he is lying on the air mattress while the vehicle is in motion.

(v) A sleeper berth must be designed and constructed so that its mattress and bedclothing can readily be removed for cleaning.

(f) *Ventilation.* A sleeper berth must have louvers of other means of providing adequate ventilation. A sleeper berth must be reasonably tight against dust and rain.

(g) *Protection against exhaust and fuel leaks and exhaust heat.* A sleeper berth must be located so that leaks in the vehicle's exhaust system or fuel system do not permit fuel, fuel system gases, or exhaust gases to enter the sleeper berth. A sleeper berth must be located so that it will not be overheated or damaged by reason of its proximity to the vehicle's exhaust system.

(h) *Occupant restraint.* A motor vehicle manufactured on or after July 1, 1971, and equipped with a sleeper berth must be equipped with a means of preventing ejection of the occupant of the sleeper berth during deceleration of the vehicle. The restraint system must be designed, installed, and maintained to withstand a minimum total force of 6,000 pounds applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

[FR Doc.74-9583 Filed 4-25-74;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Second Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1974

Pursuant to section 13 of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for the fiscal year 1974 are reapportioned among the States to meet their year-round program level as follows:

Funds unneeded by States to maintain year-round program level and indicated in the table as a balance are available for carry-over use. In addition to the funds apportioned herein, a total of $9.3 million of prior year carryover funds were authorized to States to maintain continuity of operations where the program level exceeded the initial apportionment.

State	Total apportionment
Alabama	$738,272
Alaska	39,776
Arizona	264,637
Arkansas	340,002
California	933,497
Colorado	209,564
Connecticut	188,788
Delaware	86,522
District of Columbia	133,207
Florida	702,995
Georgia	675,395
Guam	11,571
Hawaii	97,315
Idaho	83,461
Illinois	720,040
Indiana	321,858
Iowa	247,735
Kansas	191,101
Kentucky	530,177
Louisiana	766,618
Maine	117,179
Maryland	321,577
Massachusetts	585,680
Michigan	567,253
Minnesota	301,610
Mississippi	343,548
Missouri	431,165
Montana	100,165
Nebraska	152,827
Nevada	76,540
New Hampshire	83,651
New Jersey	404,864
New Mexico	164,665
New York	1,149,710
North Carolina	732,415
North Dakota	116,310
Ohio	922,243
Oklahoma	316,175
Oregon	183,775
Pennsylvania	708,965
Puerto Rico	– 0 –
Rhode Island	108,593
South Carolina	718,057
South Dakota	110,442
Tennessee	578,907
Texas	1,128,004
Utah	57,928
Vermont	72,643
Virginia	496,010
Virgin Islands	4,395
Washington	238,403
West Virginia	291,162
Wisconsin	280,429
Wyoming	47,080
Samoa, American	14,056
Trust Territory	7,492
Subtotal	$19,215,849
Balance	784,151
Total	$20,000,000

(Sec. 13, 82 Stat. 117; (42 U.S.C. 1761))

Dated: April 23, 1974.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.74-9661 Filed 4-25-74;8:45 am]

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 6]

PART 701—NATIONAL RURAL ENVIRONMENTAL ASSISTANCE PROGRAM FOR 1971 AND SUBSEQUENT YEARS

Revised State Allocations for 1973

The allocation of funds among the States for 1973 as included in Amendment 4 to these regulations was based

on an initial funding level of $140 million. Since the program year for the 1973 program has been extended to December 31, 1974 as specified in Amendment 5 to these regulations, the allocation of funds among the States is revised based on the full funding of $225.5 million authorized by Congress for the 1973 program.

The regulations governing the National Rural Environmental Assistance Program for 1971 and subsequent years, 36 FR 18289, 37 FR 2833, 37 FR 16787, 37 FR 16861, 37 FR 25996, 37 FR 26819, 39 FR 12105 are hereby amended to revise § 701.4(e) to read as follows:

§ 701.4 State funds.

* * * * *

(e) The allocation of funds among the States for 1973 is as follows:

Alabama	$ 5,491,000
Alaska	132,000
Arizona	1,796,000
Arkansas	4,704,000
California	5,757,000
Colorado	4,393,000
Connecticut	430,000
Delaware	290,000
Florida	3,897,000
Georgia	6,597,000
Hawaii	320,000
Idaho	2,513,000
Illinois	7,908,000
Indiana	5,260,000
Iowa	8,722,000
Kansas	7,077,000
Kentucky	6,400,000
Louisiana	4,302,000
Maine	1,469,000
Maryland	1,263,000
Massachusetts	501,000
Michigan	4,734,000
Minnesota	6,894,000
Mississippi	5,916,000
Missouri	8,324,000
Montana	5,632,000
Nebraska	5,786,000
Nevada	788,000
New Hampshire	511,000
New Jersey	690,000
New Mexico	2,482,000
New York	4,951,000
North Carolina	5,902,000
North Dakota	5,676,000
Ohio	5,468,000
Oklahoma	6,558,000
Oregon	3,179,000
Pennsylvania	4,568,000
Puerto Rico	776,000
Rhode Island	71,000
South Carolina	3,356,000
South Dakota	4,452,000
Tennessee	5,095,000
Texas	19,330,000
Utah	1,612,000
Vermont	996,000
Virginia	4,090,000
Virgin Islands	17,000
Washington	3,466,000
West Virginia	1,628,000
Wisconsin	5,643,000
Wyoming	2,187,000
Total	210,000,000

(Sec. 4, 49 Stat. 164, 16 U.S.C. 590d)

Effective date. Since farmers are now completing plans for participating in the reinstated 1973 Rural Environmental Assistance Program, it is essential that the foregoing amendment be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly this amendment shall become effective April 26, 1974.

Signed at Washington, D.C. on April 22, 1974.

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

[FR Doc.74-9591 Filed 4-25-74;8:45 am]

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

[Lemon Reg. 636]

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 April 28–May 4, 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.

§ 910.936 Lemon Regulation 636.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues comparable to last week, very active for 165's and smaller lemons and steady for 140's and larger fruit. Average f.o.b. price was $5.53 per carton the week ended April 20, 1974 compared to $5.68 per carton the previous week. Track and rolling supplies at 135 cars were down 20 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section May 28, 1974 (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 April 23, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 28, 1974, through May 4, 1974, is hereby fixed at 240,000 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: April 24, 1974.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-9749 Filed 4-25-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

Reduction of Interest Rate on 502 RH Loans

Section 1822.7 of Subpart A of Part 1822, Title 7, Code of Federal Regulations (35 FR 14901) is amended by adding a new paragraph (o) which authorizes the granting of interest credits to reduce the effective interest rate on loans made to repair or rehabilitate a dwelling already owned and which is or will be occupied by an eligible applicant.

This amendment is being published wthout giving notice of prior rulemaking since advance notice would delay implementation of the program in providing assistance to low-income families and, therefore, be contrary to the public interest. However, it is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rulemaking 36 FR 13804, dated July 24, 1971. In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data, or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, United States Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before May 28, 1974. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, § 1822.7(o) shall remain effective until it is amended in order to permit the public business to proceed expeditiously.

Section 1822.7(o) is amended to read as follows:

§ 1822.7 Special requirements.

* * * * *

(o) *Repair and Rehabilitation (RR) loans (Incentive program).* An eligible applicant may receive interest credits to reduce the effective interest rate on section 502 RH loans made to repair or rehabilitate a dwelling which he owns.

(1) *Interest credits.* Interest credits may be granted provided the following conditions are met:

(i) The loan is approved after April 29, 1974;

(ii) The dwelling is occupied or will be occupied after the loan is made by an eligible borrower;

(iii) The amount of the loan may not exceed $7,000 or be amortized for more than 25 years;

(iv) The repair will be made to bring a substandard dwelling up to the minimum property standards for a section 502 RH loan; and

(v) The applicant's net worth, excluding the value of the household goods and debts against them, does not exceed $5,000 unless prior authorization is received from the State Director. For the purpose of determining whether such authorization can be justified, the State Director will consider the nature of the applicant's assets, such as a farm or business on which the applicant is dependent for a livelihood.

(2) *Interest rate.* Interest credits granted and the effective interest rate charged on loans made under this paragraph will be based on the applicant's adjusted family income at the time of loan approval, provided the loan is closed within 90 days of approval and the county supervisor has no knowledge of any significant change in the applicant's income or family composition. All parts of Form FHA 444–6, "Interest Credit Agreement," will be completed, except for the two interest credit computation blocks in section 3 of the form. The letters "RR" will be entered in the blank space immediately above the case number block on the form. The amount of interest credits granted and shown in section 4 of the Interest Credit Agreement will be the difference between the Promissory Note installment and the installment for the loan at the reduced interest rate. The reduced interest rate will be as follows:

(i) For applicants whose adjusted family income is not more than $3,000, interest will be charged at the rate of 1 percent.

(ii) For applicants whose adjusted family income is more than $3,000 but not more than $5,000, interest will be charged at the rate of 2 percent.

(iii) For applicants whose adjusted family income is more than $5,000 but not more than $7,000, interest will be charged at the rate of 3 percent.

(3) *Limitations.* Borrowers qualifying for interest credit assistance under both paragraph (n) of this section and this paragraph will be granted only the one type of interest credit assistance that is most beneficial to them. Interest credits on initial and subsequent loans will always be the same type. Thus, if a borrower is already receiving interest credits under paragraph (n) of this section, any interest credits granted for repair or rehabilitation must also be calculated under paragraph (n) of this section. There can be no switching from one type of interest credit assistance to the other. Presently indebted section 502 RH borrowers who qualify may receive interest credits on subsequent loans for repair or rehabilitation even though the borrower may not now be receiveing interest credit assistance.

(4) *Review of interest credit agreement.* Interest credit agreements approved under this authority will be reviewed during the same scheduled review period as for other interest credit agreements. Renewal agreements will be completed in accordance with paragraph (o)(2) of this section for those families who qualify for additional interest credit assistance.

(5) *Notation of Form FHA 444–2, "Housing Fund Analysis".* The notation "8–RR" will be enterd after line 1 in the "type of assistance" block on Form FHA 444–2, "Housing Fund Analysis," for applicants who will receive interest credits under this authority.

(42 U.S.C. 1480); delegation of authority by the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Effective date. This amendment shall become effective April 26, 1974.

Dated: April 23, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–9589 Filed 4–25–74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Special Assistant to the President and Chairman is exeepted under Schedule C.

Effective April 26, 1974, § 213.3342(d) is added as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(d) One Special Assistant to the President and Chairman.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

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

[FR Doc.74–9648 Filed 4–25–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Assistant to the Secretary for Special Programs is excepted under Schedule C.

Effective April 26, 1974, § 213.3316(a)(11) is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

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

(11) Five Assistants to the Secretary for Special Programs.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

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

[FR Doc.74–9645 Filed 4–25–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Special Assistant to the Assistant to the Secretary for Public Affairs is excepted under Schedule C. This section is further amended to show that one position of Special Assistant to the Secretary is revoked.

Effective April 26, 1974, §§ 213.3384(a) (56) is added and (12) is amended as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

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

(12) One Special Assistant to the Secretary.

* * * * *

(56) One Special Assistant to the Assistant to the Secretary for Public Affairs.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

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

[FR Doc.74–9646 Filed 4–25–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary (Stenography) to the Deputy Under Secretary for Management is excepted under Schedule C.

Effective April 26, 1974, § 213.3304(a) (16) is added as set out below.

§ 213.3304 **Department of State.**

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

(16) One Secretary (Stenography) to the Deputy Under Secretary for Management.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.74–9647 Filed 4–25–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER 1—COST OF LIVING COUNCIL

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Removal of Limitation on Incentive Compensation

The purpose of these amendments is to extend exemptions from Phase IV pay regulations to include pay adjustments affecting employees who receive items of incentive compensation subject to the provisions of §§ 152.124, 152.125, or 152.126. The Council's decontrol actions during Phase IV have generally been limited so as not to exempt such employees. These amendments do not in any way extend exempt status to pay adjustments affecting an employee who is a member of an executive control group, if such employee was not previously exempt.

On April 1, 1974, the Council added a new Subpart M to Part 152, governing continued coverage under controls. Section 152.168 lists certain limitations on exemptions. The Council has now determined that its stabilization objectives are adequately served by retaining limitations with respect to pay adjustments affecting members of executive control groups. The separate limitation with respect to employees who receive incentive compensation is no longer required. Accordingly, § 152.168 has been amended by revising paragraph (a)(1) to provide that the limitation on exemptions does apply only to pay adjustments for work performed prior to April 24, 1974. In addition, § 152.163 has been amended by adding a new paragraph (c) to clarify that the removal of the limitation on incentive compensation is applicable to exemptions set forth in Subpart B.

Because the purpose of this amendment is to grant an immediate exemption from the Phase IV pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making the amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing, 6 CFR Part 152 is amended as set forth herein, effective April 24, 1974.

Issued in Washington, D.C. on April 24, 1974.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

1. In 6 CFR Part 152, § 152.163 is amended by adding a new paragraph (c) to read as follows:

§ 152.163 **New exemptions in industries previously subject to self-administered controls.**

* * * * *

(c) *Removal of limitation with respect to employees who receive items of incentive compensation.* Pay adjustments affecting an employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 152.125, or 152.126, which would otherwise be exempt but for the fact of such receipt, are exempt from and not limited by the provisions of this title. The exemption provided in the preceding sentence is effective with respect to pay adjustments for work performed on and after April 24, 1974.

2. In 6 CFR 152, § 152.168 is amended by revising paragraph (a)(1) to read as follows:

§ 152.168 **Limitations on exemptions.**

(a) *General limitations.* * * *

(1) *Incentive compensation.* An employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 152.125, or 152.126. The limitation provided in the preceding sentence shall be applicable only with respect to pay adjustments for work performed prior to April 24, 1974.

* * * * *

[FR Doc.74–9734 Filed 4–24–74;3:02 pm]

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Compensation Levels for Medical Practitioners

Under Subparts I and K of Part 152, the compensation of physicians and other medical practitioners has been subject to the same mandatory controls as other health care employees. After extensive review, the Council concludes that this treatment is, in part, inconsistent with certain long-standing and economically sound industry practices. Therefore, the Council issues these amendments relating to wages and salaries paid to medical practitioners. These amendments generally make self-executing certain forms of relief previously granted in most cases by individual exception.

An important goal of the Economic Stabilization Program has been to moderate cost increasing wage movements. However, prior to the imposition of controls there was an economic practice among newly incorporated medical practitioners to set salaries for owner-employees at initial levels that were lower than the individuals' eanrings levels prior to incorporation. One purpose of this practice was to accumulate capital and ensure the firm's economic viability, although current firm earnings could justifiably support the prior levels of compensation. These short-run reductions in earnings were eliminated during the first few years after incorporation. Consequently, salary increases during those first few years of incorporation were usually in relatively large increments, and substantially in excess of the general wage and salary standard. Normally, this type of wage movement is not cost increasing. However, the economic controls under Subparts I and K of Part 152 have prevented the operation of this economic practice, although relief has been available by exception in individual cases. Accordingly, to prevent a gross inequity, the Council adds a new § 152.94 specifically applicable to incorporated medical practitioners. Under that section, wage adjustments will be measured from a base which more appropriately reflects the long-run

economic behavior of the appropriate employee unit.

Paragraph (b) of new § 152.94 provides rules for the establishment of compensation levels where one or more unincorporated medical practitioners organize as a professional corporation, and individuals who were formerly partners or proprietors become employees of the newly incorporated firm. Paragraph (b)(1) of § 152.94 requires that such compensation be measured with respect to control years, which may, at the election of the firm, be the firm's fiscal year. Paragraph (b)(2) establishes maximum levels of individual compensation for the first two years after incorporation, such levels not to exceed the levels for comparable positions in the local labor market area. Paragraphs (b)(3) and (b)(4) permit pay increases within the two-year period to be made without reference to the general wage and salary standard. However, in that event the employee and compensation paid to the employee must be excluded from computation of a base compensation rate and the average group salary rate during the remainder of the two-year period. Paragraph (b)(5) reaffirms that the establishment of incentive compensation plans or practices and production incentive programs is subject to § 152.129. Paragraph (b)(6) makes clear the obligation to demonstrate comparability.

Existing medical professional corporations usually pay new professional employees at relatively low salary levels, with the intention of adjusting salaries to more substantial levels as each new employee progresses in professional competence and productivity. This practice often results in salary increases which, although justifiable and not cost increasing, necessitate obtaining an exception from the Cost of Living Council.

Accordingly, paragraph (c) of new § 152.94 provides rules for the establishment of levels of compensation where an existing firm that is a medical practitioner hires a physician, surgeon, osteopathic physician, dentist, dental surgeon, or podiatrist. Paragraph (c)(1) establishes maximum levels of compensation for the first three years of employment, such levels not to exceed the levels for comparable positions, if any, in the same firm, or, if not, in the local labor market area. Paragraphs (c)(2) and (c)(3) permit pay increases within the three-year period to be made without regard to the general wage and salary standard. However, in that event the employee and compensation paid to the employee shall, where applicable, be excluded from the determination of a base compensation rate, an allowable amount of incentive compensation, and the composition of a plan, practice, or program unit during the remainder of the three-year period. Paragraph (c)(4) makes clear the obligation to demonstrate comparability.

Section 152.127 is amended to reflect the new limitations provided by § 152.94 with respect to incentive production programs that apply to medical practitioners. Section 152.127 is further amended by adding an example to clarify certain differences between productivity incentive programs subject to 6 CFR 201.61, and production incentive programs subject to § 152.127, as applied to medical practitioners and certain other providers of health care. Section 152.129(b)(1) is amended to conform to the addition of new § 152.94.

These amendments are designed to be applicable with respect to fiscal or control years that may already be in progress. Therefore, the new § 152.94 is effective with respect to pay adjustments with respect to work performed on or after November 14, 1973. The amendments to §§ 152.127 and 152.129 are clarifying and conforming changes which impose no new requirements; those amendments are also effective November 14, 1973.

Because the purpose of these amendments is to provide medical practitioners with immediate relief from existing regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding these amendments. Comments should be addressed to the Office of the General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, 6 CFR Part 152 is amended as set forth below, effective November 14, 1973.

Issued in Washington, D.C., on April 25, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. In 6 CFR Part 152, Subpart I is amended by adding a new § 152.94 to read as follows:

§ 152.94 Medical practitioners.

(a) *Definition.* For purposes of this section "medical practitioner" means the same as under § 150.732 of this chapter.

(b) *Newly incorporated firms.* If one or more unincorporated medical practitioners organize as a professional corporation, and individuals who were formerly partners or proprietors become employees of the newly incorporated firm, the following rules shall apply:

(1) *Control year.* Levels of compensation with respect to such employees shall be measured with respect to a control year, which shall, at the election of the firm, be an appropriate period determined pursuant to § 201.52(b) of this title or shall be the fiscal year of the firm.

(2) *Initial level of compensation.* The level of compensation (including salary and all forms of benefits and incentive compensation, paid immediately or on a deferred basis) established with respect to each such employee shall not, during the first two control years of the newly incorporated firm, exceed the level of compensation in effect with respect to employees of comparable skill level, experience, and professional specialty in comparable firms in the same local labor market area. Such limitation on the level of compensation shall also apply to the establishment of production incentive programs subject to § 152.127. A firm may determine such level by referring to actual current market data or by determining the net earnings and benefits of such employee (as a partner or proprietor) with respect to the 12-month period immediately preceding incorporation of the firm and multiplying such earnings and benefits by 105.5 percent (compounded) for each year subsequent to such 12-month period.

(3) *Increases within the 2-year period.* At the election of the firm, increases in the initial level of compensation may be put into effect during the 2-year period referred to in the first sentence of paragraph (b)(2) of this section without reference to the general wage and salary standard, not to exceed the total level of compensation permitted under paragraph (b)(2) of this section during that period. However, in such a case neither the affected employee nor any compensation paid to such employee shall be included in determining the base compensation rate (or increases therein) of an appropriate employee unit or the average group salary rate of an executive control group where applicable.

(4) *Subsequent years.* After the first two control years of the newly incorporated firm, employees subject to the provisions of this paragraph shall continue to be subject to the mandatory controls, set forth in this subpart and Subpart K, applicable to pay adjustments by providers of health care. Any employee or compensation paid to such employee, previously excluded pursuant to paragraph (b)(3) of this section from determination of the base compensation rate or the average group salary rate, shall be included in such determination with respect to future payments, in the third and subsequent control years.

(5) *Incentive compensation plans or practices and production incentive programs.* The establishment of an incentive compensation plan or practice or a production incentive program by a newly incorporated firm described in paragraph (b) of this section is subject to the provisions of § 152.129(b).

(6) *Demonstration of comparability.* A firm that establishes a level of compensation on the basis of comparable levels in effect in the same local labor market area shall demonstrate such comparability as required by § 152.129 and upon request by the Council.

(c) *Newly employed physicians.* (1) *Initial level of compensation.* If an existing firm that is a medical practitioner employs a physician, surgeon, osteopathic physician, dentist, dental surgeon, or podiatrist, the level of compensation (including salary, benefits, and all forms

of incentive compensation, paid immediately or on a deferred basis) established with respect to such employee shall not, during the first three control years in which such employee is employed, exceed the level of compensation in effect with respect to physicians, surgeons, osteopathic physicians, dentists, dental surgeons, or podiatrists, as appropriate, of comparable skill level, experience, and professional specialty employed by the same firm, if any are so employed, or, if not, by comparable firms in the same local labor market area. Such limitation on the level of compensation shall also apply to the establishment of production incentive programs subject to § 152.127.

(2) *Increases within the 3-year period.* At the election of the firm, increases in the initial level of compensation may be put into effect during the 3-year period referred to in the first sentence of paragraph (c)(1) of this section without reference to the general wage and salary standard, not to exceed the total level of compensation permitted under paragraph (c)(1) of this section during that period. However, in such a case neither the affected employee nor compensation paid to such employee shall be included in determining either the base compensation rate (or increases therein) of an appropriate employee unit or the allowable amount of incentive compensation. Neither shall such employee be considered part of any plan, practice, or program unit with respect to incentive compensation.

(3) *Subsequent years.* After being employed for the first three years, an employee subject to the provisions of this paragraph shall continue to be subject to the mandatory controls, set forth in this subpart and Subpart K, applicable to pay adjustments by providers of health care. Any employee or compensation paid to such employee, previously excluded pursuant to paragraph (c)(2) of this section, from determination of the composition of any plan, practice, or program unit or from the determination of the base compensation rate of an appropriate employee unit or of the allowable amount of incentive compensation, shall be included in such plan, practice, or program unit and such determination with respect to future payments, in the fourth and subsequent years of employment.

(4) *Demonstration of comparability.* A firm that establishes a level of compensation on the basis of comparable levels in effect in the same local labor market area shall be prepared to demonstrate such comparability upon request by the Council.

(d) *Effective date.* The provisions of this section shall be applicable to pay adjustments with respect to work performed on or after November 14, 1973.

2. In 6 CFR Part 152, § 152.127 is amended by adding new paragraphs (f) and (g) to read as follows:

§ 152.127 Sales or commission plans or practices and certain production incentive programs.

* * * * *

(f) *Special rules for medical practitioners.* The establishment of a production incentive program which applies to one or more medical practitioners is subject to the limitations provided in § 152.94.

(g) *Application illustrated.* The application of this section may be illustrated by the following example:

Example.—An incorporated provider for health care, a firm subject to the mandatory pay controls set forth in Subparts I and K of this part, requests a ruling that its pay program qualifies as a productivity incentive program subject to § 201.61 of this title. The program provides that each employee-physician will receive compensation based solely on the gross billings attributable to the physician's individual effort. The pay program does not define or delimit the specific activities of all firm employees whose performances might affect productivity. Neither does the program provide precise industrial engineering standards to assure that levels of employee-physicians' incomes will reflect only individual performance and productivity, mathematically discounting the effects of improved equipment, methods, technology, or quality requirements, increased specialization (treating only cases which allow high levels of efficiency), decreased quality of treatment, and other factors. Such a pay program is not a productivity incentive program subject to the provisions of 6 CFR 201.61. The criteria absent from the pay program are essential to a productivity incentive program within the meaning of that section. In the situation described, measurements of production and quality are highly susceptible to the discretion and judgment of individual employees. The particular pay program described above qualifies as a production incentive program subject to §§ 152.127 and 152.94 of the Regulations.

3. In 6 CFR Part 152, § 152.129 is amended by revising paragraph (b)(1) to read as follows:

§ 152.129 New organizations and changes in organization form.

* * * * *

(b) *New organizations.* (1) *General.* Any business, enterprise, partnership, corporation, association, or any other organization organized or established on or after November 14, 1971, which is not a successor to any such organization in existence before such date, that establishes an incentive compensation plan or practice, a sales or commission plan or practice, or a production incentive program, shall file with the Council a report of such plan, practice, or program, not later than 90 days after establishment of such business, enterprise, partnership, corporation, association, or other organization. The report filed shall in detail describe such plan, practice, or program, including the amount of each item of actual or anticipated compensation (including items described in § 152.123) with respect to each appropriate employee unit (or, where appropriate, the employees in such unit). Also, where available, this description shall include compensation levels of appropriate employee units (or, where appropriate, the employees in such unit) in comparable jobs in nearby firms. The report filed shall also demonstrate that the establishment of the entity and such plans, practices, or programs was not for the purpose of circumventing the intent of the Economic Stabilization Program and is not unreasonably inconsistent with the standards and goals of such program. If one or more unincorporated medical practitioners, within the meaning of § 150.732 of this chapter, organize as a professional corporation, and individuals who were formerly partners or proprietors become employees of the newly incorporated firm, compensation paid to such employees shall be subject to the provisions of § 152.94(b) in addition to the provisions of this section.

* * * * *

[FR Doc.74-9764 Filed 4-25-74;10:20 am]

Proposed Rules

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

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR, Part 27]

NONDISCRIMINATION IN TRANS-ALASKA PIPELINE PERMITS

Notice of Proposed Rulemaking

The Department of the Interior is proposed the following regulation to implement section 403 of Public Law 93–153 which requires the Secretary to take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin or sex, be excluded from receiving, or participating in any activity conducted under any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II of the Trans-Alaska Pipeline Authorization Act, Public Law 93–153. The Act requires the promulgation of rules necessary to carry out the purposes of section 403, including enforcement of section 403 through agency and Department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, Room 6042.

Each person submitting a comment should include his name and address, identifying the notice and give reasons for any recommendation. Comments received on or before May 28, 1974 will be considered before final action is taken on this proposal. The proposal may be changed in the light of the comments received.

It is proposed to issue as 43 CFR Subtitle A, Part 27, the regulations as set forth below.

Dated: April 19, 1973.

JAMES T. CLARKE,
Assistant Secretary—Management.

PART 27—NONDISCRIMINATION IN PERMITS, RIGHTS-OF-WAY, PUBLIC LAND ORDERS, AND OTHER FEDERAL AUTHORIZATIONS GRANTED OR ISSUED UNDER TITLE II OF PUBLIC LAW 93–153

Sec.
27.1 Purpose.
27.2 Application.
27.3 Discrimination prohibited.
27.4 Assurances.
27.5 Equal opportunity terms.
27.6 Equal opportunity implementation.
27.7 Compliance information.
27.8 Compliance procedures.
27.9 Procedures for effecting compliance.
27.10 Hearings.
27.11 Decisions and notices.
27.12 Judicial review.
27.13 Effect on other regulations; forms and instructions.
27.14 Definitions.

AUTHORITY: Sec. 403, 87 Stat. 576 (1973).

§ 27.1 Purpose.

The purpose of this part is to effectuate section 403 of Public Law 93–153 (87 Stat. 576) to the end that no person shall on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II of Public Law 93–153, 87 Stat. 584, the Trans-Alaska Pipeline Authorization Act.

§ 27.2 Application.

This part applies to all activities, including contracting, employment, services, financial aids, and other benefits, available or made possible, in whole or in part, because of permits, rights-of-way, public land orders, and other Federal authorizations granted or issued under Title II of the Act.

§ 27.3 Discrimination prohibited.

(a) *General.* No person shall on the grounds of race, creed, color, national origin, or sex, be excluded from receiving or participating in any activity conducted under any permit, right-of-way, public land order, or other Federal authorization to which this part applies.

(b) *Specific discriminatory actions prohibited.* No recipient, establishment, or individual whose activities are made possible, in whole or in part, because of any Federal authorization to which this part applies may directly or through contractual or other arrangements, on the grounds of race, creed, color, national origin, or sex, discriminate in offering or providing employment, contracting services, financial aids, or other benefits as follows:

(1) *Employment practices.* No recipient, establishment, or individual may, directly or through contractual or other arrangements, subject an individual to discrimination on the grounds of race, creed, color, national origin, or sex in its employment practices (including recruitment advertising, hiring, firing, upgrading, promotion, demotion, or transfer, layoff, or terminations, rates of pay or other forms of compensation, or benefits, selection for training, or apprenticeship, use of facilities, treatment of employees or any other employment practice).

(2) *Contracting practices.* No recipient, establishment, or individual may discriminate on the grounds of race, creed, color, national origin, or sex in its contracting practices, including but not limited to, determining qualification for placement on bidder lists, composition of bidder lists, pre-bid conferences, solicitation for bids, designation of quantities, or other specifications, delivery schedules, contract award and performance, or any other contracting practice.

(3) *Services, financial aids and other benefits.* No recipient, establishment, or individual whose activities are made possible, in whole or in part, because of any Federal authorization to which this part applies, may, directly or through contractual or other arrangements, on the grounds of race, creed, color, national origin, or sex, discriminate in offering or providing services, financial aids, or other benefits as follows:

(i) Deny an individual any service, financial aid, or other benefit provided, in whole or in part, because of any Federal authorization to which this part applies;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit provided, in whole or in part, because of any Federal authorization to which this part applies;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit provided, in whole or in part, because of any Federal authorization to which this part applies;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit offered, in whole or in part, because of any Federal authorization to which this part applies;

(vi) Deny an individual an opportunity to participate in any activity made possible, in whole or in part, because of any Federal authorization to which this part

applies, through the provision of services or otherwise, or afford him an opportunity to do so which is different from that afforded others;

(vii) Deny an individual the opportunity to participate as a member of a planning or advisory body which is integrally associated with any Federal authorization to which this part applies;

(4) *Determining and administering services, financial and other benefits.* In determining the types of services, financial aids or other benefits, or facilities which will be provided because of any Federal authorization to which this part applies, or the class of individuals or establishments to whom, or the situations in which, such services, financial aids, other benefits or facilities will be provided, or the class of individuals or establishments to be afforded an opportunity to participate in any activity made possible, in whole or in part, because of any Federal authorization to which this part applies, a recipient, establishment, or individual, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals or establishments to discrimination because of their race, creed, color, national origin, or sex.

(5) *Site or location of facilities.* In determining the site or location of facilities, a recipient, establishment, or individual may not make selections with the purpose or effect of excluding individuals or establishments from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, creed, color, national origin, or sex, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of section 403 of Public Law 93–153 and implementing rules, regulations, and orders.

(6) *References to services, financial aids or other benefits.* References to services, financial aids or other benefits shall be deemed to include all services, financial aids, or other benefits provided in or through facilities, programs, or operations made possible, in whole or in part, because of any Federal authorizations to which this part applies.

(7) *Scope of prohibited discrimination.* The enumeration of specific forms of prohibited discrimination in this paragraph (b) does not limit the generality of the prohibitions in paragraph (a) of this section.

§ 27.4 Assurances.

Every application for a permit, right-of-way, public land order, or other Federal authorization to which this part applies and every application to provide goods, services, or facilities to the recipient of any Federal authorization to which this part applies, as a condition of its approval or extension or change, must contain or be accompanied by an assurance that all requirements imposed by or pursuant to section 403 of Public Law 93–153 shall be met. The assurance shall be in a form specified by the Department Compliance Officer.

§ 27.5 Equal opportunity terms.

Each permit, right-of-way, public land order, or other Federal authorization to which this part applies, shall include by reference or incorporation by operation of law the terms, conditions, obligations, and responsibilities of this § 27.5, as follows:

(a) The recipient hereby agrees that it will not, directly or through contractual or other arrangements, on the grounds of race, creed, color, national origin, or sex, discriminate against any individual or establishment in offering or providing contracts, employment, services, financial aids, or other benefits. Recipient will take affirmative action to ensure that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of contracts awarded by recipient, that applicants are employed and that employees are treated during employment, and that individuals are offered and provided services, financial aids, and other benefits without regard to their race, creed, color, national origin, or sex. Recipient agrees to post in conspicuous places available to contractors, employees, and other interested individuals notices which set forth these equal opportunity terms and to notify interested individuals, including bidders, purchasers, and labor unions or representatives of workers with whom it has collective bargaining agreements of recipient's obligations under section 403 of Public Law 93–153.

(b) The recipient will comply with all rules, regulations, and orders of the Department of the Interior which implement section 403 of Public Law 93–153.

(c) The recipient will furnish all information and reports required by rules, regulations, and orders implementing section 403 of Public Law 93–153 and permit access to its books, records, and accounts by the Secretary of the Interior, the Department Compliance Officer, or other designee of the Secretary, for purposes of investigation to ascertain compliance with rules, regulations, and orders of the Department of the Interior which implement section 403 of Public Law 93–153.

(d) The recipient recognizes and agrees that its obligation for compliance with section 403 of Public Law 93–153 and implementing rules, regulations, and orders extends not only to direct activities, but also to assure that contractors, subcontractors, suppliers, lessees, and other parties whose operations and activities are made possible, in whole or in part, by the Federal authorizations to which this part applies, will comply with section 403 and implementing rules, regulations and orders. To that end the recipient agrees that with regard to all contracts over $10,000 and all contracts of indefinite quantity [unless there is reason to believe that the amount to be ordered in any year under the contract will not exceed $10,000] to:

(1) Obtain as part of its contractual arrangements with such parties, as a minimum form of assurance an agreement in writing, that:

(i) They will comply, as contractors, subcontractors, lessees, suppliers, or in any other capacity, with applicable provisions of rules, regulations, and orders of the Department of the Interior issued pursuant to section 403 of Public Law 93–153, and will not thereby exclude any person, on the grounds of race, creed, color, national origin, or sex from receiving or participating in any activity, operation, or program, including contracting, employment, services, financial aids and other benefits, and that they will notify interested individuals, including bidders, purchasers, employees, and labor unions, of their obligations under section 403 of Public Law 93–153;

(ii) They will take affirmative action to assure that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of subcontracts awarded under the contract;

(iii) They will take affirmative action to assure that applicants are employed and employees are treated during employment and that individuals are offered and provided services, financial aids, and other benefits, without regard to their race, creed, color, national origin, or sex;

(iv) They will furnish all information required by or pursuant to rules, regulations, and orders of the Department of the Interior issued pursuant to section 403 of Public Law 93–153 and permit access to their books, records, and accounts by the Secretary of the Department of the Interior, the Department Compliance Officer or other designee of the Secretary, for purposes of investigation to ascertain compliance with rules, regulations, and orders of the Department of the Interior issued pursuant to section 403 of Public Law 93–153.

(v) That their noncompliance with the requirements of said rules, regulations, and orders and these assurances shall constitute a breach of their contractual arrangements whereby said arrangements may be cancelled, terminated, or suspended, or may be subject to enforcement otherwise by appropriate legal proceedings;

(vi) That they will obtain the provisions of (1) (i) (vi) hereof in all contracts over $10,000;

(2) Recipient will secure the compliance, and assist and cooperate actively with the Department Compliance Officer and the Secretary or his designee in obtaining and enforcing the compliance of said contracting parties with the requirements of section 403 and implementing rules, regulations, and orders, and with their respective contractual arrangements; and will take such action with respect to any subcontract or purchase order that the Department Compliance Officer, the Secretary, or his designee may direct as a means of enforcing such provision: *Provided, however,* That in the event the recipient becomes involved in litigation with a noncomplying party, it may request the Department of the Interior

to enter into such litigation to protect the interests of the United States in the enforcement of these obligations, and

(3) Recipient will obtain and furnish to the Department Compliance Officer such information as he may require for the supervision or securing of such compliance.

(e) In the event of the recipient's noncompliance with the equal opportunity terms, compliance may be effected by the suspension or termination or refusal to grant or to continue providing the Federal authorization in accordance with procedures authorized by section 403 of Public Law 93–153, and set forth in implementing rules, regulations, or orders, or by any other means authorized by law.

§ 27.6 Equal opportunity implementation.

Within sixty (60) days of the effective date of these regulations, or within sixty (60) days from the commencement of a Federal authorization to which this part applies, or within sixty (60) days of the commencement of operations made possible, in whole or in part, by any Federal authorization to which this part applies, whichever is the earliest, recipient and any other establishment of 50 or more employees whose operations are made possible, in whole or in part, by any Federal authorization to which this part applies, shall prepare and submit an affirmative action plan for each of its operations and establishments to assure that the requirements of this part will be met. In addition, the recipient, establishment, and each of their prime contractors and subcontractors shall require each subcontractor with a contract of $50,000 or more and 50 or more employees to develop within sixty (60) days from the commencement of the contract and to keep on file a written affirmative action plan for each of his operations and establishments. Such plans shall include a set of specific and result-oriented procedures which the recipient, establishment, or contractor commits himself to apply every good faith effort to achieve equal opportunity in all aspects of his operations. An acceptable program must include an analysis of all areas of operation of the recipient, establishment, or contractor, in which it could be deficient in offering services, opportunities, or benefits to minority groups and women, all areas of employment in which it could be deficient in the utilization of minority groups and women, and all areas of contracting in which it could be deficient in the utilization of minority business enterprises and, further, specific goals and specific timetables to which his efforts will be directed, to correct all deficiencies and thus to increase materially the participation of minorities and women in all aspects of its operation. The implementing affirmative action plans shall include the following:

(a) *Services, financial aids, and other benefits.* The implementing program is required to specifically address all areas of operation of the recipient, establishment, or contractor which offer and provide services, financial aids, and other benefits; it shall identify those services, financial aids, and benefits; analyze the opportunities available to minorities and women in each area; and set forth affirmative action, including goals and timetables, which will be taken to materially increase participation of minorities and women.

(b) *Employment practices.* The implementing plan shall address all aspects of employment operations and is required to contain all analyses and commitments, including goals and timetables, which are required in rules, regulations, and orders implementing Executive Order 11246, as amended, and to contain individual commitments to employment goals in construction operations.

(c) *Contracting practices.* The implementing plan is required to include a program in which the recipient, establishment, or contractor agrees to take affirmative action to utilize minority business enterprises as subcontractors and suppliers. For this purpose, the term "minority business enterprise" means a business enterprise that is owned or controlled by minority group members or women. The recipient, establishment, or contractor shall establish and conduct a program which includes commitments to:

(1) Designate a liaison officer who will administer the minority business enterprises program;

(2) Provide adequate and timely consideration of the potentialities of minority business enterprises in all contracting decisions;

(3) Assure that minority business enterprises will have an equitable opportunity to compete for contracts and subcontracts, particularly by arranging solicitations, time for preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of minority business enterprises;

(4) Submit periodic reports of contracting opportunities, procedures, and awards to minority business enterprises, at such times, and in such form, and containing such information as the Department Compliance Officer may prescribe, including reports showing:

(i) Procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of minority business enterprises;

(ii) Awards to minority business enterprises on the source lists, and

(iii) Specific efforts to identify and award contracts to minority business enterprises.

(5) Establish specific goals and timetables to assure that minority business enterprises are given the maximum practicable opportunity to participate in the performance of contracts awarded.

(6) Cooperate with the Department Compliance Officer in any studies and surveys of the recipient's minority business enterprise procedures and practices that the Department Compliance Officer may from time to time conduct.

(7) Take necessary steps to assist potential minority business enterprises in obtaining and maintaining suitable bonding capabilities.

§ 27.7 Compliance information.

(a) *Records, reports, and access to books.* Each recipient and establishment whose operations are made possible in whole or in part because of any Federal authorization to which this part applies, and their contractors and subcontractors, shall keep such records and submit to the Department Compliance Officer complete and accurate reports, at such times, and in such form, and containing such information, as he may determine to be necessary to enable him to ascertain whether the recipient, establishment, or contractor has complied or is complying with rules, regulations and orders implementing section 403 of Public Law 93–153. In the case where the recipient, establishment, or contractor contracts with another, such other contractor shall also submit such compliance reports to the recipient, establishment or the contractor as may be necessary to enable the recipient, establishment or contractor to carry out his obligations under section 403 of Public Law 93–153 and implementing rules, regulations, and orders.

(b) *Access to sources of information.* Each recipient, establishment and contractor shall permit access by the Department Compliance Officer or his designee or by the Secretary or his designee during normal business hours to such of his books, records, accounts, and other sources of information, and his facilities, as may be pertinent to ascertain compliance with rules, regulations and orders implementing section 403 of Public Law 93–153.

(c) *Information in possession of other agency, institution, or person.* Where any information required of a recipient, establishment or contractor is in the exclusive possession of any other agency, institution, or person and such agency, institution or person shall fail or refuse to furnish this information, the recipient, establishment, or contractor shall so certify in a report and shall set forth what efforts it has made to obtain the information.

(d) *Failure to submit reports.* Failure to file timely, complete and accurate reports as required constitutes noncompliance with the equal opportunity clause and is ground for the imposition by the agency, recipient, establishment, or contractor of any sanctions as authorized by section 403 of Public Law 93–153 and implementing rules, regulations, and orders.

(e) *Information to beneficiaries and participants.* Each recipient, establishment, and contractor shall make available to participants in and beneficiaries of its operations and services, information regarding the provisions of this part

and the details of the recipient's, establishment's, or contractor's compliance with this part, and make such information available to them in such manner as the Department Compliance Officer finds necessary to apprise such persons of the protections against discrimination assured them by section 403 of Public Law 93–153 and this part.

§ 27.8 Compliance procedures.

(a) *Approval of affirmative action plans.* The Department Compliance Officer shall from time to time review the recipient's, establishment's, or contractor's affirmative action plans to determine whether they meet the requirements of rules, regulations and orders implementing section 403 of Public Law 93–153. Where deficiencies are found to exist, the Department Compliance Officer or his designee will so inform the recipient, establishment, or contractor and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 27.9.

(b) *Periodic compliance reviews.* The Department Compliance Officer shall from time to time review the practices of recipients, establishments, and contractors to determine whether they are complying with the rules, regulations and orders implementing section 403 of Public Law 93–153. The purpose of the compliance review is to determine if the recipient, establishment, or contractor maintains non-discriminatory operations and practices and whether he is taking the action required by the rules, regulations, and orders implementing section 403 of Public Law 93–153 to assure that no person on the ground of race, creed, color, national origin or sex is excluded from receiving or participating in any activity conducted under any permit, right-of-way, public land order or other Federal authorization to which this part applies. It shall consist of a comprehensive analysis of all aspects of the recipient's, establishment's, or contractor's operations and practices which may be involved, and the policies and conditions resulting therefrom. Where necessary, recommendations for appropriate sanctions shall be made.

c. *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may file with the Department Compliance Officer or his designee, a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Department Compliance Officer or his designee.

(d) *Investigations.* Upon good cause shown the Department Compliance Officer or his designee will make a prompt investigation whenever a complaint, or any other information indicates a possible failure to comply with the rules, regulations, and orders implementing section 403 of Public Law 93–153. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, establishment, or contractor, the circumstances under which the possible noncompliance occurred and other factors relevant to a determination as to whether the recipient, establishment, or contractor has failed to comply with section 403 of Public Law 93–153 and implementing rules, regulations, and orders.

(e) *Resolution of matters.* If an investigation pursuant to paragraph (c) or (d) of this section indicates a failure to comply with the rules, regulations and orders implementing section 403 of Public Law 93–153, the Department Compliance Officer or his designee will so inform the recipient, establishment, or contractor and the matter will be resolved by informal means whenever possible. Before the recipient, establishment, or contractor can be found to be in compliance, he must make specific commitments in writing, to correct all deficiencies. The commitments must include the precise actions to be taken and dates for completion. The time periods allotted shall be no longer than the minimum periods necessary to effect such changes. Upon approval of the Department Compliance Officer, the recipient, establishment, or contractor may be considered in compliance, on condition that the commitments are faithfully kept. The recipient, establishment, or contractor shall be notified that making such commitments does not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance or that commitments are not being met.

(f) *Intimidatory or retaliatory acts prohibited.* No recipient, establishment, or contractor or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 403 of Public Law 93–153 and implementing rules, regulations, and orders, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

(g) During the period of construction of the Trans-Alaska Pipeline, and until such time as this paragraph (g) is rescinded by the Secretary, the Department Compliance Officer shall coordinate all actions taken pursuant to this part with the Authorized Officer, as referred to in the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline, and shall secure the approval of the Authorized Officer prior to the taking of any final act hereunder.

§ 27.9 Procedures for effecting compliance.

(a) *General.* If there appears to be a failure or refusal of any individual to observe or comply substantially with section 403 of Public Law 93–153, or implementing rules, regulations, and orders, compliance may be effected through the use of conciliation conferences, informal hearings, and procedures to cause termination or suspension of or refusal to grant or to continue the permit, or other Federal authorization to which this part applies, or of the contracts to which this part applies, or by any other means authorized by law. Such other means may include, but are not limited to:

(1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking, and

(2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 27.4.* If a recipient fails or refuses to furnish an assurance required under § 27.4, or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section the failure or refusal may, at the option of the Secretary, be grounds for authorizing proceedings to cause refusal of the Federal authorization in accordance with the procedures of paragraph (c) of this section. The Department of the Interior shall not be required to provide the authorization in such a case during the pendency of the administrative proceedings under such paragraph.

(c) *Termination of or refusal to grant or to continue the Federal authorization—*(1) *General.* In those instances where a recipient fails or refuses to observe or comply substantially with section 403 of Public Law 93–153 or implementing rules, regulations, and orders, noncompliance at the option of the Secretary, may be grounds for termination, suspension, refusal to grant or continue the Federal authorization.

(i) *Recommendation to proceed.* The Department Compliance Officer may request that the Secretary commence procedures to suspend, terminate, or refuse to grant or continue the Federal authorization or to cause such suspension, termination, or refusal to grant. He shall indicate the specific grounds for alleging noncompliance with section 403 and implementing rules, regulations, and orders, the actions which would create compliance, and the time necessary to achieve compliance.

(ii) *Commencement of proceedings.* Before the Secretary authorizes the commencement of an administrative proceeding for termination, suspension, or refusal to grant any Federal authorization to which this part applies, the Secretary or his designee shall give the recipient notice in writing of the alleged ground or grounds for termination or formal suspension, or refusal to grant, with sufficient particularity to enable the recipient to comply with section 403 of Public Law 93–153 and implementing rules, regulations and orders. The recipient shall have sixty (60) days from

the date of delivery of the notice within which to comply. If compliance cannot be achieved in sixty (60) days, the recipient shall be entitled to additional time if he demonstrates that compliance is not possible within the sixty (60) day period and that the necessary curative actions were undertaken promptly and have been diligently prosecuted towards completion; provided further that the aforesaid additional time shall not exceed ninety (90) days from the last day of the said sixty (60) day period, without the prior written consent of the Secretary or his designee which shall specify the last day upon which the curative action must be completed to the satisfaction of the Secretary or his designee.

(iii) *Opportunity for a hearing.* No order suspending, terminating or refusing to grant or continue any Federal authorization to which this part applies shall become effective until there has been an express finding on the record, after opportunity for a formal hearing, of a failure by the applicant or recipient to comply substantially with section 403 of Public Law 93–153 or implementing rules, regulations, and orders and the action has been approved by the Secretary pursuant to paragraph (e) of § 27.11.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the action has been approved by the Secretary, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply and to take such corrective action as may be appropriate.

§ 27.10 Hearings.

(a) *Informal hearings*—(1) *Purpose.* The Department Compliance Officer may convene such informal hearings as may be deemed appropriate for the purpose of inquiring into the status of compliance of any recipient, establishment, contractor, or subcontractor whose activities are conducted, in whole or in part, because of any Federal authorization to which this part applies.

(2) *Notice.* Recipients, establishments, contractors, and subcontractors shall be advised in writing as to the time and place of the informal hearings and may be directed to bring specific documents and records, or furnish other relevant information concerning their compliance status. When so requested, the recipient, establishment, contractor, or subcontractor shall attend and bring requested documents and records, or other requested information.

(3) *Conduct of hearings.* The hearings shall be conducted by hearing officers appointed by the Department Compliance Officer. Parties to informal hearings may be represented by counsel and shall have a fair opportunity to present any relevant material. Formal rules of evidence will not apply to such proceedings.

(b) *Formal hearings*—(1) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by paragraph (c) of § 27.9, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (i) fix a date not less than twenty (20) days after the date of such notice within which the applicant or recipient may request of the Secretary or his designee or the administrative judge to whom the matter has been assigned that the matter be scheduled for hearing or (ii) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under § 27.9 and consent to the making of a decision on the basis of such information as is available.

(2) *Time and place of hearing.* Hearings shall be conducted by the Office of Hearings and Appeals of the Department, at a time and place fixed by the administrative judge to whom the matter has been assigned. Hearings shall be held before an administrative judge designated by the Office of Hearings and Appeals in accordance with its procedures.

(3) *Right to Counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(4) *Procedures, evidence, and record.* (i) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 544–557 and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (b)(1) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(ii) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the officer conducting the hearing. The administrative judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent that the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(5) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more Federal authorizations to which this part applies, or asserted to constitute noncompliance with this part and the regulations of one or more other Federal departments or agencies, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 27.11.

§ 27.11 Decisions and notices.

(a) *Initial decision by an administrative judge.* The administrative judge shall make an initial decision and a copy of such initial decision shall be sent by registered mail, return receipt requested, to the recipient or applicant.

(b) *Review of the initial decision.* The applicant or recipient may file his exceptions to the initial decision, with his reasons therefor, with the Director, Office of Hearings and Appeals, within thirty (30) days of receipt of the initial decision. In the absence of exceptions, the Director, Office of Hearings and Appeals, on his own motion within forty-five (45) days after the initial decision, may notify the applicant or recipient that he will review the decision. In the absence of exceptions or a notice of review, the initial decision shall constitute the final decision subject to the approval of the Secretary pursuant to paragraph (f) of this section.

(c) *Decisions by the Director, Office of Hearings and Appeals.* Whenever the Director, Office of Hearings and Appeals, reviews the decision of a hearing examiner pursuant to paragraph (b) of this section, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contention, and a copy of the final decision of the Director, Office of Hearings and Appeals, shall be given to the applicant or recipient and to the complainant, if any.

(d) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to paragraph (b)(1) of § 27.10, a decision shall be made by the Director, Office of Hearings and Appeals,

on the record and a copy of such decision shall be given in writing to the applicant or recipient and to the complainant, if any.

(e) *Rulings required.* Each decision of an administrative judge or the Director, Office of Hearings and Appeals, shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(f) *Approval by Secretary.* Any final decision of an administrative judge or of the Director, Office of Hearings and Appeals, which provides for the suspension or termination of, or the refusal to grant or continue a Federal authorization, or the imposition of any other sanction available under this part shall promptly be transmitted to the Secretary, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(g) *Content of decisions.* The final decision may provide for suspension or termination of, or refusal to grant or continue a Federal authorization, in whole or in part, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of section 403 of Public Law 93–153 and implementing rules, regulations, and orders, including provisions designated to assure that no Federal authorization will be extended under title II of Public Law 93–153 to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to section 403 and implementing rules, regulations, and orders, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.

(h) *Post termination decisions.* An applicant or recipient adversely affected by an order issued under paragraph (g) of this section shall be restored to full eligibility to receive the Federal authorization if it satisfies the terms and conditions of that order for such eligibility and if it provides reasonable assurance that it will fully comply with this part.

§ 27.12 Judicial review.

Action taken pursuant to this part is subject to judicial review.

§ 27.13 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* Nothing in this regulation shall be deemed to supersede any of the following (including future amendments thereof):

(1) Executive Orders 10925 and 11114 and 11246, as amended, and regulations therefor;

(2) Executive Order 11063 and regulations issued thereunder, or any other regulations or instructions insofar as such Order, regulations, or instructions prohibit discrimination on the ground of race, creed, color, national origin, or sex in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Department Compliance Officer may issue and make available to interested persons instructions and procedures for effectuating this part.

(c) *Supervision and coordination.* The Secretary may from time to time assign such officials of the Department as he deems appropriate, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of this part (other than responsibility for final decision as provided in § 27.11), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of this part.

(d) Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the Secretary of the Interior.

§ 27.14 Definitions.

As used in this part:

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "recipient" means any entity or individual who received a permit, right-of-way, public land order, or other Federal authorization granted or issued under title II of Public Law 93–153.

(c) The term "applicant" means one who submits an application for any Federal authorization to which this part applies.

[FR Doc.74–9582 Filed 4–25–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND PART OF CALIFORNIA

Expenses and Rate of Assessment for the 1973–74 Fiscal Period

This notice invites written comment relative to the proposed expenses of $273,470 and rate of assessment of $0.014 per carton of Valencia oranges to support the activities of the Valencia Orange Administrative Committee for the 1973–74 fiscal period under Marketing Order No. 908.

Consideration is being given to the following proposals submitted by the Valencia Orange Administration Committee, established under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the expenses which are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period from November 1, 1973, through October 31, 1974, will amount to $273,470; and (2) that there be fixed, at $0.014 per carton of oranges, the rate of assessment payable by each handler in accordance with § 908.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 6, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 22, 1974.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–9592 Filed 4–25–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

APPROVED CALIFORNIA PLAN

Proposed Supplements

Background. Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On May 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California Plan and of the adoption of Subpart K of Part 1952 describing the plan. On December 7, 1973 and March 4, 1974, the State of California submitted supplements to the plan involving developmental changes (see Subpart B of 29 CFR Part 1953) and State initiated changes (see Subpart E of 29 CFR Part 1953).

The supplements include:

1. Legislation captioned "Assembly Bill No. 150" approved by the Governor and filed with the Secretary of State on October 2, 1973 authorizing complete implementation of the basic State plan;

2. Interagency agreements between the State's Occupational Safety and Health enforcing agency and the State Department of Public Health and the State Fire Marshal to foster the accomplishment of the plan's objectives;

3. A description of the above mentioned supplements specifying in detail

wherein the enacted legislation differs from or adds to the legislation originally proposed in the plan;

4. A description of the organization and operation of the program's recently established consultative services component; and

5. A change in the State's developmental schedule for completion of a revision of its standards from May 1, 1974 to October 31, 1975.

In accordance with 29 CFR Part 1953 a preliminary review of the changes has been made and the issue of their approval is now under consideration.

Issues. The principal question that appears to require particular scrutiny with the respect to this matter concerns the adequacy of the State's legislative response to the Plan's commitment for:

> * * * an amendment to the criminal provisions of the present California Labor Code to remove possible sanctions against employees for violations of standards. This will avoid any potential danger of inhibiting employees from exercising complaint rights for fear that counter complaints or threats of complaints may be made against them (38 FR 10718).

Although the new State law does not authorize such sanctions against employees generally, it extends its criminal provisions to certain knowing, willful and repeated violations of standards by those employees who serve in management or supervisory positions (see section 6423 and 6425). With respect to this matter it should also be noted that the law contains a special provision that prohibits employers from discharging employees who refuse to violate safety or health standards (see section 6311).

The new State legislation provides for several other significant variations from the program as approved. Some appear to enhance it while others appear to leave its effectiveness unchanged. Although none appear to adversely affect the program, they all should be evaluated, and accordingly comments with respect to them will be considered. The most important of these distinctions appear to be that:

1. Under the State's new law, authority to grant or deny temporary variances rests with the Division of Industrial Safety, and such authority for permanent variances is with the Occupational Safety and Health Standards Board. The Board also hears appeals from the Division of Industrial Safety's decisions on temporary variances. (See Labor Code Sections 143, 143.1, 6450, 6455, and 6457 in enabling legislation.) The plan as approved would have placed initial responsibility for the granting or denial of all types of variances in the Division of Industrial Safety. The Occupational Safety and Health Standards Board was to hear all appeals from Division of Industrial Safety decisions;

2. Although California's plan as approved provided for various types of training activities and for on-site consultative services, it did not contemplate that these programs would be included in the legislation itself. A statutory mandate with respect to this program component has, however, been provided in sections 6350–6355 and section 6319d of the Labor Code;

3. The implementing legislation provides for a new program component under which employers will be required to obtain a permit from the Division of Industrial Safety prior to beginning work involving construction of trenches or excavations five feet or deeper into which a person is required to descend, or the construction or demolition of any structure, falsework, or scaffolding over three stories or the equivalent height. (See LC 6500–6508, 6706, 6435); and

4. The plan's enabling legislation contains provision for the establishment of a Bureau of Investigation within the Division of Industrial Safety. The Bureau is charged with the responsibility for directing accident investigations arising from violations of standards in which a serious injury or death occurs or in which a Division representative requests prosecution. (See LC 6315.)

Location of the plan and its supplements for inspection and copying. A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations; Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Occupational Safety and Health Administration, Room 9410, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; Agriculture and Services Agency, 1220 N Street, Room 114, Sacramento, California 95814; Department of Industrial Relations, 455 Golden Gate Avenue, Room 999, San Francisco, California 94102; and Division of Industrial Safety, 3460 Wilshire Boulevard, Room 916, Los Angeles, California 90010.

Public participation. Interested persons are hereby given until May 28, 1974 in which to submit written data, views, and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements, by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart K of Part 1952 and initiate appropriate further proceedings if necessary.

(Secs. 8(g), 18, Pub. L. 91–596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667)).

Signed at Washington, D.C., this 18th day of April, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-9640 Filed 4-25-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74 87]

LONGBOAT PASS, FLORIDA

Proposed Drawbridge Operation Regulations

At the request of the Florida Department of Transportation, the Coast Guard is considering revising the regulations for the Longboat Pass bridge between Longboat Key and Anna Maria Key near Bradenton Beach, Florida to require that the draw open on signal from 6 a.m. to 6 p.m. and open on signal if at least 3 hours notice is given from 6 p.m. to 6 a.m. The draw is presently required to open on signal at all times. This change is being considered because of limited openings from 6 p.m. to 6 a.m. (there were 48 openings in 1973, an average of 4 per month).

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before May 30, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that 33 CFR Part 117 be amended by adding a new paragraph (i)(3–c) immediately after paragraph (i)(3–b) of § 117.245 to read as follows:

§ 117.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

* * * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(3–c) Longboat Pass bridge between

Longboat Key and Anna Maria Key near Bradenton Beach, Fla. From 6 a.m. to 6 p.m. the draw shall open on signal. From 6 p.m. to 6 a.m., the draw shall open on signal if at least 3 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: April 22, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-9554 Filed 4-25-74;8:45 am]

[33 CFR Part 117]

[CGD 74 99]

STEINHATCHEE RIVER, FLORIDA

Proposed Drawbridge Operation Regulations

At the request of the Florida Department of Transportation, the Cost Guard is considering amending the regulations for the State Road 358 drawbridge across the Steinhatchee River between Steinhatchee and Jena, Florida, to require that the draw open on signal if at least three hours notice is given. The draw is presently required to open on signal at all times. This amendment is being considered because of infrequent requests from vessels for the opening of the draw of this bridge. There were 28 openings in 1973. Recodification of the present § 117.245(i) (6-a), (6-b) and (6-c) to § 117.245(i) (6-b), (6-c), and (6-d) will be necessary to provide for this proposed amendment.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Seventh Coast Guard District (oan), Room 1018, Federal Building, 51 SW. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be avaliable for examination by interested persons at the Office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before May 30, 1974 with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all comumnications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that 33 CFR Part 117 be amended by:

1. Recodifying § 117.245(i) (6-a), (6-b) and (6-c) to § 117.245(i) (6-b), (6-c) and (6-d).

2. Adding a new § 117.245(i) (6-a) immediately after § 117.245(i) (6) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(6-a) Steinhatchee River, State Road 358, Steinhatchee, Fla. The draw shall open on signal if at least three hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)), 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: April 22, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-9553 Filed 4-25-74;8:45 am]

FEDERAL AVIATION ADMINISTRATION

[14 CFR Part 39]

[Docket No. 74-WE-15-AD]

AIRWORTHINESS DIRECTIVES

Sierra Engineering Co. Model 289-601 Series Passenger Oxygen Masks

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Sierra Engineering Company Model 289-601 series passenger oxygen masks. There has been a separation of the reservoir from the facepiece on a Sierra Model 280-601 series passenger oxygen mask that resulted in loss of oxygen flow. Since this condition is likely to exist or develop in other oxygen masks of the same type design, the proposed airworthiness directive would require installation of a retaining disk to secure the reservoir to the facepiece on Sierra Model 289-601 series passenger oxygen masks.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before May 31, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SIERRA. Applies to aircraft certificated in all categories incorporating Sierra Engineering Company Model 289-601 series passenger oxygen masks.

Compliance required within the next 1000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent separation of the reservoir from the mask facepiece, accomplish the following:

(a) Install a retaining disk to secure the reservoir to the facepiece on Sierra Model 289-601 series passenger oxygen masks in accordance with Sierra Engineering Company Service Bulletins No. 289-601-35-1, dated February 11, 1974, and No. 289-601-35-2 dated March 1, 1974.

(b) Equivalent installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Aircraft may be flown to a base for the performance of that maintenance required by this AD per FAR's 21.197 and 21.199.

Issued in Los Angeles, California on April 17, 1974.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.74-9534 Filed 4-25-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-WE-7]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new control zone at Scottsdale Airport, Arizona.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261. All communications received on or before May 28, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become

part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

A new Air Traffic Control Tower will be commissioned at Scottsdale Airport on or about August 15, 1974. The new control zone is required to provide the necessary controlled airspace protection for the provision of air traffic control services.

In consideration of the foregoing, the FAA proposes the following airspace action.

In §71.171 (39 FR 354) the following control zone is added:

SCOTTSDALE, ARIZ.

Within a 5-mile radius fo Scottsdale Airport (latitude 33°37'05" N., longitude 111°-54'55" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348 (a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on April 18, 1974.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.74-9544 Filed 4-25-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-NE-6]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

On Page 20346 of the FEDERAL REGISTER dated July 31, 1973 (38 FR Doc. 73-15634) the Federal Aviation Administration proposed a notice of proposed rulemaking which would alter the Bridgeport, Connecticut control zone (39 FR 363) and 700-foot transition area (39 FR 459) in order to provide controlled airspace protection for aircraft executing the revised standard instrument approach procedures for VOR runways 6 and 24 at Igor I. Sikorsky Memorial Airport, Bridgeport, Connecticut.

Subsequent to the publishing of this proposed rule, the Federal Aviation Administration determined that the Bridgeport, Connecticut and New Haven, Connecticut terminal areas should be combined to permit more efficient and expeditious handling of air traffic in that area. This will require additional alterations to the Bridgeport, Connecticut control zone and 700-foot transition area, the alteration of the New Haven, Connecticut control zone (39 FR 411), and the designation of a new Bridgeport, Connecticut 1200-foot transition area in order to provide controlled airspace protection for IFR departures and arrivals at Igor I. Sikorsky Memorial Airport and Tweed-New Haven Airport. This new notice of proposed rulemaking replaces the notice of proposed rulemaking published on July 31, 1973 (38 FR Doc. 73-15634) which is hereby withdrawn.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before May 28, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Bridgeport, Connecticut and New Haven, Connecticut, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bridgeport, Connecticut control zone and insert the following in lieu thereof:

That airspace within a 5.5-mile radius of the center, latitude 41°09'48" N., longitude 73°07'34" W. of the Igor I. Sikorsky Memorial Airport, Bridgeport, CT., extending clockwise from a 008 degree bearing to a 058 degree bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 058 degree bearing to a 276 degree bearing from the airport; within a 5.5-mile radius of the airport extending clockwise from a 276 degree bearing to a 311 degree bearing from the airport and within a 6-mile radius of the center of the airport; extending clockwise from a 311 degree bearing to a 008 degree bearing from the airport. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a notice to airmen which thereafter will be continually published in the Airman's Information Manual.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the New Haven, Connecticut control zone and insert the following in lieu thereof:

That airspace within a 5-mile radius of the center, latitude 41°15'51" N., longitude 72°53'15" W. of the Tweed-New Haven Airport, New Haven, CT, extending clockwise from a 079 degree bearing to a 237 degree bearing from the airport; within a 5.5-mile radius of the center of the airport; extending clockwise from a 237 degree bearing to a 357 degree bearing from the airport; and within a 6-mile radius of the center of the airport, extending clockwise from a 357 degree bearing to a 079 degree bearing from the airport. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a notice to airmen which thereafter will be continually published in the Airman's Information Manual.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bridgeport, Connecticut transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, latitude 41°09'48" N., longitude 73°07'34" W. of the Igor I. Sikorsky Memorial Airport, Bridgeport, CT., extending clockwise from a 013 degree bearing to 055 degree bearing from the airport within a 8.5-mile radius of the center of the airport extending clockwise from a 055 degree bearing to a 248 degree bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 248 degree bearing to a 291 degree bearing from the airport; within a 12.5-mile radius of the center of the airport extending clockwise from a 291 degree bearing to a 326 degree bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 326 degree bearing to a 013 degree bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of the Bridgeport, CT., VOR 042 degree radial extending from the Bridgeport, CT., VOR to 17.5 miles northeast of the Bridgeport, CT., VOR; within an 8.5-mile radius of the center; latitude 41°15'51" N., longitude 72°53'15" W. of the Tweed-New Haven Airport, New Haven, CT.; within 5 miles southeast and 5 miles northwest of the Hartford, CT., VORTAC 222 degree radial extending from 32 miles southwest of the Hartford, CT., VORTAC to 14 miles southwest of the Hartford, CT., VORTAC; within 5 miles northeast and 5 miles southwest of the Pawling, N.Y., VORTAC 138 degree radial extending from 31 miles souhteast to 44 miles southeast of the Pawling, N.Y., VORTAC; within 5 miles northwest and 5 miles southeast of the Carmel, N.Y., VORTAC 065 degree radial extending from the Carmel, N.Y., VORTAC to 28 miles northeast of the Carmel, N.Y., VORTAC; within 5 miles north and 5 miles south of the Carmel, N.Y., VORTAC 093 degree radial extending from the Carmel, N.Y., VORTAC to 28 miles east of the Carmel, N.Y., VORTAC.

That airspace extending upward from 1,200 feet above the surface bound by a line beginning at: Latitude 41°31'00" N., longitude 73°30'00" W. to latitude 41°31'00"N., longitude 73°20'00" W. to latitude 41°49'00" N., longitude 73°16'00" W. to latitude 41°31'00" N., longitude 72°46'00" W. to latitude 41°18'-00" N., longitude 72°30'30" W. to latitude 41°00'00" N., longitude 72°45'00" W. to latitude 41°00'00" N., longitude 73°33'00" W. to latitude 41°10'00" N., longitude 73°33'00" W. to latitude 41°20'00" N., longitude 73°-23'00" W. to latitude 41°25'00" N., longitude 73°30'00" W. to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Burlington, Massachusetts on April 12, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-9538 Filed 4-25-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-17]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Stephenville, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 28, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this ntice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the Stephenville, Tex., transition area is amended to read:

STEPHENVILLE, TEX.

That airspace extending upward from 700 feet AGL within a 5-mile radius of Clark Field, Tex. (latitude 32°13'0" N., longitude 98°10'42" W.); within 3 miles each side of the Acton, Tex., VORTAC 244° T (235° M) radial extending from the 5-mile radius area to 27 miles from the VORTAC; and within 3 miles each side of the 139° T (130° M) bearing from the Stephenville, Tex., RBN (latitude 32°13'0" N., longitude 98°10'42" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

The proposed alteration of the transition area will provide controlled airspace for aircraft executing an instrument approach procedure predicated on the Stephenville, Tex., RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth TX., on April 17, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-9536 Filed 4-25-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Goodland, Kansas. Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before May 28, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace, an RNAV instrument approach is being developed for Renner Field-Goodland Municipal Airport, Goodland, Kansas. Accordingly, it is necessary to alter the 1200-foot floor transition area at Goodland to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

GOODLAND, KANSAS

That airspace extending upward from 700 feet above the surface within a seven-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'56" W.); and within five miles each side of the Goodland VORTAC 163° radial, extending from the seven-mile radius area to 12 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within five miles each side of the Goodland VORTAC 343° radial, extending from the VORTAC to 14 miles north of the VORTAC; within a 17-mile radius of the Goodland VORTAC 096° radial clockwise to the Goodland VORTAC 249° radial; and within four and one-half miles west and nine and one-half miles east of the Goodland VORTAC 163° radial, extending from the 17-mile radius area to 18½ miles south of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on April 9, 1974.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.74-9535 Filed 4-25-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-NE-7]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of the Federal Aviation Regulations so as to alter the Lebanon, New Hampshire 1200-foot transition area (39 FR 528).

The Federal Aviation Administration is proposing to extend the Victor Airway V496 from Glens Falls, New York to Augusta, Maine via Lebanon, New Hampshire and to establish a new Victor Airway V151E from Lebanon, New Hampshire to Montpelier, Vermont via the Lebanon VOR 020° magnetic radial and the Montpelier, Vermont VOR 127° radial. In order to provide airspace protection for aircraft executing approaches and departures to and from airports in the Lebanon, New Hampshire/Montpelier, Vermont area after the establishment of these new airways, it will be necessary to revise the Lebanon, New Hampshire 1200-foot transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before May 28, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at

the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lebanon, New Hampshire, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lebanon, New Hampshire 1200-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 1200 feet above the surface bound by a line beginning at 43°11'00" N., 72°39'00" W., to 43°47'00" N., 72°39'00" W., to 43°55'00" N., 72°16'00" W., to 44°08'00" N., 72°18'00" W., to 44°06'00" N., 70°37'00" W., to 43°45'00" N., 71°09'00" W., to 43°35'00" N., 71°55'00" W., to 42°55'00" N., 72°00'00" W., to 43°05'-00" N., 72°13'00" W. to the point of beginning, excluding those portions that coincide with the Whitefield, N.H., North Conway, N.H., and Burlington, Vt., 1200-foot Transition Areas.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts on April 12, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-9537 Filed 4-25-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 74-18; Notice 1]

CONSUMER INFORMATION REGULATIONS

Special Vehicles

This notice proposes to amend Part 575, Consumer Information, so that the requirement that manufacturers have consumer information available in showrooms for each of the vehicles offered for sale does not apply to special vehicles not available to the general public.

An amendment to Part 575, designated § 575.7, was promulgated by the NHTSA on May 7, 1973 (38 FR 11347). That amendment required manufacturers who produce vehicles having a configuration not available for purchase by the general public to identify them when submitting to NHTSA the consumer information required by Part 575. It is the intent of NHTSA not to include information concerning these vehicles in rankings or compilations published by the agency as consumer information.

Ford Motor Company, in responding to the notice of proposed rulemaking which initiated that amendment, suggested that the same information need not be made available to the public at dealer showrooms and other public outlets. Subsequently, by petition of October 20, 1973, Ford requested that Part 575 be amended to exempt special vehicles from the requirements of § 575.6 (c). After consideration, NHTSA has decided to grant the petition of Ford, on the grounds that no safety purpose is served by providing to the general public information concerning vehicles which they may not purchase. The information would continue to be made available to qualified purchasers.

Accordingly, it is proposed that 49 CFR 575.7 be amended to read as follows:

* * * * *

§ 575.7 Special Vehicles.

A manufacturer who produces vehicles having a configuration not available for purchase by the general public need not make available to ineligible purchasers, pursuant to § 575.6(c), the information for those vehicles specified in Subpart B of this part, and shall identify those vehicles when furnishing the information required by § 575.6(d).

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW, Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: June 10, 1974.

(Secs. 103, 112, 119, 203, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407, 1423; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on April 23, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-9653 Filed 4-25-74;8:45 am]

[49 CFR Part 571]

[Docket No. 74-14; Notice 2]

OCCUPANT CRASH PROTECTION

Proposed Amendment to Motor Vehicle Safety Standard; Extension of Comment Period

A proposal to amend Standard No. 208, Occupant crash protection, 49 CFR 571.-208, was published on March 19, 1974 (39 FR 10271).

The announced closing date for comments on this proposal was May 3, 1974. The National Motor Vehicle Safety Advisory Council has recommended an extension of the comment closing date to allow more time for comments on this proposal.

In light of the significance of the proposal, the NHTSA finds the Council's recommendation to have merit, and the closing date for comments is hereby extended to June 3, 1974.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on April 23, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-9652 Filed 4-23-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

CONNECTICUT

Proposed Revision to Implementation Plan

On June 18, 1973 (38 FR 15834) the Administrator of the Environmental Protection Agency (EPA) promulgated amendments to 40 CFR Part 51. These amendments are designed primarily to expand the scope of review prior to construction or modification of buildings, facilities and installations so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources but also of pollution arising from mobile source activity associated with such buildings, facilities and installations. This latter procedure is indirect source review.

To satisfy these new requirements, the State of Connecticut, after public hearings held on August 9, 10, 13, 14 and 15, 1973 revised the Connecticut "Regulations for the Abatement of Air Pollution, section 19-508-3, Permits for Construction and Operation," to provide for State review of impact on air quality of indirect sources. This implementation plan revision was submitted to EPA on January 9, 1974.

This notice is issued to advise the public that comments may be submitted on whether the proposed revision to the Connecticut implementation plan should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within the 30-day public comment period will be considered. The Administrator's decision to approve or disapprove the proposed plan revision is based on whether it meets the requirements of section 110(a)(2)(A)-(H) and EPA regulations in 40 CFR Part 51.

Copies of the Connecticut plan revision are available for public inspection during normal business hours at the EPA Regional Office, 2113 John F. Kennedy Federal Building, Boston, Massachusetts 02203; Connecticut Department of Environmental Protection, State Office Building, Hartford, Connecticut 60115; and the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written

comments, preferably in triplicate, to the Regional Administrator, EPA Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203. Relevant comments received on or before May 28, 1974, will be considered. Receipt of comments will be acknowledged but substantive responses to individual comments will be provided. Comments received will be available during normal working hours at the Region I Office.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended, (42 U.S.C. 1857c-5(a)).

Dated: April 19, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-9611 Filed 4-25-74;8:45 am]

[40 CFR Part 52]
NEW HAMPSHIRE
Proposed Revision to Implementation Plan

On June 18, 1973 (38 FR 15834) the Administrator of the Environmental Protection Agency (EPA) promulgated amendments to 40 CFR Part 51. These amendments are designed primarily to expand the scope of the review prior to construction or modification of buildings, facilities, and installations so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources but also of pollution arising from mobile source activity associated with such buildings, facilities and installations. This latter activity is indirect source review.

To satisfy these new requirements, the State of New Hampshire, after a public hearing held on October 5, 1973, adopted on December 11, 1973 Regulation No. 20, "Statewide Requirements for Review of New or Modified Indirect Sources." This implementation plan revision was submitted to EPA on December 13, 1973.

This notice is issued to advise the public that comments may be submitted on whether the proposed revision to the New Hampshire implementation plan should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within the 30-day public comment period will be considered. The Administrator's decision to approve or disapprove the proposed plan revision is based on whether it meets the requirements of section 110 (a)(2)(A)-(H) and EPA regulations in 40 CFR Part 51.

Copies of the New Hampshire plan revision are available for public inspection during normal business hours at the EPA Region I Office, 2113 John F. Kennedy Federal Building, Boston, Massachusetts 02203; New Hampshire Air Pollution Control Agency, State Laboratory Building, Hazen Drive, Concord, New Hampshire 03301; and the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203. Relevant comments received on or before May 28, 1974, will be considered. Receipt of comments will be acknowledged but substantive responses to individual comments will not be provided. Comments received will be available during normal working hours at the Region I Office.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)).

Dated: April 19, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-9612 Filed 4-25-74;8:45 am]

[40 CFR Part 52]
WASHINGTON
Compliance Schedule

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, the State of Washington plan for implementation of the national ambient air quality standards.

On November 27, 1973, the State of Washington Department of Ecology submitted a revision to the Administrator on their implementation plan in the form of a compliance schedule, issued by the State, to Kaiser Aluminum & Chemical Corporation, Trentwood Works, located at Spokane, Washington. The schedule proposes to allow completion of testing, selection of the best system, and equipment installation on the induction furnace in order to be in compliance with Spokane County Air Pollution Control Agency Regulations.

The Administrator is required by section 110 of the Act to approve or disapprove any revision of an implementation plan submitted by a State. Therefore, public comment is invited on whether the Administrator should approve or disapprove the compliance schedule as a revision to the State plan.

Copies of the proposed revision are available for public inspection during normal business hours at the Office of EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; State of Washington Department of Ecology, Olympia, Washington 98504; Spokane County Air Pollution Control Authority, N. 811 Jefferson, Spokane, Washington 99201; and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101: Attention: J. Akins. Relevant comments received on or before May 28, 1974, will be considered, and will be available during normal working hours at the Region X Office.

This notice of proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act as amended (42 U.S.C. 1857c-5(a)).

Dated: April 19, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-9610 Filed 4-25-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 141 and 260]
[Docket No. RM74-17]

REPORTING OF SECURITY HOLDERS AND VOTING POWER DISCLOSURE AND DEBT HOLDER DISCLOSURE
Notice of Proposed Rulemaking

APRIL 19, 1974.

Pursuant to 5 U.S.C. 553, sections 3, 4, 301, 304, and 309 of the Federal Power Act (41 Stat. 1063, 1064, 1065, 1066; 46 Stat. 798; 49 Stat. 838, 839, 840, 841, 854, 855, 856, 858, 859; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825c, 825h and sections 8, 10, and 15 U.S.C. 717g, 717i, 717o), the Commission gives notice it proposes to amend, effective January 1, 1974:

A. Certain schedules of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by 18 CFR 141.1.

B. Certain schedules of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by 18 CFR 260.1.

The provisions of this rulemaking would for:

Schedule page 106, Security Holders and Voting Powers (1) increase the number of security holders presently reported from 10 to 30 and (2) require reporting stockholders by institutional or individual name in addition to the nominee or "street" name.

Schedule page 219, Long-Term Debt (Accounts 221, 222, 223, and 224) increase the reporting to include divulging holders of more than 5 percent of a debt issue or $500,000, whichever is smaller.

Schedule page 221, Notes Payable (Account 231) change the present title of column (a) from "Payee" to Holder of Note and Address.

Schedule page 221, Payables to Associated Companies (Accounts 233, 234) amend instruction 3 by increasing the present requirement to include in column (a) the name of the note holder and address.

Our present reporting requirements do not contain adequate information from which a full and meaningful evaluation of corporate control can be made. The complexities of our present society dictate that this Commission, in carrying out its regulatory responsibility, must become more cognizant of the exercise of control and possible influence that might be pertinent over the industry regulated. The small stockholder, consumer, and public in general need pertinent information with respect to possible control by large security owners.

This notice proposes to obtain this information under our responsibilities as an arm of the Congress and under our responsibilities in section 311 of the Federal Power Act and section 14 of the

Natural Gas Act to keep the Congress informed of our regulatory activities and the possibility of the need for further legislation.

It is for these reasons that we have decided at this time to increase the reporting as described heretofore.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than June 5, 1974, data, views, comments or suggestions in writing concerning all or part of the proposed revised report forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff on the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

(A) Effective for the reporting year 1974, it is proposed to:

(1) Revise schedule pages 106, Security Holders and Voting Powers; 219, Long-Term Debt; and 221, Notes Payable and Payables to Associated Companies of FPC Form No. 1. Annual Report for Electric Utilities, Licensees and Others, (Class A and Class B) prescribed by 18 CFR 141.1, all as set out in Attachments A, B, and C which are filed as part of the original document.

(2) Revise schedule pages 106, Security Holders and Voting Powers; 219, Long-Term Debt; and 221, Notes Payable and Payables to Associated Companies of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by 18 CFR 260.1 all as set out in Attachments A, B, and C which are filed as part of the original document.

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

By direction of the Commission.

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

[FR Doc.74-9563 Filed 4-25-74;8:45 am]

[18 CFR Part 35]

[Docket No. RM74-15]

INITIAL AND SUPERSEDING ELECTRIC RATE SCHEDULES; FIXED RATE CONTRACT PROVISIONS

Notice of Proposed Rulemaking

APRIL 22, 1974.

Notice is given pursuant to section 553 of title 5 of the United States Code and to section 309 of the Federal Power Act that the Commission is proposing to amend its regulations under the Federal Power Act by redesignating the present paragraph (d) under § 35.1, *Application; obligation to file rate schedules,* as paragraph (e) and adding the following as a new paragraph (d):

§ 35.1 Application; obligation to file rate schedules.

* * * * *

(d) On or after _____, 1974, if a public utility files with the Commission a rate schedule applicable to the transmission or sale of electric energy, whether filed as an initial rate schedule in accordance with § 35.12 or whether filed as a change in accordance with § 35.13 where such change is to an existing rate schedule whose term has expired, such rate schedule shall contain one of the following provisions:

(1) Nothing contained herein shall be construed as affecting in any way the right of any party furnishing or receiving service under this rate schedule to unilaterally make application to the Federal Power Commission for a change in rates, charges, classification, or service, or in any rule, regulation, or contract relating thereto, or to petition for investigation of existing rates, under section 205 and 206 of the Federal Power Act, whichever shall be applicable, and pursuant to the Commission's rules and regulations promulgated thereunder.

(2) The rates, terms and conditions of service specified herein shall remain in effect for the term of _____, or until _____, and shall not be subject to change through application to the Federal Power Commission pursuant to the provisions of section 205 of the Federal Power Act, absent the agreement of all parties hereto.

Upon the filing, on or after _____, by a public utility of an electric rate schedule containing one of the above provisions, the electric rate schedules thereafter filed by such public utility regardless of the identity of the receiver or receivers of service thereunder, shall also contain such same provision.

The proposed rule is not intended to abrogate or circumvent the obligations imposed under existing fixed rate contracts, but is intended to apply prospectively to new contracts and to modifications of existing fixed rate contracts when their terms expire. The Commission is concerned that the public interest may not be served by unfair differentials which have developed as a result of the fixing, through private negotiations and contract, of unalterable terms and conditions of service, including rates, over extended periods of time. Such differentials, constituting "undue discrimination" under the Fedral Power Act, may develop between jurisdictional customers of a public utility where one customer receives service under a fixed rate contract, while another customer's service is subject to rate and other adjustments through the regular application procedure under section 205 or through investigation under section 206.

The Commission believes that the existence of electric rate schedules filed by the same public utility where only some of the customers are subject to contractually fixed rates may substantially hinder the efforts of this Commission to eliminate undue discrimination among customers. We have also observed situations where problems of interpretation relating to whether certain contracts are in fact fixed rate contracts have engendered litigation and controversy tending to inhibit the speedy and fair resolution of vital issues affecting the public interest. Such uncertainty may be improperly used by the party advantaged therefrom as a bargaining tool to the detriment of the public interest. The Commission intends by this proposed rulemaking to alleviate these problems prospectively to aid the Commission in carrying out its regulatory responsibilities under the Federal Power Act to insure just and reasonable rates and the maintenance of adequate and reliable service to utility customers.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than June 6, 1974, data, views and comments in writing concerning the matters herein proposed. An original and 14 conformed copies should be filed with the Commission. Submissions to the Commission should indicate the names and address of the person to whom correspondence in regard to the proposal should be addressed. A conference concerning the proposal shall be held at 10 a.m., on May 28, 1974, at the Federal Power Commission to discuss the proposed revision. The Commission will consider all written submissions, and oral statements made at the conference before action on the matters herein proposed.

By Direction of the Commission.

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

[FR Doc.74-9564 Filed 4-25-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 142]

RADIO AND TELEVISION INDUSTRY

Opportunity To Present Written Views, Suggestions, Objections or Pertinent Information

Proposed revisions of rule 6 of the Trade Practice rules for the Radio and Television Industry are hereinafter set forth and are today made public by the Commission for consideration by affected and other interested parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C., secs. 41–58, and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations or other parties affected by or having an interest in the proposed revisions, to present to the Commission their views concerning the revisions, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose copies of the proposed revisions, which are advisory in nature as to the applicability of legal requirements, may be obtained

upon request to the Commission. Data, views, information, objections and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than June 28, 1974, to the bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address (Office of Legal and Public Records, Room 130) and will be fully considered by the Commission.

If and when revisions are finally approved and adopted by the Commission, they will be designed to assist manufacturers and other sellers of radio and television sets in avoiding violations of the Federal Trade Commission Act in labeling and advertising their products. Their purpose will be to encourage voluntary compliance with the Act which makes illegal unfair methods of competition and unfair or deceptive acts or practices in commerce. Proceedings to prevent deceptive practices in the sale of radios and television sets may be brought under the Federal Trade Commission Act.

For convenient reference, § 142.6 of the Trade Practice rules for the Radio and Television Industry (16 CFR 142.6) (as promulgated June 28, 1955) is herewith reproduced:

§ 142.6 Misrepresentation of cabinet composition.[1]

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to misrepresent in any material respect the composition of the cabinet, or any part of the cabinet, of any such product.

(b) Among practices inhibited by this section are the following:

(1) Representing that a cabinet, or part thereof, is "mahogany," "solid mahogany," or "in mahogany," unless such cabinet or part is of solid mahogany wood.

(2) Representing that any cabinet, or part thereof, is "mahogany veneer" or "mahogany veneered" unless such cabinet or part consists of a base of wood or plies of wood on the exterior surface of which there has been glued or bonded a ply or veneer of mahogany wood; *Provided, however,* That the terms may also be used as descriptive of cabinets, or parts thereof, which consist of other than a base wood or plies of wood on the exterior surface of which there has been glued or bonded a ply or veneer of mahogany wood when in close conjunction with the term used there is adequate disclosure as to the nature of the composition to which the ply or veneer of mahogany wood has been applied.

(3) Representing that any cabinet, or part thereof, is composed of wood, or of any named wood, when such is not the fact.

NOTE.—Hardboard shall not be unqualifiedly represented as "wood". It may properly be represented as being "hardboard," "synthetic wood," "fiber board," "made from wood fiber (when such is the case)," and may be designated by such other descriptive terms as adequately and nondeceptively make known the general nature of its composition.

(4) Representing that any cabinet, or part thereof, is composed of wood (or any named wood), or is veneered with wood (or any named wood), when, though of such composition, an exposed surface or surfaces thereof have had applied thereto (by means of decalcomania, printing, or otherwise) a simulation of a wood grain, pattern, or figure different than the natural wood grain, pattern, or figure possessed by such wood or veneer, unless adequate disclosure is made of such fact in close conjunction with the said representation.

NOTE (a): Requirements for the designations specified in subparagraphs (1) and (2) of this paragraph, shall be considered as applicable to other named wood designations (such as "walnut," "solid walnut," and "walnut veneer").

NOTE (b): In the absence of an express statement to that effect, representations relating to the composition of cabinets shall not be considered as applying to the interior shelves or bracings thereof.

NOTE (c): When a representation regarding the composition of a cabinet is properly applicable to but a part or parts thereof, such fact shall be clearly indicated in close conjunction with the representation (as, for example, "top, front, and doors are solid mahogany—sides are mahogany veneer").

Section 142.61 should be amended to read as follows:

Sec.
142.6–1 Representations concerning cabinet composition; avoiding deception and making disclosures.
142.6–2 Describing wood and wood imitations.
142.6–3 Identity of woods.

AUTHORITY: Secs. 6, 5, 38 Stat. 722, 719; (15 U.S.C. 46, 45).

§ 142.6–1 Representations concerning cabinet composition; avoiding deception and making disclosures.

(a) *In general,* industry members should not sell, offer for sale, or distribute any industry product under any representation or circumstance, including failure to disclose material facts, that has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the construction, composition, durability, design, style, quality, model, origin, manufacture, or grade of any cabinet or other enclosure.

(b) *Affirmative disclosures.* Material facts concerning merchandise which, if known to prospective purchasers, would influence their decision of whether or not to purchase should be disclosed. This includes situations where deception may result from the appearance alone which, in the absence of affirmative disclosures, could have the capacity and tendency or effect of misleading or deceiving. For example, veneered construction, use of plastic with simulated wood appearance, use of materials or products that simulate other materials or products used in the manufacture of cabinets, or use of simulated finish or grain design, are considered to be material facts and a failure to disclose such information may be an unfair trade practice violative of section 5 of the Federal Trade Commission Act.

(1) *Where disclosures should be made.* Unless otherwise provided, any affirmative disclosure which should be made under this part should be on the industry product, or on a tag or label prominently attached thereto, and should be of such permanency as to remain on or attached to the product until consummation of sale to the consumer. Also, affirmative disclosures should appear in all advertising relating to industry products, irrespective of the media used, whenever statements, representations or depictions are used which could create an impression that a cabinet or other enclosure is of a certain construction or composition and which; in the absence of such disclosures, could have the capacity to mislead prospective purchasers.

(2) *The manner of disclosure.* In all cases when disclosure is necessary, it should be made in close conjunction with the representation or depiction to be qualified and should be of sufficient clarity, conspicuousness, and audibility (when spoken), as to be noted by prospective purchasers. The number of times a disclosure should be made will depend entirely upon the format and context in which it appears.

(3) *The form of disclosure with respect to composition.* Whenever an affirmative disclosure regarding composition should be made under this part, it may be accomplished by either describing the true composition of the product or parts thereof ("plastic", "vinyl") or by stating that the material is not what it appears to be ("simulated wood", "imitation wood grain"). Terms such as "molded components", "walnut plastic", or "carved effect" will not suffice to disclose that exposed surfaces are plastic, or that they are not wood.

(4) (i) *Trade names, coined names, trademarks, etc. suggestive of composition.* Any trade name, coined name, trademark, depiction, symbol or other word or term which is susceptible of more than one interpretation, one or more of which could be misleading, should be immediately qualified to remove clearly and conspicuously the misleading implication(s).

(ii) Trade designations or other representations which cannot be qualified without the qualification amounting to a contradiction should not be used. A trade designation consisting in whole or in part of a word which denotes a kind or type of material of which the product is not in fact composed should not be used. For example, the word "wood" should not be used in a trade name of a product which does not contain wood.

(iii) Also, ambiguous or imprecise trade designations will not be sufficient to satisfy the disclosure provisions of this part. For example, the coined name

[1] Section 142.6 applies to affirmative representations relating to the composition of cabinets and parts thereof. However, in the absence of any affirmative representation, the failure to disclose the true composition of a cabinet, or part thereof, which has the appearance of being of a different composition, may result in deception of purchasers and prospective purchasers and be violative of laws administered by the Commission. It is to be understood that the authority of the Commission is not limited to the affirmative representation practices inhibited by this section.

"Hardiclad" used to describe molded plastic components having the appearance of wood, is not sufficient to disclose that such parts are plastic or that they are not wood.

(c) *Illustrative examples of affirmative disclosure of composition or appearance.* The following examples are among those which, if factually correct, will meet the provisions of this part with respect to affirmative disclosures:

(1) *Disclosure of veneered construction:* "Veneered construction", "(wood name) solids and veneers", "(wood name) veneered top, front and end panels" or "(wood name) veneered 5-ply construction with solid parts of (wood name)", "(wood name) veneers and other solid hardwoods";

(2) *Disclosure of the use of plastics or other materials having the appearance of wood:* "high impact polystyrene", "panels of polystyrene", "legs of rigid polyurethane", "walnut grained plastic top", "parts of the exposed surfaces are of simulated wood" (to describe minor parts of the exposed surfaces of cabinets), "imitation wood", "carved effects of simulated wood", "simulated wood components", "wood grained vinyl veneer", "walnut grained hardboard", or "simulated wood effect on plastic";

(3) *Simulated wood grain design:* "simulated wood grain design", "cherry grained maple", "simulated mahogany crotch on mahogany veneer", "Simulated Carpathian Elm burl", or "engraved cathedral walnut grain on hardboard";

(4) *Simulated carvings:* "carved effect in plastic", "simulated wood carvings", or "molded polystyrene with carved look";

(5) *Hang tags or labels disclosing the use of veneers, plastic simulating wood, or simulated wood grain:* "Veneered construction, heat and stain, resistant plastic top, and decorative parts of rigid polyurethane", or "This cabinet is made of selected hardwoods and veneers with matching plastic top and decorative carved effects of polystyrene in dark oak finish", or "This cabinet is constructed of selected walnut veneers and solid pecan, and has simulated wood panels", or "Walnut veneer end panels and top, polystyrene front, and selected solid hardwoods", or "This cabinet is constructed of selected hardwood solids and veneers, with certain veneered surfaces having simulated grain finish to enhance their appearance", or "Solid and veneered hardwoods with carved effects in a simulated wood and simulated grain design on veneered top in matching pecan finish".

(d) *Removal of tags or labels.* Members of the industry should not:

(1) Remove, obliterate, deface, change, alter, conceal, or make illegible any information this part provides be disclosed on industry products, such as on tags or labels attached thereto, without replacing the same with a proper disclosure meeting the provisions of this part before offering for sale, sale, or distribution; or

(2) Sell, resell, distribute or offer for sale an industry product without it being marked, tagged or labeled and described in accordance with the provisions of this part.

§ 142.6–2 Describing wood and wood imitations.

(a) *Solid wood construction.* Industry members should not use unqualified wood names to describe cabinets or other enclosures unless all of the exposed surfaces are constructed of solid wood of the type named. If more than one type of solid wood is used and one of the woods is named, then all of the principal woods should be disclosed, or the extent of the use of the wood named should be indicated. In lieu of naming the specific woods, a general designation of the type of wood, such as "hardwood" or "softwood" may be used. For example, the following representations, if factually correct, will be acceptable: "solid maple", "solid African mahogany", "walnut and pecan", "solid oak fronts", "walnut", "maple and other selected hardwoods", "fine hardwoods", "selected hardwoods", or "mixed hardwoods".

(b) *Wood veneers.* (1) When the exposed surfaces of cabinets are of veneered and solid construction, and wood names are used to describe such cabinets, the wood names should be qualified to disclose the fact of veneered construction. For example, "walnut solids and veneers" or "mahogany veneered construction" may be used when all the exposed surfaces of cabinets are constructed of solid and veneered wood of the type named. When such terms as "walnut veneered consrtuction" or "oak veneered construction" are used, it is understood that the exposed solid parts are composed of the same wood.

(2) When solid parts of cabinets are of woods other than those used in veneered surfaces, either the use of such other woods should be disclosed or the location of the veneers stated. Examples: "walnut veneers and pecan solids", "mahogany veneers and African mahogany solids", "walnut veneered top, front and end panels", "top of mahogany veneers", or "cherry veneers and selected solid hardwoods".

(c) *Wood products.* Wood names or names suggesting wood should not be used to refer to materials which, while produced from wood particles or fibers, do not posses a natural wood growth structure. Such materials, however, may be referred to by their generally accepted names, if otherwise nondeceptive, such as "hardboard", "particleboard", "chipcore", or "fiberboard", or may be referred to as "wood products".

(d) *Color, grain design or finish.* When wood names are used merely to describe a color of a stain finish and/or grain design or other simulated finish applied to the exposed surfaces of cabinets that are composed of something other than solid wood of the types named, it must be made clear that the wood names are merely descriptive of the color and/or grain design or other simulated finish. Terms such as "walnut finish" or "fruitwood finish" will not suffice. However, tems such as "walnut color", "fruitwood stain finish", "maple finish on birch solids and veneers", "walnut finish on walnut veneers and selected solid hardwoods", "cherry grained maple front", "walnut finish plastic top", or "maple stained hardwoods" will be considered acceptable when factually correct and in contexts otherwise nondeceptive.

(e) *Materials simulating wood.* No wood names should be used to describe any materials simulating wood without disclosures making it clear that the wood names used are merely descriptive of the color and/or grain design or other simulated finish; nor should any trade names or coined names be employed which may suggest that such materials are some kind of wood.

§ 142.6–3 Identity of woods.

Industry members should not use any direct or indirect representation concerning the identity of the wood in industry products that is false or likely to mislead purchasers as to the actual wood composition.

(a) *Walnut.* The unqualified term "walnut" should not be used to describe wood other than genuine solid walnut (genus Juglans). The term "black walnut" should be applied only to the species Juglans nigra.

(b) *Mahogany.* (1) The unqualified term "mahogany" should not be used to describe wood other than genuine solid mahogany (genus Swietenia of the Meliaceae family). The woods of genus Swietenia may be described by the term "mahogany" with or without a prefix designating the country or region of its origin, such as "Honduras mahogany", "Costa Rican mahogany", "Brazilian mahogany" or "Mexican mahogany".

(2) The term "mahogany" may be used to describe wood of the genus Khaya of the Meliaceae family, but only when prefixed by the word "African" (e.g., "African mahogany").

(3) In naming or designating the seven non-mahogany Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan, the term "mahogany" may be used but only when prefixed by the word "Philippine" (e.g., "Philippine mahogany"), due to the long standing usage of that term. Examples of improper use of the term "mahogany" include reference to Red Lauan as "Lauan mahogany" or to White Lauan as "Blond Lauan mahogany". Such woods, however, may be described as "Red Lauan" or "Lauan" or "White Lauan", respectively. The term "Philippine mahogany" will be accepted as a name or designation of the seven woods named above. Such term shall not be applied to any other wood, whether or not grown on the Philippine Islands.

(4) The term "mahogany", with or without qualifications, should not be used to describe any other wood except as provided above. This applies also to any of the woods belonging to the Maliaceae

family, other than genera Swietenia and Khaya.

(c) *Maple.* The terms "hard maple", "rock maple", "bird's-eye maple", "Northern maple" or other terms of similar nature should not be used to describe woods other than those known under the lumber trade names of Black Maple (Acer nigrum) and Sugar Maple (Acer saccharum).

(NOTE.—Nothing in this part should be construed as prohibiting the nondeceptive use of wood names to describe the color, stain, simulated finish or appearance of industry products, provided that appropriate qualifications are made in accordance with provisions in § 142.6–2(d).)

(NOTE.—These revisions have not been approved by the Federal Trade Commission. They are proposed revisions which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action.)

Published for comment: April 26, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74–9624 Filed 4–25–74;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 STATE

[Public Notice CM–134]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The Executive Committee of the National Review Board for the Center for Cultural and Technical Interchange Between East and West (East-West Center) will meet in open session at the St. Francis Hotel in San Francisco, California (room number will be posted on the hotel's daily directory) on May 10, 1974 from 9:30 a.m. to 4:30 p.m.

The Committee will discuss the incorporation of the East-West Center.

Dated: April 22, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74–9578 Filed 4–25–74;8:45 am]

[Public Notice CM–135]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Thursday, May 16, 1974, at the Department of State, Room 1207, from 4 p.m. to approximately 7 p.m. The agenda will include a discussion of the Bureau of Educational and Cultural Affairs' "Concept Paper" which delineates the goals and purposes of the Bureau; a brief review of the present teenage exchange programs with which the Bureau cooperates as well as a discussion of the values inherent in teenage exchange activities; and such new business as may be recommended for discussion at later meetings.

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632–2764.

Dated: April 22, 1974.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

[FR Doc.74–9579 Filed 4–25–74;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

COMPTROLLER OF THE CURRENCY'S REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE FIRST NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the First National Bank Region will be held at 9:30 A.M. in the Carlton Suite at the Ritz Carlton Hotel, Arlington & Newbury Streets, Boston, Massachusetts on May 6, 1974.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the First National Bank Region.

It is hereby determined pursuant to section 10(d) of Pub. L. 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10 (a)(1) and (a)(3) of the Act (Pub. L. 92–463) relating to open meetings and public participation therein.

Dated: April 23, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–9651 Filed 4–25–74;8:45 am]

Customs Service

NON-RUBBER FOOTWEAR FROM BRAZIL

Amendment of Notice of Countervailing Duty Proceedings

On March 8, 1974, a "Notice of Countervailing Duty Proceedings" was published in the FEDERAL REGISTER (39 FR 9213, F.R. Doc. 74–5564), with respect to non-rubber footwear from Brazil.

That notice is hereby amended by extending the time period from 30 days to 90 days within which written submissions of relevant data, views or arguments with respect to the existence or non-existence and the net amount of a bounty or grant must be received by the Commissioner of Customs.

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

Approved: April 19, 1974.

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

[FR Doc.74–9633 Filed 4–25–74;8:45 am]

Internal Revenue Service

[Order No. 104 (Rev. 3)]

DEPUTY COMMISSIONER, ET AL.

Authority Delegation; Absence, Leave and Carry-Over of Annual Leave

1. Pursuant to the authority granted the Commissioner of Internal Revenue by Chapter 250, Treasury Personnel Manual, to administer and conduct personnel management activities:

(a) The Deputy Commissioner; Assistant Commissioners; Assistant to the Commissioner (Public Affairs); Regional Commissioners; Regional Inspectors; District Directors; Service Center Directors; the Director, National Computer Center; the Director, IRS Data Center; and all IRS employees in supervisory positions are hereby authorized to (1) approve leave (including approval of the correction of administrative errors and the determination that a period of sickness or injury interfered with the use of scheduled annual leave, but excluding determinations covered by 2., below); (2) charge Absence Without Leave for unauthorized absences; and (3) authorize brief absences from duty without charge to leave or loss of pay, for individual employees under their supervision and control, in accordance with applicable statutes, Executive Orders, regulations and policies, except as shown in 2., below. This authority may not be redelegated.

(b) The Deputy Commissioner; Assistant Commissioners; Regional Commissioners; Regional Inspectors; District Directors; Service Center Directors; the Director, National Computer Center; and the Director, IRS Data Center, are hereby authorized to close their offices and dismiss employees under their supervision and control from duty without charge to leave or loss of pay, in accordance with the provisions of the Federal Personnel Manual, (1) because of interruption to normal operations by

events beyond the control of management or employees; (2) for managerial reasons; and (3) because of local holidays when Federal work may not properly be performed. Only the authority to close Regional Training Centers and Branch, Area Zone and Local offices, foreign posts, and offices in Puerto Rico may be redelegated, but not lower than to the official having administrative supervision at such subordinate office. Where there are two or more Internal Revenue offices in one locality under the jurisdiction of different District Directors or Assistant Regional Commissioners, such closings and dismissals are to be coordinated as prescribed by the Regional Commissioner. The Assistant Commissioner (Administration) will coordinate the closing of National Office offices located in Washington, D.C.

2. The authority granted to the Commissioner of Internal Revenue by Treasury Department Order No. 231, dated February 13, 1974, to make determinations pursuant to Public Law 93-181, 80 Stat. 488, that the exigency of the public business is of such importance that scheduled annual leave may not be used by an employee and therefore may be carried over in accordance with the Public Law, is hereby redelegated to the Deputy Commissioner, Assistant Commissioners, Assistant to the Commissioner (Public Affairs), and Regional Commissioners, except that exigency determinations must not be made by any official whose leave would be affected by the decision. In the event of such conflict, the determination shall be made at the next higher managerial level. This authority may not be redelegated.

3. Delegation Order No. 104 (Rev. 2), issued May 10, 1972, is hereby superseded.

Date of issue: April 22, 1974.

Effective date: April 22, 1974.

[SEAL] DONALD A. ALEXANDER,
Commissioner.

[FR Doc.74-9555 Filed 4-25-74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

STUDENT LEARNERS

Special Certificates for Employment

Effective May 1, 1974, minimum wage requirements established in the Fair Labor Standards Amendments of 1974 will take effect. There are "student-learners" currently working under "bona fide vocational training programs" (as those terms are defined in 29 CFR 520.2) pursuant to certificates which are scheduled to expire at various times subsequent to May 1, 1974. There are also many "student-learners" currently pursuing "bona fide vocational training programs" under conditions which do not require certification for such employment until May 1, 1974.

Accordingly, pursuant to authority in sections 11 and 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211, 214), and for the purpose of preventing the disruption of these programs, it is hereby ordered that where a "student-learner" is paid not less than 75 percent of the applicable minimum under section 6 of the Act (after May 1, 1974), nor less than any minimum wage applicable to such employee prior to May 1, 1974, and where prior to May 20, 1974, the employer has on file a statement from the "appropriate school official" that the employee is employed as such a "student-learner" under a "bona fide vocational training program," such statement together with this notice shall constitute a special certificate authorizing the student-learner's employment at such wages during the period beginning May 1, 1974, and ending August 30, 1974, provided that a copy of such statement shall have been filed with the appropriate Regional or Caribbean Office of the Wage and Hour Division of the Department of Labor no later than May 31, 1974. The "appropriate school official" is the person authorized to sign an application for a special student-learner certificate as provided in 29 CFR 520.3(b).

Signed at Washington, D.C., this 23d day of April 1974.

WARREN D. LANDIS,
Acting Administrator.

[FR Doc.74-9560 Filed 4-25-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4, of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the list (39 FR 5336) of establishments which are operated under Federal Inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and which use humane methods of slaughter and handling of livestock is hereby amended as follows:

The reference to Oakland Grain and Feed, Inc., establishment 7157, and the reference to swine with respect to such establishment, are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Establishments slaughtering humanely

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Packerland Packing Co. of Texas, Inc.	562C	(*)					
Barthel Packing Co., Inc.	7052A	(*)					
American Packing Co., Inc.	7248		(*)	(*)	(*)		

New establishments reported—1.
Species added—4.

Done at Washington, D.C., on: April 22, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-9510 Filed 4-25-74;8:45 am]

Food and Nutrition Service

[FSP No. 1974-4.2; Amdt. 29]

FOOD STAMP PROGRAM

Puerto Rico; Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be revised semi-annually, by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure is used for the July 1, 1974, adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in February 1974. Therefore, Notice FSP No. 1974-4.1 (39 FR 7817; Feb. 28, 1974), issued pursuant to a part of Subchapter C—Food Stamp Program, under 7 CFR Chapter II is superseded effective July 1, 1974, by this Notice FSP No. 1974-4.2.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect immediately, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1974-4.2 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Puerto Rico, shall be as follows:

Household Size:	
One	$194
Two	267
Three	380
Four	480
Five	573
Six	653
Seven	740
Eight	820
Each additional member	+67

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7(a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the program and the amount charged for the monthly coupon allotment in Puerto Rico are as follows:

Monthly coupon allotments and purchase requirements—Puerto Rico

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$44	$80	$114	$144	$172	$196	$222	$246
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	36	44	46	47	48	49	50	51
$190 to $209.99	36	50	52	53	54	55	56	57
$210 to $229.99		56	58	59	60	61	62	63
$230 to $249.99		62	64	65	66	67	68	69
$250 to $269.99		62	70	71	72	73	74	75
$270 to $289.99			76	77	78	79	80	81
$290 to $309.99			82	83	84	85	86	87
$310 to $329.99			88	89	90	91	92	93
$330 to $359.99			94	95	96	97	98	99
$360 to $389.99			100	104	105	106	107	108
$390 to $419.99				113	114	115	116	117
$420 to $449.99				122	123	124	125	126
$450 to $479.99				126	132	133	134	135
$480 to $509.99				126	141	142	143	144
$510 to $539.99					150	151	152	153
$540 to $569.99					150	160	161	162
$570 to $599.99					150	169	170	171
$600 to $629.99						172	179	180
$630 to $659.99						172	188	189
$660 to $689.99							194	198
$690 to $719.99							194	207
$720 to $749.99							194	216
$750 to $779.99								216
$780 to $809.99								216
$810 to $839.99								216

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA

A. *Value of the total allotment.* For each person in excess of eight, add $20 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $749.99 or less per month.

2. For households with monthly incomes of $750 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $749.99, add $9 to the monthly purchase requirement shown for an eight-person household with an income of $749.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $16 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective July 1, 1974.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

J. PHIL CAMPBELL,
Acting Secretary.

APRIL 22, 1974.

[FR Doc.74-9412 Filed 4-25-74;8:45 am]

Forest Service

WESTSIDE TIMBER SALE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Westside Timber Sale, Report Number USDA-FS-FES(Adm)R10-74-09.

This environmental statement concerns a proposed timber sale involving the harvesting of 11,068,000 million board feet of timber.

This final environmental statement was transmitted to the CEQ on April 19, 1974.

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

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

U.S. Department of Agriculture
Forest Service—Alaska Region
Federal Building
Juneau, Alaska 99801

Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

Forest Supervisor
Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Forest Supervisor
Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor
Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Clay Beal, Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Anchorage, Alaska 99503.

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

C. A. YATES,
Regional Forester.

APRIL 18, 1974.

[FR Doc.74-9585 Filed 4-25-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business

UNIVERSITY OF ILLINOIS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 74–00263–00–46040. APPLICANT: University of Illinois at Urbana-Champaign, 223 Administration Building, Urbana, Illinois 61801. ARTICLE: 1B1102 Side Entry Goniometer Stage for Electron Microscope. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is an accessory to an existing electron microscope being used in a variety of advanced research studies including:

(1) Phase transformation studies involving mainly the precipitation of phase from interstitial alloys;

(2) Studies of precipitation and work hardening in Vanadium-carbon systems;

(3) A study of surface film formed during stress corrosion cracking;

(4) Studies of mechanical properties of intermetallic compounds and ceramic materials;

(5) Studies of ceramic materials including work on wear process in cemented carbides, the microstructure of glass and also the microstructure of the hydration products of calcium silicates, constituents of Portland Cement;

(6) A study on the effect of high intensity sound on the morphology of the organ of Corti in the inner ear; and

(7) Examination of the double-stranded segmented genome of an RNA virus (wound tumor virus) involving study of the heterduplex morphology of renatured RNA from different isolates of the virus with a view to mapping areas of complimentary between viral genomes in the hope of locating the tumor inducing segment of the viral genome.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

A. H. STUART,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74–9665 Filed 4–25–74;8:45 am]

Maritime Administration

BULK CHEMICAL CARRIER CONSTRUCTION PROGRAM

Draft Environmental Impact Statement; Notice of Availability for Purchase

Notice is hereby given that copies of the U.S. Department of Commerce Draft Environmental Impact Statement on the Maritime Administration Bulk Chemical Carrier Construction Program (MA–EIS–7302–74043) are available for purchase from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. The Draft Environmental Impact Statement was filed with the Council on Environmental Quality and made available to the public on March 15, 1974 as noted in the FEDERAL REGISTER of March 8, 1974.

Dated: April 23, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–9662 Filed 4–25–74;8:45 am]

NUCLEAR POWERED COMMERCIAL VESSELS

Consideration of Construction Differential Subsidy

Notice is hereby given of the intent of the Maritime Subsidy Board to consider the award of construction-differential subsidy for the purpose of building nuclear powered merchant vessels to be operated in the foreign commerce of the United States, pursuant to the provisions of the Merchant Marine Act, 1936, as amended. It is contemplated that such subsidy awards would be applied to the construction of ultra large crude carriers (ULCC's) powered by the MarAd standardized 120,000 SHP nuclear propulsion system which is now undergoing review by the Atomic Energy Commission.

Persons, firms or corporations having any interest in applying for such subsidy are invited to file a written expression of said interest on or before May 29, 1974. Such submittals shall include information concerning participating parties and the requirement for financial assistance, if any, by the Government. Thereafter, completed applications for such subsidy should be filed on FMB Form 8, on or before July 29, 1974. Applications should include full particulars on the type of vessels, intended trade, size, speed, horsepower, etc. Expressions of interest and subsidy applications are to be filed with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099–B, Department of Commerce Building, 14th and E Street NW., Washington, D.C. 20230.

Dated: April 24, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–9753 Filed 4–25–74;9:59 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Center for Disease Control announces the approval of renewal by the Secretary, Department of Health, Education, and Welfare, on April 11, 1974, with concurrence by the Office of Management and Budget Committee Management Secretariat, of the following public advisory committee.

Designation. Immunization Practices Advisory Commitee.

Purpose. The Committee provides advice and guidance to the Secretary and to the Director, Center for Disease Control, regarding the most appropriate application of antigens and related agents for effective disease control and reviews and reports regularly on immunization practices and recommends improvements in the national program.

Authority for this committee will expire April 11, 1976, unless the Secretary, DHEW, with concurrence of the Office of Management and Budget Committee Management Secretariat, formally determines that continuance is in the public interest.

Dated: April 19, 1974.

H. BRUCE DULL,
Acting Director, Center for Disease Control.

[FR Doc.74–9716 Filed 4–25–74;8:45 am]

Food and Drug Administration

ARTHRITIS ADVISORY COMMITTEE

Notice of Establishment

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 establishment by the Secretary, Department of Health, Education, and Welfare, on April 5, 1974, of the following advisory committee:

Designation. Arthritis Advisory Committee.

Purpose. The committee will (1) review and evaluate all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for treatment of arthritic conditions and (2) advise the Commissioner of Food and Drugs regarding current advances, changing concepts, and trends in the field.

Authority for this committee will expire April 5, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: April 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-9629 Filed 4-25-74;8:45 am]

Office of Education

EMERGENCY SCHOOL AID

Funding Criteria and Reservation of Funds

The Commissioner of Education hereby gives notice that in accordance with 45 CFR 185.54(c)(1) of the regulations implementing the Emergency School Aid Act, an application for assistance for a bilingual/bicultural grant under section 708(c) of the Act (20 U.S.C. 1607(c)) shall be considered to set forth a project of such insufficient promise for achieving the purpose of the Act that approval of such application is not warranted if such application has been awarded less than 45 points on the basis of the criteria set forth in 45 CFR 185.54 (a) and (b) or less than 33 points on the basis of the criteria set forth in 45 CFR 185.54(b). In accordance with section 710(d)(2) of the Act, an application which is determined to have insufficient promise of achieving the purpose of the Act shall be returned to the applicant with the reasons for such determination and such applicant shall be given an opportunity to modify its application.

One-third of the funds available pursuant to section 704(b)(2) of the Act for purposes of section 708(c) shall be reserved until such time as those applicants whose applications are determined, in the manner described above, to be of insufficient promise for achieving the purposes of the Act have been given an opportunity to modify their applications and have resubmitted such applications. Funds will not be reserved beyond June 30, 1974. (20 U.S.C. 1603 (b)(2), 1607(c))

Effective date: This notice shall be effective May 28, 1974.

(Catalog of Federal Education Assistance Programs Nos. 13.528 Emergency School Aid—Bilingual Project)

Dated: March 25, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: April 22, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74-9643 Filed 4-25-74;8:45 am]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions and Delegations of Authority

Part 2 (Office of Education) Section 2-B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended as follows:

The statement under the heading Bureau of School Systems is deleted and a new statement is added to read as follows:

BUREAU OF SCHOOL SYSTEMS

The Bureau of School Systems formulates policy for, directs, and coordinates the activities of, the elements of the Office of Education which deal with pre-school, elementary and secondary matters.

Division of Education for the Disadvantaged. Administers a program providing payment to State agencies for the education of educationally deprived children in low-income areas, and for institutionalized neglected and delinquent, migrant and Indian children.

Division of Follow-Through. Administers a program to provide special services to childen of low-income families to sustain the gains made in Headstart and other pre-school programs.

Division of Bilingual Education. Responsible for the administration of a program of assistance to local educational agencies to develop and carry out new and imaginative projects designed to meet the special educational needs of students of limited English-speaking ability, i.e., students who come from environments where the dominant language is other than English.

Division of Equal Educational Opportunity Program Development. Responsible for the initiation, coordination, and renewal of program strategies; the identification and reporting of specific program accomplishments; and the development and implementation of administrative guidelines, management models, operational plans, and training manuals.

Division of Equal Educational Opportunity Program Operations. Responsible for supporting and facilitating the operations of regional Equal Educational Opportunity Offices including problem-solving action as necessary and directly administering certain specified program activities which are national in scope, limited in number, and/or highly specialized.

Division of Supplementary Centers and Services. Administers grants to State and local agencies to provide assistance for educational programs.

Division of State Assistance. Administers grants to States to provide assistance to strengthen State educational agencies.

Division of Technology and Environmental Education. Administers grant programs of environmental education and educational technology including grants for the construction of non-commercial educational broadcasting facilities.

Division of Drug Education—Nutrition and Health Programs. Administers grant programs of drug education, nutrition and health.

Division of School Assistance in Federally Affected Areas. Provides grants to local educational agencies for construction, maintenance, and operation of schools in areas affected by Federal activities, and by disasters, and for the operation of special educational programs for Cuban refugees.

The statement under the heading Bureau of Occupational and Adult Education is deleted and a new statement is added to read as follows:

BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

The Bureau of Occupational and Adult Education administers programs of grants, contracts, and technical assistance for vocational and technical education, occupational education, career education, manpower development and training, adult education, consumer education, education professions development and drop-out prevention.

Division of Occupational Planning. Provides leadership for planning, directing, and the development of occupational education programs. Programs are established under a variety of legislative authorities and involve promoting and encouraging occupational education at both the secondary level and post secondary level. Also has the responsibility for coordinating planning activities with the Community College Unit located in the Bureau of Postsecondary Education.

Division of Career Education Programs Develops objectives and plans for career education activities, coordinates activities that implement and support those efforts, and administers assigned programs of grants and contract-

Division of Educational Systems Development. Administers programs of financial support (1) to institutions of higher education, States, and local educational agencies to improve the quality of teaching and (2) to local educational agencies for demonstration projects designed to reduce the number of elementary and secondary school dropouts. Provides professional advice and developmental assistance to the education community on strategies for dropout prevention and the reform of training programs for the education profession.

Division of Vocational and Technical Education. Administers programs of grants and contracts for vocational and technical education.

Division of Adult Education. Administers programs of grants for adult education to States and other public and private non-profit organizations.

Division of Manpower Development and Training. Administers institutional training programs, as provided through State agencies and through direct contracts and grants for occupations designated for referrals from the Secretary of Labor.

Division of Research and Demonstration. Administers vocational and technical education programs of grants and contracts involving research and demonstration projects and activities.

The statement under the heading Bureau of Postsecondary Education is deleted and a new statement is added to read as follows:

BUREAU OF POSTSECONDARY EDUCATION

The Bureau of Postsecondary Education formulates policy for, directs and coordinates activities of the elements of the Office which deal with programs for assistance to postsecondary educational institutions and students, to international education, and to libraries.

Community College Staff. Responsible for coordinating all programs administered by the Office which affect, or can benefit community colleges. Coordinates with other Government college programs and activities. Serves as a focal point for liaison with community colleges.

College and University Staff. Responsible for coordinating programs within the Deputyship which affect or benefit colleges and universities and for serving as liaison with other programs within the Office and with other Government agencies. Serves as a focal point for liaison with colleges and universities.

Accreditation and Institutional Eligibility Staff. Provides services to units in the Office regarding all aspects of accreditation and determination of the eligibility of postsecondary institutions to participate in Federal programs.

Division of Basic Grants. Administers programs to basic educational opportunity grants which provides for the payment of entitlements to students enrolled or accepted for enrollment as an undergraduate in institutions of higher education to assist them in meeting educational costs. The amount of such payment shall be based on anticipated family contributions, student needs, and cost of education.

Division of Student Support and Special Programs. Administers programs of grants to institutions to provide for compensation for employment of needy students to enable them to pursue a postsecondary education. Administers programs to provide funds to institutions for grants and loans for student assistance. Administers programs to identify low income students, prepare them for postsecondary education and provide special services to those students while attending postsecondary educational institutions.

Division of Institutional Development. Administers programs of financial assistance to strengthen developing institutions through institutional grants, cooperative arrangements, and national teaching fellowships.

Division of Training and Facilities. Administers programs of financial assistance to institutions of higher education to support cooperative education programs, training programs including fellowships and institutes; and continuing education programs and aid to land grant colleges. Administers programs of grants and loans for construction of academic facilities.

Division of International Education. Administers programs of teacher exchange and development; provides services to international organizations including recruitment and foreign visitors; conducts comparative education studies, provides advisory evaluations of foreign credentials, and supports foreign language training, research and fellowship activities.

Division of Library Programs. Administers programs to improve public library services and library construction to strengthen library resources, support training of library personnel, and acquisition of equipment to improve instructional programs, Administers programs to support acquisition of school library resources and instructional equipment and support research and demonstrations in library and information science.

Dated: April 22, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-9594 Filed 4-25-74;8:45 am]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 1969, as amended) is hereby further amended for the purposes of changing the order of succession during absence or disability of the Administrator, Social and Rehabilitation Service, or in the event of a vacancy in that office.

For such purposes, delete section 5-C, Order of Succession, and all that follows under that section. Substitute therefor the following:

5-C. Order of succession. During the absence or disability of the Administrator, Social and Rehabilitation Service, or in the event of a vacancy in that office, the first official listed below who is available shall act as Administrator, except during a period of planned absence for which a different order has been designated under (b) below:

(a) (1) Deputy Administrator.

(2) Commissioner, Assistance Payments Administration.

(3) Associate Administrator, Planning, Research, and Evaluation.

(b) For a planned period of absence, the Administrator may specify a different order of succession.

Dated: April 22, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-9593 Filed 4-25-74;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Delegation of Authority

Section 15 of Public Law 93-233 provides that the Secretary of the Department of Health, Education, and Welfare shall arrange for studies to be conducted by the National Academy of Sciences or other appropriate nonprofit private groups or associations concerning: (a) Appropriate and equitable methods of reimbursement for physicians' services, under titles XVIII and XIX of the Social Security Act, in hospitals which have a teaching program approved in accordance with section 1861(b)(6) of the Social Security Act, as amended; (b) The extent to which funds expended under these titles of the Social Security Act are supporting the training of medical specialties which are in excess supply; (c) How such funds could be expended in ways which support more rational distribution of physician manpower, both geographically and by specialty; (d) The extent to which such funds support or encourage teaching programs which tend disproportionately to attract foreign medical graduates; and (e) The existing and appropriate role of funds expended to meet, in whole or in part, the cost of salaries of interns and residents in teaching programs approved under section 1861(b)(6) of the Social Security Act, as amended.

Notice is hereby given that the Commissioner of Social Security has been delegated the authority vested in the Secretary by section 15 of Public Law 93-233, including the authority to enter into, modify, terminate, and otherwise administer agreements with the National Academy of Sciences (or other nonprofit private groups or associations), for the purpose of conducting the types of studies required by section 15. The Commissioner, in carrying out this delegation, shall involve the Assistant Secretary for Health in all health policy matters related to the conduct and administration of these studies. This delegation includes authority to authorize the expenditure of funds for the purpose of paying the costs of the required studies. The delegation of authority to the Commissioner is effective immediately and may be redelegated.

Dated: April 22, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-7958 Filed 4-25-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

MACARTHUR BRIDGE TOLLS, BURLINGTON, IOWA

Final Order of the Administrator

Pursuant to the mandate of the United States Court of Appeals in the case of

"City of Burlington v. Turner et al.," 471 F.2d 120 (8th Cir. 1973), the Acting Federal Highway Administrator on May 24, 1973, directed that further proceedings be held for the purpose of determining reasonable and just rates of toll for transit over the MacArthur Bridge at Burlington, Iowa, in accordance with section 4 of the Bridge Act of 1906, 33 U.S.C. 494 (38 FR 15092). A hearing in conformity with the Administrative Procedure Act and the Bridge Toll Procedural Rules of the Federal Highway Administration (49 CFR Part 310) was held before Administrative Law Judge Robert N. Burchmore.

After considering the evidence of record and the briefs submitted by the parties, Judge Burchmore rendered his recommended decision and order on March 4, 1974. Judge Burchmore's recommended decision is reproduced as an appendix hereto.[1] On March 20, 1974, the Administrator issued an order setting April 8, 1974, as the deadline for filing of exceptions to the Administrative Law Judge's recommended decision and order. No exceptions have been filed.

The Administrator has reviewed Judge Burchmore's recommended decision and order and has determined that it is correct as a matter of law and fact. Accordingly, the recommended decision of the Administrative Law Judge is adopted as the decision of the Federal Highway Administrator.

In consideration of the foregoing, *It is hereby ordered*, That:

1. The rates of toll now charged by the City of Burlington for transit over the MacArthur Bridge are not reasonable and just, and they are hereby canceled, effective at 12:01 a.m. on May 20, 1974.

2. The following reasonable rates of toll for transit over the MacArthur Bridge are hereby prescribed, and from and after 12:01 a.m. on May 20, 1974, they shall be the legal rates to be demanded and collected for such transit by the City of Burlington until further order of the Administrator:

Classification	*Rate of toll*
Automobiles:	
1-way passage	$0.20
Commuter[1]	.15
Trucks:	
2 axle-4 tire	.25
2 axle-6 tire	.50
3 axle	.75
4 axle	1.25
5 axle or more	1.50
Buses	.90
Trailers:	
House	.50
Other	.20
Motorcycles	.05
All others (including pedestrians and bicycles)	.05

[1] A person who operates an automobile across the Bridge shall be entitled to a return passage operating that automobile within 24 hours of the initial crossing at a rate of toll such that the total charge for both crossings is $.30.

[1] Appendix filed as part of the original document.

This order is issued under the authority of section 4 of the Bridge Act of 1906, 33 U.S.C. 494, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(i).

Issued on April 19, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-9631 Filed 4-25-74;8:45 am]

Federal Railroad Administration

[FRA Docket No. RST-1,
Waiver Petition No. 13]

TEXAS MEXICAN RAILWAY CO.

Petition for Exemption From Track Safety Standards

On July 25, 1973, notice was published in the FEDERAL REGISTER (38 FR 19921) that the Texas Mexican Railway Co. had petitioned the Federal Railroad Administration (FRA) for exemption from § 213.109(e) of the FRA Track Safety Standards (49 CFR 213.109(e), to permit use of interlaced cross ties in place of switch ties on 23 switches in running track and 115 switches in back track, pending their replacement on an "as needed" basis. Interested persons were invited to participate by submitting written data, views or comments. The notice also indicated that opportunity to present oral comments would be provided if requested. One comment was received opposing granting of the petition. No requests for opportunity to present oral comments were received.

After carefully reviewing the petition and accompanying data, the field investigation report prepared by the Office of Safety and the single comment received, the Railroad Safety Board has determined that granting of the subject petition subject to certain conditions, is in the public interest and is consistent with railroad safety. Interlaced cross ties have already been replaced with switch ties on all main track turnouts and switch ties have been installed in replacement and new construction of secondary and yard tracks since issuance of the FRA Track Safety Standards. An FRA track engineer inspected numerous turnouts and found them in good condition. Moreover, general track conditions exceeded the requirements of FRA Track Safety Standards. The petitioner has ambitious main line rail replacement and cross tie renewal and surfacing programs. Curtailment of these programs on main line tracks where speeds vary from 30 to 45 miles per hour to afford replacement of interlaced cross ties with switch ties on secondary and yard track is not justified from the standpoint of safety.

Accordingly, the Railroad Safety Board has voted to grant the requested exemption from 49 CFR 213.109(e) to permit use of interlaced cross ties in place of switch ties on secondary and yard tracks only, subject to the following conditions:

(1) Speed over turnouts having interlaced cross ties may not exceed 5 miles per hour;

(2) All interlaced cross ties must be replaced before July 1, 1979; and

(3) The present main line cross tie and rail service renewal and surfacing programs must be continued.

This exemption is issued under sections 202 and 209, 84 Stat. 971, 975; 45 USC 431 and 438 and § 1.49 of the regulations of the Office of the Secretary of Transportation; 49 CFR 1.49(n).

Issued in Washington, D.C. on April 22, 1974.

MAC E. ROGERS,
Chairman,
Railroad Safety Board.

[FR Doc.74-9627 Filed 4-25-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

APRIL 22, 1974.

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on May 9-11, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, MAY 9, 1974

(1) 10:30 AM-11:30 AM—*Meeting with AEC Regulatory Staff*—To hear presentations and discuss a proposed revision of Regulatory Guide 1-7, Control of Combustible Gases Following a Loss of Coolant Accident.

(2) 11:30 AM-12:30 PM; 1:30 PM-5:30 PM—*Grand Gulf Nuclear Stations, Units 1 and 2*—The Committee will continue its review of the construction permit application for this facility. This will include presentations by and discussions with representatives and consultants of the AEC Regulatory Staff and the Mississippi Power and Light Company.

(NOTE: Closed sessions will be held during this period, if required, to discuss proprietary information related to the design, fabrication, and operation, and to the security provisions of this plant.)

FRIDAY, MAY 10, 1974

(1) 10:00 AM-11:00 AM—*Meeting with AEC Regulating Staff*—To hear presentations and discuss matters related to reactor operating experience and licensing activities, including:

Pilgrim Nuclear Station—Reactor Refueling Experience.

(2) 11:00 AM-12:30 PM; 1:30 PM-3:00 PM—*Summit Power Station*—The Committee will hold an interim review of matters related to the construction permit for this plant. This will include presentations by and discussions with representatives and consultants of the AEC Regulatory Staff and the Delmarva Power and Light Company.

(3) 3:45 PM-7:00 PM—*Atlantic Nuclear Generating Station Units 1 and 2*—The Committee will conduct a preliminary evaluation of matters related to the construction permit for this facility including the design of the proposed breakwater and mooring system. This will include presentations by and discussions with representatives of the AEC

Regulatory Staff and the Public Service Electric and Gas Company.

(NOTE: Closed sessions will be held during the meetings noted above to discuss proprietary information related to the design, fabrication and operation, and the security plans for the Summit Station and the Atlantic Nuclear Generating Station.)

It should be noted that, in addition to the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92-463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close such portions of the meeting to protect classified documents and information (5 U.S.C. 552(b) (1) and (3)), to protect proprietary data (5 U.S.C. 552(b) (4)), and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b) (5)). Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than May 1, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545, and as follows:

ATLANTIC GENERATING STATION

Stockton State College Library
Pomona, New Jersey

FLOATING NUCLEAR PLANT

Jacksonville Public Library
122 North Ocean Street
Jacksonville, Florida 32204

GRAND GULF NUCLEAR STATION UNITS 1 AND 2

Chancery Clerk's Office
Claiborne County Courthouse
Port Gibson, Mississippi 39150

SUMMIT POWER STATION, UNITS 1 AND 2

Newark Free Library
Elkton and Delaware Roads
Newark, Delaware 19711

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 8, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 AM and 5:15 PM daylight saving time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., on or after July 10, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-9530 Filed 4-25-74;8:45 am]

[Docket Nos. 50-413, 50-414]

DUKE POWER CO. (CATAWBA NUCLEAR STATION, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members:

William C. Parler, Chairman
Michael C. Farrar, Member
Dr. Lawrence R. Quarles, Member

Dated: April 19, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-9531 Filed 4-25-74;8:45 am]

[Docket No. 50-407]

UNIVERSITY OF UTAH

Order Extending Construction Completion Date

The University of Utah is the holder of Construction Permit No. CPRR-119, issued by the Commission on April 24, 1973, for construction of a TRIGA Mark I nuclear reactor for research purposes on the University's campus at Salt Lake City, Utah.

On November 28, 1973, the University of Utah filed a request, supplemented by a letter dated March 18, 1974, for an extension of the completion date due to delays they have encountered in acquisition and installation of certain pieces of auxiliary equipment required for completion of the facility. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated April 15, 1974.

It is hereby ordered, That the latest completion date for Construction Permit No. CPRR-119 is extended from January 1, 1974 to October 1, 1974.

Date of Issuance: April 15, 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.74-9532 Filed 4-25-74;8:45 am]

[Docket No. 50-22]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Amendment to Facility License

Notice is hereby given that the Atomic Energy Commission ("the Commission") has issued effective as of date of issuance, Amendment No. 5 to Facility License No. TR-2. The license authorizes Westinghouse Electric Corporation to possess, but not operate, the deactivated Westinghouse Testing Reactor Facility located near Waltz Mill in Westmoreland County, Pennsylvania. This amendment extends the expiration date of the license until November 30, 1993.

By application for amendment dated November 16, 1973, Westinghouse Electric Corporation requested that the expiration date of License TR-2 be extended until November 30, 1993. The reactor has been shutdown since April 13, 1960. All fuel has been removed from the site, and the facility partially dismantled. The conditions by which the facility is being maintained is specified in the report WTR-172 entitled "Final Shutdown

Report for Westinghouse Testing Report."

The Commission has found that the application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings (relating to its review of the application) which are set forth in the amendment and has concluded that the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public and does not inolve a significant hazards consideration.

For further details with respect to this amendment, see (1) the licensee's application for amendment dated November 16, 1973 (2) the amendment to Facility License No. TR-2, and (3) the related Safety Evaluation which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Directorate of Licensing.

Dated at Bethesda, Maryland, this 12th day of April 1974.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-9533 Filed 4-25-74;8:45 am]

[Docket No. PRM-50-6]

IRVING LIKE AND MAPLETON INTERVENORS

Denial of Petition for Consrtuction Permit Requirement

Please take notice that the Atomic Energy Commission has denied a petition for rulemaking submitted by Irving Like, Esq., 200 West Main Street, Babylon, New York 11702 on behalf of the Mapleton Intervenors.

By letter dated August 24, 1972, Mapleton Intervenors, by Irving Like, Esq., petitioned the Atomic Energy Commission to repeal § 50.10(b)(2) of 10 CFR Part 50 which permits the procurement or manufacture or reactor pressure vessels or other major components of the nucelar steam supply system without prior issuance of a construction permit. The petitioners also requested the Commission to adopt new rules and regulations:

(i) Which would prohibit the procurement or manufacture of the reactor pressure vessel or any components necessary to the proper and effective performance of the emergency core cooling system in light water reactors, without first obtaining a construction permit;

(ii) Which incorporate the recommendations for changes in regulations and corrective action set forth in a document annexed to the petition entitled "Quality Assurance of Nuclear Power Plants—Analysis and Report with Recommendations for Changes in AEC Regulations and Corrective Action," dated December 28, 1971, by Roger G. Langevin.

A notice of filing of petition was published in the FEDERAL REGISTER on December 22, 1972 (37 FR 28312). Interested persons were invited to submit written comments or suggestions concerning the petition by April 16, 1973.

The petitioners contend that the current regulations, § 50.10(b)(2)[1] of 10 CFR Part 50, is contrary to law and a disservice to the public interest in that it: (1) Prevents the issue of the adequacy of the quality control and quality assurance relating to the fabrication of the reactor pressure vessel and other components from being considered at the public hearing conducted by the Atomic Safety and Licensing Board which ultimately decides whether to issue a construction permit for such facility; and (2) precludes the Atomic Safety and Licensing Board from imposing conditions on the manner of procurement and fabrication and from prescribing, in advance of fabrication, the type and frequency of inspections and the manner of compliance to be imposed upon the fabrication process itself.

Thus, the petitioners contend, the effect of the regulations is to remove a critical safety issue, to wit, the quality control and quality assurance aspects of the fabrication of ECCS components, from the public hearing process contemplated by the Atomic Energy Act and the licensing regulations of the AEC.

Contrary to the petitioners' assertion, present § 50.10(b), which prohibits construction of the facility, but not fabrication of pressure vessels and other reactor components, prior to the issuance of a construction permit, is not unlawful and is not in violation of the Atomic Energy Act (the Act). There is no requirement under the Act or any other law that construction permits must be obtained before fabrication of the pressure vessel and other components. Sections 11v. and 11cc. of the Atomic Energy Act define "production facility" and "utilization facility", respectively. Included in both definitions is "any important component part especially designed for such equipment or device as determined by the Commission." Thus, the Commission has statutory discretion with respect to treatment of a facility component as a facility. The Commission in exercising its authority to define "production facility" or "utilization facility", has not included components within its definition (10 CFR 50.2 (a) and (b)).

However, apart from the Commission's legal authority to exclude fabrication and procurement of facility components from the requirements for a construction permit, the question remains as to whether policy considerations would provide a valid basis for the amendments requested by the petitioners.

Regulations pertaining to the procurement and fabrication of components of licensed nuclear facilities have been promulgated by the Commission in Part 50. Standards and requirements for manufacture of various components of utilization facilities have been prescribed by the Commission in § 50.55a of Part 50 which requires fabrication of such components in accordance with specified codes and standards. The Commission has adopted a regulation (Appendix B of 10 CFR Part 50) specifying the quality assurance requirements for the design, construction and operation of those structures, systems and components of nuclear power plants and fuel reprocessing plants that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public.

The regulatory staff is charged with the responsibility of assuring that regulatory standards and requirements applicable to facility components are met. In carrying out this responsibility, AEC inspectors examine the quality control and quality assurance records kept by both the reactor vendor and the license applicant. They maintain continuing surveillance of the component manufacturer's operation, including the observation of actual work in progress, on a sampling basis.

A final determination as to the adequacy of the construction of the facility is made at the operating license stage. Until the conclusion of that stage, all the procurement and fabrication activity is at the applicant's own risk.

In view of the ample provision for surveillance over fabrication and procurement of facility components in AEC regulations and procedure, no sufficient reason appears for requiring a construction permit prior to fabrication and procurement, or for giving the atomic safety and licensing boards designated to conduct facility construction permit hearings an expanded function with respect to the process of fabrication and procurement of components, as the petition suggests. In this connection, it should be noted that while under the Commission's regulations, a construction permit is not required prior to procurement or fabrication of reactor components, the adequacy of quality control and quality assurance relating to procurement, design and fabrication of reactor components are matters for consideration by hearing boards in construction permit proceedings.

Beyond this, since the subject petition was filed, the regulatory staff has instituted a system for the review of quality assurance programs of applicants for facility licenses that is believed to be responsive to some of the concerns expressed in the petition of rulemaking. In order to provide greater assurance that applicants for facility licenses have quality assurance programs for design, fabrication and procurement that meet the

[1] Since the petitioner expresses concern with the review of the emergency core cooling system, it is assumed that the petition is directed at § 50.10(c)(2), as well § 50.10(b)(2). Paragraph (c) rather than paragraph (b) is applicable to reactors having emergency core cooling systems. It has the same exclusion for procurement of components.

requirements of Appendix B of 10 CFR Part 50, at a time when any needed improvements will have maximum effect, applicants' quality assurance programs are being subjected to regulatory staff review for conformance with Appendix B at the time the construction permit application is filed. If the program is determined not to meet the requirements of Appendix B at that time, the application is returned.

In view of the foregoing, the Commission has concluded that the initiation of the rulemaking proceeding requested by the petitioners is unnecessary and unwarranted. Accordingly, the petition for rulemaking filed by Mapleton Intervenors is denied.

A copy of the petition of rulemaking is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C. this 22nd day of April 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-9548 Filed 4-25-74;8:45 am]

NEW MEXICO

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that William O. Doub, Commissioner of the Atomic Energy Commission, and the Honorable Bruce King, Governor of the State of New Mexico, have signed the agreement set forth below for discontinuance by the Commission and assumption by the State of certain Commission regulatory authority. The agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the Commission's licensing authority have been published in the FEDERAL REGISTER and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Germantown, Maryland, this 19th day of April 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NEW MEXICO FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

WHEREAS, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor of the State of New Mexico is authorized under Chapter 284, Section 12-9-11, Laws of 1971 to enter into this Agreement with the Commission; and

WHEREAS, The Governor of the State of New Mexico certified on July 2, 1973, that the State of New Mexico (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The Commission found on March 28, 1974, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other parts thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on May 1, 1974, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at Santa Fe, State of New Mexico, in triplicate, this 3rd day of April, 1974.

For the United States Atomic Energy Commission.

[SEAL] WILLIAM O. DOUB,
Commissioner.

For the State of New Mexico.

[SEAL] BRUCE KING,
Governor.

BETTY FIORINA,
Secretary of State.

[FR Doc.74-9547 Filed 4-25-74;8:45 am]

AEC-OWNED FOREIGN INVENTIONS

Availability for Licensing

The inventions listed below are the subject of U.S. Government-owned foreign patents and patent applications in the custody of the U.S. Atomic Energy Commission and are available for licensing in accordance with AEC Patent Licensing Regulations (10 CFR 81.61):

ARGENTINA

ARGENTINE PATENTS

188,183—Removal of Strontium 90 From Milk by Isotopic Exchange.
193,446—Loading Disk for Photimetric Analyzer of Rotary Cuvette Type.
193,446—Loading Disk for Photometric An-Analyzer.

ARGENTINE PATENT APPLICATION

250,467—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.

AUSTRALIA

AUSTRALIAN PATENTS

409,013—Separation of Uranium From Nobel and Refractory Metals.
413,079—Position Sn ive sRieatiDcatdneeio
413,079—Position Sensitive Radiation Detector.
436,032—A Multiparameter Nondeshtructve
436,032—A Multiparameter Nondestructive Electromagnet Testing Device.
436,045—Preparation and Purification of Crystalline Boron.
436,063—Vessel for a Sodium-Cooled Reactor.
436,301—Preparation of the Rare Earth Sesquicarbonates.
437,055—Sensitive Burst Diaphragm Relief of Overpressures.
437,644—System Providing Stable Pulse Display.
437,772—Polymer Impregnated Concrete.
438,505—Single Acting Follower Heart Assist Device.
438,546—Production of Predominantly Crystalline Sols.
439,258—Scavengers for Radioactive Iodine.
439,641—Roller-Band Devices.
439,668—Parallel Flow Hemodialyzer.
439,683—Process for Extracting Aluminum from Solutions.
440,135—System for Removing Particles from a Fluid by Means of an Electric Field.
440,403—Reactor Fueling Method.
440,947—Roller-Band Devices.
441,633—Thermal Control Chamber.
441,682—Filtration Method of Separation Liquids From Extraneous Materials.
442,408—Environmental Gas Monitor for Radioactivity.
443,005—Process for Enriching Carbon-13.
443,006—Process for Directly Reducing Plutonium dioxide to Plutonium.
443,153—Pyrolytic Graphite and Nuclear Fuel Particles Coated Therewith.
443,226—Improved Multistation Analytical Photometer and Method of Use.
443,709—Closed Fluid System Pressurization.
443,743—Fluoride Reprocessing Breeder Fuels.
443,860—Method of Operating a Radioisotope Radiation Source.
444,234—Improved Hot-Isostatic-Pressing Apparatus.
444,697—Parallel Flow Hemodialyzer.
444,717—A Fluid Actuated and Regulated Artificial Implantable Heart System.
444,974—Radiochemical Counter for Bulk Materials.
446,056—Sodium Heated Steam Generator.
446,283—A Radioisotopic Power Source.
446,295—Gas Recovery System.

AUSTRALIAN PATENT APPLICATIONS

48,975/72—Folded Membrane Dialyzer.
50,202/72—Multisensor Particle Sorter.
57,592/73—Glass Polymer Composites.
61,056/73—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
63,730/73—Portable Dynamic Multistation Photometer-Fluorometer.

AUSTRIA

AUSTRIAN PATENT APPLICATIONS

A 8548/73—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
A 10,543/73—Portable Dynamic Multistation Photometer-Fluorometer.

BELGIUM

BELGIAN PATENTS

723,068—Position Sensitive Radiation Detector.
793,185—Multisensor Particle Sorter.
793,492—Plutonium Dissolution and Plutonium Alkoxide Product.
794,982—Horizontal Vehicle Mounted Omnidirectional Loop Antenna Having a Shorting Stub.
799,424—Freeze Drying Method for Preparing Radiation Source Material.
799,869—Ultrasonic Isometric Imaging.
800,536—Method for Preparation of Biocompatible and Biofunctional Material and Products Thereof.
801,654—Method of Repressing the Precipitation of Calcium Fluozirconate.
802,973—Dynamic Multistation Photometric Analyzer for Serological Testing.
803,186—Method for Removing Alkyl Iodides from Air By Mercuric Nitrate Solution.
803,504—Dynamic Multistation Photometer-Fluorometer.
805,458—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
806,085—Process for Separating Neptunium from Thorium.

BELGIAN PATENT APPLICATION

PV 139,041—Portable Dynamic Multistation Photometer-Fluorometer.

BRAZIL

BRAZILIAN PATENT APPLICATION

7751/73—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.

CANADA

CANADIAN PATENTS

851,289—Position Sensitive Radiation Detector.
926,039—High Sensitivity Stimulated Exoelectron Emission Radiation Dosimeters.
926,470—Self-Adaptive Welding Torch Controller.
926,607—Ferroelectric Ceramic Materials.
927,981—Laminar Flow Cell.
929,286—Heavy Water Moderated, Intermediate Spectrum, Breeder Reactor.
930,174—Reductive Stripping Process for the Recovery of Uranium from Wet-Process Phosphoric Acid.
930,483—Gradient-Type Nuclear Fuel Plate Compositions and Method Thereof.
930,875—Closed Fluid System Pressurization.
930,934—Thermal Insulation and Method for the Manufacture Thereof.
931,669—Laminar Gas Flow Radiation Detector.
932,028—Continuous Oxygen Monitoring of Liquid Metals.
932,269—Method for Preparing Metal Alloys Having Improved Metallurgical Properties.
932,943—Stabilized Uranium or Uranium-Plutonium Nitride Fuel.
933,057—Sodium Heated Steam Generator.
933,087—Nuclear Explosive Method for Stimulating Hydrocarbon Production from Petroliferous Formations.
933,088—Sequential Nuclear Explosion Fracturing of Geological Formation.
933,273—Method and Means for Dimensional Inspection of Tubing.
933,337—Method for Increasing the Carbon Yield of Resins and Reducing the Porosity of Carbon Composites.
933,678—Radiation Monitor With Background Compensation.
933,760—Oil Storage Method.
936,971—Melting Cryogen Cooling for Radiation Logging Probe.
937,341—Thermoluminescence Dosimeter System.
937,748—Guaging System.
939,242—A High Temperature Braze/Heat Treatment for Precipitation Hardening Martensitic Stainless Steel.
940,341—Fluxless Aluminum Brazing.
941,447—Electrochemical Air Pollution Monitoring Device and Method of Use Thereof.
942,873—Sodium Leak Detector.

CANADIAN PATENT APPLICATIONS

152,562—Folded Membrane Dialyzer.
158,124—Multisensor Particle Sorter.
181,798—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
186,573—Portable Dynamic Multistation Photometer-Flurometer.
189,713—Formaldehyde Based Disinfectants.

CHILE

CHILEAN PATENT APPLICATION

640—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.

DENMARK

DANISH PATENTS

125,584—Preparation of a Filterable Co-Precipate of Plutonium and Uranium.
126,674—Vented Fuel System.

DANISH PATENT APPLICATIONS

5253/68—Position Sensitive Radiation Detector.
4972/72—Folded Membrane Dialyzer.
6384/72—Multisensor Particle Sorter.
5415/73—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
6867/73—Portable Dynamic Multistation Photometer-Fluorometer.

EGYPT

EGYPTIAN PATENT

9378—Filtration Method of Separation Liquids from Extraneous Materials.

FRANCE

FRENCH PATENTS

1,590,045—Position Sensitive Radiation Detector.
69.11,435—Vented Fuel Pin.
69.18,203—Single Fluid Molten Salt Nuclear Breeder Reactor.
69.18,274—Kinetic Intense Neutron Generator Reactor.
69.25,247—Electromagnetic Field Valve.
69.25,960—One Step Process for Converting Plutonium Hexafluoride to Plutonium Dioxide.
69.33,530—Elutriator.
69.36,249—Fluoride Reprocessing of Breeder Fuels.
70.36,263—Reactor Power Level Sensing Device.

70,44,403—Ferroelectric Ceramic Materials.
71,14,197—Differential Pressure Nuclear Radiation Flux Detector.
71,18,646—Electron Beam-Pumped Gas Laser System.
71,18,927—Electron Beam-Pumped Gas Laser Systems.
71,18,928—High Energy Chemical Laser System.
72,39,590—Reaction End-Point Recorder With a Rotary Analytical Photometer.
72,42,277—Loading Disk for Photometric Analyzer of Rotary Cuvette Type.
72,43,251—Rotor for Multistation Photometric Analyzer.
72,43,640—Sulfur Oxide Activity Measurement.
73,22,757—Computer Generated Optical Sound Tracks.
73,27,687—Glass Polymer Composites.
73,28,380—Dynamic Multistation Photometric Analyzer for Serological Testing.
73,30,491—Dynamic Multistation Photometer-Fluorometer.

FRENCH PATENT APPLICATIONS

72/36,956—Folded Membrane Dialyzer.
72/45,982—Multisensor Particle Sorter.
73/35,745—Compact Dyamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
73/44,847—Portable Dynamic Multistation Photometer-Fluorometer.

GERMANY

GERMAN PATENTS

1,303,797 — Multiremanence Ferroelectric Ceramic Memory Element.
1,439,843—Radiation Detector.
1,514,962—Liquid Metal Fast Breeder Reactor.
1,533,138—Separation of Uranium and Plutonium Values.
1,542 511—Stabilized Fluidized Beds.
1,559,293—Reactor Containment Vessel.

GERMAN PATENT APPLICATIONS

P 18 06 498.7—Position Sensitive Radiation Detector.
P 20 61 447.5—Ferrcelectric Ceramic Materials.
P 22 50 471.8—Process for the Separation of Components from Gas Mixtures.
P 22 50 524.4—Recovery of Purified Helium or Hydrogen from Gas Mixtures.
P 22 52 341.7—Folded Membrane Dialyzer.
P 22 61 695.1—Multisensor Particle Sorter.
P 23 49 927.6—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
P 23 63 202.2—Portable Dynamic Multistation Photometer-Fluorometer.

GREAT BRITAIN

BRITISH PATENTS

1,045,993—Embrittlement - Resistant Iron-Chromium-Aluminum-Yttrium Alloy.
1,202,467—Position Sensitive Radiation Detector.
1,280,808—Ferroelectric Ceramic Materials.
1,325,298—High Sensitivity Stimulated Exoelectron Emission Radiation Dosimeters.
1,329,688—Electrochemical Power-Producing Cell.
1,329,889—Thermal Battery.
1,331,528—Fluxless Aluminum Brazing.
1,331,896—Hemodialyzer with Tapered Slit Blood Ports and Baffles.
1,332,398—Method of Manufacturing a Multi-Converter Thermionic Energy Module.
1,332,773—Single Seed Fuel Module for a Light Water Breeder Reactor.
1,333,016—Gauging System.
1,333,542—Laser Energized Plasma Source.
1,334,335—Airborne Isokinetic Sampler.
1,335,127—Method for Increasing the Carbon Yield of Resins and Reducing the Porosity of Carbon Composites.
1,335,588—Fluidized Bed Production of Uranium Monocarbide-Uranium Aluminide Mixtures.
1,336,965—Centrifuge Separator.
1,341,165—Method for Production of Uniform Microspheres.
1,341,174—Recovery of Sulfur Dioxide.
1,341,175—Californium-Noble Metal Neutron Source Material.
1,342,696—Fibrous Thermal Insulation and Method for Preparing Same.
1,342,851—Thermoluminescence Dosimeter System.
1,342,980—Solid Filters.
1,343,967—Self-Adaptive Welding Torch Controller.
1,347,188—Ferroelectric Ceramic Longitudinal Electrooptic Scattering Mode Devices.
1,348,222—High Energy Chemical Laser System.
1,350,029—Hybrid Laser Plasma Target—Neutral Beam Injection Fusion System.
1,350,175—Solvent Extraction Process for Producing Low-Nitrate and Large-Crystal-Size PuO_2 Sols.

BRITISH PATENT APPLICATIONS

44,157/72—Folded Membrane Dialyzer.
55,921/72—Multisensor Particle Sorter.
44,765/73—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
55,457/73—Portable Dynamic Multistation Photometer-Fluorometer.

HOLLAND

DUTCH PATENT APPLICATIONS

15,327/68—Position Sensitive Radiation Detector.
72/16,901—Multisensor Particle Sorter.
73/13,249—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
73/17,006—Portable Dynamic Multistation Photometer-Fluorometer.

INDIA

INDIAN PATENT APPLICATIONS

2207/Cal/73—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
2648/Cal/73—Portable Dynamic Multistation Photometer-Fluorometer.

ISRAEL

ISRAELI PATENTS

34,111—Method of Conditioning Aluminous Surfaces for the Reception of Electroless Nickel Plating.
37,055—Reductive Stripping Process for the Recovery of Uranium From Wet-Process Phosphoric Acid.

ISRAELI PATENT APPLICATIONS

40,470—Folded Membrane Dialyzer.
43,372—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
43,570—Portable Dynamic Multistation Photometer-Fluorometer.

ITALY

ITALIAN PATENTS

845,932—Position Sensitive Radiation Detector.
905,236—Thermoluminescence Dosimeter System.
946,176—Removal of Plutonium From Plutonium Hexafluoride-Uranium Hexafluoride Mixtures.
946,806—Multiple Lens Camera for Obtaining Time-Sequential Images.
946,908—Self-Adaptive Welding Torch Controller.
949,777—Sodium Heated Steam Generator.
953,703—Sintering of Compacts of UN.(PU) N. and PuN.
954,068—Improved Multistation Analytical Photometer and Method of Use.
955,999—Solvent Extraction Process for Producing Low-Nitrate and Large-Crystal-Size PuO_2 Sols.
956,072—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
957,230—High-Transition-Temperature Subconductors in the Nb-Al-Ge System.

ITALIAN PATENT APPLICATIONS

30,794 A/72—Folded Membrane Dialyzer.
3034 A/73—Portable Dynamic Multistation Photometer-Fluorometer.
29,637 A/73—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.

JAPAN

JAPANESE PATENTS

683,790—Irradiation Device.
687,076—High Speed Framing Camera System.
687,090—Ferroelectric Ceramic Optical Retardation Devices.
688,393—Process for Producing Sintered Diamond Compact and Products.
693,414—Photochromic Radiation Dosimeter.
694,246—Process for Making Pyrolytic Graphite.
697,680—Apparatus and Process for Effecting Changes in Solution Concentrates.
698,042—Vented Fuel System.
699,199—Method for Producing High-Purity, Theoretically Dense Beryllium Oxide Products.
699,497—Fast Burst Neutronic Reactor.
700,022—Fuel Element for a Nuclear Reactor.
700,170—Method for Detecting One of Heavy Water and Ordinary Water in the Presence of the Other of Heavy Water and Ordinary Water.
700,437—Radial Split Flow Breeder Reactor.
700,495—Application for Confined Seal.
704,600—Thermoelectric Generator.
705,019—Solid Solution Carbide-Graphite Composites.
705,490—Fuel Subassembly for a Liquid-Metal-Cooled Fast Reactor.
705,766—Expanded Bed Nuclear Reactor Fuel Module.
706,823—Electromagnetic Fluid Valve.
707,011—Process for Depleting ^{17}O and ^{18}O in $^{239}pu\ O_2$.
707,566—Method of Making a Dynamic Soluti-Rejecting Membrane.
708,865—Concentration of Ions Using Ion Selective Membranes.
709,740—Formation and Separation of Barium Hydrosulfide and Barium Hydroxide for Use in Chemical Recovery Processes.
711,336—Heat Actuated Control Rod.
714,392—Position Sensitive Radiation Detector.
715,120—Nuclear Reactor Fuel Element Hold-Down and Tightening Mechanism.
716,134—Cobalt-Rhenium Energy Source.
1,004,386—Self-Powered Air Sampling Device.

JAPANESE PATENT APPLICATIONS

111,313/1970—Ferroelectric Ceramic Materials.
73-4534—Multisensor Particle Sorter.
73-27,917—Folded Membrane Dialyzer.
73-111,570—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
73-138,503—Portable Dynamic Multistation Photometer-Fluorometer.

MEXICO

MEXICAN PATENTS

123,292—Scavengers for Radioactive Iodine.
124,350—Reductive Stripping Process for the Recovery of Uranium From Wet-Process Phosphoric Acid.
124,577—Compact Dialyzer.

MEXICAN PATENT APPLICATIONS

141,136—Folded Membrane Dialyzer.
146,251—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
148,222—Portable Dynamic Multistation Photometer-Fluorometer.
148,902—Formaldehyde Based Disinfectants.

NORWAY

NORWEGIAN PATENT APPLICATIONS

3596/72—Folded Membrane Dialyzer.
4760/72—Multisensor Particle Sorter.
3889/73—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
4829/73—Portable Dynamic Multistation Photometer-Fluorometer.

PORTUGAL

PORTUGUESE PATENT APPLICATIONS

60,631—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
61,010—Portable Dynamic Multistation Photometer-Fluorometer.

RUSSIA

RUSSIAN PATENT APPLICATIONS

1964836/26-25—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
1983248/26-25—Portable Dynamic Multistation Photometer-Fluorometer.

SPAIN

SPANISH PATENT APPLICATIONS

412,396—Folded Membrane Dialyzer.
419,308—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
421,252—Portable Dynamic Multistation Photometer-Fluorometer.

SOUTH AFRICA

SOUTH AFRICAN PATENT

72/5639—Atmosphere Purification of Radon and Radon Daughter Elements.

SWEDEN

SWEDISH PATENTS

353,949—Sensitive Burst Diaphragm for Relief of Overpressures.
354,191—Improvement in Dual Temperature Isotope Exchange Process.
354,328—Roller-Band Devices.
355,176—Process for Enriching Carbon-13.
355,677—Ferroelectric Ceramic Optical Retardation Devices.
355,889—Apparatus for Increasing Power Density in a Boiling Liquid Nuclear Reactor.
355,953—Improvement in Dual Temperature Isotope Exchange Process.
356,221—Improvement in Dual Isotope Exchange Process.
356,596—Vapor Quality Measuring Device.
356,823—Calorimetric Method of Measuring Radiation by Solution Conductivity Change.
356,844—Improved Position Sensitive Radiation Detector.
357,142—Single Acting Follower Heart Assist Device.
357,189—Radiolytic Treatment of Organic Industrial Wastes in a Pressurized Atmosphere.
360,112—Gold Recovery Process.
360,468—Elutriator.
360,473—Radiochemical Counter for Bulk Material.
361,328—Ion Exchange Process for Recovering Americium and Curium.
361,380—Ion-Getter Vacuum Pump With Gun and Grid Structure Arranged for Optimum Ionization and Sublimation.
361,600—Parallel Flow Hemodialyzer.
361,769—Apparatus for Leaching Core Material From Sheared Segments of Clad Nuclear Fuel Pins.
361,941—Multistation, Single Channel Analytical Photometer and Method of Use.
361,942—Passive Moisture Meter.

SWEDISH PATENT APPLICATIONS

12,491/72—Folded Membrane Dialyzer.
16,659/72—Multisensor Particle Sorter.
73/13,469-4—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
73/16,424-6—Portable Dynamic Multistation Photometer-Fluorometer.

SWITZERLAND

SWISS PATENTS

499,874—Position Sensitive Radiation Detector.
537,215—Continuous Flow Liquid Centrifuge Characterized by Low Pressure Drop.
538,129—Multiple Lens Camera for Obtaining Time-Sequential Images.
538,884—Improved Hot-Isostatic-Pressing Apparatus.
540,697—Hemodialyzer With Tapered Slit Blood Ports and Baffles.
546,029—Hybrid Laser Plasma Target-Neutral Beam Injection Fusion System.
546,030—Production of Plasmas by Long Wavelength Lasers.

SWISS PATENT APPLICATIONS

16,652/72—Folded Membrane Dialyzer.
14,104/73—Compact Dynamic Multistation Photometer Utilizing Disposable Cuvette Rotor.
17,860/73—Portable Dynamic Multistation Photometer-Fluorometer.

Copies of the foreign patents can be purchased from the respective foreign patent offices. Copies of the foreign patent applications can be purchased from the AEC for twenty-five cents ($0.25) per page. When ordering copies of a foreign patent or foreign patent application it is necessary to identify the specific number and title of the patent or patent application.

Application forms for, inquiries as to, and requests for a license should be directed to the Assistant General Counsel for Patents, U.S. Atomic Energy Commission, Washington, D.C. 20545. Each application for a license should be accompanied by a ten dollar ($10.00) processing fee payable to the U.S. Atomic Energy Commission.

Dated at Washington, D.C. this 22nd day of April 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-9549 Filed 4-25-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ECCS/REACTOR FUELS

Notice of Meeting

APRIL 24, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on ECCS/Reactor Fuels will hold a meeting on May 17-18, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to discuss analytical models formulated to meet current ECCS criteria and fuel performance models.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

FRIDAY, MAY 17, 1974, 9:00 A.M.-4:00 P.M.

Discussion with the AEC Regulatory Staff and the Babcock and Wilcox Co. on models formulated to meet current ECCS criteria and fuel performance models.

SATURDAY, MAY 18, 1974, 9:00 A.M.-4:00 P.M.

Discussion with the AEC Regulatory Staff and Combustion Engineering on models formulated to meet ECCS criteria and fuel performance models.

In connection with the above agenda items the Subcommittee will hold executive sessions before and after each day's meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS. In addition, following the public portion of the meeting on each day the Subcommittee may hold a closed session with the Regulatory Staff and Babcock & Wilcox or Combustion Engineering to discuss privileged information relating to the ECCS and fuel performance models.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive session at the beginning and end of each day of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552 (b) and that a closed session may be held each day to discuss certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item

may do so by mailing 25 copies thereof, postmarked no later than May 10, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m. and 3:00 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 16, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after July 17, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-9761 Filed 4-25-74;10:06 am]

COMMERCIALLY-GENERATED HIGH-LEVEL AND TRANSURANIUM-CONTAMINATED RADIOACTIVE WASTES

Amended Supplementary Notice of Preparation of Environmental Impact Statement and of Intention to Hold a Public Hearing

On Wednesday, October 24, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 29350) a notice of its commencement of the preparation of a draft environmental impact statement on its program for developing repositories for interim and ultimate storage by the AEC of commercially-generated high-level radioactive waste. Notice was also given of the availability for public inspection of copies of documents to be utilized in the preparation of the draft statement and suggestions from the public were solicited for consideration in connection with preparation of the draft statement. As a result of consideration of these suggestions, in part, notice is hereby given that the scope and content of the draft statement will be expanded to include the AEC program for the management of commercially-generated waste containing or contaminated with transuranium nuclides. As stated in the FEDERAL REGISTER notice of October 24, 1973, the draft statement will not discuss the impact of specific high-level waste repositories since sites have not been chosen. Environmental impact statements on all such repositories will be prepared and issued when they are proposed for Congressional authorization and appropriations.

Copies of documents to be utilized in the preparation of this expanded draft statement will be available for inspection at the AEC Public Document Rooms at 1717 H Street, NW., Washington, D.C. 20545, at 1333 Broadway, Oakland, California 94612, and at the Cook County Law Library, 2900 Chicago Civic Center, Chicago, Illinois 60602.

All interested persons desiring to submit suggestions or comments for consideration in connection with the scope and content of the draft environmental impact statement, as expanded, are encouraged to send them to Dr. James L. Liverman, Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before May 23, 1974.

It is anticipated that the draft environmental impact statement will be issued in June 1974. Thereafter, written comments from the public and governmental agencies will be solicited.

Further notice is hereby given that the AEC plans to hold a public hearing in connection with this draft statement after the expiration of the written comment period. The purpose of the hearing is to afford further opportunity for public comment regarding the draft statement and for the furnishing of any additional information which will assist the Commission in its determinations regarding the AEC program for management of commercially-generated high-level and transuranic radioactive wastes.

Information on the dates, location, procedures and other pertinent details of the public hearing will be published in the FEDERAL REGISTER.

Dated at Germantown, Maryland, this 24th day of April 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-9760 Filed 4-25-74;10:06 am]

[Docket No. 50-346A, 50-440A-441A]

TOLEDO EDISON AND CLEVELAND ELECTRIC ILLUMINATING CO. ET AL.

Order Designating Location of Prehearing Conference

In the matter of the Toledo Edison and the Cleveland Electric Illuminating Company, (Davis-Besse Nuclear Power Station). Cleveland Electric Illuminating Company, et al., (Perry Plant, Units 1 and 2).

The prehearing conference in the above-captioned consolidated proceeding previously noticed and rescheduled for April 30, 1974, will be held on that date in the U.S. Tax Court, Courtroom #2, 1111 Constitution Avenue NW., Washington, D.C., beginning at 9:30 a.m. local time.

As stated before, the subject of this prehearing conference will be:

(1) Contentions with respect to nexus (to include discussion and oral argument of the City of Cleveland's request for deferral of a more detailed statement on nexus);

(2) The clarification and further specifications of issues in controversy toward the preparation of a final statement of issues in controversy;

(3) Scope and extent of discovery;

(4) Consolidation matters (to include a discussion on the "Consolidation Procedures" submitted by the parties);

(5) Such other matters as may aid in these proceedings.

It is so ordered.

Issued this 24th day of April 1974 at Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-9765 Filed 4-25-74;10:36 am]

CIVIL AERONAUTICS BOARD

[Docket 25988; Order 74-4-117]

ALLEGHENY AIRLINES, INC., ET AL.

Order of Approval

By Order 74-2-40, February 12, 1974, the Board tentatively approved (1) the acquisition of Mohawk Air Services, Inc. (Mohawk) by Allegheny Airlines, Inc. (Allegheny) and Ransome Airlines, Inc. (Ransome) and (2) a joint venture agreement between these parties, the end product of which would be an improved version of the Nord 262 aircraft to be known as the Mohawk 298.[1] The Board proposed to limit the involvement of Allegheny, Ransome and their associates to the seven Nord 262 aircraft presently owned by Allegheny and Ransome on the grounds that the modification of additional aircraft for sale by the applicants to other commercial air carriers, particularly those in the "Allegheny Commuter" program, would raise public interest questions under section 408 which would warrant substantial scrutiny.

Comments on the Board's tentative actions have been filed by the joint applicants requesting expeditious final approval thereof and urging that the program be approved for the contemplated modification of 15 aircraft. In support of the latter request, the parties submit that, although split into two phases, in a number of respects the program constitutes an integral whole. Thus, (1) the price at which the Mohawk 298 could be sold was determined on the basis of allocating the engineering cost among 15 aircraft; (2) the participation of Ransome in the joint venture corporation (Mohawk) begins only after completion and sale or lease of the first seven aircraft; and (3) the adequacy of support for the Mohawk 298 by the French manufacturer is, in the applicant's view, related to the number of aircraft in operation in the United States. The applicants maintain further that the Board has recognized the suitability of the Nord aircraft for commuter operations in the Part 298 Equipment Limitation Investigation; that Allegheny is deeply committed to the success of the commuter replacement program which it pioneered and not merely with the disposition of surplus aircraft; that the availability of improved aircraft will provide benefits to the traveling public and that the Board should thus authorize the full 15-plane program in order to meet the expected needs of the Allegheny Commuter operation. Finally, applicants contend that the 15-plane program raises no different or more difficult issues than the 7-plane program which the Board has indicated it would approve. The Board's concern appears to the applicants to rest on the possibility that Allegheny might be able to force the Mohawk 298 on its commuter subcontractors and that extension of the program may expose Allegheny to greater risk of financial loss.

Allegheny insists that the latter concern is groundless in view of the termination provisions of the agreement and that, if the profitability of the program is in doubt upon completion and testing of the prototype, the acquisition and conversion of additional aircraft will not be undertaken. Allegheny submits that the approval of the 15-plane program will not increase its exposure to financial risk one iota, whereas limitation to 7 aircraft could undercut Allegheny's return on its investment if the project is successful. Finally, with regard to the ability attributed to it by the Board to coerce its commuter associates into buying Mohawk 298 aircraft, Allegheny points out that each of these operations, approved by the Board, requires Allegheny to resume service if the replacement service proves unsatisfactory. It would be a disservice to itself and the commuter operations for Allegheny to influence their acceptance of inefficient or over-priced aircraft and Allegheny submits that it has every incentive to avoid exerting such pressures.

No other comments have been received.

On consideration of Order 74-2-40 and the comments filed in response thereto, the Board has decided to make final the tentative approvals granted therein and to permit the parties to extend the program to the 15 aircraft for which it was designed. We remain concerned about what arguably amounts to aircraft manufacture by a certificated carrier, and as indicated in our order of tentative approval, our concern is heightened by the fact that the program involves commuter-type aircraft to be sold by a subsidiary of a local service carrier. On the other hand, we are persuaded that the concentration of the engineering, development, and other startup costs in the first seven aircraft could artificially distort the price of these aircraft and endanger the program which we have tentatively found to be in the public interest. On balance we believe that approval is warranted. Our decision, however, does not extend beyond the 15 aircraft for which approval has been requested.

In accordance with the statutory requirements of section 408(b) of the Act, Order 74-2-40 was published in the FEDERAL REGISTER and a copy furnished to the Attorney General. The terms of the order afforded interested persons 14 days within which to file comments or request a hearing with respect to the Board's proposed action. We note that while the application herein did not propose a limitation on the number of aircraft that could be modified and sold, our order of tentative approval referred to a proposed condition that would limit the Board's approval of the transactions in question to seven aircraft. Because we are hereby altering that proposed condition, we shall publish this order in the FEDERAL REGISTER and serve a copy upon the Attorney General.

In view of the foregoing, we have decided to grant the joint applicants' request for approval of the full 15-plane program under the agreement and to make final the Board's tentative findings and conclusions expressed in Order 74-2-40.

Accordingly, *it is ordered*, That:

1. The acquisition of control of Mohawk by Allegheny and Ransome is approved;

2. The joint venture agreement between Allegheny, Mohawk and Ransome is approved;

3. The approvals granted herein shall terminate upon the conversion and sale of the 15th aircraft under the program;

4. Jurisdiction in this proceeding is retained for the purpose of taking any further action required in the public interest; and

5. This order shall be published in the Federal Register; and a copy shall be served upon the Attorney General within one day after issuance.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-9642 Filed 4-25-74;8:45 am]

[1] The Board disclaimed jurisdiction over various aircraft transactions required by the arrangement.

COMMISSION ON CIVIL RIGHTS

KANSAS 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 factfinding meeting of the Kansas State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on May 2 and reconvene at 9 a.m. on May 3, 1974, at the Federal Building, Fourth and Shawnee Streets, Leavenworth, Kansas 66048. This meeting shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice which affect persons residing in the State of Kansas with special emphasis on the conditions in Kansas penal institutions as they relate to the civil rights of inmates; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice as these pertain to Kansas penal institutions as they relate to the civil rights of inmates; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion,

sex, national origin, or in the administration of justice with respect to Kansas penal institutions; and to related areas.

A planning meeting of the Kansas State Advisory Committee will convene at 11 a.m. on May 2, at the Federal Building, Fourth and Shawnee Streets, Leavenworth, Kansas 66048. Persons wishing to attend this meeting should contact the Committee Chairman or Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106. The purpose of this meeting shall be to hold a final briefing session in preparation for the factfinding meeting on conditions in penal institutions in the State of Kansas.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 22, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-9599 Filed 4-25-74;8:45 am]

NEW YORK 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 New York State Advisory Committee (SAC) to this Commission will convene at 3:30 p.m. on May 2, 1974, in Room 1639 of the Federal Building, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss plans for a factfinding meeting of the New York Subcommittee on Asian Affairs which is tentatively scheduled to be held in June 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 22, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-9598 Filed 4-25-74;8:45 am]

VERMONT 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 Vermont State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on May 2, 1974, at the Tavern Motor Inn, Montpelier, Vermont 05602.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purposes of this meeting shall be (1) to discuss future projects of the Vermont SAC and (2) to review nominations of prospective members under consideration for appointment to the Vermont SAC.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 22, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-9597 Filed 4-25-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENT IMPACT STATEMENTS

Notice of Availability

Environmental Impact Statements received by the Council on Environmental Quality from April 15 through April 19, 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 (June 10, 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

Vegetative Management with Herbicides, several counties, Washington, April 17: The statement refers to the proposed use of the herbicides 2,4-D, 2,4,5-T, MSMA, and Atrazine on lands of the Colville, Okanogan, and Wenatchee National Forests, in order to reduce the volume of native vegetation where it seriously hampers forest management activities. Use of the chemicals will result in varying amounts of herbicidal residues in the environment. There is potential hazard to some speces of wildlife as a result of the alteration of habitat (Two Volumes). (ELR Order No. 40606).

Final

Cholmondeley Sound Drainage, Tongass N.F., Alaska, April 16: The statement refers to the proposed management plan for the Cholmondeley Sound drainage, Prince of Wales Island, on the Tongass National Forest. The primary action is that of timber harvest by clearcutting. The 72,000 acre unit contains 42,100 acres of commercial stands. Other important resources of the area are fish, wildlife, and recreation. Adverse impact of the action will include the decrease of naturalness and aesthetic quality; wilderness character will be lost where it presently (174 pages). Comments made by: EPA, HUD, DOT, DOC, DOI, state and local agencies and concerned citizens. (ELR Order No. 40597).

Perenosa Timber Sale, Alaska, April 16: The statement refers to administrative alternatives considered in the revision of the Perenosa Timber Sale of 1968. Involved is a 15 year timber sale for the harvest of 525 million board feet of Sitka spruce sawtimber from Afagnak Island, Alaska. If modification is approved, the sale will involve the harvest of 332 million board feet on 12,000 acres. A largely roadless and undeveloped area will be roaded for the timber harvest, providing the opportunity for more intensive use and management of other resources in the sale area (260 pages). Comments made by: DOT, DOI, EPA, DOC, state agencies and concerned citizens. (ELR Order No. 40602).

Thorne Arm—Carroll Inlet, Tongass N.F., Alaska, April 18: The statement refers to a proposed five year timber harvest plan for the 62,700 acre Thorne Arm-Carroll Inlet, Revillagigedo Island, Tongass National Forest. There are 31,000 acres of commercial forest land within the area. Harvest will be through the silvicultural method of clearcutting, on units no larger than 160 acres. The naturalness and aesthetic quality of the area will be lessened; wildlife bevavior patterns will be changed. Comments made by: HUD, USCG, DOI, DOT, EPA, state agencies. (ELR Order No. 40620).

Fox Planning Unit, Six River National Forest, Del Norte County, California, April 16: The statement refers to a proposed land use management plan for the Fox Planning Unit, Six River National Forest. The plan applies to 30,000 acres of National Forest lands, of which 15,000 acres have been inventoried as roadless. The unit has been divided into 3 zones. Management would include timber harvesting on about 8,300 acres, or 28 percent of the unit during the next 80 years. Ultimately, timber would be harvested from about 14,800 acres. Low density recreation would be available throughout the unit; one zone would be managed for medium recreation development and use. Mineral resources could be utilized (120 pages). Comments made by: HUD, USDA, DOD, FPC, HEW, EPA, DOI, state and local agencies and concerned citizens. (ELR Order No. 40600).

Vernal Planning Unit, Ashley N.F., Uintah, Duchesne, Dagett Counties, Utah, April 16: The statement refers to the proposed management plan for the 338,200 acre Vernal Planning Unit of Ashley National Forest. The unit has been divided into seven sub-units, which will be managed for water, recreation, timber, wildlife, grazing, wilderness, and mineral values. Of a total of 174,700 acres of roadless and undeveloped land in the unit, 67,000 acres will remain unroaded, 79,300 acres may have temporary roads, 28,400 acres will be roaded and developed for non-wilderness (248 pages). Comments made by: DOI, state and local agencies and concerned citizens. (ELR Order No. 40601).

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Combustion Turbine No. 3, Apache Station, Cochise County, Arizona, April 15: The statement refers to the granting of an REA loan to the Arizona Electric Power Cooperative, Inc. for the installation of a new 65 MW combustion turbine at the Apache Generating Station. The Unit will be capable of utilizing natural gas, distillate fuel oil, and residual fuel oil. The proposed unit will be used primarily for emergency and peaking power. There will be some release of nitrogen and sulfur oxides, and particulate matter (two volumes). (ELR Order No. 40582).

230 Transmission Line, Colorado and Wyoming, April 17: The statement refers to

the proposed granting of REA insured or guaranteed funds to the Tri-State Generation and Transmission Association for the construction of 272 miles of 230 kV transmission line and substations, Counties afected are Grand, Lincoln, Kit Carson, Weld, Morgan, and Larimer in Colorado, and Albany and Laramie in Wyoming. The lines will be a visual intrusion upon the landscape (two volumes). (ELR Order No. 40605).

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.

Draft

Seabrook Station, Units 1 and 2, Rockingham County, New Hampshire, April 15: The statement refers to the proposed granting of construction permits to the Public Service Company of New Hampshire. The Seabrook Station will employ identical pressurized-water reactors to produce 3411 MWt and 1194 MWe (net) each; future outputs of 3579 MWt and 1250 MWe are anticipated. Exhaust steam will be cooled by a once-through flow of water from the Gulf of Maine. The construction site is largely wooded; 1545 acres will be required for transmission line right-of-way. Marine biota will be adversely affected by thermal and mechanical shock. (ELR Order No. 40579.)

Sequoyah Uranium Hexafluoride Plant, Sequoyah County, Oklahoma, April 19: The statement refers to the continuation of Source Material License SUB-1010, held by the Kerr-McGee Corp., authorizing the operation of a uranium hexafluoride manufactoring facility in Sequoyah County, close to the confluence of the Illinois and Arkansas Rivers. The plant produces high purity uranium hexafluoride using uranium concentrates as the starting material. It is designed to produce 5000 tons of uranium annually (110 pages). (ELR Order No. 40622.)

Final

Perry Nuclear Power Plant, Units 1 and 2, Lake County, Ohio, April 15: Proposed is the issuance of permits to the Cleveland Electric Illuminating Company for the construction of the Perry Nuclear Power Plant. Two identical boiling water reactors will be used to produce 3,597 MWt each; steam turbine-generators will provide 1,205 MWe (net) each. Future power levels of 3,758 MWt and 1,267 MWe per unit are anticipated. Cooling water will be drawn from Lake Erie at 1,150,000 gpm, and aquatic organisms will be killed by entrainment, and thermal and mechanical shock. The Plant will occupy a 250 acre wooded site; 93 miles of transmission line will be constructed, requiring 1,500 acres of right-of-way (232 pages). Comments made by: USDA, DOC, HEW, HUD, DOI, DOT, EPA, FPC, state, and local agencies and concerned citizens. (ELR Order No. 40584.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 967-4335.

Draft

Waiver of Moratorium, Importation of Sealskins, April 18: The statement refers to the proposed granting of a waiver to the Fouke Company of Greenville, South Carolina, for the importation of raw sealskins from South Africa. The waiver refers to a request for the importation of 5600 skins which were allowed under an earlier economic hardship exemption, but were not shipped due to technical reasons; and the granting of a waiver over a 10 year period. (ELR Order No. 40619).

Submarine Sand Recovery System, Hawaii, April 15: Proposed is the full-scale long-endurance field testing of the prototype of a unique system for mining ocean bottom sand. The system, designed for use from a small vessel, consists primarily of a suction probe which buries itself in thick deposits of sand by hydroject action and removes large cones of sand. The test site is located at Keahou, Kona, Hawaii. The long range secondary effects in the area of socio-economic impact could be significant if the system proves to be economically and environmentally practical and is extensively utilized (60 pages). (ELR Order No. 40586).

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

Beaver Lake Project Operation, Arkansas, April 18: The statement evaluates the impacts of the operation and maintenance of Beaver Lake, a hydroelectric power generation, flood control, water supply, and recreation project near Rogers, Arkansas. Adverse impact includes that resulting from lake fluctuation and from heavy recreational use. (Little Rock District) (61 pages). (ELR Order No. 40618).

Moss Landing Harbor, California, April 15: Proposed is the maintenance dredging of the entrance channel and harbor channel at Moss Landing. Dredged spoil will be deposited at the head of the Monterey Canyon at the 60 foot isobath at the end of Sandholdt Pier. Adverse impact will accrue to marine biota. (San Francisco District) (115 pages). (ELR Order No. 40588).

Cedar Point Lake, Cedar Creek, Kansas, Chase County, Kansas, April 15: The statement refers to the proposed Cedar Creek Dam, to be located at stream mile 4.2. Project purposes are flood control, water supply, and recreation. Project measures would include an earthfill embankment, an uncontrolled spillway, a reinforced concrete gated outlet, access roads, and project buildings. The conservation pool of the project would inundate 4,330 acres of land; several archeological sites exist in the project area (Tulsa District). (ELR Order No. 40583).

Bulk Transfer Terminal, Bayou Casotte, Jackson County, Mississippi, April 15: Proposed is the issuance of a Section 10 Permit to the Jackson County Port Authority for the construction of a bulk transfer terminal at Bayou Casotte. Approximately 980,000 cu. yds. of material will be dredged; 266 acres of state owned water bottom, and 50 acres of productive salt marsh would be filled; 10 acres of salt marsh would be dredged. (Mobile District) (48 pages). (ELR Order No. 40585).

Saw Mill Run, Pittsburgh, Pennsylvania, Allegheny County, Pennsylvania, April 16: The statement refers to a proposed flood control project on the Saw Mill Run through the West End of the City of Pittsburgh. Project measures will include the widening and deepening of the channel; there will also be some channel realignment. Adverse impact will include the displacement of eight families, as well as the temporary impacts of construction disruption. (Pitsburgh District) (32 pages). (ELR Order No. 40593).

Lavon Lake, East Fork Trinity River, Texas, April 16: The statement refers to the ongoing modification of Lavon Lake, East Fork Trinity River, for increased storage of conservation water. The project is operated for flood control, water conservation, and recreational purposes. Adverse impact of the action includes the commitment of 10,230 acres of agricultural lands to project measures. (Fort Worth District) (116 pages). (ELR Order No. 40598).

Tacoma Harbor Project, Washington, Pierce County, Washington, April 17: Proposed is the maintenance dredging of Tacoma Harbor. Three sections of the Blair Waterway will be dredged to a depth of 40 feet; dredged spoil will be placed behind dikes on an 82-acre disposal site. Adverse impact will include the effects upon the benthic community (Seattle District). (ELR Order No. 40610).

Final

Kern River, California Aqueduct, Kern County California, April 16: The proposed project is a flood control project consisting of a concrete chute, gate structure and sedimentation basin located on the Kern River in the San Joaquin Valley. The project will acquire 50 acres of land (65 pages). Comments made by: EPA, DOI, USDA, DOT, state and local agencies. (ELR Order No. 40594).

Meredosia Levee and Drainage District, Rock Island, Whiteside Counties, Illinois, April 17: The proposed project is local flood protection for Meredosia Levee and Drainage District located between miles 510.7 and 512.1 of the Mississippi River. Approximately 10,400 acres of agricultural land and 85 farmsteads will be protected from Mississippi River floods to a 100-year frequency by raising existing State Highway No. 84 along its present alignment. Additional features include hydraulic borrow, borrow for topsoil, raising of four existing road ramps, drainage structures, and modifications to the pumping plant. Approximately 57.2 acres will be committed to the project (Rock Island) (56 pages). Comments made by: EPA, USDA, DOI, HUD, DOT, state and local agencies. (ELR Order No. 40609).

East Fork Lake (2), Clermont, Ohio, April 15: The updated draft statement refers to the completion of construction of the remaining 63 percent of the East Fork Lake projects on the East Fork of the Little Miami River. Project purposes are flood control, water supply and quality, recreation, and fish and wildlife activities. A total of 10,678 acres of land would be placed in public ownership for project purposes; 2,160 acres of land and 12 miles of free-flowing stream would be inundated. Several hundred buildings, seven historic sites, and one archeological site would be inundated (Louisville District). Comments made by: USDA, EPA, DOI, HUD, DOC, FPC, state and local agencies and concerned citizens. (ELR Order No. 40590).

Caesar Creek Lake (2), Warren County, Ohio, April 15: The updated draft statement refers to the completion of construction of the Caesar Creek Lake Project and related works on the Little Miami River. Project purposes are flood control, recreation, water supply and quality control, and fish and wildlife activities. A total of 10,530 acres of land, 2,800 acres of which will be inundated, will be committed to the project. Three covered bridges and 5 archeological sites will be inundated by the project pool (Louisville District). Comments made by: USDA, DOI, EPA, HUD, DOC, HEW, FPC, state and local agencies and concerned citizens. (ELR Order No. 40591).

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426 (202) 386-6084.

Draft

Dallas Center Underground Storage Field, Dallas County, Iowa, April 17: The statement refers to the proposed granting of a certificate of public convenience and necessity to the Northern Natural Gas Company for the construction and operation of underground natural gas storage facilities at the Dallas Center Underground Storage Field. Project measures would include the drilling of injection-withdrawal wells and observation wells; the installation of pipeline; and the installation of a compression plant and related facilities. Environmental impact would occur with respect to man, soil, vegetation, wildlife, water quality, and noise levels (213 pages). (ELR Order No. 40607).

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240 (202 343-3891).

BUREAU OF RECLAMATION

Final

San Luis Water District, Merced and Fresno Counties, California, April 16: Proposed is the construction of an irrigation water distribution system, which will consist of a pressure pipeline system and five miles of open canal. Water will be supplied for 19,800 acres now irrigated; 15,800 acres presently not irrigated will be irrigated. The blunt-nosed leopard lizard and the San Joaquin kit fox, both endangered species, will lose a small part of habitat (62 pages). Comments made by: DOI, EPA, COE, USDA, state agencies and concerned citizens. (ELR Order No. 40592).

NATIONAL PARK SERVICE

Final

Lake McDonald Sewerage, Glacier National Park, Montana, April 15: The proposal is for the construction of a master sewerage system, including a treatment facility, pumping stations, and related works, for the Lake McDonald Region of the Park. There will be construction disruption; McDonald Creek may remain subject to some nutrient pollution (124 pages). Comments made by: USDA, DOI, HEW, EPA, state agencies and concerned citizens. (ELR Order No. 40578).

INTERSTATE COMMERCE COMMISSION

Draft

Increased Freight Rates on Recyclable Commodities, April 18: The statement refers to a proposed three percent increase in the freight rate on recyclable commodities shipped by railroad. The major impact anticipated is a decrease by one percent in the consumption of ferrous and non-ferrous metals, there is no expected diversion to other forms of transportation (343 pages). (ELR Order No. 40617).

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, (615) 755-2002.

Final

Vector Control Program, April 15: The statement considers a continuing annual program which involves the control of mosquitoes and other arthropods of public health significance on TVA lands and waters. Among the methods used are water level management, control of plant growth, and the use of larvicides and insecticides. The program is carried out in the states of Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia (123 pages). Comments made by: USDA, DOC, DOD, COE, HEW, DOI, EPA, state and local agencies. (ELR Order No. 40580).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20500, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Wichita Municipal Airport, Sedgwick County, Kansas, April 18: The statement refers to the proposed designation of a development plan for the airport that will accommodate anticipated air traffic volumes through 1990 and be compatible with the environment and other community development. The improvement program, scheduled for completion over a 20-year period, consists of new runway construction, acquisition of land; extension of existing runways, construction of taxiways, and other airfield and terminal building developments. Comments made by: USDA, COE, DOC, DOI, HUD, EPA, state and local agencies and concerned citizens. (ELR Order No. 40621.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 24, Jefferson County, Supplement, Jefferson County, Kansas, April 17: The draft supplement is an air study and noise analysis of US 24 in Jefferson County through 1994. If alterations are not made there will be some increase in noise pollution by 1944 (25 pages). (ELR Order No. 40604.)

US 22, Guernsey County, Ohio, April 16: The statement refers to the proposed grading, draining, and paving of an improved highway facility, US 22, between Interstate 77 to the west and the entrance of Salt Fork Lake Park to the east to replace an inadequate facility along existing US 22. The project length is six miles. Adverse impacts include the loss of 5 acres of recreational lands, 35 acres of agricultural land, and 148 acres of wildlife habitat. A 4(f) determination is necessary concerning Salt Fork Lake State Park (53 pages). (ELR Order No. 40599) (NTIS Order No. (none).

US 278, Beaufort County, South Carolina, April 15: The statement refers to the proposed construction of US 278, beginning at S.C. Rte. 46 and terminating 0.3 mile southeast of Skull Creek in Beaufort County, a distance of approximately 5.7 miles. Adverse impacts include temporary siltation and water turbidity, disruption of marshland, and 2 families (27 pages) (ELR Order No. 40587).

U.S. 78, Lee and Itawambe Cos., Mississippi, April 17: The project consists of the relocation of US 78 from Belder to the Alabama state line, a distance of approximately 39 miles. The proposed relocation would provide a 4-lane, divided facility, with full control of access, meeting interstate highway standards. Adverse impacts include increased air pollution, water, and noise pollution, two channel changes, and a 4(f) determination for the crossing of the Natchez Trace (104 pages). (ELR Order No. 40616).

Final

Denali Rest Area, Alaska, April 16: The statement refers to the proposed development of a Safety Rest Area at Mile 147 on Alaska State Route #3 (the Anchorage-Fairbanks Highway within the Denali State Park and about 13 miles north of the Chulilna River Bridge. The 20-acre area will provide vehicle parking, including space for long trucks, picnic facilities, and a latrine building with flush toilets and hot water (89 pages). Comments made by: EPA, DOI, HUD, USDA, state and local agencies and concerned citizens. (ELR Order No. 40595).

Replacement of Third Street Bridge, Wilmington, New Castle County, Delaware, April 17: The proposed project involves replacement of the existing Third Street Bridge over the Christina River. The new bridge will be located approximately 155 feet downstream and parallel to the existing bridge. A small corner of Section 4(f) land from Christina Park will be committed to the project and 0.81 acres will be returned to the same park. Comments made by: HUD, DOT, DOI, DRBC, state agencies. (ELR Order No. 40613).

Iowa 330, Jasper, Story, and Marshall Counties, Iowa, April 16: The proposed project is an upgrading of present Iowa 330 on the existing alignment. It would involve either building two new lanes or reconstructing the existing roadway and purchasing additional right-of-way for an eventual four-lane facility. Two residences and two farmsteads will be displaced. The project would remove cropland from productivity and several timbered tracts which constitute wildlife habitat will be lost. Noise and exhaust emissions will increase (111 pages). Comments made by: HUD, USDA, DOI, EPA, COE, state and local agencies and concerned citizens. (ELR Order No. 40596).

I-95, Caton Avenue to Hanover Street, Baltimore, Maryland, April 17: The project involves the construction of an 8 lane interstate expressway, I-95, from Caton Avenue to Hanover Street, including connections to I-70N and I-395, in Baltimore City. Adverse impacts are increased noise levels, changed land use patterns, relocation of 2,000 feet of Gwynns Falls Stream, and displacement of 14 businesses and 20 families. A 4(f) determination is necessary concerning Carroll Park. Comments made by: HEW, COE, DOT, USDA, state agencies. (ELR Order No. 40608).

US 23-441, Jackson and Macon Cos., North Carolina, April 17: The statement refers to the proposed widening of US 23-441 highway from a two-lane to a four lane facility. The project will begin at the Franklin Bypass and end north of the existing US 23-441-SR 1300 intersection, a distance of approximately 8.1 miles. The adverse impacts are the displacement of 36 families and 5 businesses, and possible siltation of Coon Creek and its tributaries during construction (93 pages). Comments made by: USDA, COE, GSA, DOI, TVA, state and local agencies. (ELR Order No. 40614).

SH 199, Carter County, Oklahoma, April 17: The project involves the construction of a new segment of SH 199 from the junction of US 77 and US 77B approximately 1 mile south of Ardmore, easterly 10.5 miles, to existing SH 199 at the Carter-Marshall County Line. The project will require the use of 125 acres of grasslands and 255 acres of woodlands. A 4(f) determination is necessary concerning Lake Murray State Park. Comments made by: DOI, USDA, COE, state agencies. (ELR Order No. 40613).

U.S. WATER RESOURCES COUNCIL

Contact: Mr. Don Maughan, Director, 2120 L Street, NW., 8th Floor, Washington, D.C. 20037 (202) 254-6303.

Final

Puget Sound and Adjacent Waters Comprehensive Study, Washington, April 15: The statement refers to the development of a comprehensive plan for the conservation, development, and management of the water and related land resources of the Puget Sound and Adjacent Waters Study Area. The plan contains both structural and nonstructural solutions to existing and anticipated problems and needs. Adverse impacts consist of loss of wildlife habitat and timber producing lands, changed ecology of two rivers, loss of agricultural and recreational lands, and possible turbidity caused by dredging (two volumes). Comments made by: USDA, DOD,

DOC, HUD, DOI, DOT, HEW, EPA, EPC, state agencies. (ELR Order No. 40589).

GARY WIDMAN,
General Counsel.

[FR Doc.74-9650 Filed 4-25-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/46]

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 policy provides 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.

On or before June 25, 1974, 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 June 25, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 32995-R. Barton Solvents, Inc., P.O. Box 221, Des Moines, Iowa 50301. *Glidco Pine Oil-150.* Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8203-EE. Chipman Chemicals Limited, P.O. Box 3100, Station C, Hamilton, Ontario, Canada. *Granox Liquid Fungicide Seed Treatment.* Active Ingredients: Maneb (Manganese ethylenebisdithiocarbamate) 25.0 percent; HCB (Hexachlorobenzene) 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32999-R. Cron Chemical Corporation, P.O. Box 10027, Dallas, Texas 75207. *Glidco Pine Oil-150 For Industrial Use or Manufacturing Germicides.* Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7368-EO. Georgia-Pacific Corp., 2425 Malt Ave., Los Angeles, California 90040. *G-P Chlor Disinfectant and Sanitizer.* Active Ingredients: Sodium Hypochlorite 12.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33006-G. Hukill Chemical Corp., 7013 Krick Road, Bedford, Ohio 44146. *Glidco Pine Oil-140 For Manufacturing Germicides.* Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33006-E. Hukill Chemical Corp., 7013 Krick Road, Bedford, Ohio 44146. *Glidco Pine Oil-150 For Manufacturing Germicides.* Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 30943-RU. Lea Chemicals, Box 868, Marianna, Florida 32446. *Guardian Highly Concentrated Germicide.* 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(c) of interim policy.

EPA Reg. No. 6109-13. Servicemaster Equipment & Materials Co., 2300 Warrenville Rd., Downers Grove, Illinois 60515. *SaniMaster II.* Active Ingredients: Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) Dimethyl Benzyl Ammonium Chlorides 4.5 percent; Alkyl (68 percent C12, 32 percent C14) Dimethyl ethylbenzyl Ammonium Chlorides 4.5 percent; Tetra Sodium Salt of Ethylene Diamine Tetra Acetic Acid 2.0 percent; Sodium Carbonate 4.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2829-RNL. Ventron Corporation, Chemicals Division, Congress Street, Beverly, Massachusetts 01915. *Vinyzene BP-5SIL3 Fungistatic and Bacteriostatic Agent for Silicone Caulking Formulations.* Active Ingredients: 10,10'-oxybisphenoxarsine (Total arsenic as elemental As—0.90 percent) (Water soluble arsenic as elemental As—Less than 0.01 percent) 3.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 34161-R. Wisconsin Pharmacal Co., Division of Badger Pharmacal Inc., 2535 So. 170th, New Berlin, Wisconsin 53151. *Potable-Aqua Tablets.* Active Ingredients: Tetraglycine Hydroperiodide 17.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of April 12, 1974 (39 FR 13313).

EPA File Symbol 33818-R. Prescott, Inc., 3305 West Griffith Street, P.O. Box 3957, Charlotte, North Carolina 28203. *Septon I Cleaner - Deodorizer - Disinfectant - Fungicide.* Correction: Originally published as *Septon I Clearner - Deodorizer - Disinfectant-Fungicide.*

Dated: April 19, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-9352 Filed 4-25-74;8:45 am]

1976 NITROGEN OXIDE EMISSION STANDARD

Applications for Suspension; Decision of the Administrator

Applicants:
Automobiles Peugeot
Checker Motors Corp.
Isuzu Motors Ltd.
Mitsubishi Motors Corp.
Toyo Kogyo Company, Ltd.
SS Automobiles Inc.
Toyota Motor Company, Ltd.
Avanti Motor Corp.

Section 202(b)(5)(B) of the Clean Air Act, as amended, provides that at any time after January 1, 1973, any automobile manufacturer may file with the Administrator of the Environmental Protection Agency an application requesting the suspension for one year only of the effective date, with regard to the manufacturer, of the nitrogen oxides emission standard applicable to light duty vehicles manufactured beginning with the 1976 model year. If the Administrator determines that suspension should be granted, he must simultaneously with such determination prescribe by regulation an interim emission standard applicable to such vehicles manufactured during the 1976 model year.

On July 30, 1973, the Administrator granted to Chrysler Corp., Ford Motor Co., and General Motors Corp. a one-year suspension of the effective date of the statutory nitrogen oxides (NO_x) emission standard applicable to 1976 model light duty motor vehicles. The Administrator simultaneously established an interim NO_x emission standard of 2.0 grams per mile applicable to each applicant's 1976 model year vehicles (see 38 FR 22474, August 21, 1973).

The Administrator's decision was based on findings required by section 202(b)(5)(D)(i), (ii), (iii), and (iv) of the Clean Air Act, as amended. EPA regards findings (i) (a suspension is essential to the public interest) and (iii) and (iv) (technology required to meet the standards is not generally available) as applicable to the automobile industry as a whole and, hence, conclusive as to any applications for suspension of the 1976 NO_x statutory standard. The remaining finding, that the applicant has made all good faith efforts to meet the statutory standard (section 202(b)(5)(D)(ii)), is made with respect to each applicant on the basis of an application, and after adequate time for public review and comment. A decision granting or denying any application shall be made within 60 days after receipt thereof. Any manufacturer granted a suspension is subject to the

interim 2.0 grams per mile NO_x standard established by the July 30, 1973, decision.

On December 28, 1973, the Administrator announced receipt of several additional requests for suspension of the 1976 NO_x standard, and delineated procedures for disposition of those applications and all other applications for suspension filed with the Administrator prior to January 4, 1974 (see 38 FR 35528). Then on February 1, 1974 (see 39 FR 4132), the Administrator granted suspension of the 1976 NO_x emission standard to sixteen (16) additional manufacturers.

On March 25, 1974, the Administrator announced receipt of two additional requests for suspension of the 1976 NO_x standard (Automobiles Peugeot and Isuzu Motors), and delineated procedures for disposition of those applications and all other applications for suspension filed with the Administrator prior to April 5, 1974 (see 39 FR 11133). Subsequent applications for suspension have been filed by Checker Motors Corporation (received March 1, 1974), Mitsubishi Motors Corporation (received April 1, 1974), Toyo Kogyo Company, Limited (received April 3, 1974), SS Automobiles Incorporated (received April 5, 1974), Toyota Motor Company, Limited (received April 5, 1974), and Avanti Motor Corporation (received April 5, 1974).

In accordance with the procedures outlined in the March 25, 1974, FEDERAL REGISTER notice, each application was made available for public review and comment. Since no public comments were received on the submitted applications, I have determined that no useful purpose would be served by holding a suspension hearing on these applications.

On the basis of our review of the submitted applications, I have determined that each applicant has made all good faith efforts to meet the 1976 NO_x statutory standard. Accordingly, I hereby grant suspension of the 1976 NO_x standard to each of the eight (8) applicants set forth above. Each applicant's 1976 model year light duty vehicles sold in the United States will be required to meet the interim NO_x standard of 2.0 grams per mile.

Dated: April 19, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-9614 Filed 4-25-74;8:45 am]

TECHNICAL ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTON DIVISION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Technical Advisory Group to the Municipal Construction Division will be held at 9 a.m. on May 13 and 14, 1974, at the Dallas Regional Office, 1600 Patterson Street, Dallas, Texas.

The purpose of the meeting is to review and discuss the following subject matter: Section 937 and Value Analysis, Non-restrictive specifications, reactions to current title II regulations, Best Practicable Treatment Technology, Design/Construct, and section 208 regulations.

The meeting will be open to the public. Any member of the public wishing to attend should contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, Environmental Protection Agency, Washington, D.C. 20460. The telephone number is area code 202-426-8986.

ROGER STRELOW,
Acting Assistant Administrator for Air and Water Programs.

APRIL 19, 1974.

[FR Doc.74-9511 Filed 4-25-74;8:45 am]

VINYL CHLORIDE

Emergency Suspension Order Concerning Registrations for Certain Products and Intent to Cancel Registrations

Notice is hereby given of the emergency suspension of, and notice of intent to cancel the registrations, under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("FIFRA"; 7 U.S.C. 135 et seq., 7 U.S.C. 136 et seq.), of all pesticide spray products containing vinyl chloride, whether as an active or inert ingredient, for uses in the home, food handling establishments, hospitals or in enclosed areas. Concurrent with this notice of suspension and notice of intent to cancel, the Environmental Protection Agency, is requesting that all existent stock of such products be recalled by the manufacturers.

FINDINGS OF FACT

1. In January 1974, it was reported that four workers who had had intimate occupational contact with vinyl chloride had died from angiosarcoma of the liver.

2. Angiosarcoma of the liver is an extremely rare form of cancer. Data from the Third National Cancer Survey, conducted by the National Cancer Institute over the three-year period, 1969 to 1971, indicates that the number of cases of angiosarcoma of the liver expected in any one year could range from 11 to 53 for the total United States population.

3. On February 15, 1974, an Italian scientist, Professor Cesare Maltoni of the Bologna Institute of Oncology, reported on an experiment in which rats exposed to vinyl chloride gas for four hours per day, five days per week, for 127 weeks developed angiosarcoma of the liver. These cancers were found at an increasing frequency at several dosages, beginning at 250 ppm and above, but not at 50 ppm, the lowest dosage tested.

4. Since the first occupational reports this year, several more cases of angiosarcoma of the liver have been confirmed, bringing the total number of these cancers among occupationally exposed workers in the United States to twelve. Two additional deaths from angiosarcoma have been reported among occupationally exposed workers outside of the United States. The evidence relating vinyl chloride exposure and these deaths is circumstantial, but strongly suggestive of a causal relationship, especially when combined with animal data.

5. In 1973, the Manufacturing Chemists Association contracted with Industrial Bio-Test Laboratories, Inc. of Northbrook, Illinois, to conduct laboratory studies exposing mice and hamsters as well as rats to vinyl chloride gas. While this experiment is not yet completed, there have been a high number of deaths among the test animals, controls as well as exposed. In the course of examining these animals to determine the cause of death, a significant number of the dead mice in the exposed group showed tumors of various sorts. Two cases of angiosarcoma of the liver were observed in mice exposed to 50 ppm vinyl chloride in the air, four cases of the rare cancer in mice exposed to 200 ppm, and in seventeen of those exposed to 2,500 ppm. No angiosarcomas have been found in the rats or hamsters that have died during the course of the experiment. The significance of these figures is still not fully understood because data on the deaths in the control group of mice has not yet been fully analyzed. Nevertheless, the observation of a dosage-related pattern of occurrence of this rare form of cancer, coupled with the previous results in Italy, provides strong evidence that exposure to vinyl chloride can cause liver cancer.

6. Seventeen manufacturers have registered pesticidal aerosols in which vinyl chloride was one of the inert ingredients, and thus unlisted on the label. These manufacturers plus their distributors account for 41 different brand name products. Vinyl chloride is used as a propellant component in such aerosols.

7. Although all of these mnufacturers state that they have stopped using vinyl chloride as a propellant, some as early as May 1973, there are at least an estimated 19,000 cans of such products in commercial channels.

8. Last Friday, I learned of preliminary testing and calculations done by EPA involving the use of an aerosol containing vinyl chloride showing that a 30 second release of the aerosol could result in a concentration as high as 400 ppm in the air. In a separate test, preliminary results showed that after as long as four days, only about 1% of the vinyl chloride gas would dissipate under conditions where the exposure area was not ventilated and little, if any, light was present. Calculations based on this information, assuming three changes of air per hour in an enclosed area, and experiments by EPA scientists measuring vinyl chloride levels following spraying in the home would indicate that a detectable concentration of vinyl chloride could still persist for several hours after spraying.

9. Exposure to vinyl chloride has been associated with a significant number of cases of a rare liver cancer in experimental rats and mice, and in humans. Although vinyl chloride is apparently no

longer being used as a propellant in pesticides, some stocks remain on the market. The use of these pesticides in an enclosed space, even in short bursts (e.g., 30 seconds), could result in exposure levels similar to those which have produced angiosarcomas in test animals. The health implications for humans at these levels for short exposure periods are undetermined, but it is prudent to assume that any exposure at these levels will have increased the risk of cancer should the strongly suspected causal relationship between vinyl chloride and cancer be finally confirmed.

10. The benefits of the use of vinyl chloride as a propellant are very small because several suitable substitutes exist which, in fact, are frequently used. Although the number of pesticide products containing vinyl chloride presently in commercial channels or in use is not thought to be substantial, the risk of continuing such use in the face of acceptable substitutes is unjustified.

11. Attached to this order are the names of the pesticide products containing vinyl chloride which are known by this Agency to be registered for uses in the home, food handling establishments, hospitals or in enclosed areas. There may be others.

Conclusions

Section 6(c) of FIFRA provides for the suspension of a registration of a pesticide if the Administrator determines that action is necessary to prevent an imminent hazard during the time required for cancellation proceedings under section 6. Section 6(c) also provides for issuance of an emergency order of suspension by the Administrator in the event he finds that an emergency exists that does not permit the holding of an expedited hearing on the question of suspension before issuing an order. The statute also provides a general definition of the term "imminent hazard" in section 2(l) which states that "imminent hazard" means a situation which exists when the continued use of a pesticide during the time required for cancellation would be likely to result in unreasonable adverse effects on the environment. A determination of unreasonable adverse effects on the environment must consider the degree of risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide (Section 2(bb)).

The evidence available at this time indicates the presence of a clear risk to human health from continued exposure to vinyl chloride. Indeed, this chemical presents a most unusual case because the rare form of cancer found in occupational workers can be readily demonstrated in test animals. Thus we are faced with a substantial risk to human health upon continued exposure to vinyl chloride. The existence of this risk would require a compelling demonstration of benefits to justify the continued use of the product pending the outcome of either cancellation proceedings or any hearing pursuant to section 6(c)(2) of FIFRA.

Present information indicates that most, if not all manufacturers of pesticides containing vinyl chlorides as a propellant, are willing to utilize substitute substances for this purpose. The Environmental Protection Agency has already received several applications for amended registrations to eliminate vinyl chloride as an ingredient. It is my understanding that similar amendment applications will be forthcoming from other manufacturers. Thus, there is no indication that elimination of use of these products pending completion of suspension and cancellation proceedings will have any effects upon availability of the associated aerosol pesticides. Indeed, in the course of investigating use of these products prior to this order, instances were discovered of previous voluntary discontinuance of the use of vinyl chloride as a propellant (without amended registrations having been submitted or issued).

Although voluntary discontinuance of the use of the substance is a commendable development, significant quantities of pesticide products containing vinyl chloride have previously been distributed and are now in retail outlets or in actual use. In addition, although the Environmental Protection Agency desires, whenever possible, to secure voluntary compliance rather than proceeding by order, the time required to insure that such compliance has actually taken place would necessarily delay achieving the most rapid possible nationwide cessation of the sale of products containing vinyl chloride, and the recall of existing stocks. Therefore, I have concluded that in view of the substantial risk from continued use of vinyl chloride, and the absence of any significant benefit from its continued use pending completion of cancellation proceedings pursuant to section 6, an imminent hazard does exist under the terms of section 6(c) of FIFRA and an emergency does exist which does not permit delay of suspension pending a possible hearing pursuant to section 6(c)(2) prior to issuance of an order of suspension. Indeed, I find that as a result of the above findings of fact, particularly the recent results of Agency testing, that immediate action is required.

Emergency Suspension Order and Notice of Intent to Cancel

In accordance with the attached findings and conclusions, it is hereby ordered that the registrations for all pesticide products containing vinyl chloride, whether as an active or inert ingredient, be suspended immediately for all uses in the home, food handling establishments, hospitals, or in enclosed areas. I also serve notice of my intent to cancel such registration within 30 days from the receipt of this notice by the registrant, or publication of this order in the Federal Register (April 26, 1974), which ever occurs later, unless the registrant makes the necessary corrections to its registration. These pesticide products containing vinyl chloride may not be legally shipped in interstate commerce.

Dated: April 24, 1974.

Russell E. Train,
Administrator.

Indoor Aerosol Pesticides Affected by Today's Suspension

Product	*Company*
Brulin Bug Bomb	Brulin & Co.
Paracide with Sevin	Carson Chemicals, Inc.
Demert Raw Roach, Ant and Wasp Killer.	Demert & Daugherty.
Cobra International Roach, Ant and Wasp Killer.	Cobra International [D].
Rexall Ant and Roach Killer.	Rexall Drug Co. [D].
Walgreen Ant & Roach Killer.	Walgreen Laboratories, Inc. [D].
Flea Killer for Dogs and Cats.	Chase Products Co.
Barcolene Spray Disinfectant.	The Barcolene Co.
Coop Dairy Insecticide for Milk Houses and Animals.	Farmland Industries, Inc.
Excelcide 16-oz. Aerosol Bomb.	The Huge Co.
Navy Brand Thrifty 50	Navy Brand Mfg. Co. [D].
Mothrid Moth Proofer	Hysan Corp.
Mothrid Moth Proofer Cedar Scented or Activated Moth Proof Spray Cedarized.	Liberty Products Co. [D].
Nokout 25 Aerosol Insecticide.	Hysan Corp.
Strike—Wasp and Hornet.	Albert Woods Wholesale [D].
Nokout 35 Insecticide	Hysan Corp.
Spritz Metered Air Sanitizer.	Hysan Corp.
Anchor Flea, Lice and Tick Bomb.	Philips-Roxane, Inc.
F-L-T Bomb	Bio-Ceutic Laboratories [D].
WAYNE, Flea, Lice and Tick.	Allied Mills, Inc. [D].
Rodgers' Insecticide and Repellent.	Jay Rodgers Co.
Total Release Insect Fogger.	Spray-Chem Corp.
Crown "Total" Complete Release Insect Fogger.	Crown Chemicals, Inc. [D]
Roberts' "Total" Complete Release Insect Fogger.	Roberts Laboratories [D]
Chaperone Flea & Tick Killer.	Sudbury Laboratory
Pyrethrin Insecticide Pressurized Dairy Insecticide.	Woodbury Chemical Co.
COOP Pyrethrin Insecticide Pressurized Dairy Insecticide.	Farmland Industries, Inc. [D]
Mid-Am Brand Pyrethrin Insecticide Pressurized Dairy Insecticide.	Mid-American Dairymen, Inc. [D]

[D]—Distributor of Product Listed Above

[FR Doc.74-9719 Filed 4-25-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE PANEL 3

Notice of Meeting

APRIL 19, 1974.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the CTAC Panel 3 Committee on May 9, 1974, to be held in Chicago, Illinois at O'Hare International Tower of the O'Hare Airport. The time of the meeting is 9:30 a.m.

The agenda is as follows:

(1) Approval of Two Technical Notes
a. Economics of Tuners (A. Azelickis)
b. Deflection and Color Sync (D. Sillman)
(2) Status Report on Other Three Technical Notes
a. Direct Pickup (C. B. Neal)
b. Adjacent Channel Rejection (G. F. Rogers)
c. Oscillator Voltage; Spurious Responses (D. Carpenter)
(3) Schedule Determination for Above Three Technical Notes
(4) Liaison Reports from Other Committees
(5) Other Business

Any member of the public may attend or may file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. Harold C. Wilson, FCC, 1919 M Street NW., Washington, D.C. 20554 (202) 632-9797.

Dated: APRIL 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74-9638 Filed 4-25-74;8:45 am]

COMMON CARRIER SERVICES INFORMATION [1]

[Report No. 697]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 22, 1974.

Pursuant to §§ 1.227(b) (3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21212-C2-P-(4)-74 Hawaiian Telephone Company (KUA222) C.P. for additional facilities to operate on 152.60 MHz at Loc. #1: 2.5 miles East of Huehue, Hawaii; Loc. #2: 0.5 mile North of Captain Cook, Kealakekua, Hawaii; Loc. #3: 19.7 miles SSW of Hilo, Kulani Cone, Hawaii; and Loc. #4: 1.2 miles SE of Ookala, Hawaii.

21213-C2-P-(3)-74 David M. Crouch d/b as Cactus Communications (NEW) C.P. for a new 2-way station to operate on 454.150, 454.200 and 454.250 MHz. to be located at 8026 Floyd Curl Drive, San Antonio, Texas.

21214-C2-P-(3)-74 A. W. Clark d/b as Hydesert Radio Telephone (NEW) C.P. for a new 2-way station to operate on 152.09 MHz, base, 459.175 MHz, repeater at Loc. #1: Cox Peak, 16 miles North of Lakeview, Oregon; and 454.175 MHz, control at Loc. #2: 528 North "J" Street, Lakeview, Oregon.

21215-C2-P-74 Alco Telephone Answering Service of Greenville, Miss., Inc. (KFL932) C.P. for additional facilities to operate on 454.025 MHz located 2.6 miles South of Greenville, Mississippi.

21216-C2-P-74 Contact Unlimited Corporation (NEW) C.P. for a new 2-way station to operate on 152.21 MHz to be located at Eastside Thatcher Street, ¾ mile East of U.S. #113, Frankford, Delaware.

21217-C2-P-(2)-74 South Central Bell Telephone Company (KQK779) C.P. to change antenna location operating on 152.57 and 152.69 MHz to be located at 22nd Avenue and 18th Street, Gulfport, Mississippi.

21218-C2-P-74 Stockbridge and Sherwood Telephone Company (KWH347) C.P. to change antenna system and location and replace transmitter operating on 152.84 MHz to be located at State Hwy. #55, South Village Limits, Sherwood, Wisconsin.

21219-C2-P-(4)-74 Intrastate Radio Telephone, Inc. of San Francisco (KMA833) C.P. to transfer facilities from Loc. #3: 5170 Grizzly Peak Blvd., Oakland Hills, California to Loc. #5: Round Top Peak, Oakland, California; also additional facilities to operate on 152.03 and 454.025 MHz at Loc. #5.

21220-C2-P-74 Nashville Mobilphone, Inc. (NEW) C.P. for a new 2-way station to operate on 152.18 MHz to be located 0.5 mile NW of US #31 and 4 miles NW of Franklin, Tennessee. Resubmitted.

Renewal of Licenses expiring April 1, 1974.
TERM: April 1, 1974 to April 1, 1979.

Licensee	*Call Sign*
South Carolina	
Able Paging Service	KTS220
Able Paging Service	KFL947
Texas: Industrial Comms. of Pecos, Inc	KKJ454
West Virginia: Capitol Radio Tel. Co., Inc	KQD614

The following application was timely filed but inadvertently left off a previous Public Notice.

Licensee	*Call Sign*
New Jersey: Radio Dispatch Company	KEC943

Major Amendment

20983-C2-P-(3)-74 Edward C. Smith d/b as Answerite Professional Telephone Service (KIY581) Orlando, Florida. Amend to include the existing channel on 152.18 MHz. All other particulars are to remain as reported on PN #690 dated March 4, 1974.

* * * * *

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations by reason of potential electrical interference.

Texas

E. H. Cannon—Hondo, Texas (NEW) 8168-C2-P-(2)-73.
David M. Crouch d/b as Cactus Communications, Devine, Texas (NEW) 20037-C2-P-(2)-74.

* * * * *

Corrections

Application File #8434-C2-P-73 on the Commission's PN #650 dated May 29, 1973 should have indicated: C.P. for an additional channel to KSD310. All other particulars are to remain as reported on PN #650.

21128-C2-P-(2)-74 Mobile Radio Communication Service, Inc. (KFL919) Correct PN #694 dated April 1, 1974 to read: C.P. for additional facilities to operate on 75.50 MHz repeater at Loc. #1: On Green Mountain, 2.3 miles ENE of Kalama, Washington; and add antenna location #2 for control facilities to operate on 72.34 MHz to be located at 206 North Second Street, West Kelso, Washington.

POINT TO POINT MICROWAVE RADIO SERVICE

3852-C1-P-74 Florida Telephone Corporation (KIO66) 425 North Third Street, Leesburg, Florida. Lat. 28°48'54" N., Long. 81°52'38" W. C.P. to change antenna system and replace transmitter on freqs. 6152.8V, 6034.2V MHz toward Groveland, Fla. on azimuth 175°19'.

3853-C1-P-74 Same (KJA59) Corner of Lake Avenue and Orange Street, Groveland, Florida. Lat. 28°33'35" N., Long. 81°51'25" W. C.P. to change antenna system and replace transmitter on freqs. 6404.8V, 6286.2V MHz toward Leesburg, Fla. on azimuth 355° 19'.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (part 21 of the rules).

3905–C1–P–74 Continental Telephone Company of Utah (KPY77) 89 East Center Street, Moab, Utah, Lat. 38°34'26" N., Long. 109°32'55" W. C.P. to change emission, power and replace transmitter on freqs. 5967.4H, 11685H MHz toward Bald Mesa, Utah on azimuth 104°21'.

3906–C1–P–74 Same (KPN73) LaSal Mountain, 12.5 miles ESE of Moab, Utah. Lat. 38°31'43" N., Long. 109°19'28" W. C.P. to change emission, power and replace transmitter on freqs. 6323.3H, 10755H MHz toward Moab, Utah on azimuth 284°30'.

125–C1–P–74 Southern Bell Telephone and Telegraph Company (KJL23) 4.2 miles SE of Nickelsville, Georgia. Lat. 32°39'15" N., Long. 83°01'48" W. C.P. to replace transmitter and change freq. to 6256.5V MHz toward Tennille, Ga. on azimuth 36°53'.

126–C1–P–74 Same (KTF45) 937 Greene Street, Augusta, Georgia. Lat. 33°28'30" N., Long. 81°58'10" W. C.P. to replace transmitter and change freq. 60 6034.2V MHz Clarks Hill, S.C. on azimuth 316°37'.

127–C1–P–74 Same (KJK92) .8 mile SSW of Clarks Hill, South Carolina. Lat. 33°39'39" N., Long. 82°10'47" W. C.P. to replace transmitter and change freq. to 6256.5V MHz toward Thomson, Ga. on azimuth 236° 49'; change freq. to 6256.5V MHz toward Augusta, Ga. on azimuth 136°30'.

128–C1–P–74 Same (KJK93) 2.7 miles NE of Thomson, Georgia. Lat. 33°29'53" N., Long. 82°28'34" W. C.P. to replace transmitter and change freq. to 6034.2V MHz toward Mitchell, Ga. on azimuth 215°47'; change freq. to 6034.2V MHz toward Clarks Hill, S.C. on azimuth 56°39'.

129–C1–P–74 Same (KJK94) 1.6 miles NNE of Mitchell, Georgia. Lat. 33°14'29" N., Long. 82°41'46" W. C.P. to replace transmitter and change freq. to 6256.5V MHz toward Tennille, Ga. on azimuth 192°53'; change freq. to 6256.5V MHz toward Thomson, Ga. on azimuth 35°40'.

130–C1–P–74 Same (KJK95) 1.9 miles east of Tennille, Georgia. Lat. 32°56'10" N., Long. 82°46'44" W. C.P. to replace transmitter and change freq. to 6034.2V MHz toward Nickelsville, Ga. on azimuth 217°01'; change freq. to 6034.2V MHz toward Mitchell, Ga. on azimuth 12°50'.

3912–C1–P–74 The Chesapeake and Potomac Telephone Company of Maryland (WAD23) Gwynnbrook State Game Farm, 1.6 Miles North of Owings Mills, Maryland. Lat. 39° 27'01" N., Long. 76°46'37" W. C.P. to reenstate expired permit for freq. 10915V MHz toward Randallstown, Md. on azimuth 189°43'.

3913–C1–P–74 Same (WAX85) 1.2 Miles South of Randallstown, Maryland. Lat. 39°21'03" N., Long. 76°47'56" W. C.P. to reenstate expired permit for freq. 11365V MHz toward Owings Mills, Md. on azimuth 9°43'.

3914–C1–P–74 Same (WIV27) Lambs Knoll, 4.4 Miles West of Middletown, Maryland. Lat. 39°26'54" N., Long. 77°37'34" W. C.P. to reenstate expired permit for freq. 6315.9H MHz toward Monrovia, Mr. on azimuth 110°15'; freq. 6286.2V MHz toward Fairview Mtn., Md. on azimuth 307°23'.

3915–C1–P–74 Same (WIV26) Monrovia, 7.5 Miles SE of Frederick, Maryland. Lat. 39°-20'55" N., Long. 77°16'51" W. C.P. to reenstate expired permit for freq. 6034.2H MHz toward Lambs Knoll, Md. on azimuth 290°-28'.

3916–C1–P–74 Same (WIV50) Fairview Mountain, 2.5 Miles West of Clearspring, Maryland. Lat. 39°39'04" N., Long. 77°58'15" W. C.P. to reenstate expired permit for freq. 6063.8V MHz toward Lambs Knoll, Md. on azimuth 127°09'; freq. 11245V MHz toward Hagerstown, Md. on azimuth 96°43'.

3917–C1–P–74 Same (WIV51) Board of Education, Commonwealth Avenue, Hagerstown, Maryland. Lat. 39°37'38" N., Long. 77°42'41" W. C.P. to reenstate expired permit for freq. 10795V MHz toward Fairview Mtn., Md. on azimuth 276°52'.

3918–C1–P–74 Microwave Transmission Corporation (KPR32) Raven's Roost, 15 Miles SSE of Lester, Washington. Lat. 47°01'28" N., Long. 121°20'02" W. C.P. to change freqs. to 6019.3V, 6049.0H, 6078.6V, 6108.3H, 6137.9V, 6167.6H MHz toward Mission Ridge, Wash. on azimuth 68°09'.

3919–C1–P–74 Same (KPR33) Mission Ridge, 11 Miles SSW of Wenatchee, Washington. Lat. 47°16'27" N., Long. 120°24'18" W. C.P. to add point of communication at Ellensburg, Wash.; to change point of communication at Wenatchee, Wash.; to add freq. toward Wenatchee, Wash.; and to change the total frequency scheme transmitting from Mission Ridge to the following: 6197.2V, 6375.2V, 6226.9H, 6286.2H, 6345.5H, 6404.8H, 11285V, 11365V, 11525V MHz toward Wenatchee, Wash. on azimuth 24°30'; 6226.9V, 6345.5V MHz toward Tunk Mtn., Wash. on azimuth 31°19'; 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Ahtanum Ridge, Wash. on azimuth 185°21'; 6375.2V, 6226.9H MHz toward Beezely Hill, Wash. on azimuth 86°15'; 6226.9H, 6345.5H, 6404.8H MHz toward Joe Butte, Wash. on azimuth 142°40'; and 6197.2V, 6375.2V, 6286.2H, 6404.8H MHz toward Ellensburg, Wash. on azimuth 192°43'.

3920–C1–P–74 Eastern Microwave, Inc (KEM-58) Helderberg Mtn., 1.75 Miles NW of New Salem, New York. Lat. 42°38'12" N., Long. 73°59'45" W. C.P. to add freq. 6182.4H MHz (via power split) toward Schenectady, N.Y. on azimuth 19°54'.

3921–C1–MP–74 Same (KGO28) Robwood Mtn., 7.5 miles SSE of Towanda, Pennsylvania. Lat. 41°39'07" N., Long. 76°24'42" W. Mod. of C.P. to change freq. to 6049.0V MHz toward Hawley Hill, Pa. on azimuth 323°01'.

3922–C1–P–74 General Telephone Company of Florida (KIL88) 519 Zack Street, Tampa, Florida. Lat. 27°57'01" N., Long. 82°27'24" W. C.P. to add freqs. 5945.2H, 6004.5H, 6063.8H, 2126.8H MHz toward a new point of communication at Odessa, Fla. on azimuth 333°10'.

3923–C1–P–74 Same (KYJ43) Odessa, Florida. Lat. 28°11'35" N. Long. 82°35'43" W. C.P. to add freqs. 6197.2H, 6256.5H, 6315.9H, 2176.8V MHz toward Tampa, Fla. on azimuth 153°06'.

3938–C1–P–74 Southern Bell Telephone and Telegraph Company (KJK66) 268 North Ridgewood Ave., Daytona Beach, Florida. Lat. 29°12'53" N., Long. 81°01'33" W. C.P. to add one two-way message channel between Cocoa and Daytona Beach and reuse GENESYS Network ETV facilities between Jacksonville and Daytona Beach; add freq. 3930H MHz toward Samsula, Fla. on azimuth 192°51'.

3939–C1–P–74 Same (KZA72) 3705 Fox Lake Road, 3.3 Miles SW of Titusville, Florida. Lat. 28°35'03" N., Long. 80°51'20" W. C.P. to add one two-way message channel between Cocoa and Daytona Beach and reuse GENESYS Network ETV facilities between Jacksonville and Daytona Beach; add freq. 3890H MHz toward Lake Harney, Fla. on azimuth 305°49'; 3890V MHz toward Cocoa, Fla. on azimuth 154°01'.

3940–C1–P–74 Same (KYN96) Approx. 3.8 Miles SE of Geneva, Florida. Lat. 28°43'04" N., Long. 81°03'57" W. C.P. to add one two-way message channel between Cocoa and Daytona Beach and reuse GENESYS Network ETV facilities between Jacksonville and Daytona Beach; add freq. 3930H MHz toward Samsula, Fla. on azimuth 354°20'; 3930H MHz toward W. Titusville, Fla. on azimuth 125°43'.

3941–C1–P–74 Same (KYN95) 4.5 Miles SSW of Samsula, Florida. Lat. 28°57'24" N., Long. 81°05'34" W. C.P. to add one two-way message channel between Cocoa and Daytona Beach and reuse GENESYS Network ETV facilities between Jacksonville and Daytona Beach; add freq. 3890H MHz toward Daytona Beach, Fla. on azimuth 12°49'; 3890H MHz toward Lake Harney, Fla. on azimuth 174°19'.

3942–C1–P–74 Southern Bell Telephone and Telegraph Company (KIU58) 712 Florida Ave., Cocoa, Florida. Lat. 28°21'06" N., Long. 80°43'39" W. C.P. to add one two-way message channel between Cocoa and Daytona Beach and reuse GENESYS Network ETV facilities between Jacksonville and Daytona Beach; add freq. 3930V MHz toward W. Titusville, Fla. on azimuth 334°05'.

[FR Doc.74–9639 Filed 4–25–74;8:45 am]

[Docket No. 20013; File No. BR–3486]

ENTERTAINMENT COMMUNICATIONS, INC.

Order on Renewal of License

Adopted: April 9, 1974.

Released: April 22, 1974.

By the Commission:

1. The Commission has before it for consideration (a) the captioned application and (b) its inquiries into the operations of Station WDAX, McRae, Georgia.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain licensee of WDAX. In view of these questions, the Commission is unable to find that a grant of the application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, *it is ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine whether, and, if so, the extent to which, the applicant exceeded its authorized pre-sunrise operation power in violation of Sections 73.52(a) and 73.87 of the Commission's Rules;

(b) To determine all the facts and circumstances concerning the applicant's procedures for maintaining operating logs and ensuring that entries made therein reflect the correct operating modes and parameters of WDAX, and in light of the evidence adduced, whether any entries therein have been falsified, and further, whether the licensee has violated §§ 73.111 and 73.113 of the Commission's Rules in this regard;

(c) To determine all the facts and circumstances surrounding entries made in the applicant's maintenance logs, and in light of the evidence adduced, whether any signatures were falsified, forged, or otherwise entered therein to create an erroneous impression that the logs were kept as required by the Commission's Rules;

(d) In light of the evidence adduced pursuant to issue (c) above, to determine whether a complete inspection of the applicant's transmitting system and required monitoring equipment has been made at least once each calendar week by an operator holding a first class radiotelephone license as required by § 73.93(j) of the Commission's Rules, and in light of the evidence adduced, whether the applicant has violated

§§ 73.111 and 73.114 of the rules concerning maintenance logs;

(e) To determine all the facts and circumstances concerning the applicant's procedures for maintaining program logs and ensuring that the logs reflect the correct duration of commercial matter broadcast, and in light of the evidence adduced, whether the applicant has violated §§ 73.111 and 73.112(a) of the Commission's Rules;

(f) To determine all the facts and circumstances surrounding any "certification of first class operator" signed "Henry Akins II" in applications filed with the Commission for provisional operator's certificates for employees of WDAX, and in light of the evidence adduced, whether the applicant was lacking in candor or has submitted any false certifications or has made any misrepresentations to the Commission;

(g) To determine whether the applicant substantially carried out or sought to carry out its representations in its 1969 renewal application concerning its then proposed commercial practices, and in light of the evidence adduced, whether the applicant was lacking in candor or has made any misrepresentations to the Commission;

(h) To determine whether the applicant has violated the Commission's Rules, as alleged in the Official Notice of Violation issued December 11, 1973, and, if so, the nature and extent of those violations and, in light of the evidence adduced pursuant to that determination, whether the applicant has exercised the degree of responsibility required of a licensee of a broadcast station;

(i) To determine all the facts and circumstances surrounding the filing by the applicant of any annual financial report (FCC Form 324) pursuant to § 1.611 of the Commission's Rules, and in light of the evidence adduced, whether the information contained therein is factual and whether the applicant was lacking in candor or has made any misrepresentations to the Commission in this regard; and

(j) To determine, in light of the evidence adduced under the preceding issues, whether the applicant has the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the application would serve the public interest, convenience and necessity.

4. It is further ordered, That if it is determined that the hearing record does not warrant an order denying the captioned application, it shall also be determined whether the applicant has willfully or repeatedly violated the terms of the authorization for Station WDAX or the following Sections of the Commission's rules: § 1.611; § 17.23; § 17.47; § 17.49; § 17.50; § 73.52(a); §73.55; § 73.56(a); § 73.87; § 73.93(a); § 73.93 (j); § 73.111; § 73.112; § 73.113; § 73.114; and § 73.932(a).[1] If so, it shall also be determined whether an Order of Forfeiture pursuant to Section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within one year of the issuance of the Bill of Particulars in this matter.

5. It is further ordered, That this document constitutes a Notice of Apparent Liability for forfeiture for violations of the Commission's Rules set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of Section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we *stress* that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. It is further ordered, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (i), inclusive.

7. It is further ordered, That the Broadcast Bureau proceed with, the initial presentation of the evidence with respect to issues (a) through (i), inclusive, and that the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain licensee of Station WDAX and that a grant of its application would serve the public interest, convenience and necessity.

8. It is furthered ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221 (c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. It is further ordered, That the applicant herein, pursuant to section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commisison thereof as required by § 1.594(g) of the rules.

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

[FR Doc.74-9635 Filed 8-25-74;8:45 am]

[1] See Bill of Particulars for specific dates and details of each alleged violation.

[Docket No. 20014; File No. BR-830, BRH-1052, BRSCA-207, BRCT-68]

GROSS TELECASTING, INC.

Opinion and Order on Renewal of Licenses

Adopted: April 9, 1974.

Released: April 22, 1974.

By the Commission:

1. The Commission has before it for consideration: (a) the above-captioned applications for renewal of licenses for Stations WJIM, WJIM-FM and WJIM-TV, Lansing, Michigan, filed July 2, 1973, by Gross Telecasting, Inc. (hereinafter Gross or licensee);[1] (b) the results of a Commission field investigation and nonpublic inquiry into the operations of Stations WJIM-AM-FM-TV; (c) an untimely petition to deny the above-captioned application for renewal of license for WJIM-TV, filed October 15, 1973, by the Lansing Branch of the American Civil Liberties Union of Michigan (hereinafter Complainants or ACLU); (d) a response to the untimely petition to deny, filed February 21, 1974, by Gross; and (e) various other related pleadings.

2. The record before the Commission discloses that on September 2, 1973 the Detroit Free Press published an article alleging that Gross had, over a number of years, utilized WJIM-TV's facilities and services, as a vehicle for furthering its economic, personal and political objectives. Subsequent articles in the Free Press contained additional allegations against Gross. As a result of these articles, an informal field investigation was conducted by the Commission. Additionally, the Commission, pursuant to the provisions of Section 403 and 409(e) of the Communications Act of 1934, as amended, instituted a nonpublic inquiry. *Gross Telecasting, Inc.*, Docket No. 19929, FCC 74-92, released February 1, 1974, *reconsideration denied*, FCC 74M-250, released March 8, 1974. Testimony was taken in Washington, D.C., on February 20, 1974, and on March 8, 1974, the Administrative Law Judge certified the record in the proceeding to the Commission, FCC 74M-251.

3. Subsequent to the initiation of the Commisson's investigation, the ACLU filed, on October 15, 1973, a petition to deny the application for renewal of license of WJIM-TV. In this pleading, Complainants raised essentially the same allegations contained in the Detroit Free Press articles and, among other things, also raised questions relating to WJIM-TV's ascertainment efforts, public affairs programming, the classification of certain programs, and public service announcements. However, since the petition was late filed, the staff, after consulting orally with the Commission, notified the ACLU that the petition would be treated as an informal objection filed pursuant to § 1.587 of the Commission's Rules.[2]

[1] Gross Telecasting, Inc., a public corporation listed on the American Stock Exchange, is also the licensee of WKBT-TV, La Crosse, Wisconsin. Application for renewal of license for WKBT-TV was granted on November 28, 1973, but in view of the matters raised in this proceeding such grant was subsequently rescinded on December 5, 1973. Further, Gross also has pending before the Commission an application to acquire the license of WKJG-TV, Ft. Wayne, Indiana (BALTP-440; BALCT-531). Action on this application has also been deferred. Action on the WKBT-TV renewal application and the WKJG-TV assignment application will continue to be deferred pending completion of this proceeding.

[2] An application for review of this action, taken pursuant to delegated authority, was filed with the Commission on February 26, 1974. In view of our action herein, designating the WJIM license renewal applications for hearing and naming the ACLU as a party to the proceeding, the Complainant's application for review will be dismissed.

4. The record further discloses that by letter dated February 1, 1974, the staff requested the comments of Gross on the ACLU's allegations. In this regard, the staff sent a copy of its letter to ACLU and notified it that it might file its own comments on the licensee's response to its charges within ten days after receipt of the licensee's response. The staff also sent another letter on February 1 to Gross, requesting its comments on questions raised by the Commission's own field investigation which were not among the allegations made by ACLU. Gross' responses were filed on February 21 and 28, 1974. Instead of filing comments on the Gross response to the ACLU complaint, ACLU on March 1 requested a nine-week extension of time in which to file comments. In view of the facts that the ACLU failed to show good cause, that the Commission already had conducted its own field inquiry into the facts and that a Section 403 inquiry has been conducted, the staff on March 15, 1974, denied ACLU's request for the extension.[3]

5. Information before the Commission raises a number of serious questions as to whether the captioned applicant possesses the qualifications to remain a licensee of the Commission. In view of these questions, the Commission is unable to find that grant of the captioned applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing. However, certain other matters raised by Complainants fail to present substantial and material questions of fact requiring exploration in an evidentiary hearing.

6. In its complaint, the ACLU alleges that Gross has violated the Commission's policies by editorializing on matters in which it had a significant personal interest without revealing that interest. Specifically, Complainants cite: (a) the Whitehills Tax Assessment editorial broadcast in or about July 1961; (b) the Pear and Partridge Restaurant editorials broadcast on December 15, 1967, January 2, 1968, and January 17, 1968; and (c) the Lansing Cable TV Franchise editorials broadcast on September 13, 1967, October 31, 1967, and October 27, 1971. The Commission's analysis of these editorials reveals that Gross has apparently violated our policies by its broadcasts of the Whitehills Tax Assessment editorial and the Pear and Partridge Restaurant editorials. The Commission believes, however, that since the former was broadcast seven years prior to a definitive enunciation of our policies in this area,[4] that no action should now be taken regarding this editorial. With respect to the restaurant editorials, the Commission notes that it already has disposed of this matter, *Gross Telecasting, Inc.*, 14 FCC 2d 239 (1968). Accordingly, no issues inquiring into these editorials have been included herein.

7. Complainants have also made allegations that Gross:

(a) offered color television sets to members of the Lansing City Council in order to influence their votes on pending cable TV matters;

(b) hosted a whiskey and steak dinner for members of the Lansing City Council in order to influence their votes on pending cable TV matters;

(c) ordered WJIM news employees secretly to tape record and divulge telephone conversations with members of the Lansing City Council and others in order to improperly influence or embarrass these persons; and

(d) conspired with Lansing City Councilman Joel Ferguson to intercept and keep from the City Council an unfavorable cable TV technical advisory committee report.

The Commission's investigation of the factual sources cited in the complaint as providing the basis for these allegations failed to develop probative evidence of violation of any statute or Commission Rule or policy. Therefore, issues inquiring into these matters have not been included in this Order.

8. Complainants further allege three[5] instances of violation by Gross of the fairness doctrine and Section 315 of the Communications Act of 1934, as amended. These involve: (a) a complaint filed on behalf of Gladys Beckwith; (b) allegations of unfair and imbalanced editorials concerning the Michigan State News; and (c) certain news coverage of Dr. Clyde E. Henson. The Commission first notes that the staff has recently issued a ruling concerning the Beckwith complaint. With respect to the other alleged violations, the Commission believes that the information submitted by the ACLU is insufficient to warrant any action at this time. Specifically, with respect to the allegation that the license broadcast unfair and imbalanced editorials concerning the Michigan State News, the Commission has no indication that the ACLC or the *News* brought the particulars of the complaint to the attention of the licensee prior to seeking Commission review or action, as recommended in The Public and Broadcasting—A Procedure Manual, 37 FR 20510 (1972). In addition, the ACLU provides no reasonable grounds for the claim that the licensee did not afford reasonable opportunity for the presentation of contrasting views on the issues in its overall programming.[6] See Allen C. Phelps, 21 FCC 2d 12 (1969); Healey v. FCC, 460 F. 2d 917 (D.C. Cir. 1972). With respect to the Henson matter, the Commission notes that on May 17, 1973, the licensee wrote to Dr. Henson stating: "If you would like to comment further on any aspect of your resignation or on Grossfield's report, please don't hesitate to contact me." The Commission has no evidence indicating whether Dr. Henson availed himself of the opportunity afforded him by the licensee. Accordingly, no issues relating to the above allegations have been included herein.

9. In its complaint, the ACLU challenges the validity of the licensee's ascertainment of community problems, arguing that it has failed to consult with several of the significant groups shown by its demographic profile to exist within the WJIM–TV service area. According to the Complainants, no representatives of farmers, Michigan State University students and labor, particularly autoworkers and state employees, were included in the licensee's community leader survey. On January 2, 1974, however, the licensee amended its license renewal application to include a supplemental community leader survey specifically directed to the students, farmers, women and labor groups within the WJIM–TV service area. In view of the foregoing, it does not appear that any listed interest group has been omitted from the licensee's ascertainment surveys.[7]

10. The Complainants argue that the licensee has not fulfilled several of the public affairs program proposals which it set forth in its 1970 license renewal application, and has otherwise misrepresented the frequency of two programs which were presented by Station WJIM–TV during the past license term. Specifically, the ACLU contends that the following program series, "You and Your Government," "Ask the Educator," "Spelling Bee," and "We Hold These Truths," were not broadcast by the station. According to the Complainants, there is no indication that several other public affairs programs, such as "High School News Review" and "Confrontation," were aired during the recently

[3] An application for review of this action, taken pursuant to delegated authority, was filed with the Commission on March 21, 1974. The Commission could hold its action here in abeyance until this matter is resolved; however, we believe that the public interest would be more expeditiously served if we also dismiss the foregoing application for review and promptly designate the WJIM license renewal applications for hearing on the issues specified herein. In the event the ACLU desires to comment further with respect to the matters initially raised in its petition to deny or to raise additional matters, which it believes should also be explored in the hearing, such presentation should be addressed to the Review Board in accordance with § 1.229 of the Commission's Rules.

[4] See *Gross Telecasting, Inc.*, 14 FCC 2d 239 (1968).

[5] Contrary to the ACLU's contention, the allegations relating to the Ingham County Board of Commissioners do not raise fairness doctrine questions.

[6] Contrary to the ACLU's contention, the April 14, 1972, editorial contained no personal attack.

[7] The licensee is also cited for its failure to apprise the Commission that three of the community leaders interviewed have a financial relationship with Station WJIM–TV. A licensee, however, is not required to limit its ascertainment efforts to those persons with whom it has no economic, family or other relationship. Moreover, there is no showing that their association with Station WJIM–TV affected these individuals' ability to comment on the community's problems from the standpoint of the particular group or organization which they represent. Accordingly, we find no reason to fault the licensee in this regard.

ended license period. It is further alleged that Gross has exaggerated and misrepresented to the Commission various facts concerning the broadcasting of the public affairs programs entitled "Close-Up Community College" and "People and Issues."

11. In response to these allegations, Gross maintains that in some instances the above-mentioned programs were presented. In other instances, according to the licensee, alternative programming dealing with the specified problem areas was developed. In its comments, the licensee submits as Appendix BB an item-by-item analysis of Station WJIM–TV's performance relative to the aforenoted public affairs program series. Also submitted are Appendices CC and DD which detail from the station's program logs the dates and times during which the "Close-Up Community College" and "People and Issues" programs were telecast by WJIM–TV during the past license terms.

12. As we stated in the 1960 Network Programming Inquiry, 25 FR 7291 (1960):

> * * * the principal ingredient of the licensee's obligation to operate his station in the public interest is the diligent, positive, and continuing effort by the licensee to discover and fulfill the tastes, needs and desires of his community or service area, for broadcast service.

The Commission has never imposed upon licensees any requirement that they broadcast certain types of programs in order to fulfill their public interest obligation. Programming is generally a matter left to the discretion of the individual licensee. It is not the Commission's function to sit as a final arbiter to evaluate the propriety of a licensee's programming decisions. Rather, it is our duty to determine whether or not the licensee has made a reasonable effort to deal with the problems of his service area.

13. A careful review of the 1973 renewal application discloses that 4.9 percent of the hours of operation of Station WJIM–TV were devoted to public affairs programming. This figure is in excess of the amount of public affairs programming which was proposed in the 1970 renewal application. Subjects which were covered during the past license period dealt with health, citizen/government relations, education, housing, environment, racial tensions, and national and international problems.

14. Examples of specific public affairs programs which were telecast are:

Challenge—A local thirty minute public affairs program telecast on alternate Sundays during the 1972–1973 and 1973–1974 school terms. It was produced in cooperation with the Lansing Schools Education Association, an organization which represents the teachers of the Lansing School District. This program replaced the originally proposed programs, "Ask the Educator" and "Spelling Bee."

People and Issues—A local thirty minute public affairs program telecast on the average of once a month, in the evening or late afternoon time periods. The purpose of the program is to explore through dialogue the vital issues confronting the citizens of mid-Michigan. The program was formerly entitled "Confrontation."

Close Up: Community College—A local thirty minute public affairs program currently presented on the average of once a month. The program focuses on the three community colleges in the WJIM–TV viewing area and is produced on a rotating basis in association with the colleges located in Lansing, Flint, and Jackson, Michigan.

Governor's News Conference—A thirty minute public affairs program presented on the average of once a month. The program focuses on the relations between citizens and government. The state's chief executive, in a spontaneous and unrehearsed basis, faces a panel of news reporters. This program replaced the 1970 proposed program "You and Your Government."

Black Dialogue—A local thirty minute public affairs series the subject matter and participants for which are determined by a Black advisory group affiliated with the Lansing Human Relations Committee.

Martha Dixon Show—A daily local program with a magazine format. It consists of interviews with representatives from community organizations and visiting celebrities, and features primarily of interest to women at home.

15. From our examination of the renewal application it is clear that the public affairs programs set forth in the application were undertaken by the licensee to serve a variety of community problems, needs and interests. This representation is not undermined by the licensee's substitution of some public affairs programs similar in nature to those which were proposed. We conclude, therefore, that Complainant's objections do not raise a material question regarding WJIM–TV's public affairs programming. A licensee has wide discretion in the area of programming. The Commission will not substitute its judgment for that of the licensee in determining what programs are of prime interest to its listening audience and the manner in which they should be presented. Again, we will not interfere with the exercise of the licensee's judgment where, as here, there is no showing that the licensee consistently and unreasonably ignored important matters of public concern.

16. Complainants allege that in its pending renewal application, Gross seriously overstated the amount of time devoted to local programming by falsely labeling as "local" all non-network programs, including such programs as the "University of Michigan Hour," "Oral Roberts" and "Rex Humbard." In response to this contention, Gross states that although the exhibit of the renewal application to which Complainants refer (Exhibit 7) may be unclear, there was no intent on Gross' part to mislead the Commission. The above-mentioned three programs are classified as "local-film" or "local-tape." Programs produced by the station are classified as "local-live." In renewal Exhibit 8, which contains a detailed description of the "University of Michigan Hour," the program is classified as "recorded." In its composite week log analysis, Gross properly stated that "Oral Roberts" and "Rex Humbard" are "recorded" programs.

17. It is clear from Note 2 to section 73.670 of the Commission's Rules that only those programs which Gross classified as "local-live" should have been classified as "local." See also "Television Program Form," 5 FCC 2d 175, 179–80 (1966). However there is no question of misrepresentation.[8] Not only are the questioned programs properly classified as "recorded" elsewhere in the application, but it is obvious from the titles of the programs that they were not produced by the station. Accordingly this contention raises no substantial or material question of fact.

18. "Dial Justice" was a 13-week series of one hour public affairs programs aired in the summer of 1972. Complainants contend that Gross does not disclose the fact in its renewal application that the program was funded almost exclusively from sources outside the station. Instead, the program is claimed as "aired on a completely sustaining basis." The only indications of any outside contributions are vague both as to source and amount. In addition, the ACLU states that the pending renewal application also fails to disclose that for six months in 1972, the salaries of three WJIM–TV employees were paid totally or in part by $13,500 of federal grant money.

19. Complainants also state that the role of the WJIM–TV Public Service Advisory Board (hereinafter PSAB) in suggesting the idea for "Dial Justice" is misrepresented. Although Gross claims the program came out of a "spontaneous discussion" at the February 7, 1972, PSAB meeting, other documents show that by that time the grant of federal money had already been approved for use by WJIM and that at least two participants in the "spontaneous" February 7, 1972, discussion, WJIM–TV program manager Tom Jones and Lansing Police Chief Derold Husby had been involved in the Tri-County Regional Planning Commission (hereinafter TCRCP) planning sessions for "Dial Justice" a month earlier.

20. In response to these contentions, Gross asserts that Complainants efforts to discredit the licensee with regard to its presentation of the "Dial Justice" series are factually incorrect and wholly unwarranted. Gross states that funding for the project was sought by TCRPC on its own initiative and that the station's role was, from the first, merely as the

[8] In the same vein, Exhibits 9 and 10 of the WJIM–TV license renewal application do not support the ACLU's accusation that Gross fraudulently listed a total of six vehicles available for use in the station's news gathering operation.

outlet for the series and as the production agent. As stated in the renewal application, the program was "funded in part by a grant from the Michigan Office of Criminal Justice Planning." The funding was primarily used to pay the salaries of three people hired on a six-month contract basis to coordinate the project and to pay for the film and video tape used in keeping a record of the project under the terms of the contract. (See Gross Comments, p. 57, footnote 24.) "The station received no reimbursement for air time or for the many hours that WJIM–TV staff personnel spent on the production of the program."

21. According to Gross, since under the terms of the contract there was to be no advertising within the program nor any sponsorship, expressed or implied, "in the traditional broadcast usage of the term, the programs were, as stated in the renewal application, 'completely sustaining.'" Finally, Gross states, the renewal application contains no misrepresentation as to the role of the PSAB relative to the "Dial Justice" series. The extensive renewal exhibit material concerning "Dial Justice" details the manner in which the program was conceived, developed, and produced, as described above (Exhibit 8, pp. 16, *et seq.*).

22. Again, there is no question of misrepresentation in view of Gross' explanation both in the application and in its response to the complaint. Even the Complainant did not charge that Gross was paid to air the programs, and under Section 73.670 of the Commission's Rules Gross would not have been required to log the programs as commercial.

23. Complainants also allege that the presentation of the program "Hotline: Model Cities" was heavily financed by outside funding. In response, Gross contends that this allegation is incorrect. Gross states that although the Lansing Model Cities Agency cooperated in the formulation of the series, the Agency advanced no funds of any kind to WJIM–TV, or to its employees. In view of Gross' explanation, this contention raises no substantial or material question of fact.

24. In view of the foregoing, *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether the licensee of WJIM–AM, FM and TV, or any of its employees, agents or principals, ordered the coverage and/or non-coverage of certain persons and/or events and thereby attempted to slant, distort or suppress news.

(b) In light of the evidence adduced pursuant to issue (a), above, to determine whether such orders, if any, resulted in the slanting, distortion or suppression of news.

(c) To determine whether the licensee of WJIM–AM, FM and TV, or any of its employees, agents or principals, ordered the coverage and/or non-coverage of certain persons and/or events in a manner designed to serve the licensee's or its principals' private, rather than the public, interest.

(d) In light of the evidence adduced pursuant to issue (c), above, to determine whether such orders, if any, resulted in the selection of programming for the purpose of serving the licensee's or its principals' private, rather than the public, interest.

(e) To determine all the facts and circumstances surrounding the (i) obtaining of, (ii) submission to the Commission of, and (iii) withdrawal of reliance upon, a letter dated February 26, 1974, signed by Richard Ferman of the Lansing Tennis Club.

(f) In light of the evidence adduced pursuant to issue (e), above, to determine whether the applicant has made misrepresentations to, or has been lacking in candor with, the Commission.

(g) To determine the number of public service announcements broadcast by Station WJIM–TV during the 1973 composite week and, in light of the evidence adduced, to determine whether the licensee has attempted deliberately to misrepresent the extent of these announcements.

(h) To determine, in light of the evidence adduced under the preceding issues, whether the applicant possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the applications would serve the public interest, convenience and necessity.

25. *It is further ordered*, That the petition to deny, filed October 15, 1973, by the Lansing Branch of the American Civil Liberties Union of Michigan, IS DISMISSED, and that considered as an informal objection filed pursuant to Section 1.587 of the Commission's Rules, the aforementioned petition, IS GRANTED to the extent indicated above and IS DENIED in all other respects.

26. *It is further ordered*, That the application for review of action taken pursuant to delegated authority, and the application for review of action taken pursuant to delegated authority denying ACLU's request for extention of time, filed February 26, 1974, and March 21, 1974, respectively, by the Lansing Branch of the American Civil Liberties Union of Michigan, are dismissed.

27. *It is further ordered*, That the Lansing Branch of the American Civil Liberties Union, of Michigan IS MADE A PARTY TO THIS PROCEEDING.

28. *It is further ordered*, That the Chief, Broadcast Bureau, is directed to serve upon the applicant within thirty (30) days of the release of this Order a Bill of Particulars with respect to issues (a) through (g).

29. *It is further ordered*, That the Broadcast Bureau and the Lansing Branch of the American Civil Liberties Union of Michigan proceed with the initial presentation of the evidence with respect to issues (a) through (g), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its applications would serve the public interest, convenience and necessity.

30. *It is further ordered*, That pursuant to Public Notice, *Questions Concerning Basic Qualifications of Broadcast Applicants*, FCC 73–1024, 28 RR 2d 705, released October 5, 1973, action on the applications (BALCT–531, BALTP–440) for assignment of license of Station WKJG–TV, Ft. Wayne, Indiana, shall be deferred pending resolution of the issues in the instant proceeding. Further, the resolution of the issues in this docketed proceeding shall be binding on any other licensee commonly owned or controlled with the captioned licensee and will be *res judicata* as to any such other licensee.

31. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

32. *It is further ordered*, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by Section 1.594(g) of the Rules.

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

[FR Doc.74–9636 Filed 4–25–74;8:45 am]

[Docket No. 18929; File No. BR–2682]

KAYE BROADCASTERS, INC.

Application for Renewal of License

1. This proceeding involves the application of KAYE Broadcasters, Inc. for renewal of the license for standard broadcast station KAYE,[1] Puyallup, Washington, which we designated for hearing on issues concerning, inter alia, KAYE's policies and procedures for Fairness Doctrine and personal attack matters, its efforts to ascertain the needs and interests of its service area, and the candor and truthfulness of its communications with the Commission. (25 FCC 2d 96 (1970)). After numerous hearing sessions, Administrative Law Judge Ernest Nash issued a Memorandum Opinion and Order, FCC 72M–1478, released December 4, 1972, terminating the hearing and dismissing KAYE's application with prejudice, pursuant to § 1.568(b) of the Rules which provides that failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal.

2. In support of his ruling, Judge Nash asserts that the record in this proceeding shows that KAYE has no intention to prosecute its application consistent with the rules, procedures, and standards governing administrative hearings. Urging that KAYE sought to prevail in the hearing by wearing down the Presiding Judge with a strategy of disruption and disorder, Judge Nash states that he had to order KAYE's

[1] Effective November 11, 1973, the station's call letters were changed to KUPY.

counsel, Mr. Benedict P. Cottone, to leave the hearing room because of his continuous disorderly, disrespectful, and disruptive conduct.[2] In this connection, Judge Nash also alleges that KAYE presented its exhibits in a voluminous, disorganized, and disorderly fashion in order to make a shambles of the record; that KAYE tried to prevent meaningful cross-examination by avoiding any systematic presentation of its witnesses and by resorting to tactics of ridicule, distraction, and invective; and that KAYE engaged in a deliberate scheme to force a discontinuance of the hearing which finally succeeded.

3. On January 17, 1973, KAYE filed an appeal of Judge Nash's order,[3] claiming that none of Judge Nash's assertions show any lack of willingness by KAYE to prosecute its application, that its efforts to present evidence were impeded by Judge Nash's determination to build a record warranting denial of KAYE's renewal application, and that it has thus been denied its right to a full and fair hearing. KAYE also contends that § 1.24(b) of the rules requires a hearing before an attorney may be suspended or censured,[4] that Judge Nash's exclusion of Mr. Cottone from the hearing room was an act of censure without such a basis, and that Judge Nash accordingly had no authority to deprive KAYE of its counsel. KAYE finally urges that its application has been pending for more than four years, that it has been subjected to crushing expenses as a result of Judge Nash's unlawful actions in this proceeding, and that its application should be granted without further hearings to avoid a forfeiture of the license for economic reasons.

4. Both PSC and the ADL support Judge Nash's order, claiming that KAYE's appeal is without merit and that the present record provides an ample basis, without additional hearings, for denial of KAYE's application. In its comments, the Bureau urges that there is no reason to grant KAYE's renewal application in the light of the present record, that Judge Nash properly exercised his authority under Section 1.243 in excluding Mr. Cottone from the hearing, but that Mr. Cottone's actions should not be attributed to KAYE and thus the proceeding should be remanded for further hearings at which KAYE could be represented by new counsel. In its replies, KAYE argues that it should not be deprived of its license without a full hearing affording KAYE all of its rights; that the only possible purpose of Judge Nash's order, since his dismissal of KAYE's application was unlawful, was to censure Mr. Cottone; and that Mr. Cottone should be allowed to represent KAYE, if further hearings are required, to avoid the insuperable financial burden which new counsel would entail.

5. Oral argument was presented on these matters before the Commission, en banc, on September 7, 1973.[5] Thereafter, Mr. Cottone filed a notice of withdrawal as counsel for KAYE.[6] On November 9, 1973 a petition to hold in abeyance and/or grant license for regular term was filed on behalf of KAYE by Henry Perozzo. The petition alleged that James H. Nicholls and Hayden Blair, each of whom has held a 50 percent interest in the licensee, have signed option agreements to sell their holdings to Perozzo. Asserting that Nicholls and Blair had elected new directors and that plans were being instituted to resolve all of the questions in this proceeding with a totally new staff and management, the petition concluded that KAYE's license should be renewed. Since KAYE's renewal application can not be granted until all of the questions bearing on its operation have been favorably resolved and since no transfer of control can be approved in the face of unresolved questions concerning the licensee's character qualifications, that petition was denied. (44 FCC 2d 308 (1973)).

6. At the same time, because the pleadings suggested that Nicholls, who had previously exercised control over the licensee, had abdicated his authority and responsibility over the station, we directed the licensee to provide assurance: (a) that the present operation of the station is consistent with the Communications Act and our Rules and Regulations, (b) that the licensee's views are being presented by a properly authorized representative, and (c) that the licensee intends to continue the prosecution of its renewal application in any further hearings which may be required in this proceeding. (44 FCC 2d at 309). On January 21, 1974, a reply to our order was filed on behalf of KAYE by Carl H. Lambert, who had succeeded Perozzo as president of the licensee. That pleading asserts that the question in subparagraph (a) involved an engineering problem which was being corrected, that as to subparagraph (b) Lambert was doing all that he could to carry on for the licensee as president and director, and that with respect to subparagraph (c) the directors intend to continue to fight for renewal of the station's license.

7. In addition to the foregoing pleading, a Petition for Reconsideration and Grant was filed by Lambert on behalf of KAYE on January 14, 1974.[7] Urging that the character of a corporation, unlike that of a natural person, may change with the election of new officers, that the station's format has been corrected so that the community is now being well served, that further hearings would not serve the public interest when the cause of this proceeding, namely, a vendetta between Nicholls and local residents, is gone, and that any attempt to punish the present officers would be like holding a traffic violation against a different driver of the same vehicle, the petition requests either renewal of this license or, if the present operation of the station is morally or legally wrong, its cancellation.[8]

8. As we have stated previously, the station's current operation, no matter how meritorious, has no bearing on the determinations to be made concerning the licensee's past conduct. 44 FCC 2d at 309. Under Section 309(e) of the Communications Act, this renewal application cannot be granted until all of the questions raised in this proceeding have been resolved favorably to the licensee. In this connection, it is clear that the renewal applicant's actual performance during the license period provides the fundamental basis for any projection of his likely future efforts. (See "RKO General, Inc." (WNAC–TV), 35 FCC 2d 100 (1972)). Thus, the arguments now being presented on behalf of KAYE provide no

[2] Judge Nash acted pursuant to Section 1.243 of the Rules, which states that the Presiding Judge has authority, inter alia, to: Regulate the course of the hearing, maintain decorum, and exclude from the hearing any person engaging in contemptuous conduct or otherwise disrupting the proceedings.

[3] In addition, KAYE filed Appendices A through Q in support of its appeal. Comments were filed February 13, 1973, by the Chief, Broadcast Bureau, and oppositions were filed February 14, and February 16, 1973, by the Pacific Northwest Regional Advisory Board of the Anti-Defamation League of B'nai B'rith (ADL) and by the Puget Sound Committee for Good Broadcasting (PSC), respectively. On February 26, 1973, KAYE, contrary to the provisions of § 1.45(b) of the Rules, filed two separate replies to the pleadings of PSC and the Bureau.

[4] § 1.24(b) provides that: Before any member of the bar of the Commission shall be censured, suspended, or disbarred, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.

[5] A motion to correct transcript was filed by KAYE on September 28, 1973. Since no objection to this request has been received and since it appears that, with minor exceptions, the corrections are proper, KAYE's motion will be granted as indicated infra.

[6] In view of the fact that Mr. Cottone has voluntarily withdrawn as counsel for KAYE in this proceeding, we now see no useful purpose in any further consideration of the arguments concerning the propriety of Judge Nash's exclusion of Mr. Cottone from the hearing. However, if Mr. Cottone should seek to file a new appearance in this proceeding at some future time, we believe that the circumstances summarized above require that he first request permission to do so from the Commission.

[7] Oppositions were filed by PSC on January 22, 1974, and by the Broadcast Bureau on January 29, 1974.

[8] On January 14, 1974, Lambert also filed a Contingent Petition to Enlarge Issues on behalf of KAYE, alleging that many members of PSC are satisfied that its objectives have been achieved by the recent changes in the operation of KAYE. If further hearings are required, the petition requests that issues be added to consider the legality, authority, propriety, and character qualifications of PSC. Oppositions were filed by PSC on January 22, 1974, and by the Broadcast Bureau on January 29, 1974. However, since this proceeding is concerned with the qualifications of KAYE, not those of PSC, and since no showing has been made which would suggest that PSC's participation in the further aspects of this case should be restricted in any way, this petition will be denied without further consideration.

basis for a grant of KAYE's renewal application without prior resolution of all the questions bearing on KAYE's qualifications in this proceeding, and the petition for reconsideration of our action at 44 FCC 2d 308 should be denied.

9. We now turn to Judge Nash's dismissal of KAYE's renewal application. While there is some indication that the trial tactics and conduct which Judge Nash found objectionable were supported and approved by the applicant's principal, we are not persuaded that there is a sufficient showing on the present record to warrant a conclusive finding that the licensee was responsible for the alleged misconduct. Under these circumstances, there is no longer any adequate basis for the dismissal of KAYE's application, and we believe that this proceeding should be remanded to provide KAYE an opportunity to complete its rebuttal showing.[9]

10. In this connection, we continue to be concerned about the suggestions that Nicholls may have abdicated his authority and responsibility over the station. Although we afforded the licensee an opportunity to make a showing that the station is being properly operated in this respect, the only response was prepared by Lambert and it was confined to general assertions of his authority over the station. On the other hand, information contained in the pleadings filed in this matter indicates that, after Nicholls agreed to sell his stock in the licensee to Perozzo, new directors, including Perozzo and Lambert, were elected; that Perozzo and Lambert were elected president, and vice president and manager of the station, respectively; and that, when Perozzo withdrew from the operation of the station, Lambert was selected to replace him without a stockholders meeting. Under these circumstances, we are convinced that the issues in this proceeding should be enlarged[10] to determine whether there has been an unauthorized relinquishment of control and whether Lambert is exercising de facto control of the licensee without proper authorization. (Cf., Phoenix Broadcasting Co., 44 FCC 2d 838 (1974)).

11. With respect to the further hearing directed by this order, we believe that the public interest requires the scheduling of a prehearing conference, on a date not to exceed 30 days after the release of this order, at which KAYE shall be prepared to enter into the usual types of agreements establishing dates for exchanges of proposed exhibits, lists of proposed witnesses, summaries of expected testimony, etc., in keeping with the customary practice. While we recognize that if KAYE wishes to obtain new counsel, he will need a period of time to become familiar with this case, we are convinced that every effort should be exerted to expedite the further aspects of this proceeding and that the evidentiary hearing sessions should in no event commence at a date later than 180 days after the release of this order. In view of the prior history of this proceeding, KAYE should also be aware that, absent demonstrated bona fide good cause, failure to comply with this order or KAYE's prehearing agreements will result in, and we are directing, the dismissal of its application under § 1.568(b) of the rules.

12. Finally KAYE has made various allegations of bias and prejudice on the part of Judge Nash in conducting the hearing and in preparing his order dismissing KAYE's renewal application. Without at this time considering the substance of KAYE's charges, we are convinced that all of the circumstances concerning this matter, including the fact that we have now remanded this case for further hearings on two separate occasions make appropriate the selection of a new Administrative Law Judge to preside over this proceeding and to issue a Cumulative Initial Decision considering all of the relevant and proper evidence in this record under the designated issues.[11]

13. *Accordingly, it is ordered:*

(a) That the petition for reconsideration and grant filed on behalf of KAYE by Carl H. Lambert on January 14, 1974, is denied;

(b) That the contingent petition to enlarge issues filed on behalf of KAYE by Carl H. Lambert on January 14, 1974, is denied;

(c) That the Memorandum Opinion and Order, FCC 72M–1478, released by Judge Nash on December 4, 1972, dismissing the application of KAYE Broadcasters, Inc. IS SET ASIDE;

(d) That the issues in this proceeding are enlarged on the Commission's own motion:

To determine whether there has been an unauthorized relinquishment of control of KAYE Broadcasters, Inc. and whether Carl H. Lambert is exercising de facto control of the licensee without proper authorization of this Commission;

(e) That the appeal filed by KAYE Broadcasters, Inc. on January 17, 1973, is granted to the extent that this proceeding is remanded to a new Administrative Law Judge to be selected by the Chief Administrative Law Judge, for further hearings consistent with this Memorandum Opinion and Order and is denied in all other respects; and

(f) That the motion to correct transcript filed by KAYE Broadcasters, Inc. on September 28, 1973, IS GRANTED in all respects except for the proposed correction on page 4425, line 16; the first correction on page 4473, line 20; and the correction on page 4486, line 1, where, in lieu of the word specified by KAYE, "this" is changed to "them."

Adopted: April 10, 1974.

Released: April 19, 1974.

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

[FR Doc.74–9637 Filed 4–25–74;8:45 am]

[9] Although KAYE urges that its renewal application should be granted on the basis of the existing record, the Bureau has not had an opportunity to complete its cross-examination of Nicholls or to submit whatever rebuttal showing may be appropriate, and KAYE, itself, has not completed its showing. Despite the amount of time and energy already devoted to this proceeding, we see no alternative to a further hearing in the light of our due process obligations.

[10] Other questions raised in contingent petitions to enlarge the issues against KAYE filed by the Broadcast Bureau on April 13, and September 6, 1973, will be considered in a separate order.

[11] Since the new Administrative Law Judge can review the record and base his Cumulative Initial Decision upon the reasonably and properly admitted evidence, all of KAYE's rights will be protected. (See "NLRB v. Weirton Steel Co.", 135 F. 2d 494 (1943)).

FEDERAL MARITIME COMMISSION

UNITED STATES/EUROPE 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, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 6, 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:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 10022–2 is an application by the members of the United States/Europe Discussion Agreement for a three year extension of the period of aproval from its present expiration date of May 31, 1974 to May 31, 1977.

By Order of the Federal Maritime Commission.

Dated: April 23, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-9667 Filed 4-25-74;8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 10, etc.]

PROPOSED RATE INCREASES

Certain Companies

APRIL 19, 1974.

Take notice that the producers listed in the Appendix below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before May 13, 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 party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 29, 1974	Mitchell Energy Corp., 3900 One Shell Plaza, Houston, Tex. 77002.	10	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Apr. 3, 1974	William Herbert Hunt Trust Estate, 1401 Elm, Dallas, Tex. 75202.	2	do	Do.
Do	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	7	do	Do.
Do	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	79	Mississippi River Transmission Corp.	Other southwest area.
Apr. 8, 1974	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3092, Houston, Tex. 77001.	120	Northern Natural Gas Co.	Permian Basin.
Do	do	123	do	Do.
Do	Diamond Shamrock Corp.	5	Kansas-Nebraska Natural Gas Co., Inc.	Hugoton-Anadarko.
Do	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	391	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	4	do	Do.
Do	do	9	do	Do.
Apr. 11, 1974	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	16	Kansas-Nebraska Natural Gas Co., Inc.	Hugoton-Anadarko.
Do	Clinton Oil Co., P.O. Box 1201, Wichita, Kans. 67201.	48	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Do	do	102	United Gas Pipe Line Co.	Do.
Do	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	237	Kansas-Nebraska Natural Gas Co., Inc.	Hugoton-Anadardo.

[FR Doc.74-9436 Filed 4-25-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Notice of Public Meeting

Agenda for a meeting of the Technical Advisory Committee on Finance to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., May 9, 1974, 10 a.m., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Approval of minutes of January 15, 1974, meeting.
B. Discussion of new computer runs of Task Force—Future Financial Requirements model.
C. Comments on draft chapter describing the methodology and output of the model and coordination of the output with other sections of the committee's report.
D. Review of recently submitted and edited assignments from the August 3, 1973, outline.
E. Status of missing draft assignments and requirements for completing the final committee report.
F. Other business.
G. Date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9570 Filed 4-25-74;8:45 am]

[Docket Nos. RI74-168, etc.]

AMOCO PRODUCTION CO., ET AL.

Order Providing for Hearing and Suspension; Correction

APRIL 18, 1974.

In the order providing for hearing on and suspension of proposed change in rate, and allowing rate change to become effective subject to refund, issued March 8, 1974 and published in the FEDERAL REGISTER March 18, 1974, 39 FR 10187.

Appendix "A" page 10187 opposite Texaco Inc. delete Docket No. "RI74-4" and insert "RI74-4" opposite Rate Schedule Number 602 of Amoco Production Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9569 Filed 4-25-74;8:45 am]

[Docket No. CP74-271]

COLORADO INTERSTATE GAS CO.

Order To Show Cause

APRIL 19, 1974.

The Commission on this day has issued an order in Docket No. CP74-159 denying a late petition of Mountain Fuel Supply Company (Mountain Fuel) to intervene and dismissing an application of Mountain Fuel for rehearing and to vacate the Commission's order of February 20, 1974 (51 FPC ...). In the order of February 20, 1974, the Commission issued a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7 (b)) authorizing Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), to construct and operate unspecified gas purchase facilities during the 12-month period commencing April 1, 1974, in the general area of CIG's existing system to enable CIG to act with reasonable dispatch in contracting for and connecting to its system new supplies of natural gas as they might be acquired during the term of the authorization. Said order limits total expenditures for the authorized facilities to $4,000,000 and provides that the cost for any single project should not exceed $1,000,000. On March 20, 1974, Mountain Fuel filed its late petition to intervene and application for rehearing, as well as a petition for an order to show cause, pursuant to §§ 1.8, 1.34 and 1.6, respectively, of the Commission's rules of practice and procedure (18 CFR 1.8, 1.34, and 1.6). On April 4, 1974, CIG filed an answer to Mountain Fuel's petition and requests that the late petition to intervene be denied, that the application for rehearing be dismissed, and that the order to show cause not be issued. On April 12, 1974, Mountain Fuel filed its reply to CIG's answer reaffirming its request to intervene late, for rehearing and for the order to show cause.

Mountain Fuel requests in its petition in Docket No. CP74-159 that the Commission order CIG to show cause why it should not be precluded from constructing substantial duplicative pipeline facilities into the Canyon Creek Field, Sweetwater County, Wyoming, without first having obtained specific certificate authorization therefor pursuant to § 157.14 of the regulations under the Natural Gas Act (18 CFR 157.14) rather than relying upon the budget-type authorization granted under § 157.7(b) of the regulations in the February 20, 1974,

order. CIG in its answer to Mountain Fuel's petition admits the allegations of Mountain Fuel as to CIG's intent to construct and operate a 40-mile lateral line into the Canyon Creek Field. CIG's answer reveals that it intends to attach new natural gas supplies to its system in the Canyon Creek Field via the said line within the contemplation of the budget-type authorization. CIG's answer further states that the Brady Field, near the Canyon Creek Field in Wyoming, would also be made accessible by the proposed lateral line.

Although Mountain Fuel's petition for a show cause order raises significant issues concerning CIG's intended use of the budget-type authorization, the Commission in its order issued concurrently herewith determined not to disturb the certificate as issued on February 20, 1974. The request for a show cause order by Mountain Fuel is deficient in that it demands that CIG obtain authorization under § 157.14 of the regulations rather than relying upon the budget-type authorization pursuant to § 157.7(b) of the regulations. Section 157.14 is a procedural and not a substantive requirement which requires an applicant to file specific exhibits with its certificate application. CIG did file exhibits with its November 29, 1973, application for a budget-type certificate in Docket No. CP74–159 as prescribed by § 157.14 of the regulations and as modified for budget-type certificates by § 157.7(a) of the regulations (18 CFR 157.7(a)). Further, Mountain Fuel's petition does not reveal the extent to which it has unusued capacity in its existing facility or the circumstances under which it would transport CIG's gas other than "on reasonable terms and conditions." There are no empirical facts set forth, upon which a finding could be based, that CIG's facilities would be unnecessarily duplicative and not required by the public convenience and necessity.

Notwithstanding the deficiences in Mountain Fuel's reqeust for a show cause order, the issues raised by Mountain Fuel's petition concerning the propriety of CIG's construction of the subject facility under budget-type authorization and CIG's ability to construct said line within the $1,000,000 limitation of its budget-type certificate merit and require further consideration. We authorized CIG to construct and operate facilities to take into its system additional supplies of natural gas to be purchased in the general area of its system. The proposed 40-mile lateral line may reach new gas supplies beyond areas generally coextensive with CIG's existing system; and, therefore, the proposed construction may be beyond the scope of the certificate. Moreover, even if the attachment of the supplies to CIG's system should be found to be within the scope of § 157.7(b) and the certificate, we share Mountain Fuel's concern as to CIG's ability to build the facility within the $1,000,000 limit of the authorization. In order to resolve these issues CIG is hereinafter ordered to show cause why it should not have specific certificate authorization for subject facility and Mountain Fuel is directed to provide certain information to assist the Commission in its consideration of this matter.

The Commission finds:

(1) CIG may be in violation of the Natural Gas Act and the Commission's Regulations thereunder by construction of the subject facility without specific certificate authorization therefor.

(2) Mountain Fuel is a necessary party to this proceeding.

(3) Mountain Fuel's petition for an order to show cause is defective for lack of specific information to support the relief requested.

The Commission orders:

(A) Mountain Fuel's petition for an order to show cause is denied.

(B) CIG shall show cause, if any there be, before May 31, 1974, why it should not have to file an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization specifically to construct and operate the Canyon Creek lateral.

(C) Together with its response required by paragraph (B) above CIG shall provide the Commission, among other things, with:

(i) a detailed map of the route of the proposed lateral pipeline between its system and the Canyon Creek Field, in Wyoming;

(ii) a detailed description of the facilities required to complete the proposed lateral line;

(iii) a detailed cost estimate of the project;

(iv) a detailed description of any completed construction which is related to or a part of the proposed lateral line;

(v) an estimate of the amount of recoverable natural gas reserves to be attached to its interstate pipeline system;

(vi) an economic feasibility study of the proposed project;

(vii) detailed plans for the lateral line in relation to CIG's entry into the Brady Field in Wyoming; and

(viii) the date upon which CIG finalized its plans to construct its proposed lateral line.

(D) Mountain Fuel is joined as a party to this proceeding and shall file, among other things, before May 31, 1974,

(i) a detailed map and description of the operating characteristics, including present and expected available capacity, of its existing facilities by which it could transport CIG's gas from the Canyon Creek Field; and

(ii) the terms and conditions under which it would transport gas for CIG.

(E) Any person desiring to be heard or to make any protest with reference to this proceeding should on or before May 15, 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).

By the Commission.

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

[FR Doc.74–9561 Filed 4–25–74;8:45 am]

[Docket No. E–8729]

DUKE POWER CO.

Supplement to Rate Schedule

APRIL 19, 1974.

Take notice that on April 10, 1974 Duke Power Company (Duke) tendered for filing a Supplement to Duke's Electric Power Contract with the City of Newton, North Carolina, designated as Duke's Rate Schedule FPC No. 178. Duke states the said Supplement provides for an increase in contract demand from 7500 KW to 14000 KW to Newton.

Duke proposes for an effective date of May 21, 1974 for said Supplement.

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 May 6, 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.74–9577 Filed 4–25–74;8:45 am]

[Docket No. E–8730]

DUKE POWER CO.

Supplement to Rate Schedule

APRIL 19, 1974.

Take notice that on April 8, 1974 Duke Power Company (Duke) tendered for filing a Supplement to its Electric Power Contract with the Town of Forest City, North Carolina, designated as Duke's Rate Schedule FPC No. 237. Duke states the said Supplement provides for an increase in contract demand from 4500 KW to 8200 KW to Forest City.

Duke proposes an effective date of May 21, 1974 for said Supplement.

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 May 6, 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.74-9574 Filed 4-25-74;8:45 am]

[Docket Nos. G-18314, CP66-121, CP66-110, CP66-112]

MIDWESTERN GAS TRANSMISSION CO.; GREAT LAKES GAS TRANSMISSION CO.

Extension of Time and Postponement of Hearing

APRIL 19, 1974.

On April 10, 1974, Midwestern Gas Transmission Company and Great Lakes Gas Transmission Company filed a joint motion to terminate the second phase of this proceeding or alternatively, to specify issues, and to defer dates for service of evidence and hearing set by order issued January 23, 1974 and amended by orders issued February 21, 1974 and March 29, 1974.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of direct testimony and exhibits by petitioners, May 6, 1974.
Service of direct testimony and exhibits by Staff and Interveners, June 10, 1974.
Service of Rebuttal Evidence by Petitioners, July 1, 1974.
Cross Examination, July 10, 1974 (10 a.m. edt).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9566 Filed 4-25-74;8:45 am]

[Docket No. E-8734]

MISSISSIPPI POWER CO.

Amendment to Interconnection Agreement

APRIL 19, 1974.

Take notice that on April 11, 1974, Mississippi Power Company (Mississippi) tendered for filing Amendment No. 4 to an Interconnection Agreement between Mississippi and South Mississippi Electric Power Association (SMEPA), designated as Mississippi's Rate Schedule FPC No. 108.

Mississippi states the said Amendment provides for a revision to Service Schedule A of Amendment No. 2 for an increase in the amount of firm power to be purchased by SMEPA for the contract years commencing June 1, 1974, and June 1, 1975, and for an additional purchase of firm power for the contract year commencing June 1, 1976. The said Amendment also establishes the charges for said purchases.

Mississippi requests an effective date of June 1, 1974, for said Amendment.

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 May 8, 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9573 Filed 4-25-74;8:45 am]

[Docket No. E-8704]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Notice of Application

APRIL 19, 1974.

Take notice that on March 28, 1974, Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power and Light Company, Baltimore Gas and Electric Company, Potomac Electric Power Company, Pennsylvania Electric Company, Metropolitan Edison Company and Jersey Central Power and Light Company (hereinafter "PJM") tendered for filing pursuant to section 205 of the Federal Power Act and Part 35.12 of the regulations issued thereunder, Schedule 8.01 to the September 30, 1965 Interconnection Agreement, as supplemented, with the Virginia Electric and Power Company ("VEPCO"), covering the mutual transfer and exchange of fuel conservation energy in addition to permitting transfers of energy to and from systems interconnected with PJM or VEPCO. Schedule 8.01 dated March 27, 1974, provides that for fuel conservation purposes, either PJM or VEPCO may arrange to obtain fuel conservation energy from the other when sufficient off-peak capability and fuel resources exist in the supplier's judgment. Energy arrangements are to be scheduled hourly with capability, period, source, destination and cost detail determination subject to mutual agreement confirmed in writing.

Section 2.1 of the proposed schedule establishes a charge for fuel conservation energy generated on the supplier's system of 110 percent of the out-of-pocket replacement generation cost, plus a generation service charge of 3 mills/kwh assessed to assure that fuel conservation energy service does not adversely effect the supplier's financial integrity or discriminate against the supplier's customers. The 3 mills/kwh charge covers standby and extra maintenance costs and is intended to reasonably contribute to carrying charges for fuel conservation energy generation and transmission facilities. Section 2.3 defines replacement generation cost as out-of-pocket cost of generation, plus or minus a monthly fuel cost adjustment on a Btu basis. Section 2.2 of Schedule 8.01 additionally establishes a 1.75 mills/kwh service charge for fuel conservation energy deliveries from systems interconnected with PJM or VEPCO. The tendered Schedule, which is requested to take effect January 1, 1974, terminates on December 31, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 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 the proceedings. 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.74-9571 Filed 4-25-74;8:45 am]

[Docket No. E-8713]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Notice of Application

APRIL 19, 1974.

Take notice that on April 1, 1974, Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power and Light Company, Baltimore Gas and Electric Power Company, Pennsylvania Electric Company, Metropolitan Edison Company and Jersey Central Power and Light Company (hereinafter "PJM"), tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, an April 1, 1974 Supplemental Agreement to the original PJM Interconnection Agreement dated September 26, 1956, as amended and supplemented, providing for further strengthening of planning and operation coordination among the PJM member systems by (1) forecast determination of electric generating capacity requirements of PJM as a whole, (2) allocation of forecast requirements among the PJM membership, and (3) establishment of responsibilities and accounting pursuant thereto.

The Supplemental Agreement entreats each PJM member to forecast capacity requirements and obligations for all PJM long range Planning Periods, forecasted capacity obligations serving as the basis for firm Planning Period commitments beginning two years in advance. The Planning Period is defined as June 1 through May 31 since the collective PJM system has a summer peak load. For immediate implementation without planning disruption, the Supplemental Agreement contains special provisions

for the two year transition period June 1, 1974 through May 31, 1976.

Factors considered in forecast determination include a forced outage rate adjustment, an adjustment for the effect of large units beyond a specified size, and a load drop adjustment recognizing that different system load shapes have different effects upon overall PJM capacity requirements. The Supplemental Agreement requires each member to plan to meet its forecast obligations by (1) its own installed system capacity, (2) purchase of capacity independent of the PJM Agreement, and (3) capacity purchase from other member systems having excess capacity under the terms of the Agreement.

Accounting for capacity deficiency transactions for a Planning Period may only occur during such Planning Period, and necessary adjustments to previously planned transactions recognize variance between actual and forecast capacity conditions of the individual member and PJM as a whole. Forecast obligations are additionally adjusted to reflect the need for extra capacity transactions when experienced average load or average unavailable capability during the Planning Period differs from that projected.

The Supplemental Agreement increases the capacity rate from the present $12.48 per kilowatt-year to $14.60 during the Planning Period June 1, 1974–May 31, 1975, $16.425 for the 1975–76 Planning Period, and $18.25 for the 1976–77 Planning Period. Capacity rates are developed from the net annual cost of generating capacity currently installed on PJM member systems, and the net cost totals the fixed annual charges on the required plant investment less the operating capacity and energy benefits retaining by the owner.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 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 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.74–9572 Filed 4–25–74;8:45 am]

[Docket Nos. E–8586, E–8587]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Extension of Time

APRIL 19, 1974.

On April 10, 1974, Public Service Company of Indiana, Inc., filed a motion in Docket No. E–8587 for an extension of time to file an answer to the filing of the Cities of Crawfordsville, Indiana, et al., on April 4, 1974, insofar as that filing is a motion to dismiss the § 206(a) investigation initiated by the Order issued March 7, 1974.

Upon consideration, notice is hereby given that the time is extended to and including April 23, 1974 within which answers may be filed to the Cities of Crawfordsville, Indiana, et al., Motion to Dismiss.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9567 Filed 4–25–74;8:45 am]

[Project No. 2062]

PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY, WASHINGTON

Motion for Order Vacating Order Granting Rehearing, Rescinding Order Issuing License and Dismissing Application for License for Constructed Project

APRIL 19, 1974.

Public notice is hereby given that a motion was filed on March 27, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Commission Staff Counsel (Correspondence to: Kenneth F. Plumb, Secretary, Federal Power Commission, 825 North Capitol St., Washington, D.C. 20426) requesting dismissal of the proceeding upon the application for license for the constructed Oroville Project No. 2062, owned by Public Utility District No. 1 of Okanogan County (PUD) and located on the Similkameen River in the region of Oroville and Tonasket, Okanogan County, Washington.

In June, 1956, the Commission issued a license order to PUD for its Oroville Project No. 2062. On July 26, 1956, PUD requested rehearing on Article 26 of the license order which required the construction of fish passage facilities. Rehearing was granted in August, 1956, but no hearing was scheduled in order to permit PUD and the Departments of Fish and Game for the State of Washington (Departments) to discuss and mitigate their differences with regard to the fish passage facilities.

By 1964, after no agreement had been reached by PUD and the Departments, the Departments requested a Commission hearing on the matter. A hearing was scheduled for December 16, 1964, but after PUD and the Departments reached a tentative agreement for the financing of the fish passage facilities, the hearing was postponed indefinitely. The agreement between PUD and the Departments was contingent on the State of Washington legislature appropriating two-thirds of the cost of the fish passage facilities. The Commission has received no information on the outcome of this agreement.

Sometime prior to 1959, the Oroville Project ceased generating any electrical output. Later, the public lands on which the project is located were conveyed by the United States to PUD. However, because of a reverter clause in the contract, both parties are now negotiating over the ownership of the land.

Commission Staff Counsel filed his motion based on the history of the project, that the project no longer generates any power, and that PUD has filed no plans to rehabilitate or redevelop the project.

Any person desiring to be heard or to make protest with reference to said motion should on or before May 28, 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 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 rules. The motion is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9565 Filed 4–25–74;8:45 am]

[Docket No. RP72–156]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

APRIL 19, 1974.

Take notice that Texas Gas Transmission Corporation (Texas) on April 8, 1974 tendered for filing Substitute Ninth Revised Sheet No. 7 of its FPC Gas Tariff, Third Revised Volume No. 1. The said Sheet is being issued in substitution of Ninth Revised Sheet No. 7 which was filed on March 13, 1974. Texas states the said Sheet reflects revisions made in the rates of its suppliers to adjust for the elimination of the increase in the Louisiana Severance Tax.

Texas proposes an effective date of May 1, 1974 for said Sheet. Texas states that notice of this filing has been served on its jurisdictional customers and interested state commissions.

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 May 2, 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.74–9576 Filed 4–25–74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Tendering of Tariff Sheets

APRIL 19, 1974.

Take notice that on April 11, 1974, United Natural Gas Company (United) tendered for filing its Fourth Revised Sheet No. 3-A to United Natural Gas Company's FPC Gas Tariff, Original Volume No. 1. United proposes an effective date of April 6, 1974.

United states that this filing is intended to track rate increases filed by Texas Eastern Transmission Corporation and Consolidated Gas Supply Corporation, both proposed to be effective April 6, 1974. Tariff sheets filed on March 5, 1974 intended to accomplish this were rejected without prejudice to refile by the Commission in its order of March 29, 1974. United states that its latest filing reflects an adjustment in its rates under its PGA of .39¢ per Mcf.

United requests waiver of § 16.6 of the General Terms and Conditions of its FPC Tariff relating to the 45 day notice requirement of a rate change due to not receiving its suppliers' revised rates in sufficient time to make a timely filing. Additionally, United requests waiver of any of the Commission's rules or regulations as may be required to permit its tendered tariff to become effective as proposed.

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 April 30, 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.74-9575 Filed 4-25-74;8:45 am]

[Docket No. E-8619]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Proposed Rate Changes and Hearing

APRIL 19, 1974.

On February 4, 1974, as completed on March 20, 1974, Wisconsin Electric Power Company and its wholly-owned subsidiary, Wisconsin Michigan Power Company (Companies) tendered for filing a proposed revised rate schedule supplement covering service to twenty wholesale customers[1] which would increase annual revenues from jurisdictional sales and service by $3,018,000 based on the twelve months ending December 31, 1974. The Company proposes an effective date of April 5, 1974, and requests waiver of our notice requirements to permit that effective date.

The filing was noticed on March 4, 1974, with protests and petitions to intervene due on or before March 11, 1974. On March 8, 1974, as supplemented on March 13, 1974, various Cities[2] filed a petition to intervene in which they allege that the present rates are adequate and that the Companies' proposed 8.5 percent rate of return is excessive. Cities also allege that certain provisions of their contracts are anticompetitive; that the increased rates impose a "price squeeze" on the Cities since the proposed wholesale rate exceeds the level of the Companies' retail industrial rate; and that certain of the rate increase filings violate the Mobile-Sierra[3] doctrine which prohibits unilateral changes in a utility's rate where that rate is subject to a fixed-rate, fixed-term contract. On February 19, 1974, the Ontonagon County Rural Electrification Association (Ontonagon) filed a protest and on March 12, 1974, the Upper Peninsula Power Company filed a petition to intervene.

Companies filed an answer to the Cities' petition to intervene which denied the validity of the legal arguments and factual presentations made by the petitioners. Companies request that the Commission permit the rate filing to become effective without suspension or, in the alternative, with no more than one day suspension. With respect to the general arguments made by the Cities and Cooperatives concerning rate of return and cost allocations, Companies state that the Commission's power to order refunds, in the event the rate filing is determined excessive will provide adequate protection for the customers.

With regard to Cities' allegations concerning "price squeeze", we have previously determined that this is not a proper area for inquiry before the Commission, since it would require the adjustment, of wholesale rates to reflect non-jurisdictional retail rate levels. Cf. Southern California Edison Company, Docket No. E-8176, Order Denying Rehearing, issued September 21, 1973.

Cities do not allege specifically which provisions of their contracts with Companies are anti-competitive. However, our review of Companies' rate schedules with Cities as well as those with the Oconto Electric Cooperative and Upper Peninsula Power Company indicates that they contain the following provision:

"Energy furnished under this rate shall not be sold to any other electric public utility for resale without approval of the company."

In Carolina Power and Light Company, issued March 12, 1973, in Docket No. E-7918, we instituted an investigation under Section 206 of the Federal Power Act to determine whether a similar provision was just and reasonable and in the public interest. We shall follow that course in this proceeding.

Cities' allegation that certain (unspecified) rate filings of Companies may be in violation of the Mobile-Sierra doctrine is unpersuasive. Our review of the Companies' contracts with its jurisdictional customers indicates that they all provide for unilateral rate increase filings by Companies with the Federal Power Commission as provided in the Memphis[4] case.

Our review of the filing indicates that the proposed rates may result in excess revenues and that the proposed increases have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall, therefore, set the matter for hearing, and order that the filing be suspended for the full statutory period.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Company's rate schedule supplements as proposed to be amended in this docket, and that the tendered rate schedule be suspended as hereinafter provided.

(2) The provisions in Companies' rate schedules with Cities, Upper Peninsula Power Company, and the Oconto Electric Cooperative restricting the sale for resale of power sold to these customers may not be just and reasonable, and therefore should be the subject of a section 206 investigation under the Federal Power Act.

(3) Good cause does not exist to grant Companies' request for waiver of our notice regulations.

(4) Participation in this proceeding of the above-named petitioners to intervene, as limited by this order, may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, on September 17, 1974, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in

[1] See Attachment, filed as part of the original document.

[2] Cities and Villages of Clintonville, New London, Oconto Falls, Florence, Shawano, Cedarburg, Deerfield, Elkhorn, Hartford, Jefferson, Kiel, Lake Mills, Oconomowoc, Slinger, and Waterloo, Wisconsin and Crystal Falls, Michigan.

[3] *United Gas Pipe Line Company* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

[4] United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, et al., 350 U.S. 103 (1959).

Companies' revised rate schedule proposed herein.

(B) Pursuant to the authority of section 206 of the Federal Power Act, we shall institute an investigation into the justness and reasonableness of the provision in Companies' rate schedules with Cities, the Oconto Electric Cooperative, and Upper Peninsula Power Company which restricts the sale for resale of power sold to these customers, and investigation shall be concurrent with the proceeding under section 205 established herein.

(C) Companies' request for waiver of the Commission's notice regulations to permit the proposed increase to be accepted for filing April 5, 1974, is denied and the filing shall be suspended from April 20, 1974, 30 days after the filing was completed.

(D) On or before August 5, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before August 19, 1974. Any rebuttal evidence by Companies shall be served on or before September 3, 1974.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, shall preside at the hearing in the proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) Nothing contained herein should be construed as limiting the rights of parties to this proceeding regarding the conferring of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) Pending hearing and final decision in this proceeding, Companies' revised rate schedule supplements are hereby suspended and the use thereof deferred until September 20, 1974.

(H) 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 intervenors shall be limited to matters affecting rights and interests specifically set forth in their petition to intervene, but shall not include the "price squeeze" issue and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9562 Filed 4-25-74;8:45 am]

FEDERAL RESERVE SYSTEM

AURORA FIRST NATIONAL CO.

Order Denying Formation of Bank Holding Company

Aurora First National Co., Aurora, Nebraska, 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)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of The First National Bank in Aurora, Aurora, Nebraska ("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 none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized for the purpose of becoming a bank holding company and has engaged in no business activities. Bank, with deposits of $12.5 million,[1] is the second largest of four banks in the Aurora banking market (approximated by Hamilton County), the relevant market, controlling approximately 42.5 percent of the total commercial bank deposits therein. The transaction is merely a reorganization whereby the shareholders who control Bank at the present time will control Bank through Applicant. Accordingly, the Board concludes that consummation of the proposal will not eliminate any existing or potential competition, increase concentration of banking resources, or have an adverse effect on other banks in the relevant area.

In applications to form one-bank holding companies, the Board has considered significant debt in acquiring a bank as an adverse circumstance. Significant acquisition debt may adversely affect the ability of a holding company to meet the financial needs of its subsidiary bank. The amount and maturity of the debt, therefore, must be considered in relation to the ability of the holding company to service the debt, and the likelihood that Bank will need capital. The debt factor is then balanced with other considerations in determining whether the acquisition would be in the public interest.

Upon consummation of this proposal, Applicant would incur acquisition debt in the amount of $1,270,000 which is to be repaid with interest over an 11 year period. Applicant proposes to service this debt from dividends amounting to 60 percent of Bank's projected net income and through a projected cash flow representing a tax benefit. Although Bank has grown more rapidly than any other bank in the market over the last five years, during this period of growth, Bank's total equity capital as a percentage of its total assets and its total deposits has declined significantly. It is noted that this decline in capital occurred when less than 20 percent of Bank's net income was paid out in dividends. The projected dividends necessary to retire Applicant's substantial acquisition debt, even if accurate, could inhibit growth in Bank's capital at a rate compatible with its projected asset growth and thus impair Bank's financial condition. These considerations relating to the financial and managerial resources of Applicant therefore weigh heavily against approval of this application. However, it should be noted that these factors in no way reflect adversely upon the present soundness of Bank nor upon its future financial condition absent consummation of the instant proposal.

There is no evidence in the record that the banking needs of the community to be served are not presently and adequately being met, nor that approval of this application would result in any significant public benefits. Considerations relating to the convenience and needs of the communities to be served thus lend no weight for approval of the application.

On the basis of all of the circumstances of this case and the facts of record, the Board concludes that the acquisition debt involved in this proposal presents adverse circumstances bearing on the financial condition and prospects of Applicant and Bank. Such circumstances are not outweighed by any procompetitive factors or by circumstances relating to the convenience and needs of the communities to be served. Accordingly, approval of the application is not in the public interest and the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective April 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-9604 Filed 4-25-74;8:45 am]

[1] All banking data are as of June 30, 1973.

COMMERCE BANCSHARES, INC.

Order Approving Retention of Commerce Mortgage Co.

Commerce Bancshares, Inc., Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of Commerce Mortgage Co., Kansas City, Missouri, a company that engages in the activities of a mortgage

[2] Voting for this action: Chairman Burns and Governors Brimmer, Bucher, and Holland. Absent and not voting: Governors Mitchell, Sheehan, and Wallich.

company, including the origination, sale, and servicing of residential and commercial mortgage loans. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 21318). The time for filing comments and views has expired, and none have been timely received.

Applicant, the third largest banking organization in Missouri, controls 26 banks with aggregate deposits of $1.0 billion, representing 7.7 percent of total deposits in commercial banks in the State.[1] Applicant's nonbanking subsidiaries include a bank service corporation, a small business investment company, and a company which underwrites credit insurance in connection with extensions of credit by Applicant's subsidiaries.

Company is headquartered in Kansas City and operates from the premises of Applicant's lead bank, Commerce Bank of Kansas City, N.A. ("Bank").[2] Company (assets of $33.8 million as of December 31, 1972) had a mortgage servicing portfolio of approximately $87 million as of June 30, 1973 and ranked as the 240th largest mortgage company in the United States and was the seventh largest of 23 Kansas City-based mortgage companies.

Applicant indirectly acquired Company (formerly Merriman Mortgage Company) in 1967 under authority of section 4(c) (5) of the Act.[3] Through this application, Applicant seeks permission to operate Company under the broader authority of section 4(c) (8) of the Act.

The Board regards the standards of section 4(c) (8) for the retention of shares in a nonbanking company, previously operated by a bank holding company pursuant to section 4(c) (5), to be the same as the standards for a proposed section 4(c) (8) acquisition. Accordingly, the Board must find that neither the operation of the nonbanking company under section 4(c) (5), nor the Board's approval of the section 4(c) (8) application would result in an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

In 1966, Applicant's sole banking subsidiary, the predecessor of Bank, originated approximately $11.5 million in construction and conventionally financed permanent mortgage loans, representing approximately 2 percent of all such loans recorded in the old Kansas City SMSA (which included Jackson, Platte, Cass, and Clay Counties in Missouri, and Johnson and Wyandotte Counties in Kansas). At that time, Company was also principally engaged in making construction and conventionally financed permanent mortgage loans and its total volume of such loans approximated $10 million, representing 1.8 percent of all mortgage loans recorded by lenders in the area. On this basis, the combined share of such mortgage originations for Applicant and Company was less than 4 percent of the market total for such types of mortgage loans.

During 1972, Company originated over 90 percent of its total mortgage originations of approximately $77 million in the Jackson County portion of the Kansas City mortgage market; of this total, more than 70 percent of its originations were construction loans. In this same area, Bank and another banking subsidiary of Applicant, Commerce Bank of Blue Hills, Kansas City, Missouri, together originated a total of about $43 million in mortgage loans. Based on this data, Applicant's and Company's combined shares of the Kansas City mortgage market was less than 5 percent. In view of the large number of mortgage lenders in the relevant area (over 100), and the relatively small combined share of the total mortgage market that Applicant and Company held at the time of Company's acquisition as well as at the present time, it appears that no significant amount of existing competition was eliminated, nor was substantial competition foreclosed through Applicant's acquisition of Company. On the basis of the foregoing and other facts of record, the Board concludes that Applicant's retention of Company would have no significant adverse effects on existing or potential competition in any relevant area.

In 1971, Applicant transferred all of the shares of a wholly-owned subsidiary, now known as Tower Properties Company ("Tower"), to Applicant's shareholders. It appears that Tower now engages in certain nonbanking activities that are impermissible for a bank holding company. Since certain transferees of the shares of Tower have director and officer interlocks with Applicant, a presumption arises under section 2(g) (3) of the Act that the transferor (Applicant) controls Tower, unless the Board, after notice and opportunity for hearing determines that the transferor is not in fact capable of controlling the transferee. In addition, in 1972, Company sold its interest in a general insurance agency to Tower and there are director interlocks between the transferor of those assets and the transferee (Tower). These interlocks also raise a presumption of control over Tower by Applicant under section 2(g) (3) of the Act. In view of the prohibitions of the Act against bank holding company ownership or control of companies engaged in impermissible nonbanking activities, it is expected that Applicant will promptly request a Board determination with respect to the aforementioned presumption of its control of Tower.

There is no evidence in the record to indicate that the proposed retention of Company by Applicant would lead to an undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects. Approval herein will enable Company to convert its Clayton and Columbia loan production offices to full service status, and thus become more active in those areas. Also, Applicant would be able to offer full service mortgage banking facilities at additional locations thereby providing even greater convenience to its customers. These public benefits lend weight for approval herein.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4 (c) (8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective April 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-9606 Filed 4-25-74;8:45 am]

[1] All banking data are as of June 30, 1973, adjusted to reflect holding company formations and acquisitions approved through February 28, 1974.

[2] Since its acquisition by Applicant, Company has established additional offices de novo in each of the following locations—Clayton and Columbia, Missouri. However, these offices serve only as loan production offices for the originations at the Company's principal office in Kansas City and, at present, represent a small percentage of Company's total mortgage originations. The application herein contemplates converting these two offices into full service mortgage lending offices.

[3] Section 4(c) (5) of the Act generally permits a bank holding company to acquire, without Board approval, shares which are of the kinds and amounts explicitly by statute eligible for investment by national banking associations under the provisions of section 5136 of the Revised Statutes.

[4] Voting for this action: Chairman Burns, and Governors Brimmer, Bucher and Holland. Absent and not voting: Governors Mitchell, Sheehan and Wallich.

FIRST ALGONQUIN CO.

Formation of Bank Holding Company

First Algonquin Co., LaGrange, Illinois, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Algonquin State Bank, Algonquin, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors

of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 13, 1974.

Board of Governors of the Federal Reserve System, April 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-9601 Filed 4-25-74;8:45 am]

FIRST FINANCIAL SERVICES, INC.

Order Approving Formation of Bank Holding Company

First Financial Services, Inc., Falls City, Nebraska, 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)) of formation of a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of The First National Bank of Falls City, Falls City, Nebraska ("Bank").

Notice of the application, affording an 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 has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Applicant, a non-operating company with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank, with deposits of $19.3 million. (All banking data are as of June 30, 1973.) Bank is the larger of two banks in Falls City (population of slightly over 5,000), located in the extreme southeast corner of Nebraska, and is the largest of five banks in the Falls City banking market,[1] controlling approximately 38 percent of the total commercial bank deposits therein. Upon acquisition of Bank, Applicant would control the 41st largest bank in Nebraska, holding 0.41 percent of total deposits in commercial banks in the State. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals with no change in Bank's present management or operation, consummation of the proposal herein would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

A principal of Applicant is a major stockholder of Capital Management, Inc., Lincoln, Nebraska, a one-bank holding company which owns 88.9 percent of Bank of Brady, Brady, Nebraska. Bank of Brady (deposits of $2.5 million) is the 323rd largest bank in the State and operates in a separate banking market approximately 250 miles northwest of Bank. From the facts of record, it is the Board's judgment that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Bank, are considered to be satisfactory. The projected earnings for Bank provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements as well as to augment Bank's capital if the need arises. Accordingly, financial and managerial considerations are consistent with approval of the application. As indicated above, the proposed acquisition represents a change in the form of ownership of Bank and there are no significant proposed changes in the operation or services of Bank. However, considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the 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, provided that 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 Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective April 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-9605 Filed 4-25-74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the Main Bank & Trust, San Antonio, Texas. 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 Dallas. 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 May 14, 1974.

Board of Governors of the Federal Reserve System, April 18, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-9608 Filed 4-25-74;8:45 am]

FIRST NATIONAL HOLDING CORP.

Order Denying Acquisition of Merit Finance Corporation

First National Holding Corp., Atlanta, Georgia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire, through its wholly-owned subsidiary, Dixie Finance Co., Inc., Atlanta, Georgia, all of the voting shares of Merit Finance Corporation, Mobile, Alabama ("Merit"). Merit engages in the activities of making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes, and acting as insurance agent or broker in selling credit life, credit accident and health, and property damage insurance for collateral supporting loans that are made by it. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)(ii)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 32290). The time for filing comments and views has expired, and none has been timely received.

Applicant is the one-bank holding company parent of The First National Bank of Atlanta, Atlanta, Georgia, which holds deposits of $1 billion, representing 9.5 percent of the total deposits in commercial banks in Georgia.[1] Applicant also controls nonbanking subsidiaries which engage in consumer financing, mortgage banking, advising a real estate investment trust, computer services, personal property leasing, and factoring.

Merit, a subsidiary of Walter E. Heller International, Inc., has total receivables of $23.2 million (as of June 30, 1973). Headquartered in Mobile, Alabama, Merit has 62 offices located in seven States: Alabama, Oklahoma, Georgia, Indiana, Tennessee, Florida, and Louisiana.

The relevant product market to be considered in evaluating the competitive effects of this proposal is the making of personal installment loans. Applicant engages in this activity through its banking subsidiary and four finance company subsidiaries which operate 132 offices in six States in the Southeast. Applicant and Merit are presently engaged in direct competition for personal installment loans in six local markets in Georgia. In five of those markets,[2] approval of the instant proposal would have a slightly adverse effect on existing competition while in the sixth market, the Washington County market, approval would have a substantially adverse effect. Upon consummation of the proposed acquisi-

[1] The Falls City banking market is approximated by Richardson County, Nebraska.

[2] Voting for this Action: Chairman Burns and Governors Brimmer, Bucher and Holland. Absent and not voting: Governors Mitchell, Sheehan and Wallich.

[1] Banking data are as of June 30, 1973.

[2] Those markets include Chatham County, the Atlanta SMSA (approximated by Clay, Cobb, DeKalb, Fulton, and Gwinnett Counties), Glynn County, Bibb County and Whitfield County.

tion, the number of competitors in Washington County would be reduced from seven to six and Applicant's market share of personal installment loans would increase from 12.5 percent to 31.3 percent. The Board concludes that the elimination of the existing competition in Washington County constitutes an adverse factor weighing against approval of the proposed transaction.

With respect to the question whether consummation of the proposal would eliminate any significant competition in the future, the Board finds that Applicant appears to possess both the resources and expertise to enter the markets that are presently served by Merit de novo. However, no significant market served by Merit appears concentrated and the recent closing of certain of its offices indicates that it is a weakening competitive force. The Board therefore concludes that consummation of the proposal would have at the most only very slight adverse effects with respect to the elimination of probable future competition.

The basic balancing test of section 4(c)(8) requires a showing of public benefits stemming from the proposed acquisition that outweigh the adverse competitive effects described above. Applicant has sought to meet its burden of demonstrating that its operation of the proposed nonbanking activity will in in the public interest. Applicant proposes to inject equity capital into Merit in order to strengthen Merit's capital position and make available greater amounts of loanable funds for lending in the communities served. Applicant further proposes to increase the efficiency of existing offices of Merit through centralized purchasing, advertising, and recordkeeping. Finally, Applicant proposes to establish de novo offices of Merit in Indiana, Oklahoma, and Tennessee, in areas where offices of Merit already exist, in order to maximize the benefits of supervision. Each of the claimed efficiencies appear to be equaly achievable through an affiliation less anticompetitive than that proposed herein. In any event, the nature of the benefits claimed are such as to fall short of outweighing the adverse competitive effect which would result from approval of the proposed transaction.

Based upon the foregoing and other considerations reflected in the record,[3] the Board has determined that the public interest factors the Board is required to consider under section 4(c)(8) of the Act do not outweigh the possible adverse effects. Accordingly, the application is hereby denied.

By order of the Board of Governors,[4] effective April 18, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-9603 Filed 4-25-74;8:45 am]

MADISON FINANCIAL CORP.

Formation of Bank Holding Company

Madison Financial Corp., Chicago, Illinois, 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 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Madison Bank and Trust Company, Chicago, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 14, 1974.

Board of Governors of the Federal Reserve System, April 18, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-9602 Filed 4-25-74;8:45 am]

NBC CO.

Acquisition of Bank

NBC Co., Lincoln, Nebraska, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 20 percent or more, but less than 25 percent, of the voting shares of Crete State Bank, Crete, Nebraska. 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 May 16, 1974.

Board of Governors of the Federal Reserve System, April 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-9607 Filed 4-25-74;8:45 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corp., Miami, Florida, 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 80 percent or more of the voting shares of Pinellas Central Bank & Trust Co., Largo, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant control 30 banks with aggregate deposits of $1.8 billion, representing 8.6 percent of total deposits in commercial banks in Florida and is the largest banking organization in the State.[1] Acquisition of Bank ($51.9 million in deposits) would increase Applicant's share of State deposits by less than 1 percent, and would not significantly increase the concentration of banking resources on a Statewide basis.

Bank, with 7.2 percent of total market deposits, is the fourth largest of 23 banks operating in the relevant banking market.[2] Applicant has one subsidiary bank, Southeast National Bank of Dunedin ("Dunedin Bank") located in this market. Dunedin Bank has deposits of approximately $36.1 million, representing 5 percent of total market deposits. Applicant will not gain a dominant position in the market in which are located bank subsidiaries of nine other bank holding companies. Consummation of the proposed acquisition would make Applicant the third largest banking organization in the market, and it would control 12.2 percent of total market deposits.

Dunedin Bank derives less than 1 percent of its total deposits and less than 2 percent of its total loans from Bank's primary service area while Bank derives less than 1 percent of its total deposits and less than 2 percent of its total loans from Dunedin Bank's primary service area. Applicant's nonbanking subsidiary, Southeast Mortgage Company, derives only a nominal amount of business from the relevant market and both Bank and Southeast Mortgage Company combined are only minor factors in mortgage banking in the relevant banking market. No significant existing competition would be eliminated by this proposal. While Applicant could expand into this section of the relevant market through de novo entry, approval of Applicant's proposal will not cause unfair competitive pressures within the market and such de novo entry would lack the procompetitive effects of the dissolution of Bank's present affiliations. Upon acquisition of Bank by

[3] Concurring Statement of Governor Brimmer and Governor Holland filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Holland and Wallich. Absent and not voting: Governors Mitchell and Bucher.

[1] All banking data are as of June 30, 1973, and reflect holding company acquisitions and formations approved through March 10, 1974, but does not reflect approval of the related acquisition of The Security Bank, Pinellas Park, Florida.

[2] The relevant banking market is the North Pinellas County Banking Market, including Belleair Bluffs, Clearwater, Dunedin, Largo, Safety Harbor, and E Tarpon Springs.

Applicant, three entry vehicles remain available through which outside holding companies may enter by acquisition.

Bank is presently affiliated with two other banks located in the market. Acquisition by Applicant will remove Bank from this affiliation and thereby promote competition between Bank and its former affiliates. It is the Board's judgment that competitive factors pertaining to the proposed acquisition are consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiary banks and Bank are generally satisfactory and consistent with approval of the application. Although there is no evidence in the record to indicate that the major banking needs of the community to be served are not presently being met, affiliation with Applicant would enable Bank to expand its lending services to small, local businesses. In addition, Applicant will assist Bank in improving its capital position. Considerations relating to the convenience and needs of the community to be served lend slight weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after 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,[3] effective April 22, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-9580 Filed 4-25-74;8:45 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corp., Miami, Florida, 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 80 percent or more of the voting shares of The Security Bank, Pinellas Park, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest bank holding company in Florida, controls 30 banks with aggregate deposits of approximately $1.8 billion, representing 8.6 percent of total deposits in commercial banks in Florida.[1] Acquisition of Bank (deposits of $2.9 million) would increase Applicant's share of the total commercial bank deposits in the State by less than 0.1 percent and would have an insignificant effect on the Statewide concentration of banking resources.

Bank, with 0.3 percent of total market deposits, is the 27th largest of 29 banks operating in the South Pinellas County Banking Market, which approximates the southern portion of Pinellas County. Applicant has one subsidiary bank, American National Bank & Trust, South Pasadena, Florida ("American Bank") located within the market approximately 10 miles from Bank. American Bank has deposits of approximately $51.6 million, representing 4.5 percent of total market deposits, and ranks ninth among the 16 banking organizations competing therein. There appears to be an insignificant amount of existing competition between Bank and American Bank; moreover, substantial future competition is unlikely due to the distance involved, the number of intervening banks and Florida's restrictive branching laws. Applicant's nonbanking subsidiary, Southeast Mortgage Company, derives only a nominal amount of business from the relevant market and both Bank and Southeast Mortgage Company combined are but minor factors in mortgage banking within the relevant banking market.

While Applicant could enter the relevant market de novo, Bank is not a substantial competitor in the market and Applicant's competitive position in the market will not be substantially affected by acquisition of Bank. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on potential competition.

The financial and managerial resources of Applicant, its subsidiary banks and Bank are generally satisfactory and consistent with approval of the application. Although there is no evidence in the record to indicate that the major banking needs of the community to be served are not presently being met, the resources and expertise of Applicant will allow Bank to improve its operational efficiency. In addition, affiliation with Applicant would enable Bank to expand its lending services to small, local businesses. Therefore, considerations relating to the convenience and needs of the community to be served lend slight weight to approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after 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 April 22, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-9581 Filed 4-25-74;8:45 am]

TRI-STATE BANCORPORATION OF EAST DUBUQUE

Formation of Bank Holding Co.

Tri-State Bancorporation of East Dubuque, East Dubuque, Illinois, 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 51 percent or more of the voting shares of Tri-State Bank of East Dubuque, East Dubuque, Illinois. 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)).

Tri-State Bancorporation of East Dubuque has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y for permission to retain the insurance agency activities of Tri-State Bancorporation of East Dubuque, East Dubuque, Illinois. Notice of the application was published on January 24, 1974 in the East Dubuque Register, a newspaper circulated in East Dubuque, Illinois.

Applicant states that the proposed subsidiary would engage in the activities of selling life, casualty, accident and health and other forms of insurance for bank customers. Such activities will be conducted at offices in East Dubuque, Illinois, a town of less than 5,000 population. 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 ac-

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through March 10, 1974, but does not reflect approval of the related acquisition of Pinellas Central Bank & Trust Company, Largo, Florida.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

companied 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 Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 17, 1974.

Board of Governors of the Federal Reserve System, April 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-9600 Filed 4-25-74;8:45 am]

FIRST DAKOTA BANCORPORATION, INC.

Formation of Bank Holding Company

First Dakota Bancorporation, Inc., Fargo, North Dakota, has applied for the Board's approval under sec. 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 100 per cent of the voting shares (less directors' qualifying shares) of West Fargo State Bank, West Fargo, North Dakota. The factors that are considered in acting on the application are set forth in § 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 Minneapolis. 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 May 10, 1974.

Board of Governors of the Federal Reserve System, April 16, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-9641 Filed 4-25-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notice of Public Meeting

Notice is hereby given, Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on May 10, 197[illegible] at 10:00 a.m.—6:00 p.m., and May 11, 1974 at 9:00 a.m.—4:00 p.m., located at 425 13th Street, NW, Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting is called to discuss the implementation of a study on successful projects, which the council will begin shortly.

Because of limited space for the meeting of May 10 through 11, all persons wishing to attend should call for reservations at Area Code 202-382-6945 by May 8, 1974.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 13th Street NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on April 24, 1974.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.74-9720 Filed 4-25-74;8:45 am]

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

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 National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, established under the authority of section 804 of Public Law 90-351, June 19, 1968, as amended by section 20 of Public Law 91-644, January 2, 1971, will meet on May 9, 1974, at 9:30 a.m. in Room S-126 of the Capitol, Washington, D.C.

The purpose of the meeting is generally to discuss the FY 1974-1975 budget allocations, to adopt procedural rules for the conduct of the Commission's business and for hearings, and to formulate the objectives of the Commission and the manner in which those objectives will be achieved. No witnesses will be called.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for a member of the public to present matters to the Commission have not been adopted. For the purpose of this organization meeting, however, anyone desiring to present any matter to the Commission should file a written notice thereof, on or before May 1, 1974, with the Commission's office (1875 Connecticut Avenue, NW., Washington, D.C. 20009). The notice should include a summary or a statement of the matter to be presented. The Commission Chairman will notify the person concerned whether the matter may be presented, but an adverse ruling may be appealed to the Commission as a whole by notifying the Commission's office on or before May 8, 1974.

KENNETH J. HODSON,
Executive Director.

[FR Doc.74-9559 Filed 4-25-74;8:45 am]

OFFICE OF THE FEDERAL REGISTER

STANDARDIZATION OF INDEXING TERMS

Request for Individual and Agency Participation

The purpose of this notice is to invite Federal agencies and the public to assist the Office of the Federal Register in improving the indexes to Federal regulations.

The people's right to know about their Government is substantially protected by the Federal Register Act, the Administrative Procedure Act and the Freedom of Information Act—as the 30,000 plus pages printed in the FEDERAL REGISTER in the past 12 months indicate. The people's chances of pinpointing pertinent information quickly and easily, however, may be considerably less substantial.

A senior citizen checking on his rights must decide whether to look in various indexes under "Aged," "Elderly," or, more bluntly, "Old People." The citizen with a buzzing seat belt who wants to look up relevant regulations may have to shift his mental gears from "Cars" to "Automobiles" to, at last successfully, "Motor Vehicles." The official concerned about conflict of interest restrictions may have to look under "Conduct Standards."

In an effort to improve this situation, the Office of the Federal Register is developing a thesaurus or vocabulary of subject terms to be used in identifying, indexing and retrieving information contained in the FEDERAL REGISTER, Code of Federal Regulations and other Federal Register publications. The specific purpose for the development of a more controlled indexing vocabularly is to provide greater consistency in indexing by standardizing terminology to reflect current usage, and by reducing the number of terms used to describe the same or similar concepts. The general purpose is to provide more satisfactory search and research tools for subscribers and other users of Federal Register publications.

In order to take into account agency and user's specifications and needs, we invite users of Federal Register publications—whether Federal agency or interested public—to submit terms for possible inclusion in the thesaurus. These may consist of single or multi-word subject indexing terms, descriptors, keywords, subject headings, and/or lists or systems of subject terms currently in use for indexing agency regulations or publications. Federal agencies are especially urged to contribute to the development of the thesaurus since they are in a position to know the particular needs of that part of the public most directly affected by their issuances.

We will evaluate all terms received in light of the frequency of their occurrence in Federal Register materials, their relationship to other terms in the vocabulary, and their general acceptability in current usage.

The Office of the Federal Register plans to publish the thesaurus when it is completed and to make it available for general Government use. It is hoped, in addition to greatly improving specific Federal Register finding aids, that some

measure of standardization in cataloging Government regulations, and possibly other material, will result so that similar material will be identified in a similar manner by each agency.

Comments and suggestions should be submitted by June 1, 1974, to the Director of the Federal Register, National Archives and Records Services, General Services Administration, Washington, D.C. 20408.

Dated: April 22, 1974.

FRED J. EMERY,
Director of the Federal Register.

NOTE: This document is republished from the issue of April 24, 1974.

[FR Doc.74-9438 Filed 4-23-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 23, 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

Economic Research Service, A Study of the Income Elasticity of Demand for Elementary and Secondary Education, Form ____, Single time, Planchon/Hulett, Households purchasing residences in Minn. suburbs in 1970.

Convenience Food Study, Form ____, Single time, Lowry, Headquarters of retail grocery stores.

Public Perception of Natural Resource Use and Environmental Quality Problems in the Green Hills Region of Missouri, Form ____, Single time, Lowry/Foster, North-Central Mo. families.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Sales of Agricultural Commodities for Export, Form ____, Weekly, Evinger, Exporters of agric. commodities.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-9727 Filed 4-25-74;8:45 am]

[Circ. No. A-105]

STANDARD FEDERAL REGIONS

Establishment

APRIL 4, 1974.

1. *Purpose.* This circular formally establishes ten standard Federal regions, uniform regional boundaries, and common regional office headquarters locations, as a long-range goal for all Federal domestic agencies. The circular also provides guidelines for establishing or realigning field structures, regional offices, and sub-regional structures.

2. *Background.* On March 27, 1969, the President issued a directive instructing selected domestic Federal departments and agencies to adopt a uniform field structure of eight regions with common boundaries and common headquarters locations. The departments and agencies were instructed to work with the Director of the Bureau of the Budget, (now the Office of Management and Budget) to implement this directive as rapidly as feasible. Heads of other Federal agencies and independent offices were also requested to assure that any changes in their field organization structures were consistent with the ultimate goal of uniform boundaries and field office locations for all agencies requiring close interagency and intergovernmental coordination. This circular is being issued pursuant to that directive.

The original directive was amended on May 21, 1969, to upgrade planned subregional offices in Seattle and Kansas City to full regional status. This provided two additional Federal regions, with minor adjustments in the original boundaries. Since that time, most domestic agencies, or major components of such agencies, have conformed to the standard Federal regions as described in Attachment 1.

3. *Coverage.* This circular applies to all domestic Federal departments and agencies, and to any new Federal departments or agencies that may be created, except as exempted. Departments and agencies currently exempted from the provisions of this circular and criteria for determination of any future exemption are listed in Attachment 2.

4. *Objectives.* The establishment of a standard Federal region policy is designed to:

a. Enhance the effectiveness and efficiency of individual Federal departments and agencies in the achievement of their basic missions by increasing the opportunities for coordination with complementary actions by other Federal agencies with related missions.

b. Provide greater opportunities for securing management improvements and economies among Federal departments and agencies, including establishment of common administrative support and central suporting service facilities, consistent with the provisions of GSA Federal Management Circular 73-4 (formerly OMB Circular No. A-68).

c. Create a more consistent basis for establishing and strengthening Federal interagency coordination mechanisms such as Federal Regional Councils.

d. Provide more responsive Federal support for State and local officials by establishing a more consistent and compatible Federal field structure and increasing opportunities for intergovernmental coordination.

5. *Responsibilities*—a. *Federal departments and agencies.* Domestic Federal departments and agencies are responsible for compliance with the standard Federal region policy as a long-range goal. A number of Federal agencies have complied with this policy already, and others have made partial adjustments. There is no requirement for those not in full compliance to initiate changes in existing regional or sub-regional organizational structures solely for the purpose of complying with the provisions of this circular. However, when other considerations dictate a need for changes, and law permits, compliance is required. Prior approval of the Office of Management and Budget is required only when proposed changes require a deviation or exception to a standard region policy.

In furtherance of the objectives of this circular, departments and agencies should assure that other Federal agencies and State and local units of government which may be affected by proposed changes in regional and sub-regional structures are consulted prior to the agencies' final approval of such changes.

b. *Office of Management and Budget.* OMB will monitor standard Federal region policies through review of field organization charts submitted to GSA for publication in the FEDERAL REGISTER, and other selected reviews as required.

6. *Definitions*—a. *Region.* A geographic area resulting from the primary division of the United States into groups of two or more States.

b. *Standard Federal regions.* Regions with boundaries conforming to the standard Federal regions (see Attachment 1).

c. *Regional office.* The office physically within the geographical boundaries of a region that has overall responsibility for the region. The regional office reports directly to agency headquarters, usually in Washington, D.C.

d. *Sub-regional structures.* Any Federal field structure or office that consists of subdivisions of regions into smaller geographic areas or districts. Includes field structures that consist of State level or smaller geographic areas that are not organized into regions as defined in paragraph 6a above. However, it does not include special purpose field installations

such as laboratories, warehouses, public works, or test facilities and the like.

7. *Guidelines*—a. *Number of regions.* The number of regions required to administer a particular program depends upon a variety of factors. As a general policy, departments and agencies are required to conform to ten standard regions or combinations thereof. The major objective is to achieve as much consistency and compatibility among agencies as is practical, rather than force all agencies into a completely uniform system. As a minimum, regional boundaries shall be established in such a manner as to either conform to or combine standard regions. Combinations of regions should also be accomplished on a uniform basis. The combinations of Region I (Boston) with Region II (New York), Region VII (Kansas City) with Region VIII (Denver) and Region IX (San Francisco) with Region X (Seattle), are acceptable when agency missions and economies warrant less than the ten regions. All other combinations require prior approval from OMB.

b. *Location of regional offices.* As a long-range goal, Federal departments and agencies are required to locate their regional offices in the standard regional headquarters cities listed in Attachment 1. In addition, regional offices should be located within close physical proximity to facilitate interagency and intergovernmental coordination as well as convenient access by State, local, and other officials dealing with a variety of Federal agencies. This policy applies only to regional office staff with overall program and management responsibility for the region. Current Federal policy requirements for location of all other Federal offices and installations in non-urban areas, whenever feasible, will continue to be complied with.

c. *Sub-regional structures.* Sub-regional office locations and boundaries should be established to maximize, insofar as possible, consistency and compatibility with the organizational structures of other Federal agencies, States, and local governments. As a minimum, sub-regional office boundaries within a region should be organized to maintain the integrity of the standard Federal region boundary system and State boundaries. In the latter instance, there are several organizational patterns by which State boundaries are adhered to while providing management flexibility to meet agency needs. The following represent options consistent with this policy:

(1) One or more offices located within a State but whose boundaries are all coterminous with the State boundaries;

(2) One office within a State covering the complete territory of two or more States.

Establishment or realignment of sub-regional offices which will require deviation from this policy must be approved in advance by OMB.

Departments and agencies should also assure that sub-regional office boundaries are compatible, insofar as possible, with State-designated planning districts in furtherance of the objectives of OMB Circular No. A-95, Part IV. Prior to establishment or realignment of sub-regional offices and boundaries, departments and agencies are required to consult with the appropriate Governor or his designated agent responsible for OMB Circular No. A-95. In the event that a deviation from sub-State planning districts is determined to be necessary, a record of the circumstances and justification for a deviation should be retained by the department or agency.

d. *Requirements for OMB approval of regional and sub-regional organization plans.* Departments and agencies may establish or realign regional and sub-regional offices and boundaries without OMB approval except when such changes will result in deviations from the following policy requirements:

(1) Conformance to the ten standard regions or authorized combinations thereof as shown in Attachment 1.

(2) Uniform location of regional offices in standard regional headquarters cities as shown in Attachment 1.

(3) Conformance of sub-regional offices and boundaries to the standard regional boundary system.

(4) Conformance of sub-regional offices to State boundaries.

Agencies requesting OMB approval for any of the above deviations will provide the information required in Attachment 3 prior to final agency decisions being made and any public announcements. OMB will be responsible for acting on the request within 45 days of receipt.

8. *Attachments.* The following attachments are a part of this circular:

a. Attachment 1. Standard Federal Regions and Standard Regional Office Locations.

b. Attachment 2. Exemptions from Coverage.

c. Attachment 3. Information Required for Requesting Approval of Deviation from the Guidelines.

9. *Inquiries.* Inquiries and all other matters concerning implementation of this Circular should be directed to the Associate Director for Management and Operations, Office of Management and Budget, phone 395-5156 (IDS Code 103).

FRED MALEK,
Acting Director.

ATTACHMENT 1

STANDARD FEDERAL REGIONS AND STANDARD REGIONAL OFFICE LOCATIONS

Region I (Boston)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont;

Region II (New York City)—New York, New Jersey, Puerto Rico, and the Virgin Islands;

Region III (Philadelphia)—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia;

Region IV (Atlanta)—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee;

Region V (Chicago)—Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin;

Region VI (Dallas)—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas;

Region VII (Kansas City)—Iowa, Kansas, Missouri, and Nebraska;

Region VIII (Denver)—Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming;

Region IX (San Francisco)—Arizona, California, Hawaii, Nevada, Guam, and American Samoa;

Region X (Seattle)—Alaska, Idaho, Oregon, and Washington.

The Indian reservations which cross standard Federal regional boundaries are assigned to a single region as follows:

Region VIII (Denver)—Pine Ridge and Ute Mountain;

Region IX (San Francisco)—Navajo, Duck Valley, Fort McDermott, Goshute.

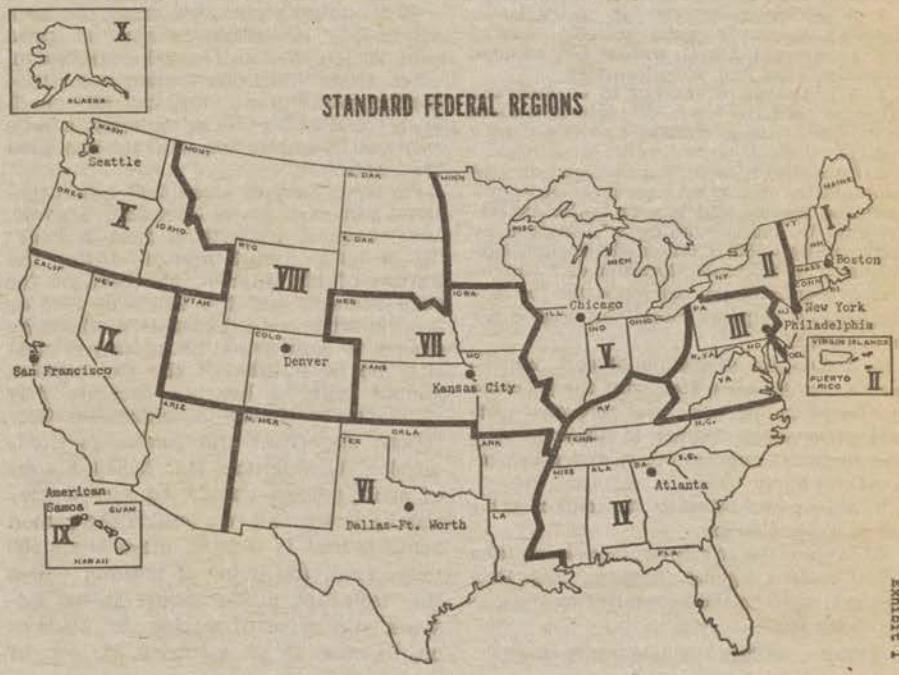


Exhibit 1

ATTACHMENT 2

COVERAGE

Criteria for determinations of exceptions from coverage include the following:

Activities involve very limited field operations and are inherently unsuited to a standard regional pattern.

Activities are almost exclusively Federal and single-agency in nature with minimal requirements for interagency or intergovernmental coordination.

Activities are dependent on geographic/technical factors such as location of public lands, boundaries for waterways, or air flow patterns.

This Circular applies to all executive departments and agencies except for the following:

All international departments and agencies
All government corporations
Department of Defense
Atomic Energy Commission
Farm Credit Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Mediation and Conciliation Service
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Interstate Commerce Commission
National Aeronautics and Space Administration
National Labor Relations Board
Railroad Retirement Board
Renegotiation Board
Securities and Exchange Commission

In addition to the above, the following specific organizations are also exempt from the provisions of the Circular:

Maritime Administration
U.S. Coast Guard
National Transportation Safety Board
U.S. Attorneys

ATTACHMENT 3

INFORMATION REQUIRED FOR AGENCY POLICY DEVIATION REQUESTS

Requests for deviations should contain the following basic information:

1. A specific description of the deviation involved including maps showing current and proposed regional and/or sub-regional boundary lines and office locations.

2. A comparative analysis of current and proposed staffing levels of regional and/or sub-regional offices affected by the proposed change.

3. An analysis, including financial data as appropriate, of various agency mission and workload factors which were major considerations in recommending a deviation be approved by OMB. These might include distribution of workload, location of clientele, travel requirements, consolidation of administrative support functions, and other such factors.

4. A five-year projection of cost requirements directly associated with the proposed change including office and personnel relocation expenses, changes in administrative and logistical support costs, and other related cost items.

5. A proposed schedule for implementing the proposed changes.

6. A summary of comments received from other Federal agencies, States, and local governments who were consulted on the proposed change.

[FR Doc.74-9622 Filed 4-25-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5490]

ALLEGHENY POWER SYSTEM, INC.

Proposal of Holding Company To Act as Surety for Subsidiary Company

APRIL 22, 1974.

Allegheny Power System, Inc., 320 Park Avenue, New York, New York 10022 ("APS"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 12(b) and 12(f) of the Act and rule 45 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.

APS proposes to act as surety for its electric utility subsidiary company, Potomac Edison Company of West Virginia (PE W. Va.), or its successor, in connection with a certain PE W. Va. rate proceeding now pending before the Public Service Commission of West Virginia ("state commission"). PE W. Va. has filed tariffs with the state commission containing a revision of rates and charges. The state commission has suspended those tariffs until May 31, 1974, and has commenced an investigation into the reasonableness thereof. No final order has been issued by the state commission in this matter and the state commission investigation is continuing.

On March 27, 1974, the state commission ordered PE W. Va. to enter into a $3,308,000 bond in order that the revised rates becoming effective on May 31, 1974, may be subject to refund, the refund to be secured by such bond. APS proposes to act as surety for PE W. Va. on this bond.

It is stated that aside from the rate proceeding described herein, no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is stated that no fees or expenses will be incurred in connection with the proposed transaction.

Notice is further given that any interested person may, not later than May 20, 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 (air mail 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 Commision, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-9666 Filed 4-25-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT ENVIRONMENTAL STATEMENTS

Extension of Comment Periods

Notice is hereby given by the Bonneville Power Administration of an extension of its allowed review and comment period for all draft environmental statements and supplements listed below. The statements and supplements and new extended closing dates appear below:

Mt. Pleasant Substation (DES 74-22). 39 FR 9847; extended closing May 6, 1974.

Lane Electric Cooperative Service and Lowell Substation (DES 74-23). 39 FR 9847; extended closing May 6, 1974.

Sappho Substation (DES 74-24): 39 FR 9847; extended closing May 6, 1974.

Ashe-Hanford 500-kV Transmission Line (DES 74-25): 39 FR 9847; extended closing May 6, 1974.

San Juan Island Service (DES 74-26). 39 FR 9848; extended closing May 6, 1974.

Stevenson Substation (DES 74-27). 39 FR 9848; extended closing May 6, 1974.

Maple Valley 500-kV Transmission Line (DES 74-36). 39 FR 11210; extended closing May 20, 1974.

Richland Area Service (DES 74-37). 39 FR 11210; extended closing May 14, 1974.

Eastern Clark County Sifton Substation (DES 74-31). 39 FR 9847; extended closing May 14, 1974.

Wholesale Power Rate Increase (DES 74-30). 39 FR 9848; extended closing May 14, 1974.

Any questions regarding the above extensions should be directed to the Office of the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, Area Code (503) 234-3361, ext. 5140. This notice will supersede all previous notices relating to the length of period for review and comment on the facilities or programs stated above.

Dated: April 24, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74-9685 Filed 4-25-74;8:45 am]

Bureau of Land Management

WYOMING

Competitive Lease Offer of Oil Shale Lands

Notice is hereby given that on May 14, 1974, Wyoming TRACT W-a, as hereafter described in paragraph 1, will be offered for oil shale lease by sealed bids to the qualified bidder submitting the highest amount per acre as bonus for the privilege of leasing the lands in accordance with the provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181–263), and the general Notice of Sale of Oil Shale Leases published in the FEDERAL REGISTER of November 30, 1973.

1. *TRACT W-a:*

T. 14 N., R. 99 W., 6th P.M.,
Secs. 17 and 18;
Sec. 19, NE¼;
Secs. 20, 21, 22, 27, 28;
Sec. 29, N½, SE¼.

The area described aggregates 5,111.24 acres.

2. *Lease terms.* The lease will be issued on a form the full text of which is published as Appendix "A" to the general Notice of Sale published in the FEDERAL REGISTER on November 30, 1973. The lease will be issued for a period of 20 years and so long thereafter as production is had in commercial quantities, subject to readjustment of terms at the end of each 20-year period. The lessee will be required to pay royalty on production in the amount and manner prescribed in section 7 of the lease, and to maintain a bond as provided in section 9. The terms of the lease as published in the FEDERAL REGISTER are solely for leases issued under the prototype oil shale leasing program and will not necessarily be included in any oil shale leases not issued pursuant to that program.

3. *Minimum royalty.* Section (7) (e) (1) of the lease form requires the payment of a minimum royalty for the sixth and each succeeding year which shall for this tract be based upon the following production rate and oil shale grade:

Tract	Shale grade (gallons per ton)	6th Year production rate (thousands of tons per year)	15th Year production rate (thousands of tons per year)
Tract W-a	20	215	2,150

4. *Bidding Procedures.* The lease will be offered competitively through sealed bidding. A lease will be issued only to the qualified bidder submitting the highest amount per acre as a bonus for the privilege of leasing the lands. No specific form of bid is required but all bids must identify the lease sale and must show the total amount bid, the amount bid per acre, and the amount submitted with the bid. Oil and Gas Bid Form No. 3120–17 may be adopted for this purpose. No telephonic or telegraphic bids will be accepted, and no oil payment, overriding royalty, logarithmic, or sliding scale bid will be considered. Bids shall not be modified after they have been submitted. Bids must be for the full tract described in this Notice of Sale. Bids must be submitted in sealed envelopes plainly marked "Sealed Bid for Oil Shale Lease. Not to be opened before 10 a.m., local time on May 14, 1974." Bids may be mailed or delivered in person until 10 a.m., local time, May 14, 1974, to the State Director, Wyoming State Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyoming 82001. Bids received after that time will be returned unopened. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

5. *Payment of bonus and advance rental.* All bids must be accompanied by a certified check, cashier's check, bank draft, money order, or cash for one-fifth of the bonus bid payable to the Bureau of Land Management, which amount shall be returned to the bidder after the lease sale should he be an unsuccessful bidder. If the bidder, after being notified that his bid has been accepted and that he will be awarded a lease, fails to comply with the applicable regulations or the terms of this notice, or if he fails to execute the lease within 15 days after receiving the lease form, his deposit will be forfeited.

Each bid must also be accompanied by a certified check, cashier's check, bank draft, money order, or cash for the first year's annual rental of $2,556.00. This amount shall be returned to all unsuccessful bidders after the lease sale.

6. *Evidence of qualifications.* Each bid must be accompanied by a statement over the bidder's signature or that of his authorized agent with respect to his qualifications. The statement shall contain the following information:

(a) If the bidder is an individual, a statement as to whether native born or naturalized; if an association, it must submit a certified copy of the articles of association and a statement by its members as to their citizenship. If the bidder is a corporation, it must submit statements showing: (i) the State in which it is incorporated; (ii) that it is authorized to hold leases for oil shale deposits, and the names of the officers authorized to act in such matters in behalf of the corporation; (iii) the percentage of the corporate voting stock and of all the stock owned by aliens or those having addresses outside the United States; and (iv) the name, address, and citizenship of any stockholder owning or controlling 20 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or in behalf of aliens, or persons who have addresses outside the United States, the corporation must give their names and addresses, the amount and class of stock held by each, and to the extent known to the corporation or which reasonably can be ascertained by it, the facts as to the citizenship of each. The bid of a corporation also shall be accompanied by a copy either of the minutes of the meeting of the board of directors or of the by-laws indicating that the person signing the bid has authority to do so, or, in lieu of such a copy, a certificate by the Secretary of the corporation to that effect, over the corporate seal, or appropriate references to the record of the Bureau of Land Management in connection with which such articles and authority have been furnished previously; and

(b) The certification required by 41 CFR 60–1.7(b) and Executive Order No. 11375, on Form 1140–8 (November 1973) and Form 1140–7 (December 1971).

7. *Bid opening.* The bids will be opened at 10 a.m., local time, May 14, 1974, in Court Room 2, Joseph C. O'Mahoney Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming 82001. The opening of bids is for the purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, local time, May 14, 1974, that bid will be returned unopened to the bidder as soon thereafter as possible.

8. *Acceptance or rejection of bids.* No bid for this tract will be accepted and no lease for this tract will be awarded to any bidder unless the bidder has complied with all requirements of this notice, his bid is the highest for the offered tract, and the amount of the bonus bid has been determined to be adequate by the United States. The Government reserves the right to reject any or all bids. Any cash, checks, drafts or money orders submitted with the bid may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

9. *Preliminary development plan.* Within forty-eight hours after being informed that his bid has been accepted and that a lease will be issued to him, the successful bidder must transmit a preliminary development plan, in duplicate, to the Officer conducting the lease sale. This plan will be made public upon issuance of the lease, and, therefore, confidential information relative to the lessee's operations should not be included in the submission. Confidential information should be submitted in the same manner, but under separate cover. The submission or acceptance of these plans will not be binding on the lessee or lessor and will not authorize any action by the lessee, but the plan is required for the lessor's guidance in establishing initial supervision of the lessee's activities. The preliminary development plan should include the method of development, the proposed location of on and off-site facilities, the schedule for development, and monitoring programs to determine environmental criteria.

10. *Further information.* Information concerning this oil shale lease sale may be obtained from the Chief, Division of Upland Minerals, Bureau of Land Management, Room 4647, Interior Building, 18th & C Streets NW., Washington, D.C. 20240; and the State Director, Wyoming

State Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

CURT BERKLUND,
Director,
Bureau of Land Management.

[FR Doc.74-9649 Filed 4-25-74;8:45 am]

[Wyoming 45315]

WYOMING

Notice of Application

APRIL 8, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Continental Pipe Line Co. has applied for a crude oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 36 N., R. 67 W.,
Sec. 22, S½NE¼, SE¼NW¼, and E½SE¼.

The pipeline will serve Inter-American Petroleum Corporation's wells 22-1, 22-22 and 44-22.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-9616 Filed 4-25-74;8:45 am]

[Wyoming 44418]

WYOMING

Notice of Application

APRIL 18, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Corp. has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 98 W.,
Sec. 8, S½NE¼, SE¼NW¼, and N½SW¼.

The pipeline will convey gas from the Champlin T.M.F. 1-7 well to the Desert Springs natural gas gathering system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-9615 Filed 4-25-74;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE EAST TEXAS

Oil and Gas Lease Sale #34

BID SUBMISSION PROCEDURES

1. Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. Sec. 1331-1343) and the regulations issued thereunder (43 CFR Part 3300), sealed bids mailed to the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113 must be received by 9:30 a.m., c.s.t., on May 29, 1974, for the lease of oil and gas in tracts described in paragraph 13 herein, in areas of the Outer Continental Shelf (OCS) adjacent to the State of Texas. Bids delivered in person to the Manager will be received at his office at the above address through 4:15 p.m., c.s.t., May 28, 1974; on May 29, 1974, bids may be delivered in person to the Manager only at the Tulane Room, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70112 between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. Bids received by the Manager after 9:30 a.m., on that date will be returned to the bidders unopened. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager by 9:30 a.m., May 29, 1974. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR 3302.1, 3302.4, and 3302.5.

FORM OF BID

2. A separate bid in a separate envelope must be submitted for each tract. The envelope should be labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., c.s.t., May 29, 1974." A suggested form of bid is set out in paragraph 15. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. Oil payment, overriding royalty, logarithmic or sliding scale bids may not be submitted. No bid for less than a full tract as listed in paragraph 13 will be considered. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

3. Each bidder must have submitted by 9:30 a.m., c.s.t., May 29, 1974, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on Form 1140-8 (November 1973) and Form 1140-7 (December 1971).

4. Tracts being offered for lease may be located on the following official leasing maps:

(1) Outer Continental Shelf—Texas Leasing Maps No. 5, 5B, 6, 6A, 7, 7A, 7B and 7C. These eight maps are arranged in a set, which sells for $5.00.

(2) Outer Continental Shelf Leasing Maps NG 15-2 (Garden Banks) and NG 15-1 (Bay City). These are available at $2.00 each.

These maps and copies of the Compliance Report Certification Form 1140-8 (November 1973) and copies of the Affirmative Action Program Representation Form 1140-7 (December 1971) may be obtained from the Manager, Gulf of Mexico Outer Continental Shelf Office at the above address.

BID OPENING

5. Bids will be opened on May 29, 1974, at 10 a.m., c.s.t., in the Tulane Room, Braniff Place at the above address. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, May 29, 1974, that bid will be returned unopened to the bidder as soon thereafter as possible.

6. Any cash, checks, drafts, or money orders submitted with the bids may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

ACCEPTANCE OR REJECTION OF BIDS

7. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless: (1) The bidder has complied with all requirements of this notice; (2) his bid is the highest valid cash bonus bid for that tract; (3) and the amount of the bonus bid has been determined to be adequate by the United States. No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25 or more per acre or fraction thereof. The United States reserves the right to reject any bid submitted, including, but not by way of limitation, the right to reject any bid for inadequacy even though the bonus bid is in the amount of $25 or more per acre or fraction thereof.

LEASE TERMS

8. Leases issued as a result of this sale will be on Form 3300-1 (February 1971), as modified, in accordance with paragraphs 9, 10, and 11, and containing the rental and royalty provisions of paragraph 12 of this notice. Attention is directed to the Equal Opportunity Clause in Section 3(h) and the Certification of Nonsegregated Facilities Clause in Section 3(i) of the lease. Copies of the lease form, without the stipulations to be included according to the terms of paragraphs 9, 10, and 11 and the rental and

royalty provisions included in paragraph 12 of this notice are available from the Manager, Gulf of Mexico Outer Continental Shelf Office.

9. All leases issued as a result of this lease sale will contain the following stipulations:

(1) The lessee agrees that, prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation," he will conduct geophysical surveys sufficient to determine the possible existence of any sites, structures, or objects of historical or archaeological significance that may be affected by such operation. Such sites, structures, or objects are hereafter in this stipulation included in the term "cultural resource." If these geophysical surveys indicate anomalies that suggest the possible existence of a cultural resource, the lessee will either: (1) Have a qualified marine archaeologist confirm or refute the existence of a cultural resource using such other equipment and survey techniques as may be necessary; or (2) relocate the site of such operation so as not to disturb the area in which an anomaly has been identified; or (3) show how such operation will not disturb the area in which an anomaly has been identified.

All data obtained in the course of the geophysical and any archaeological surveys shall be submitted to the Supervisor with any application for drilling or other activity. If the Supervisor determines there are indications that a possible cultural resource may be affected by the proposed operation he shall direct the lessee to utilize the services of a marine archaeologist to survey the area unless an archaeological survey has been completed.

Upon completion of any archaeological survey, a report shall be forwarded by the Supervisor to the Manager, Gulf of Mexico OCS Office, Bureau of Land Management for review and recommendations. Should the archaeological survey report indicate that a cultural resource may be affected by the operation and the lessee chooses not to relocate, the lessee shall take no action that may result in the disturbance of the cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that, if any cultural resource should be accidentally discovered after the completion of the archaeological survey, he will report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

(2) Structures for drilling or production, including pipelines, shall be kept to the minimum necessary for proper exploration, development, and production and, to the greatest extent consistent therewith, shall be placed so as not to interfere with other significant uses of the Outer Continental Shelf, including commercial fishing. To this end, no structure, for drilling or production, including pipelines, may be placed on the Outer Continental Shelf until the Supervisor has found that the structure is necessary for the proper exploration, development, and production of the leased area and that no reasonable alternative placement would cause less interference with other significant uses of the Outer Continental Shelf including commercial fishing. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures, including pipelines, showing how such placement and grouping will have the minimum practicable effect on other significant uses of the Outer Continental Shelf, including commercial fishing.

(3) The lessor specifically reserves the right to require any pipelines between a structure on the OCS and an onshore facility to be placed in certain designated areas or corridors through the submerged lands of the OCS.

10. Leases issued as a result of this lease sale embracing tracts 34–1 thru 34–29 inclusive, will contain the following stipulation relating to Department of Defense activities:

(1) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the OCS, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Matagorda Island Air Force Range, Matagorda Island, Texas. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against, and to defend at its own expense the United States against, all claims for loss, damage, or injury sustained by the agents, employees or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

11. Leases issued as a result of this lease sale for tracts 34–221, 34–222, 34–229, 34–230, 34–233, 34–234, 34–241, 34–242 and 34–243 will contain the following stipulation for protection of the East and West Flower Garden Reefs, now being used as a unique study area.

(1) Notwithstanding the terms of Section 2(c) of the lease, no structures, drilling rigs, or pipelines will be allowed within the following aliquot parts established for the East and West Flower Garden Banks:

WEST FLOWER GARDEN BANK

Tract 34–229,
NE¼SE¼SE¼; S½SE¼SE¼.
Tract 34–230,
NW¼SW¼NE¼; S½S½NE¼; SE¼NW¼; NE¼SW¼; NE¼NW¼SW¼; S½NW¼SW¼; S½SW¼; SE¼.
Tract 34–241,
W½W½NW¼; W½NW¼SW¼; NW¼SW¼SW¼.
Tract 34–242,
E½; SE¼NE¼NW¼; E½SE¼NW¼; E½NE¼SW¼; NE¼SE¼SW¼.
Tract 34–243,
NE¼NE¼; N½NW¼NE¼; NE¼SE¼NE¼.

EAST FLOWER GARDEN BANK

Tract 34–221,
W½SW¼NW¼; SE¼SW¼NW¼; W½SW¼; W½E½SW¼; SE¼SE¼SW¼.
Tract 34–222,
SW¼NE¼NE¼; S½NW¼NE¼; S½NE¼; SE¼NE¼NW¼; N½SE¼NW¼; SE¼SE¼NW¼; NE¼SW¼; N½SE¼SW¼; SE¼SE¼SW¼; SE¼.
Tract 34–233,
NE¼; E½E½NW¼; N½SE¼.
Tract 34–234,
N½NW¼; SW¼NW¼; N½SE¼NW¼; SW¼SE¼NW¼; N½NW¼SW¼.

Notwithstanding the terms of Section 2(c) of the lease, no structures, drilling rigs or pipelines will be allowed within 1 mile of the 25 fathom contour around live reef-building corals of the East and West Flower Garden Reefs.

Operations in the zone 1 to 3 miles outward from the 25 fathom contours around live reef-building corals on both East and West Flower Garden are restricted as follows. Drill cuttings and drilling muds must be disposed of by shunting the material to the bottom through a downpipe that terminates 20 feet or closer to the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (work-boats, crew-boats, supply boats, pipelaying vessels) involved with exploration and development operations within the area bounded by a line three miles from the 25 fathom contour around live reef-building corals of the East and West Flower Garden Reefs.

No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and development plan filed under 30 CFR 250.34 is adequate to insure that exploration and production operations in the leased area will have no significant adverse effect on the biotic community of high value reef sites on the Flower Garden Banks. As a part of the development plan, a reef monitoring program must be included. The monitoring program will be designed to assess the effects of oil and gas exploration and development operations on the viability of the coral reefs. The development plan should indicate that the monitoring program will be conducted by qualified independent scientific personnel and that program personnel and equipment will be available at the time of operations. The monitoring team will submit its findings on an interim on-going basis, or immediately in case of imminent danger to the reefs resulting directly from drilling or other operations. To further aid the Supervisor in his findings, he shall request reports on potential effects and recommended measures that may be necessary to prevent or mitigate the effects from the Manager, Gulf of Mexico OCS Office, Bureau of Land Management, and the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico.

12. Leases will provide for a royalty rate of one-sixth and yearly rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder will be required to pay the remainder of

the bid and the first year's rental of $3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3304.1 prior to the issuance of each lease.

TRACT DESCRIPTION

13. The tracts offered for bid are as follows:

TEXAS

OCS OFFICIAL LEASING MAP, BAY CITY NG-15-1

(Approved June 8, 1973)

Tract No.	Block	Description	Acreage
34-1	15 N637 E77	All	5760
34-2	15 N637 E78	All	5760
34-3	15 N637 E79	All	5760
34-4	15 N637 E80	All	5760
34-5	15 N638 E67	All	5760
34-6	15 N638 E68	All	5760
34-7	15 N638 E69	All	5760
34-8	15 N638 E70	All	5760
34-9	15 N638 E71	All	5760
34-10	15 N638 E72	All	5760
34-11	15 N638 E73	All	5760
34-12	15 N638 E77	All	5760
34-13	15 N638 E78	All	5760
34-14	15 N638 E79	All	5760
34-15	15 N638 E80	All	5760
34-16	15 N639 E65	All	5702.53
34-17	15 N639 E66	All	5431.15
34-18	15 N639 E67	All	5139.50
34-19	15 N639 E68	All	4847.75
34-20	15 N639 E69	All	4555.90
34-21	15 N639 E70	All	4263.95
34-22	15 N639 E71	All	3971.88
34-23	15 N639 E72	All	3679.72
34-24	15 N639 E73	All	4927.44
34-25	15 N639 E77	All	2217.29
34-26	15 N639 E78	All	1924.48
34-27	15 N639 E79	All	1631.57
34-28	15 N639 E80	All	1338.55
34-29	15 N640 E73	All	2033.13

OCS OFFICIAL LEASING MAP, GARDEN BANKS NG-15-2

(Approved February 15, 1973)

Tract No.	Block	Description	Acreage
34-30	15 N638 E96	All	2742.80
34-31	15 N638 E95 15 N639 E95	All	4659.66

OCS OFFICIAL LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5

(Approved July 16, 1954; Revised January 23, 1967)

Tract No.	Block	Description	Acreage
34-32	A-16	All	5760
34-33	A-17	All	5760
34-34	A-23	All	5760
34-35	A-28	All	5760
34-36	A-29	All	5760
34-37	A-35	All	5760
34-38	A-36	All	5760

OCS OFFICIAL LEASING MAP, BRAZOS AREA—SOUTH ADDITION, TEXAS MAP NO. 5B

(Approved September 24, 1959; Revised January 23, 1967)

Tract No.	Block	Description	Acreage
34-39	A-52	All	5760
34-40	A-53	All	5760
34-41	A-70	All	5760
34-42	A-106	All	5760
34-43	A-132	All	5760
34-44	A-133	All	5760

OCS OFFICIAL LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6

(Approved July 16, 1954; Revised January 23, 1967)

Tract No.	Block	Description	Acreage
34-45	151	(1)	4803.86
34-46	181	All	5760
34-47	A-69	All	5760
34-48	A-70	All	5760
34-49	A-71	All	5760
34-50	A-96	All	5760
34-51	A-98	All	5760
34-52	A-100	All	5760
34-53	A-101	All	5760
34-54	A-108	All	5760
34-55	A-109	All	5760

OCS OFFICIAL LEASING MAP, GALVESTON AREA—SOUTH ADDITION, TEXAS MAP NO. 6A

(Approved September 24, 1959)

Tract No.	Block	Description	Acreage
34-56	A-118	All	5760
34-57	A-119	All	5760
34-58	A-120	All	5760
34-59	A-155	All	5760
34-60	A-160	All	5760
34-61	A-162	All	5760
34-62	A-177	All	5760
34-63	A-178	All	5760
34-64	A-187	All	5760
34-65	A-189	All	5760
34-66	A-190	All	5760
34-67	A-192	All	5760
34-68	A-200	All	5760
34-69	A-211	All	5760
34-70	A-212	All	5760
34-71	A-213	All	5760
34-72	A-215	All	5760
34-73	A-217	All	5760
34-74	A-218	All	5760
34-75	A-219	All	5760
34-76	A-221	All	5760
34-77	A-222	All	5760
34-78	A-224	All	5760
34-79	A-225	All	5760
34-80	A-226	All	5760
34-81	A-241	All	5760
34-82	A-242	All	5760
34-83	A-243	All	5760
34-84	A-244	All	5760
34-85	A-245	All	5760
34-86	A-246	All	5760
34-87	A-248	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7

(Approved July 16, 1954; Revised August 1955)

Tract No.	Block	Description	Acreage
34-88	107	All	5760
34-89	138	N½	2880
34-90	141	E½	2880
34-91	A-154	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—EAST ADDITION, TEXAS MAP NO. 7A

(Approved January 23, 1967)

Tract No.	Block	Description	Acreage
34-92	A-245	All	4353.09
34-93	A-246	All	5760
34-94	A-252	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—SOUTH ADDITION, TEXAS MAP NO. 7B

(Approved September 24, 1959)

Tract No.	Block	Description	Acreage
34-95	A-414	All	5760
34-96	A-416	All	5760
34-97	A-419	All	5760
34-98	A-422	All	5760
34-99	A-424	All	5760
34-100	A-425	All	5760
34-101	A-430	All	5760
34-102	A-431	All	5760
34-103	A-432	All	5760
34-104	A-434	All	5760
34-105	A-435	All	5760
34-106	A-440	All	5760
34-107	A-450	All	5760
34-108	A-451	All	5760
34-109	A-455	All	5760
34-110	A-460	All	5760
34-111	A-461	All	5760
34-112	A-462	All	5760
34-113	A-467	All	5760
34-114	A-468	All	5760
34-115	A-469	All	5760
34-116	A-470	All	5760
34-117	A-471	All	5760
34-118	A-472	All	5760
34-119	A-473	All	5760
34-120	A-497	All	5760
34-121	A-509	All	5760
34-122	A-510	All	5760
34-123	A-511	All	5760
34-124	A-512	All	5760
34-125	A-527	All	5760
34-126	A-528	All	5760
34-127	A-529	All	5760
34-128	A-530	All	5760
34-129	A-531	All	5760
34-130	A-536	All	5760
34-131	A-537	All	5760
34-132	A-538	All	5760
34-133	A-539	All	5760
34-134	A-540	All	5760
34-135	A-541	All	5760
34-136	A-542	All	5760
34-137	A-543	All	5760
34-138	A-544	All	5760
34-139	A-545	All	5760
34-140	A-546	All	5760
34-141	A-547	All	5760
34-142	A-548	All	5760
34-143	A-549	All	5760
34-144	A-550	All	5760
34-145	A-551	All	5760
34-146	A-552	All	5760
34-147	A-553	All	5760
34-148	A-554	All	5760
34-149	A-557	All	5760
34-150	A-560	All	5760
34-151	A-561	All	5760
34-152	A-562	All	5760
34-153	A-566	All	5760
34-154	A-567	All	5760
34-155	A-568	All	5760
34-156	A-569	All	5760
34-157	A-574	All	5760
34-158	A-575	All	5760
34-159	A-576	All	5760
34-160	A-578	All	5760
34-161	A-579	All	5760
34-162	A-580	All	5760
34-163	A-582	All	5760
34-164	A-584	All	5760
34-165	A-585	All	5760
34-166	A-586	All	5760
34-167	A-587	All	5760
34-168	A-588	All	5760
34-169	A-589	All	5760
34-170	A-590	All	5760
34-171	A-591	All	5760
34-172	A-592	All	5760
34-173	A-595	All	5760
34-174	A-596	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—EAST ADDITION—SOUTH EXTENSION TEXAS MAP NO. 7C
(Approved September 24, 1959)

Tract No.	Block	Description	Acreage
34-175	A-267	All	5760
34-176	A-269	All	5760
34-177	A-270	All	5760
34-178	A-271	All	5760
34-179	A-280	All	5760
34-180	A-281	All	5760
34-181	A-287	All	5760
34-182	A-288	All	5760
34-183	A-289	All	5760
34-184	A-290	All	5760
34-185	A-296	All	5760
34-186	A-297	All	5760
34-187	A-300	All	5760
34-188	A-301	All	5760
34-189	A-302	All	5760
34-190	A-303	All	5760
34-191	A-306	All	5760
34-192	A-307	All	5760
34-193	A-308	All	5760
34-194	A-309	All	5760
34-195	A-315	All	5760
34-196	A-316	All	5760
34-197	A-335	All	5760
34-198	A-339	All	5760
34-199	A-342	All	5760
34-200	A-343	All	5760
34-201	A-344	All	5760
34-202	A-345	All	5760
34-203	A-346	All	5760
34-204	A-348	All	5760
34-205	A-349	All	2905
34-206	A-352	All	5760
34-207	A-353	All	5760
34-208	A-354	All	5760
34-209	A-355	All	5760
34-210	A-356	All	5760
34-211	A-357	All	5760
34-212	A-362	All	5760
34-213	A-363	All	5760
34-214	A-364	All	5760
34-215	A-365	All	5760
34-216	A-366	All	5760
34-217	A-367	All	5760
34-218	A-360	All	2880
34-219	A-371	All	4344
34-220	A-372	All	2880
34-221	A-374	All	5760
34-222	A-375	All	5760
34-223	A-376	All	5760
34-224	A-377	All	5760
34-225	A-378	All	5760
34-226	A-379	All	5760
34-227	A-381	All	5760
34-228	A-382	All	5760
34-229	A-383	All	5760
34-230	A-384	All	5760
34-231	A-385	All	5760
34-232	A-387	All	5760
34-233	A-388	All	5760
34-234	A-389	All	5760
34-235	A-391	All	5760
34-236	A-392	All	2903
34-237	A-393	All	4342
34-238	A-394	All	5760
34-239	A-395	All	5760
34-240	A-396	All	5760
34-241	A-397	All	5760
34-242	A-399	All	5760
34-243	A-401	All	5760
34-244	A-402	All	5760
34-245	A-403	All	5760

[1] That portion seaward of the three marine league arc.

14. Some of the tracts offered for lease may fall in fairway areas (including the prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, New Orleans District Corps of Engineers, U.S. Army. For the location of those areas and operational restrictions imposed by that agency, the District Engineer should be consulted.

SUGGESTED BID FORM

15. It is suggested that bidders submit their bids addressed to:

Manager, Gulf of Mexico Outer Continental Shelf Office
Bureau of Land Management
Department of the Interior
The Plaza Tower, Suite 3200
1001 Howard Avenue
New Orleans, Louisiana 70113

in the following form:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the land of the Outer Continental Shelf specified below:

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

N.O. Misc. No.____ Percent____ Company

Signature
(Please type signer's name under signature)

WITHDRAWAL OF TRACTS

16. The United States reserves the right to withdraw any tract from this sale prior to the issuance of a written acceptance of a bid for that tract.

IMPORTANT

17. It is strongly recommended that prior to conducting any drilling activity, lessees who may acquire leases on tracts 34–1 thru 34–29; 34–59 thru 34–61; 34–64 thru 34–67; 34–70 thru 34–79; 34–82 thru 34–87; 34–122 thru 34–138 and 34–143 thru 34–174 inclusive, pursuant to this offering inspect the ocean floor and remove all hazardous military ordnance from the immediate drilling area. Tracts 34–1 thru 34–29 are within an area presently being used by the Department of Defense and where hazardous military ordnance may occur. All other tracts identified above are within an area formerly used by the Department of Defense. For this reason hazardous military ordnance may also be found on these tracts.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: April 25, 1974.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

[FR Doc.74–9763 Filed 4–25–74;10:14 am]

Bureau of Reclamation

[Int Des 74–44]

CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT, NEBRASKA

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 Public Law 84–984 Small Reclamation Projects Act loan application by the Central Nebraska Public Power and Irrigation District, proposing a water supply project for the purpose of storing and furnishing supplemental irrigation water to water-deficient areas of E65 project lands located in Gosper and Phelps Counties, Nebraska. Written comments may be submitted to the Regional Director (address below) on or before June 10, 1974.

Copies are available for inspection at the following locations:

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 and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234–3006.

Office of the Regional Director, Bureau of Reclamation, Lower Missouri Region, Building 20, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234–4441.

Planning Officer, Nebraska Reclamation Office, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68001. Telephone (308) 382–3660.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above when ordering copies.

Dated: April 22, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74–9630 Filed 4–25–74;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting and Agenda

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, May 3, 1974. The Commission members will assemble at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts, for the regular business meeting at 1:30 p.m.

The Commission was established by Public Law 87–126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Commission are as follows:

Joshua A. Nickerson (Chairman), Chatham, Mass.
Nathan Malchman (Vice Chairman), Provincetown, Mass.
Linnell E. Studley (Secretary), Orleans, Mass.
Arthur E. Brownell, Boston, Mass.
Ralph A. Chase, Eastham, Mass.
Dr. Norton H. Nickerson, Reading, Mass.
Stephen R. Perry, Truro, Mass.
Chester A. Robinson, Jr., Harwich, Mass.
David F. Ryder, Chatham, Mass.
Mrs. Esther Wiles, Wellfleet, Mass.

The matters to be discussed at this meeting are: (1) Research Program at Cape Cod National Seashore, (2) Forsythe Bill to prohibit commercial fishing in waters located in National Seashore recreation areas, and (3) provision of launching ramp facilities at Cape Cod National Seashore. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed.

Anyone wishing further information concerning this meeting, or who wishes to file a written statement, may contact Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts (telephone: 617-349-3785). Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent.

Dated: April 12, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74-9546 Filed 4-25-74;8:45 am]

[Int Fes 74-14]

BIGHORN CANYON NATIONAL RECREATION AREA MONTANA-WYOMING; TRANSPARK ROAD

Availability of Final Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for a proposed road from near Horseshoe Bend, Wyoming, to Fort Smith, Montana.

The environmental statement considers the social, economic and ecological effects of approximately 50 miles of a low standard paved access road within Bighorn Canyon National Recreation Area; Carbon and Bighorn Counties, Montana, and Bighorn County, Wyoming.

Copies of the final environmental statement are available from or for inspection at the following locations:

Salt Lake City Office
National Park Service
125 S. State Street, Room 2207
Salt Lake City, Utah 84111

Rocky Mountain Regional Office
National Park Service
655 Parfet Street
Lakewood, Colorado 80215

Bighorn Canyon National Recreation Area
P.O. Box 485
Fort Smith, Montana 59035

Dated: April 23, 1974.

ROYSTON C. HUGHES,
Assistsant Secretary of the Interior.

[FR Doc.74-9588 Filed 4-25-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-93]

LEEMIKE COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Leemike Coal Co., Inc. has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Surface Mine at Daisy, Kentucky and its No. 2 Surface Mine at Yeaddis, Kentucky.

30 CFR 77.1605(k) reads as follows:

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

By its petition, Petitioner requests a waiver of the foregoing safety standard for the following reasons:

(1) Berms and, to a certain extent, guardrails create a drainage hazard. They render mountain roads impossible to maintain, and would create washouts during rainy seasons.

(2) Berms and guards hamper snow removal and grading.

(3) Additional man hours would have to be expended to maintain the roads during the winter months, thereby increasing the accident potential inherent in ice and snow conditions.

(4) Petitioner's haulage road is not sufficiently wide to permit the installation of berms or guards. To widen the road, Petitioner would have to engage in blasting rock thereby creating additional hazards.

(5) Installation of guardrails on the fill bench would not be feasible due to soft earth conditions.

(6) Ninety percent of Petitioner's hauling is done on state-maintained roads.

In sum, Petitioner requests a waiver of the mandatory safety standard because the application of the standard to the Petitioner's haulage roads would result in a diminution of safety to the miners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

APRIL 17, 1974.

[FR Doc.74-9621 Filed 4-25-74;8:45 am]

[Docket No. M 74-99]

UNITED POCAHONTAS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 4861(c) (1970), United Pocahontas Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Layland Mine No. 3 located near Layland, West Virginia.

30 CFR 75.1405 reads as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with 30 CFR 75.1405 is 30 CFR 75.1405-1 which reads as follows:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled. In support of its petition, Petitioner states:

(1) In the subject mine, mining is accomplished by conventional equipment, that is cutting machines, loading machines, shuttle cars, rock and coal drills, etc. The mined coal from each operating section is loaded on the section into mine cars which are then pulled by electric locomotives over a rail haulage system to the outside of the mine for dumping.

(2) The mine cars are all bottom-dumping cars. They are delivered to each operating section in strings of from 10 to 20 cars depending on the availability of cars for the particular section, the extent of the mining activity and other logistical factors. At the loading point, the front car is hooked onto a cable which is affixed to a stationary hoisting device which is electrically operated and which is used to position the cars in turn for loading under the dump into which the shuttle cars have deposited their load of coal. Once loaded, the mine cars are then hauled by electric locomotive to the outside dump where, without being uncoupled, the hinged bottoms of each car automatically open as the car is positioned over the dumping station.

(3) There are currently in use at this mine approximately 20 mine cars. There are two different makes of cars and their ages vary from 10 to 20 years. All of the mine cars are fitted with standard link-and-pin coupling devices.

(4) Many of the haulage way rail switches leading from the main line into the working areas of the mine were installed when the mine was first being developed and are of shorter radius than those which are now being installed. These switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars which help provide roof support.

(5) Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations, if applied to the petitioner's mine would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miner in said mine, Petitioner proposes an alternate method, as set forth hereinafter.

(6) Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine on and after March 30, 1974, is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A—All coal cars in use at the captioned mine will be coupled together in units or strings of cars using pin-and-link couplings and each pin will be drilled with a ¼ inch hole and fixed in position with the appropriate size cotter key. The front end of the front car of each string will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units—he

will effectuate this alignment by using a specially designed Hand Link Aligner tool which shall be part of the equipment of all haulage crews. There will be two Hand Link Aligners on each haulage locomotive—the regular size and a shorter more convenient size in the event the motorman wishes to position the link coupling while remaining seated in the "deck" of the locomotive.

It is presently planned that most, if not all, mine car units or strings will consist of ten cars. However in the event it becomes more practical to combine cars into strings of more or less than ten cars, each string of cars will nevertheless meet the specifications of fixed pin on all cars and coupling lever on the front car.

B—All employees at the captioned mine will be trained and instructed in the proper operation and use of the Coupling Levers and the Hand Link Aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine car haulage units at this mine. More specifically in this regard:

(1) All present employees at this mine will, by April 30, 1974, be instructed on the function and use of the Coupling Lever and Hand Link Aligners.

(2) Thereafter, any new employee hired at the mine will be given instruction on the function and use of the Coupling Lever and Hand Link Aligners as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. The first such re-instruction shall be given during the first five work days in November 1974, the next during the first five work days in May 1975, etc. etc. Employees absent from work during these periods will be re-instructed within the first five work days after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and re-instruction.

(5) The requirement that, upon conversion of mine cars at this mine, coupling and uncoupling be done by means of Coupling Levers and Hand Link Aligners shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union bulletin boards at the mine.

(6) For the period March 30, 1974 through June 30, 1974, as each multiple mine car unit is converted and placed into operation, it will be subject to the modified standard set forth in this petition and such unit will only be coupled and uncoupled by use of the Coupling Lever Hand Link Aligner in accord with the modified standard. Effective July 1, 1974 all mine cars in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an administrative law judge of the Interior Department Office of Hearings and Appeals. In the event shortage and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by July 1, 1974 the petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement the Petitioner may request from the Office of Hearings and Appeals the assignment of an administrative law judge and conduct of a hearing for the purpose of determining whether an extension of time should be granted and, if granted, the duration of such extension. The parties by stipulation, or the assigned administrative law judge by order following notice to all parties and conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(7) The alternate method set forth above will provide no less than the same measure of protection to miners at the Pardee No. 1 mine than that sought to be afforded by Section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

APRIL 17, 1974.

[FR Doc.74–9619 Filed 4–25–74;8:45 am]

[Docket No. M 74–100]

UNITED POCAHONTAS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 4861(c) (1970), United Pocahontas Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Crumbler Mine No. 10 located near Crumbler, West Virginia.

30 CFR 75.1405 reads as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with 30 CFR 75.1405 is 30 CFR 75.1405–1 which reads as follows:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled. In support of its petition, Petitioner states:

(1) In the subject mine, mining is accomplished by the continuous mining method, that is continuous mining machines, shuttle cars, rock and coal drills, etc. The mined coal from each operating section is dumped on the section onto a belt which then loads into mine cars which are then pulled by electric locomotives over a rail haulage system to the outside of the mine for dumping.

(2) The mine cars used in this mine are rotary-dump, that is they are pulled to a rotary dump where a hydraulic spotter positions one car at a time for dumping. That car is locked into position and rotated to an upside-down position for dumping. It is then righted and moved ahead for the process to be repeated on the next car, etc. The dumping operation is made possible without uncoupling any of the cars because of the use of a swivel-link in the coupling between cars. The mine cars are delivered to each operating section in strings of from 10 to 40 cars depending on the availability of cars for the particular section, the extent of the mining activity and other logistical factors. At the loading point where the belt discharges into the mine cars, the front car is hooked onto a cable which is affixed to a stationary hoisting device which is electrically operated and which is used to position the cars in turn for loading under the dump into which the shuttle cars have deposited their load of coal. On some sections a hydraulic car spotter arrangement is used, moving the cars in turn through the loading point by a sprocket arrangement. Once loaded, the mine cars are then hauled by electric locomotive to the outside rotary dump. The total distance traversed by mine cars in the haulage operation is about seven miles. Slate hauling and delivery of supplies is accomplished by the same units of cars as are used in hauling coal.

(3) There are currently in use at this mine approximately 100 mine cars. These are of three different makes of cars and their ages vary from 10 to 20 years. All of the mine cars are fitted with pin and swivel link coupling devices.

(4) Many of the haulage way rail switches leading from the main line into the working areas of the mine were installed when the mine was first being developed and are of shorter radius than those which are now being installed. These switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars which help provide roof support.

(5) Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations, if applied to the petitioner's mine would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miner in said mine, Petitioner proposes an alternate method, as set forth hereinafter.

(6) Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine on and after March 30, 1974, is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A—All coal cars in use at the captioned mine will be coupled together in units or strings of cars using pin-and-link couplings and each pin will be drilled with a ¼ inch hole and fixed in position with the appropriate size cotter key. The front end of the front car of each string will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units—he will effectuate this alignment by using a specially designed Hand Link Aligner tool which shall be part of the equipment of all haulage crews. There will be two Hand Link Aligners on each haulage locomotive—the regular size and a shorter more convenient size in the event the motorman wishes to position the link for coupling while remaining seated in the "deck" of the locomotive.

It is presently planned that most, if not all, mine car units or strings will consist of ten cars. However in the event it becomes more practical to combine cars into strings of more or less than ten cars, each string of cars will nevertheless meet the specifications of fixed pin on all cars and coupling lever on the front car.

B—All employees at the captioned mine will be trained and instructed in the proper operation and use of the Coupling Levers and the Hand Link Aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine car haulage units at this mine. More specifically in this regard:

(1) All present employees at this mine will, by April 30, 1974, be instructed on the function and use of the Coupling Lever and Hand Link Aligners.

(2) Thereafter, any new employee hired at the mine will be given instruction on the function and use of the Coupling Lever and Hand Link Aligners as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. The first such re-instruction shall be given during the first five work days in November 1974, the next during the first five work days in May 1975, etc., etc. Employees absent from work during these periods will be re-instructed within the first five works days after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and re-instruction.

(5) The requirement that, upon conversion of mine cars at this mine, coupling and uncoupling be done by means of Coupling Levers and Hand Link Aligners shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union bulletin boards at the mine.

(6) For the period March 30, 1974 through June 30, 1974, as each multiple mine car unit is converted and placed into operation, it will be subject to the modified standard set forth in this petition and such unit will only be coupled and uncoupled by use of the Coupling Lever Hand Link Aligner in accord with the modified standard. Effective July 1, 1974 all mine cars in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an administrative law judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by July 1, 1974 the petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement the Petitioner may request from the Office of Hearings and Appeals the assignment of an administrative law judge and conduct of a hearing for the purpose of determining whether an extension of time should be granted and, if granted, the duration of such extension. The parties by stipulation, or the assigned administrative law judge by order following notice to all parties and conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(7) The alternate method set forth above will provide no less than the same measure of protection to miners at the Pardee No. 1 mine than that sought to be afforded by Section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

APRIL 17, 1974.

[FR Doc.74–9618 Filed 4–25–74;8:45 am]

[Docket No. M74–84]

UNITED STATES FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), United States Fuel Company has filed a petition to modify the application of 30 CFR 75.1405 to its King Mine located at Hiawatha, Utah.

30 CFR 75.1405 reads as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with 75.1405 is 75.1405–1 which reads as follows:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

By its petition, Petitioner requests permission to continue to use its present haulage equipment until the present mine portals are phased out. The phase out will be acomplished within twelve months.

In support of its petition, Petitioner states:

(1) Petitioner currently has 400 mine coal cars in service. These cars are equipped with regular swivel link-and-pin couplers.

(2) The haulage cars are transported underground in 30-car trains, and are not regularly coupled and uncoupled. However, the train is split near the portal and 15-car trains are moved down a surface incline to the preparation plat where they move through the dump without uncoupling.

(3) When empty cars are returned to the portal they are taken into the mine in 30-car trains as previously described.

(4) Personnel and materials are transported into the subject mine in cars that are not regularly coupled and uncoupled.

(5) Some 400 mine coal cars now in service at the subject mine will be taken out of service when facilities at the new portals are completed. After March 30, 1975, Petitioner will transport all coal to the surface with belt conveyors.

(6) The use of cars and locomotives to transport personnel will be discontinued in 1974.

(7) Trains carrying materials will be modified to conform to regulations as rapidly as possible after the use of locomotives is discontinued.

(8) Inasmuch as the cars transporting coal, men and materials are not regularly coupled and uncoupled, no diminution of safety will result from using the present transportation procedures in the subject mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

APRIL 17, 1974.

[FR Doc.74–9620 Filed 4–25–74;8:45 am]

Office of the Secretary

ROBERT W. THOMAS, 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) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 29, 1974.

Dated: March 15, 1974.

ROBERT W. THOMAS, Jr.

[FR Doc.74–9617 Filed 4–25–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 495]

ASSIGNMENT OF HEARINGS

APRIL 23, 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 April 26, 1974.

MC 107012 Sub-193, North American Van Lines, Inc., now assigned May 13, 1974, at Atlanta, Ga., is cancelled and the application is dismissed.

No. 35976, Commutation Fares, Hudson Transit Lines, Inc., now assigned May 6, 1974, at New York, N.Y., is postponed to June 10, 1974, in Room B-2231, 26 Federal Plaza, New York, New York.

No. 35967, Household Goods, Increased Rates Nationwide, now assigned May 13, 1974, at Washington, D.C., is postponed to June 10, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35967 Sub 1, Household Goods, Increased Rates Nationwide, now assigned May 13, 1974, at Washington, D.C., IS postponed indefinitely.

I&S No. 8927, Special Placement or Receipt of Cars, I.C.G. RR Et Al., now assigned May 20, 1974, at Washington, D.C., is cancelled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-9658 Filed 4-25-74;8:45 am]

[No. F.D. 25538]

BURLINGTON NORTHERN INC.

Abandonment Between Harrison and Norris, Madison County, Mont.

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. §§ 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 Madison County, Mont., 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 17th day of April 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

INTERSTATE COMMERCE COMMISSION
NOTICE

BURLINGTON NORTHERN INC., ABANDONMENT BETWEEN HARRISON AND NORRIS, MADISON COUNTY, MONT.

The Interstate Commerce Commission gives notice that by order dated April 17, 1974, it has been determined that the proposed abandonment of the line of Burlington Northern Inc., between Harrison and Norris, Madison County, Mont., a distance of approximately 11.83 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. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of NEPA.

It was concluded, among other things, that since the embargo of the line in 1971, traffic previously hauled by the line has been transported by motor carriers, that this traffic has been minimal, and that alternative rail service is available in close proximity to the line to be abandoned at Harrison and Alder, Mont. 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 May 13, 1974.

[FR Doc.74-9654 Filed 4-25-74;8:45 am]

[Finance Docket No. 26961]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Calamine and Platteville, in Lafayette and Grant Counties, Wis.

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. 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 Grant and Lafayette Counties, Wis., within 15 days of the date of service of this order, and certify to the 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 17th day of April 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

INTERSTATE COMMERCE COMMISSION
NOTICE

Finance Docket No. 26961

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN CALAMINE AND PLATTEVILLE, IN LAFAYETTE AND GRANT COUNTIES, WIS.

The Interstate Commerce Commission hereby gives notice that by order dated April 17, 1974, it has been determined that the proposed abandonment of a line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Calamine and Platteville, in Grant and LaFayette Counties, Wis., a total distance of 18.42 miles, if approved by the Commission, does 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 proposed abandonment will be consistent with local land use plans; specifically, it will facilitate the construction of a flood control project along Bonner Creek. At the present time, rail service will still be maintained to the City of Platteville by a branch line of the Chicago and Northwestern Transportation Company. Therefore, the diversion of traffic from rail to truck will be minimal.

This 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 May 13, 1974.

[FR Doc.74-9660 Filed 4-25-74;8:45 am]

[No. AM-7 (Sub-No. 13)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment of Line Between Bozeman and Menard, Gallatin County, Mont.

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. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Gallatin County, Montana, within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

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 17th day of April 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

INTERSTATE COMMERCE COMMISSION

NOTICE

No. AM-7 (Sub-No. 13)

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT OF LINE BETWEEN BOZEMAN AND MENARD, GALATIN COUNTY, MONT.

The Interstate Commerce Commission hereby gives notice that by order dated April 17, 1974, it has been determined that the proposed abandonment of the line of Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Bozeman and Menard, Montana, a distance of approximately 23.34 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. §§ 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 this line is not substantial and is decreasing. Nearby alternative rail access is available and motor carrier service in the area is adequate, therefore, there will be a minimal impact on the area's total transportation and land use schemes. The right-of-way may be sold to adjoining property owners who might reclaim the land for agricultural purposes consistent with local land use patterns. 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 203-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423; telephone 202-343-1974.

[FR Doc.74-9655 Filed 4-25-74;8:45 am]

[Notice No. 57]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 22, 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 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 732 (Sub-No. 11 TA), filed April 11, 1974. Applicant: ALBINA TRANSFER COMPANY, INC., 705 N. Cook, Portland, Oreg. 97204. Applicant's representative: Nick I. Goyak, 404 Oregon National Bldg., 610 SW. Alder, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in sea-going cargo containers, between ports of entry located in Oregon and Washington on and west of Highway 97 on the one hand, and, on the other, points in Oregon and Washington on and west of Highway 97, restricted to the transportation of shipments having a prior or subsequent movement by water, through the ports and empty sea-going cargo containers, between points in Oregon and Washington on and west of Highway 97, for 180 days. SUPPORTING SHIPPERS: General Steamship Corporation, Ltd., 421 SW. Sixth, Portland, Oreg. 97204; J. T. Steeb & Co., Inc., 415 Oregon Pioneer Bldg., Portland, Oreg. 97204; States Steamship Company, 900 SW. Fifth, Portland, Oreg. 97204; Wagner Mining Equipment, Inc., P.O. Box 20307, Portland, Oreg. 97220; Port of Portland, Box 3529, Portland, Oreg. 97208. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 SW. Yamhill, Portland, Oreg. 97204.

No. MC 10173 (Sub-No. 16 TA), filed April 11, 1974. Applicant: MARVIN HAYES LINES, INC., P.O. Box 468, Clarksville, Tenn. 37040. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. 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, and those requiring special equipment), between Dover, Tenn. and Memphis, Tenn., serving no intermediate points: From Dover over U.S. Highway 79 to Memphis, and return over the same route, and from Dover over U.S. Highway 79 to junction U.S. Highway 45E at Milan, Tenn., thence over U.S. Highway 45E to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Interstate Highway 40 near Jackson, Tenn., thence over Interstate Highway 40 to junction Interstate Highway 240, and thence over Interstate Highway 240 to Memphis, and return over the same route, for 180 days.

RESTRICTION: Service is restricted against the transportation of traffic originating at, destined to, or interchanged at Louisville, Ky., and Nashville, Tenn., and points in their respective Commercial Zones as defined by the Commission.

NOTE.—Applicant states that he does intend to tack with his authority at Dover, Tenn., for movement to and from Clarksville, Tenn., and will interline with other carriers at Memphis, Tenn.

SUPPORTING SHIPPERS: There are various 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: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 56170 (Sub-No. 2 TA), filed April 11, 1974. Applicant: HENDERSON TRUCKING, INC., 173 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Edward F. Bowes, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet goods and cosmetics, and raw materials, supplies, and equipment* used in the manufacture and sale thereof, *machinery, office furniture, printed material, and premiums* incidental to the sale of toilet goods and cosmetics, from West Nyack, N.Y., to Nanuet and Rye, N.Y., for 180 days. SUPPORTING SHIPPER: Avon Products, Inc., Midland & Peck Aves., Rye, N.Y. 10580. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 95084 (Sub-No. 100 TA), filed April 8, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements, farm machinery and implements and parts, accessories and attachments* for agricultural and farm machinery and implements, from Cherokee and Forest City, Iowa, and Thief River Falls, Minn., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, New Mexico, South Dakota, Texas, Utah, and Washington, for 180 days. SUPPORTING SHIPPER: Lundell Mfg., Co., Inc., P.O. Box 171, Cherokee, Iowa 51012. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of

Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107839 (Sub-No. 156 TA), filed April 19, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC. 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat by-products 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, from Amarillo, Tex., to points in Alabama, Florida, North Carolina, Georgia, Mississippi, Louisiana, and Tennessee, restricted to the transportation of traffic originating at the plantsite and storage facilities of John Morrell & Co., for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 S. LaSalle St. Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 109708 (Sub-No. 58 TA), filed April 10, 1974. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., P.O. Box 1749, Fort Pierce, Fla. 33450. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock and vinegar*, in bulk, in tank vehicles, from Kent City, Mich. to Timberville and Winchester, Va. and Martinsburg, W. Va., for 180 days. SUPPORTING SHIPPER: National Fruit Products Co., Inc., P.O. Box 609, Winchester, Va. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, 5255 N.W. 87th Avenue, Suite 208, Miami, Fla. 33166.

No. MC 110420 (Sub-No. 711 TA), filed April 5, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrol corn sugar final molasses*, in bulk, in tank vehicles, from Chicago, Ill. to Atlas Point, Del. and Baltimore, Md., for 180 days. SUPPORTING SHIPPER: CPC International, Inc., International Plaza, Englewood Cliffs, N.J., 07632 (R. V. Haugen, Assistant Transportation Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 110589 (Sub-No. 28 TA), filed April 11, 1974. Applicant: J. E. LAMMERT TRANSFER, INC., Grand Island, Nebr. 68801. Applicant's representative: Kenneth F. Dudley, Yates Building, 611 Church Street, Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation equipment*, from points in Furnas County, Nebr. to points in Finney, Gray, Haskell, Kearny, and Grant Counties, Kans., for 180 days. SUPPORTING SHIPPER: Jack W. Saylor, Cambridge Mfg., Inc., doing business as, Arapahoe Irrigation, Box 467, Arapahoe, Nebr. 68922. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 112617 (Sub-No. 314 TA), filed April 10, 1974. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, Louisville, Ky. 40221. Applicant's representative: Bruce H. Kraemer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Dublin and Jordan, Ind., to points in Illinois, Kentucky, Michigan, and Ohio; and from Breese, Ill., to points in Indiana and Kentucky, for 180 days. SUPPORTING SHIPPER: J. J. Stefanec, Manager of Transportation Legislation, Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisiville, Ky. 40202.

No. MC 112822 (Sub-No. 325 TA), filed April 10, 1974. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products 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 of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Colorado, South Dakota, Nebraska, Michigan, Kansas, Missouri, Iowa, Minnesota, Indiana, Wisconsin, Illinois, Oklahoma, and Ohio, restricted to traffic originating at, and destined to, the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., Ralph L. McGee, Gen. Traffic Mgr., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240–Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 114273 (Sub-No. 172 TA), filed April 8, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, 3930 16th Ave. SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail, department, and grocery stores (except commodities in bulk, in tank vehicles), from Savannah, Ga., to points in Iowa, points in that part of Minnesota on and south of U.S. Highway 14, and Rock Island and Moline, Ill., for 180 days. SUPPORTING SHIPPER: S. S. Kresge Company, 3100 West Big Beaver, Troy, Mich. 48084. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building Des Moines, Iowa 50309.

No. MC 114789 (Sub.-No. 44 TA), filed April 10, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, puddings, and sauces*, from Madison, Wis., to points in Texas and Shreveport, La., for 180 days. SUPPORTING SHIPPER: Land O'Lakes, Inc., 614 McKinley Place, Minneapolis, Minn. 55413. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117686 (Sub-No. 146 TA), filed April 9, 1974. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75, North, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 309 Badgerow Bldg., Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products 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, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex., (Moore County), to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, and Minnesota, restricted to traffic originating at, and destined to, the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., Ralph L. McGee, Traffic Manager, 7000 W. Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza Building, Omaha, Nebr. 68102.

No. MC 118159 (Sub-No. 142 TA), filed April 15, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products 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, from Amarillo, Tex. to points in Arkansas, Louisiana, and Mississippi, restricted to shipments originating at the plantsite and facilities utilized by John Morrell & Co., for 180 days. SUPPORTING SHIPPER: Robert L. Lee, Manager of Rates and Services, John Morrell & Company, 208 S. LaSalle Street, Chicago, Ill. 60604. SEND PROTEST TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 118213 (Sub-No. 2 TA), filed April 10, 1974. Applicant: ANTHONY TAMMARO, INC., U.S. Highway 130, Robbinsville, N.J. 08691. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. 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 Baltimore, Md., to points in Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., Essex, Hudson, Bergen, Mercer, Middlesex, and Monmouth Counties, N.J., Philadelphia, Northampton, and Lackawanna Counties, Pa., and Fairfield County, Conn., for 180 days. SUPPORTING SHIPPER: Pan-American Fruit Co., 19 Rector Street, New York, N.Y. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 119767 (Sub-No. 313 TA), filed April 9, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, in equipment requiring mechanical refrigeration, from Ottawa, Ohio, to points in Iowa, Minnesota, South Dakota, and Wisconsin, restricted to shipments originating at Ottawa, Ohio, and stopping in transit to complete loading at Hoopeston, Ill., for 180 days. SUPPORTING SHIPPER: Gamble Robinson Co., 661 Fifth Avenue North, Minneapolis, Minn. 55405 (N. M. Corbett, Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126276 (Sub-No. 94 TA), filed April 9, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from New Market, N.J. and Baltimore, Md. to Cicero, Ill., for 180 days. SUPPORTING SHIPPER: Ms. LaVerne W. Myers, Manager, Administration, Traffic Corporate, Traffic Department, Continental Can Company, Inc., 633 Third Avenue, New York, N.Y. 10017. 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 126844 (29 TA), filed April 10, 1974. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. 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, from Amarillo, Tex., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia, restricted to shipments originating at the plantsite and facilities utilized by John Morrell & Co., for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 South LaSalle St., Chicago, Ill. 60604. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 128375 (Sub-No. 109 TA), filed April 11, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 249, 1444 Main Street, Lincoln, Nebr. 68333. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco products and related items* (except cigarettes), from Owensboro, Ky. and its Commercial Zone to Sacramento, Calif. and its Commercial Zone, for 180 days. SUPPORTING SHIPPER: W. R. Suitt, Director of Distribution, Liggett & Myers, Incorporated, P.O. Box 3868, Durham, N.C. 27702. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 135082 (Sub-No. 6 TA), filed April 9, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road, N.E., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *agricultural implements, and farm machinery, attachments for tractors, and parts* of the above when moving in mixed loads therewith, restricted against "items requiring special equipment," from the depot of the Ford tractor operations located at Grandview, Mo., to points in Colorado, New Mexico, and Utah, for 180 days. SUPPORTING SHIPPERS: There are approximately 13 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: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, N. Mex. 87101.

No. MC 135684 (Sub-No. 4 TA), filed April 10, 1974. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bags, for the account of Calcium Products Corporation, from the plantsite in Irvington, Ky., to points in Massachusetts, New York, New Jersey, Rhode Island, Connecticut, Delaware, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Calcium Products Corporation, P.O. Drawer 270, Aurora, Ind. 47001. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 135861 (Sub-No. 6 TA), filed April 10, 1974. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, 2800 N. Main Street, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, 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, in tank vehicles), for the account of American Beef Packers, Inc. from the plantsite of and storage facilities utilized by American Beef Packers, Inc. at or near Cactus, Tex. (Moore County), to

points in Virginia, Maryland, District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, restricted to traffic originating at, and destined to, the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 136914 (Sub-No. 2 TA), filed April 8, 1974. Applicant: WALLACE E. BROWN, Route #2, Box 130, Grand Junction, Tenn. 38039. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Gallaway, Tenn., to points in Arkansas, Oklahoma, Missouri, Indiana, Alabama, Georgia, Kentucky, Louisiana, Texas, Mississippi, and Illinois, for 180 days. SUPPORTING SHIPPER: Southern Brick & Masonry Manufacturing Co., 2412 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. SEND PROTESTS TO: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 138875 (Sub-No. 18 TA), filed April 10, 1974. Applicant: SHOEMAKER TRUCKING COMPANY, 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: Kent B. Power, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products and composition board*, (1) From Pendleton, Oreg., and points in Oregon within ten miles thereof, points in Baker and Union Counties, Oreg., and points in that part of Oregon on and west of U.S. Highway 97, and points in that part of Washington on and west of U.S. Highway 99, to points in that part of Oregon south of the southern boundary of Idaho County, Idaho with no transportation for compensation on return except as otherwise provided; and (2) from points in Cowlitz, Skamania, Klickitat, and Yakima Counties, Wash., and points in Washington on and west of Interstate Highway 5 to points in Baker, Grant, Malheur, Umatilla, and Union Counties, Oreg., for 180 days. SUPPORTING SHIPPERS: Chandler Supply Company, 1301 North Orchard, Boise, Idaho 83704; Sioux Veneer Panel Company, 1700 River Street, Boise Idaho; Idaho Forest Products, Inc., 320 South 13th, Boise, Idaho; Kaiser-Gypsum Corporation, 300 Lakeside Drive, Oakland, Calif. 94604. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 139193 (Sub-No. 8 TA), filed April 12, 1974. Applicant: ROBERT & OAKE, INC., 208 S. LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, 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*, 66 M.C.C. 209 (1952), from Amarillo, Tex., to points in the United States (except Alaska and Hawaii); and (2) *such commodities* as are used by meat packers in the conduct of their business, from points in the United States (except Alaska and Hawaii) to Amarillo, Tex., restricted to traffic transported under contracts with John Morrell & Co., for 180 days. SUPPORTING SHIPPER: Robert L. Lee, John Morrell & Co., Manager of Rates & Services, 208 S. LaSalle Street, Chicago, Ill. 60604. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139486 TA (CORRECTION), filed February 4, 1974, published in the FEDERAL REGISTER, February 20, 1974, and republished as corrected this issue. Applicant: ARLISS R. DAVIES, doing business as DAVIES FARM & BUILDING SUPPLY, P.O. Box 423, Rexburg, Idaho 83440. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation pipe*, from Portland, Clackamas County, Oreg., and from Seattle, Pierce County, Wash., to Rexburg, Madison Co., Idaho; and (2) *Coal*, from Price, Utah County, Utah to Rexburg, Madison Co., Idaho, for 180 days.

NOTE.—Applicant does not intend to tack authority or to interline with any other carrier.

SUPPORTING SHIPPERS: Gem State Irrigation, Inc., P.O. Box 351, Rexburg, Idaho 83440; Gordon E. Johnson, Box 325, Sugar City, Idaho 83448. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

NOTE.—The purpose of this republication is to redescribe the territory and commodity description shown in the previous publication.

No. MC 139634 TA (CORRECTION), filed March 27, 1974, published in the FEDERAL REGISTER issue of April 12, 1974 as No. MC 139963, and republished in part as corrected this issue. Applicant: MORRIS TRANSPORTATION, INC., 730—11th Street, Oakland, Calif. 94606. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, Calif. 94102.

NOTE.—The purpose of this partial republication is to indicate the correct Docket number assigned to this proceeding in No. MC 139634 TA. The rest of the application remains the same.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-9659 Filed 4-25-74;8:45 am]

[Notice No. 69]

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 May 16, 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-74678. By order of April 11, 1974, the Motor Carrier Board approved the transfer to Agri Trucking, Inc., Denver, Colo., of Permits Nos. MC-133436 (Sub-No. 6), and MC-133436 (Sub-No. 10), both issued March 19, 1974 to Dudden Elevator, Inc., Ogallala, Nebr., authorizing the transportation of: Inedible meat products, and articles distributed by meat packing houses, between points in the United States, except Alaska and Hawaii.

Charles Kimball, 1600 Broadway, Denver, Colo. 80202, Attorney for applicants.

No. MC-FC-75053. By order entered April 18, 1974, the Motor Carrier Board approved the transfer to Chipman Moving & Storage (Spokane), Inc., Spokane, Wash., of that portion of the operating rights set forth in Certificate No. MC-106191, issued December 17, 1957, to A. L. Chipman, doing business as Goodwin Moving & Storage Company, Vallejo, Calif., authorizing the transportation of household goods, between points in Idaho, Washington, Montana, and Oregon; and general commodities, with the usual exceptions, between Spokane, Wash., on the one hand, and, on the other, points within three miles of Spokane.

Granville T. Harper, 140 Montgomery St., San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75054. By order entered April 18, 1974, the Motor Carrier Board approved the transfer to Chipman Van & Storage Inc., Vallejo, Calif., of that portion of the operating rights set forth in

Certificate No. MC–106919 issued December 17, 1957 and the entire operating rights set forth in Certificate No. MC–106919 (Sub-No. 3), issued October 13, 1971 to A. L. Chipman, doing business as Goodwin Moving & Storage Company, Vallejo, Calif., authorizing the transportation of household goods, as defined by the Commission, between points in California within 50 miles of Vallejo, Calif., including Vallejo, with certain restrictions; and used household goods, between specified counties in California, subject to certain restrictions.

Granville T. Harper, 140 Montgomery St., San Francisco, Calif., 94104, attorney for applicants.

No. MC–FC–75079. By order of April 18, 1974, the Motor Carrier Board approved the transfer to Douglas L. Turner, Elliott, Iowa, of Certificate No. MC–51844 issued January 5, 1965, to LeRoy Baker, Elliott, Iowa, authorizing the transportation of specified agricultural commodities, lumber, coal, sand, and gravel, from, to, and between Omaha, Nebr., Elliott, Iowa, Plattsmouth, Nebr. Kansas City, Kans., and Kansas City, and St. Joseph, Mo.

Mr. Patrick E. Quinn, Attorney for transferee, 605 So. 14th, P.O. Box 82028, Lincoln, Nebraska 68501.

No. MC–FC–75081. By order of April 17, 1974, the Motor Carrier Board approved the transfer to Niagara Frontier Transit Metro System, Inc., Buffalo, N.Y., of the operating rights in Certificates No. MC–4150 and MC–4150 (Sub-No. 1), issued June 25, 1954 and May 25, 1961 respectively to Niagara Frontier Transit System, Inc., Buffalo, N.Y., authorizing the transportation of passengers and their baggage, in round trip charter operations from and to specified points and areas in New York, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, Vermont and the District of Columbia.

Marion Henderson, 1600 Statler Hilton Hotel, Buffalo, N.Y., 14202 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–9656 Filed 4–25–74;8:45 am]

[Notice No. 68]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 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 General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 28, 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–74747. By order of April 18, 1974, Division 3, acting as an Appellate Division, approved the transfer to BHY Trucking, Inc., Paramount, Calif., of the operating rights in Certificate No. MC–9009 issued April 21, 1941, to Advance Truck Company, a corporation, Long Beach, Calif., authorizing the transportation of general commodities, with named exceptions, between Los Angeles and Long Beach Harbor, Calif., on the one hand, and, on the other, points in Los Angeles County, Calif., within 30 miles of Wilmington, Calif., and cast iron pipe and fittings, and oil-well machinery and supplies, between Los Angeles Harbor and Long Beach Harbor, Calif., on the one hand, and, on the other, Wilmington, Calif., and points within 250 miles of Wilmington.

Milton W. Flack, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010 and Marvin Handler, 100 Pine Street, San Francisco, Calif. 94111, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–9657 Filed 4–25–74;8:45 am]

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Volume 39 ■ Number 82

PART II

DEPARTMENT OF THE TREASURY

Office of the Secretary

■

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Preparation and Coordination

DEPARTMENT OF THE TREASURY

Office of the Secretary

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Preparation and Coordination

On February 4, 1974 the Department of the Treasury published in the FEDERAL REGISTER (39 FR 4980) for public comment a proposed revision of its Procedures for the Preparation and Coordination of Environmental Impact Statements under section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. Section 4332(2)(C)) pursuant to amended Guidelines established by the Council on Environmental Quality on August 1, 1973 (38 FR 20550). Comments were requested on or before March 29, 1974.

No comments have been received from the public or any other source outside the Department. Accordingly, after consultation with the Council on Environmental Quality, the Procedures are herewith issued in definitive form with minor changes, primarily of an editorial nature, resulting from observations of the Council and from further internal consideration within the Department.

These procedures shall be effective May 1, 1974.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

APRIL 16, 1974.

The Departmental Procedures for Preparation and Coordination of Environmental Impact Statements under section 102(2)(C) of the National Environmental Policy Act of 1969, which were issued on July 30, 1971 (36 FR 14221), are amended as follows:

Authority. The following procedures are established, after consultation with the Council on Environmental Quality, in accordance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190 (42 U.S.C. 4332(2)(C)), hereinafter referred to as NEPA; section 2 of Executive Order 11514 (42 U.S.C. 4321 note); and § 1500.3 of the Guidelines for Preparation of Environmental Impact Statements promulgated by the Council on Environmental Quality, 40 CFR Part 1500 (38 FR 20550), hereby incorporated by reference and hereafter referred to as the CEQ Guidelines. Since these procedures constitute a general statement of policy, notice and public procedure under 5 U.S.C. 553 are unnecessary.

Scope. These procedures apply to the recognition of the need for environmental impact statements with respect to proposals for legislation and other major actions significantly affecting the quality of the human environment, to the preparation of such statements, and to their circulation and review within and outside the Department of the Treasury. The procedures also provide for appropriate action with respect to environmental impact statements submitted to the Department for comment. All bureaus, offices, and other components of the Department, hereafter referred to as bureaus, are required to follow these procedures in dealing with environmental impact statements. These procedures are to be applied in the light of the definitions and instructions in the CEQ Guidelines. They relate to all steps in the preparation and circulation of environmental impact statements occurring subsequent to April 30, 1974. After that date, the procedures published in 36 FR 14221 are superseded without affecting the sufficiency of any action taken previously.

Content. These procedures provide for:

(a) Designation of the officials responsible for environmental impact statements.

(b) Identification of the proposed actions within the Department requiring environmental impact statements, the pertinent departmental review process, and the time scheduling for consultations required by section 102(2)(C) of NEPA.

(c) Obtaining of the information required in the preparation of environmental impact statements.

(d) Consultation with and taking account of the comments of appropriate Federal, State, and local agencies, including the Administrator of the Environmental Protection Agency as to the environmental impact of matters under section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and § 1500.9(b) of the CEQ Guidelines.

(e) Making suitable arrangements as required by section 2(b) of Executive Order 11514 and § 1500.6(e) of the CEQ Guidelines, for timely public information on departmental plans and programs with environmental impact, including procedures relating to (i) the use of environmental impact statements in departmental policy and action review processes, (ii) the appropriate distribution of environmental impact statements, and (iii) the availability to the public of environmental impact statements and comments received thereon.

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12 Treasury comments on statements of other agencies.

1. *Designation of responsible officials.* (a) There shall be in the Office of the Secretary a Departmental Environmental Quality Officer (EQO), designated by the Secretary, who shall (i) be the liaison official for the Department with the Council on Environmental Quality, the Environmental Protection Agency, and other departments and agencies concerning environmental matters, (ii) insure that the actions of the bureaus with respect to the fulfillment of NEPA are duly coordinated, (iii) provide guidance to bureaus on environmental policy and requirements, (iv) assist bureaus in reviewing and assessing the environmental impact of proposed Treasury actions, (v) provide guidance in the preparation, processing, and distribution of environmental impact statements, (vi) receive for clearance action all environmental impact statements, draft and final, originating in the Department, (vii) receive all environmental impact statements submitted by other agencies to the Department and coordinate the appropriate review and reply, (viii) perform such other functions as are specified in these procedures or are appropriate under the CEQ Guidelines or other instructions or recommendations of CEQ.

(b) Responsibility for the preparation and appropriate circulation of environmental impact statements shall rest with the head of the bureau with jurisdiction over the action or policy area in question.

(c) Each bureau is directed to designate a Bureau Environmental Quality Officer (EQO), and alternate, with continuing staff responsibility for (i) identifying bureau actions requiring an environmental impact statement; (ii) making sure that each required statement is prepared timely and with the prescribed content by appropriate staff members; (iii) ensuring the bureau's compliance with the requirements of NEPA, the CEQ Guidelines, and these Departmental procedures, in particular by coordinating the review within the bureau of such statements, and (iv) maintaining compliance with all applicable scheduling, consultation, circulation, and publicity requirements. The Bureau EQO will also be expected to maintain effective communication and consultation with the Departmental EQO and to keep key officials in his bureau informed of current developments in environmental policy and porgrams, particularly under NEPA.

The fulfillment of these duties will require constant and active attention by the Environmental Quality Officer to all operations of his bureau to insure that the possible applicability of NEPA is timely taken into account in all relevant cases and that, if an impact statement may be needed, the requirements of the Act, the CEQ Guidelines, these procedures, and any other instructions of the Department and the supplemental procedures, if any, issued by the bureau are promptly and fully followed.

(d) Letters transmitting environmental impact statements to the CEQ (section 9(a), below), as well as any reports

or other communications to the Council, shall be addressed to its Chairman and shall be signed by the Departmental EQO. Unless special circumstances indicate that a different officer should act, communications announcing decisions to prepare environmental impact statements (section 2(e), below), requesting comments on draft statements (section 7, below), or transmitting final statements for the information of agencies or persons commenting on draft statements (section 9(c), below), shall also be signed by the Departmental EQO and, in the case of a Federal agency, shall be addressed to its Departmental Environmental Quality Officer or equivalent official. In addition to the above, all Departmental contacts with CEQ, EPA, and other governmental agencies, or with nongovernmental organizations or individuals, on environmental matters shall be through or coordinated with the Departmental EQO.

(e) The assessment of the environmental impact of actions concerning various areas of Treasury policy and operations specified below and the preparation of environmental impact statements relating thereto shall be coordinated, in consultation with the Departmental EQO, with the officer having primary responsibility as follows:

Action area	*Officer with coordinating responsibility*
Administration of facilities, physical operations, procurement, contracts, leases, etc.	Assistant Secretary for Administration.
Tax policy recommendations, legislation, and regulations.	Assistant Secretary for Tax Policy.
Nontax legislative recommendations and reports.	General Counsel.
International environmental matters	Assistant Secretary for International Affairs.
Energy and natural resource matters	Special Assistant to the Deputy Secretary.

(f) The heads of bureaus having operations which are affected by special considerations are hereby authorized to issue supplementary procedures consistent with these Departmental procedures for the implementation of NEPA. Any such procedures, or amendments thereof, issued after April 30, 1974 shall be submitted for review and concurrence by the Departmental EQO, and any procedures in existence at such date shall, with similar review and concurrence, be revised in accordance with the CEQ Guidelines and these Departmental procedures. Such procedures, unless relating purely to the internal administration of the bureau, shall be published in the FEDERAL REGISTER.

(g) The Departmental EQO, and at his request, the respective bureau or bureaus, shall be responsive to requests from the CEQ for reports or other information in connection with the implementation of NEPA and for the preparation and circulation of environmental impact statements, as required by § 1500.11(f) of the Guidelines.

2. *Identification of actions requiring environmental impact statements.* (a) Each bureau shall insure that all employees with responsibility for actions potentially affecting the environment are informed of the requirements of this Departmental procedure.

(b) Whenever it appears that any matter, including the continuance of any action or program already initiated, is likely to fall within the requirements of section 102(2)(C) of NEPA as constituting a proposal for legislation or other major Federal action significantly affecting the quality of the human environment, whether beneficially or adversely, the environmental implications are to be explored promptly and in all events prior to the decision to take or to continue the action (See CEQ Guidelines, §§ 1500.2 and 1500.7). In all such cases early notification shall be given by the responsible bureau official to the Bureau EQO, who shall obtain the views of the Departmental EQO, and a determination as to the potential environmental effects of the action and the consequent need or absence of need to submit an impact statement in connection with it shall be made by the bureau and, in the case of a negative determination in accordance with subsection (i), below, appropriately documented. If it appears appropriate in making such a determination, agencies outside the Department having expertise in matters involved should be consulted. Agencies with special environmental expertise are listed in Appendix II of the CEQ Guidelines. Non-governmental organizations or individuals believed to have special knowledge should also be consulted when it appears appropriate. The appraisal provided for in this paragraph shall take place as early in the bureau's consideration of the proposed action as possible (Guidelines, § 1500.2 (a)).

(c) A basic guide to the wide range of actions, including the establishment or continuance of programs, with respect to which an environmental impact statement may be appropriate and general criteria for determining which actions constitute major Federal actions and involve a significant impact on the environment are provided in § 1500.6 of the CEQ Guidelines. The underlying national environmental policy considerations are set forth in section 101 of NEPA and Executive Order 11514. It should be clearly understood that impact statements are not intended to be justification documents for proposed actions but are to be objective assessments of actions and their alternatives in the light of all reasonably pertinent environmental considerations (Guidelines, § 1500.7(a)).

(b) Because the Department of the Treasury does not, in general, have responsibility for programs or activities under which each operation will normally affect the quality of the human environment, it is difficult to establish detailed criteria for determining what proposed actions within the Department should be the subject of an impact statement. For this reason, it is especially important that each bureau use careful judgment in determining when an environmental impact statement might be required pursuant to the criteria established in NEPA and in the CEQ Guidelines, including the indications of types of environmental impact presented by the subject headings in Appendix II of the Guidelines. It should be noted that, as set forth more fully in § 1500.5 of the CEQ Guidelines, actions on which a statement may be required include but are not limited to (i) recommendations or favorable reports relating to legislation, including requests for appropriations, (ii) new and continuing projects or program activities, including those supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance (except under such legislation as the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq.), (iii) the making or modification of regulations, rules, procedures, and policy.

Examples of possible Treasury actions within the respective categories might be (1) proposals of legislation relating to taxation bearing on the utilization of natural resources or affecting the depreciation of structures, (2) major building projects under the sponsorship of the Department, (3) revenue rulings to be published under existing tax law relating to depreciation allowances or other actions which might affect natural resource development and consumption, (4) rulings under the legislation relating to alcohol which might result in the utilization of new substances for packaging.

In order to facilitate compliance as far as possible with the requirements of § 1500.6(c) of the CEQ Guidelines that each agency shall develop specific criteria and methods for identifying those actions likely to require environmental statements, each bureau shall submit to the Departmental EQO on or before May 31, 1974, a list of the actions, if any, within its jurisdiction which it considers would normally require impact statements and a list of those which may require statements depending on the circumstances. Pursuant to § 1500.7(d) of the Guidelines, the lists should indicate any types of action which would appear to require public hearings as to environmental aspects.

In view of the nature of Treasury activities referred to above, no effort need be made to list actions which normally would not require statements, unless the bureau believes that there is some special reason to do so as to a particular category. Since legislative matters will be subject to Department-wide criteria, they may be omitted unless the bureau considers that there is some particular need to set forth types of legislation with which it is concerned.

(e) When a decision to prepare an environmental impact statement on a proposed administrative action is made, it shall promptly be announced in the FEDERAL REGISTER. The Departmental EQO will provide the Bureau EQO with a sample of such an announcement and information on the procedures to be followed. In addition, whenever an announcement is published, letters transmitting a copy shall be sent to each agency or person, public or private, believed to have a special interest in or knowldege of the matter (see CEQ Guidelines, § 1500.6(e)).

(f) The Departmental EQO shall cause to be maintained for public inspection a list of all matters in the Department as to which it has been decided to prepare an impact statement, shall consolidate the list quarterly, and as it is so revised, shall transmit it to the Council (see CEQ Guidelines, § 1500.6(e)).

(g) Each impact statement shall first be issued in draft, for comment by government agencies and the public as appropriate. A final statement responsive to comments received shall then be issued. The requirements for the preparation and circulation of the draft and final statements are indicated in sections 3 through 10 below.

(h) Whenever under the normal policies or procedures of a bureau a hearing would be held on a matter requiring the preparation of an environmental impact statement, the environmental aspects should be included in the hearing. In other cases the question of whether a hearing should be held with respect to an environmental matter shall be determined in accordance with the criteria set forth in § 1500.3(d) of the Guidelines. Normally, all hearings contemplated in this paragraph should be based on a draft environmental impact statement, which should in any event be made available to the public at least 15 days before the hearing.

(i) If as the result of the consideration of a proposed action as provided for by (b) above it is determined that no environmental impact statement is required under section 102(2) (C) of NEPA, a succinct but complete environmental assessment (negative impact statement) describing the action, the environmental impacts considered and the reasons why it has been concluded that an impact statement need not be filed shall be prepared by the head of the bureau having jurisdiction over the matter or by an officer specifically designated by him for the purpose. The Bureau EQO shall participate as appropriate in the preparation of such assessments, which shall be submitted for the review and approval of the Departmental EQO. A file of such assessments, available for public inspection, shall be maintained by the Bureau EQO (see CEQ Guidelines, § 1500.6(e)).

3. *Time scheduling.* (a) The timing of the preparation, circulation, submission, and public availability of environmental impact statements is of vital importance, and the minimum time schedules set forth in §§ 1500.9(f) and 1500.11(b) and (c), and, when pertinent, § 1500.7(d) of the CEQ Guidelines shall be carefully followed.

(b) In general, these time schedules require observance of the following time periods;

(i) Not less than 45 days for comment on draft statements, subject to a possible extension of up to 15 days (see CEQ Guidelines, § 1500.9(f));

(ii) Not less than 90-day and 30-day periods, respectively, which may run concurrently, for public availability of draft and final statements prior to administrative actions (CEQ Guidelines, § 1500.11(b));

(iii) Not less than 15 days for public availability of draft statements prior to any relevant hearings on proposed administrative actions (CEQ Guidelines, § 1500.7(d)).

(c) The periods specified in the preceding subsection are to be calculated from the date on which the CEQ has published in the FEDERAL REGISTER a weekly list in which the respective statement is included (CEQ Guidelines, § 1500.11(c)).

(d) In case the scheduling of Congressional hearings with respect to legislative proposals does not permit fulfillment of the normal time periods and related procedures, a draft statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text (CEQ Guidelines, § 1500.12(b)).

(e) In the event of emergencies or overriding considerations of expense, the CEQ may be consulted, through the Departmental EQO, on possible variations of the specified periods (CEQ Guidelines, § 1500.11(e)).

4. *General considerations as to utilization of impact statements.* (a) Environmental impact statements are to be utilized with the greatest effectiveness possible in the process of assessing and reviewing proposed departmental policies, programs, and projects. All bureaus should take special care in determining at what stage or stages of a series of actions relating to a particular matter the environmental impact statement procedures covered by this directive shall be applied. As already indicated (section 2(b) above), the preparation of a requisite impact statement should be undertaken as early as possible in the bureau's process of considering the respective proposal. The normal process of the bureau for consideration and review of actions shall be followed, with such adjustment, particularly as to time periods, as may be necessary to permit ample fulfillment of the requirements of NEPA, the CEQ Guidelines, and these procedures (see CEQ Guidelines, §§ 1500.3(a) and 1500.11(b)).

(b) As indicated in § 1500.9(a) of the CEQ Guidelines and contemplated in section 2(b) above, a general principle to be applied is to obtain the views of other agencies at the earliest feasible time in the development of program or project proposals. Duplication in the clearance process should be avoided, but significant changes or redirections of a proposal may call for further environmental analysis and comment (CEQ Guidelines, § 1500.11(b)).

(c) If the action to be dealt with in an impact statement involves an applicant, the bureau should, if any interim activity of such person is otherwise permissible under the requirements normally applicable, establish limitations thereon pending completion and review of the final statement relating to the matter, so as to prevent any prejudice to the full consideration of the environmental aspects.

5. *EPA procedures under the Clean Air Act.* (a) The attention of all bureaus and bureau EQOs is specifically directed to § 1500.9(b) of the CEQ Guidelines which, pursuant to section 309 of the Clean Air Act (42 U.S.C. 1857h–7), requires that comment from the Environmental Protection Agency (EPA) is to be requested on the environmental impact of proposed legislation and regulations and of new construction projects and any major action significantly affecting the quality of the human environment, in areas of EPA responsibility, which include: Air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, and generally applicable environmental radiation criteria and standards.

(b) Where an environmental impact statement is being filed with EPA for comment, no special additional procedure is required. However, proposed legislation or regulations in areas of EPA responsibility must be referred to that agency for comment, even if no environmental impact statement under section 102(2)(C) of NEPA is to be filed.

6. *Securing information required in preparation of environmental impact statements.* (a) The full resources of the Department should be tapped in developing the factual and analytic information and reference sources required in the preparation of an environmental impact statement. Further, in the great majority of instances, the assistance of other agencies with jurisdiction by law or special expertise concerning the environmental impacts involved should be sought. See section 2(b) above, and § 1500.9(a) and Appendixes II and III of the CEQ Guidelines, which list the agencies to be consulted.

(b) If Bureau EQOs have difficulties in securing requisite information or need guidance in making the neecssary analysis, they should consult with the Departmental EQO, who will assist in locating needed information through appropriate staff members of the Council on Environmental Quality, the Office of Management and Budget, and the Environmental Protection Agency, or other pertinent sources.

7. *Obtaining of comments on draft statements.* (a) With respect to draft environmental impact statements, it is essential that the bureaus consult with and take account of the comments of appropriate Federal, state, and local

agencies. Initially this consultation may take the form of informal fact finding and analytical advice in the preparation of impact statements, as contemplated in sections 2 and 6 above, but in any event, consultation shall involve the formal solicitation of review and comments on the draft statement (CEQ Guidelines, § 1500.9(a)–(b)). When appropriate, the procedures set forth in Office of Management and Budget Circular No. A–95 for obtaining state and local comments through clearing houses shall be utilized (CEQ Guidelines, § 1500.9(c)).

(b) Comments should also be requested from private organizations or persons which appear to have a special interest in some significant environmental aspect of the proposed action (CEQ Guidelines, § 1500.9(d)).

8. *Content of environmental impact statements.* (a) Environmental impact statements are to provide adequate, meaningful, and factual information and analysis to permit an evaluation of the action from the environmental standpoint. Perfunctory generalities are not acceptable, but, on the other hand, information should be conveyed as succinctly and understandably as the subject will permit. Quantitative information about the proposed action, including actual or estimated data on its probable effects, should be included to the furthest extent practicable. Where a cost-benefit analysis of the proposed action has been prepared, this analysis should be attached to the environmental impact statement sent to the commenting agencies and to the Council on Environmental Quality and made available to the public.

(b) The basic content requirements for a draft statement are set forth in § 1500.8 of the CEQ Guidelines and those for a final statement in § 1500.10. Appendix I of the Guidelines provides the format of a summary sheet which must accompany each draft and final statement. Statements by all bureaus shall follow the prescribed outline and content requirements as closely as is feasible in each particular case.

(c) All reasonable alternatives and their environmental impacts are to be discussed, regardless of whether or not they are within the authorty of the Department (CEQ Guidelines, § 1500.8(a)(4)).

(d) Any substantial points of view in opposition to the proposed action on environmental grounds which are known to exist shall be described in the draft statement as well as in the final statement. So far as possible, quotations of salient passages from expressions of such points of view should be included to make sure there is no doubt that they have been accurately presented. As to final statements, CEQ has directed (Guidelines, § 1500.10(a)) that all substantive comments (or if any is exceptionally voluminous, a summary thereof) received on the draft should be attached to each copy, whether or not each such comment is thought to merit individual discussion in the text of the statement.

(e) Each draft and final statement should refer to the underlying studies, reports and other documents considered by the preparing bureau and should indicate how such documents may be obtained. In general, with the exception of standard reference documents such as Congressional materials, the bureau should mantain a file of the respective documents which may be consulted by interested persons. Even if especially significant documents are attached to the statement, care should be taken to insure that it remains an essentially self-contained instrument easily understood by the reader without the need for undue cross reference (CEQ Guidelines, § 1500.8(b)).

(f) Environmental impact statements should, to the extent possible, include statements or findings concerning environmental impact required by other statutes, such as section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Section 470f), with a view to the issuance of a single document meeting all applicable requirements. Any procedures or instructions issued by the Federal agency having jurisdiction with regard to such a statute should, of course, be consulted in the preparation of the combined statement (CEQ Guidelines, § 1500.9(a)).

9. *Filing and distribution of environmental impact statements.* (a) Five copies of each draft or final statement are to be filed with CEQ (Guidelines, § 1500.11(a) and supplemental CEQ instructions of March 1, 1974).

(b) At the same time that each draft statement is filed with the Council, copies should also be sent to all pertinent entities, i.e., Federal, state, and local agencies, and private organizations and individuals (CEQ Guidelines, § 1500.9).

(c) At the same time that each final statement is filed with the Council, copies should also be sent to all entities which made substantive comments on the draft statement, or requested a copy, so that they may be appropriately informed (CEQ Guidelines, § 1500.10(b)).

10. *Availability of environmental impact statements to the public.* (a) Environmental impact statements, both draft and final, and any substantive comments thereon shall be made availble to the public pursuant to the Freedom of Information Act (5 U.S.C. 552), the Department's regulations thereunder (31 CFR Part 1), and the disclosure regulations of the bureau. These documents are to be placed in the public reading room in the Treasury Library in the Main Treasury Building in Washington, D.C., and the public reading rooms of the bureau if any are maintained, and may be read or copied during working hours. When appropriate, copies of each statement shall also be made available through State, regional, and metropolitan clearinghouses, or such alternate point as the Governor of the respective State may designate to CEQ (Guidelines, § 1500.11(d)).

(b) A notice of the filing and availability of each environmental impact statement, draft and final, shall be inserted in the FEDERAL REGISTER by the resonsible bureau. The Departmental EQO will supply a sample outline of such notices and information on the procedures to be followed. Whenever appropriate, bureaus should also utilize, in coordination with the Departmental EQO, other methods for publicizing the existence of draft statements, such as, for example, supplying information to local newspapers or sending notice direct to nongovernmental groups or persons believed to be interested (CEQ Guidelines, § 1500.9(d)).

(c) Each statement should be reproduced in a number of copies sufficient to meet the anticipated demands, not only of agencies, organizations, and individuals who must receive copies as required by section 9 above (§§ 1500.9 and 1500.10(b) of the CEQ Guidelines), but also for a reasonable number of additional requests. In determining the quantity of each statement to be reproduced, account should be taken of the fact that the arrangement between CEQ and the National Technical Information Service (NTIS) of the Department of Commerce, whereby NTIS was prepared to supply copies of statements to the public, has been terminated. Copies to be made available to the public shall normally be provided without charge, but when costs are significant, the bureau may, with the approval of the Departmental EQO, establish a fee which shall not exceed the actual cost per copy of reproducing the copies additional to those required to be sent to other Federal agencies (CEQ Guidelines, § 1500.9(d)).

11. *Utilization of final impact statements in decisional process.* (a) Section 102(2)(C) of NEPA requires that the final environmental impact statement shall accompany the proposal to which it relates through the agency review process.

(b) In this process pertinent non-environmental factors are to be considered and balanced with those relating to the environment. It is requisite that the entire process be based on an administrative record in which the statement is included and fully taken into account together with the relevant non-environmental factors presented in the record. At each level of the review process an appropriate document of finding, conclusion, and decision carefully weighing the environmental considerations and the other relevant factors appearing in the record should be prepared by the responsible officer. In the initial stages this document may take the form of a recommendation to higher authority. Although no significant factor should be neglected, the document should give particular attention to any appreciable adverse environmental effects set forth in the impact statement and should closely, though succinctly, balance them with any other relevant interests and considerations of Federal policy set forth in the record, including particularly an analysis of the alternatives to the proposed action and their relationship to the non-environmental factors. The final decision may of course rely on the recommendations of subordinate officers, but if there is any variation it should

contain sufficient analysis to make clear the essential bases of the determination.

12. *Treasury comments on statements of other agencies.* (a) As set forth in section 1(a)(vii) above and pursuant to Appendix III of the CEQ Guidelines, the Departmental EQO shall receive all environmental impact statements submitted by other agencies for comment and coordinate the appropriate review and reply. If any bureau receives a request for comment direct from another agency, the request, together with the respective statement, shall be referred to the Departmental EQO for appropriate action.

(b) Comments should of course be confined to matters within the jurisdiction or expertise of the Department. However, comments need not be limited to environmental aspects but may relate to fiscal, economic, and other non-environmental matters of concern to the Department.

(c) At the time comments are sent to the agency responsible for a statement, five copies shall be forwarded to the CEQ by the Departmental EQO (CEQ Guidelines, § 1500.11(a)). Copies of replies indicating that the Department has no comment on an impact statement should not be forwarded to the CEQ.

(d) With regard to requests for comment on statements relating to proposals for legislation, close coordination shall be maintained between the office of the Departmental EQO and Office of the General Counsel in relation to the latter's normal responsibility concerning departmental comments on legislative proposals themselves.

Effective date. These procedures are effective as of May 1, 1974.

[FR Doc.74–9568 Filed 4–25–74;8:45 am]

federal register

FRIDAY, APRIL 26, 1974

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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 modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Georgia	AQ–4108
North Carolina	AQ–4105

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AQ–4095; AQ–4096	Mar. 29, 1974
California:	
AQ–1087	Feb. 22, 1974
AQ–1088	Mar. 1, 1974
Illinois:	
AQ–3086; AQ–3087; AQ–3088; AQ–3089; AQ–3090; AQ–3091; AQ–3092; AQ–3093	Feb. 8, 1974
Iowa:	
AQ–13	Aug. 3, 1973
AQ–19; AQ–20	Aug. 24, 1973
Kentucky:	
AQ–4063; AQ–4080	Feb. 22, 1974
AQ–4084	Mar. 1, 1974
Maryland:	
AQ–2075	Mar. 15, 1974
Mississippi:	
AQ–4081	Feb. 22, 1974
AQ–4090	Mar. 15, 1974
New Jersey:	
AQ–2090; AQ–2091	Mar. 29, 1974
AQ–2095; AQ–2098	Apr. 12, 1974
Oregon:	
AQ–1079	Feb. 8, 1974
South Dakota:	
AQ–1089; AQ–1091	Mar. 1, 1974
Texas:	
AQ–66; AQ–68	Dec. 28, 1973
Virginia:	
AQ–2074	Mar. 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 listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded:

Illinois:	
AP–689 (AQ–3161); AP–696 (AQ–3162); AP–699 (AQ–3163); AP–1000 (AQ–3164); AP–1002 (AQ–3165)	June 8, 1973
New Jersey:	
AP–810 (AQ–2105)	May 11, 1973
AP–841 (AQ–2106)	May 25, 1973
New York:	
AP–847 (AQ–2107)	Mar. 9, 1973
Oregon:	
AQ–1053 (AQ–1100)	Nov. 9, 1973
Washington:	
AQ–1067 (AQ–1098)	Dec. 21, 1973

Signed at Washington, D.C., this 19th day of April 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

State: Georgia
Decision Number: AQ-4108
Description of Work: Residential Construction

County: See Below *
Date: Date of Publication

* COUNTIES

Barrow, Clarke, Elbert, Greene, Hart, Jackson, Madison, Morgan, Newton, Oconee, Oglethorpe, and Walton

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Air Conditioning Mechanic	$3.75					
Bricklayers	6.25					
Carpenters	4.11					
Cement Masons	5.42					
Dry Wall Finisher	4.96					
Electricians	4.50					
Laborers	2.46					
Painters, Brush	5.00					
Plumbers & Pipefitters	3.65					
Roofers	3.50					
Sheet Metal Workers	3.67					
Truck Drivers	2.56					
Welders - Rate for Craft						
Power Equipment Operators						
Asphalt Roller	2.48					
Asphalt Spreader	2.65					
Backhoe	3.00					
Bulldozer	3.00					
Front End Loader	4.00					
Motor Grader	3.38					

NEW DECISION

STATE: North Carolina COUNTY: Burke
DECISION NUMBER: AQ-4105 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air conditioning mechanic	$4.91					
Asbestos workers	4.87					
Bricklayers	5.12					
Carpenters	4.06					
Cement masons	4.00					
Electricians	4.14					
Glaziers	3.64					
Ironworkers, Structural & Ornamental	5.00					
Laborers:						
Laborers	2.77					
Mason Tenders	3.25					
Lathers	4.44					
Painters, brush	3.50					
Plasterers	5.30					
Plumbers & pipefitters	4.56					
Roofers	3.25					
Sheet metal workers	4.15					
Soft floor layers	4.25					
Sprinkler fitters	6.50					
Terrazzo workers	5.25					
Welders - rate for craft.						
Power Equipment Operators:						
Backhoe	3.70					
Bulldozer	3.85					
Crane, derrick, dragline	3.99					
Loader	3.63					
Motor grader	3.10					

DECISION #AQ-4095 - Mod. #1
(39 FR 11817 - March 29, 1974)
Jefferson County, Alabama

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.71	.30	.30		.05
Bricklayers, pointers, caulkers, and stonemasons	7.80	.25	.25		.05
Plasterers	6.97	.40			
Power equipment operators' schedule					

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP A	$7.31	.30	.20		.05
GROUP B	7.10	.30	.20		.05
GROUP C	6.41	.30	.20		.05
GROUP D	7.94	.30	.20		.05
GROUP E	7.57	.30	.20		.05
GROUP F	6.52	.30	.20		.05

GROUP A: Asphalt plant; boom tractor; bulldozer; cableways; core driller; compressors (2 or more); crane-derrick-dragline; dinky locomotive; dredges; fork lift; front end loader; gradall; heavy duty mechanic; hoist (1 drum or more); mixers; push tractor; scrapers; shovels; trenching machine (and all similar equipment); winch trucks; motor graders; concrete pump; piledriver; rotary drill

GROUP B: Air compressor (over 125); asphalt spreader; blade graders (pull type); boat operator; conveyor (2 or more up to 4); crawler tractor; distributors (bituminous surface); farm tractors; finishing machine; pumps over 4 inches; rollers; welding machine (4 or more)

GROUP C: Air compressor (125 & under); apprentice engineer (oilers-firemen); conveyor (1) tended by oiler); pumps (under 4 inches); welding machines (3 or under); mechanic helpers

GROUP D:
ON STEEL ERECTION: Crane; dragline; derrick; hoist; piledriver; winch truck; fork lift; tower cranes; climbing cranes; cherry picker; mechanics; locomotives; tug boat

GROUP E: Tractors; welding machine; gas or diesel driven welding machine (4 or more); air compressors over 125 (2 or less); power generating units (gas or diesel)

GROUP F: Gas or diesel driven welding machine (3 or less); mechanic helper, air compressor 125 and under (2 or less); oiler; fireman; small boat

DECISION #AQ-4096 - Mod. #2
(39 FR 11819 - March 29, 1974)
Mobile County, Alabama

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Elevator constructors	$6.72	.145	.17	1½% +a+b	.005
Elevator constructors' helpers	70%JR	.145	.17	1½% +a+b	.005
Roofers:					
Roofers	6.45		.15	f	
Kettleman	5.67		.15	f	

MODIFICATION P. 3

DECISION NO. AO-1087-Mod. #2
(39 FR 7021-February 22, 1974)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, 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:					
Boilermakers	$8.50	.65	1.00	.50	.02
Electricians					
Marin and Sonoma Counties:					
Electricians	9.50	.61	1%+.20		.02
Cable Splicers	10.45	.61	1%+.20		.02
Elevator Constructors	9.73	.395	.26	2%+a	.02
Painters:					
Monterey, San Benito, San Mateo, Santa Clara, and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area:					
Brush	8.27	.64	.65	.80	
Spray	8.52	.64	.65	.80	
Tapers	8.77	.64	.65	.80	
Lake Tahoe Area:					
Brush	8.30	.50	.20		
Spray; Structural Steel; Taper	8.55	.50	.20		
Soft Floor Layers:					
Marin, San Francisco, San Mateo and Sonoma Counties	7.80	.60	.55	c	.05
Tile Setter:					
Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties	7.72	.33		.65	
Monterey and Santa Cruz Cos.	8.37	.71	.645		
Add:					
Soft Floor Layers					
Del Norte and Humboldt Cos.	7.20	.40	.50	8%	

MODIFICATION P. 4

DECISION NO. AO-1088 - Mod. #2
(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:					
Boilermakers	$8.50	.65	1.00	.50	.02
Electricians					
Marin and Sonoma Counties:					
Electricians	9.50	.61	1%+.20		.02
Cable Splicers	10.45	.61	1%+.20		.02
Elevator Constructor	9.73	.395	.26	2%+a	.02
Painters:					
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excl. portions of Counties in the Lake Tahoe Area:					
Brush	8.27	.64	.65	.80	
Spray	8.52	.64	.65	.80	
Tapers	8.77	.64	.65	.80	
Lake Tahoe Area:					
Brush	8.30	.50	.20		
Spray; Structural Steel; Tapers	8.55	.50	.20		
Soft Floor Layers:					
Lake, Marin, Mendocino, San Francisco, San Mateo and Sonoma Counties	7.80	.60	.55	c	.05

DECISION NO. AO-1088 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet Metal Workers:					
Modoc and Siskiyou Counties	$8.19	.37	.34		.005
Tile Setters:					
Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties	7.72	.33		.65	
Monterey and Santa Cruz Cos.	8.37	.71	.645		
Power Equipment Operators (Piledriving)					
Group 1:	6.99	.85*	1.05	.60	.24
Group 1(a):	7.26	.85*	1.05	.60	.24
Group 1(b):	7.38	.85*	1.05	.60	.24
Group 2:	7.89	.85*	1.05	.60	.24
Group 2(a):	8.06	.85*	1.05	.60	.24
Group 3:	8.30	.85*	1.05	.60	.24
Group 3(a):	8.61	.85*	1.05	.60	.24
Group 4:	9.06	.80**	1.05	.60	.24
Group 5:	9.18	.80**	1.05	.60	.24
Add:					
Soft Floor Layers:					
Del Norte and Humboldt Cos.	7.20	.40	.50	8%	

* Includes 13¢ to Pensioned Health and Welfare Fund.
** Includes 8¢ to Pensioned Health and Welfare Fund.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3086 - Mod. #2 (39 FR 5087 - February 8, 1974) Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will Counties, Illinois						
ADD:						
Painters:						
Kane, Kendall, DeKalb, DuPage & McHenry Counties:						
Brush	$7.225	.40	.30		.04	
Spray	7.625	.40	.30		.04	
Lake County:						
Brush	8.30	.425	.25		.007	
Boone County:						
Brush & Roller	7.30	.20				
Spray	7.85	.20				
Will County:						
Brush	8.30	.35	.15			
Bridges:						
Butt Plates & Hand Rails	8.30	.35	.15			
Without Superstructure	8.80	.35	.15			
With Superstructure	9.30	.35	.15			
DECISION #AQ-3087 - Mod. #2 (39 FR 5094 - February 8, 1974) Bureau, Carroll, Henry, Lee, Ogle, JoDavies, Rock Island, Stephenson, Whiteside & Winnebago Counties, Illinois						
ADD:						
Painters:						
Winnebago & Stephenson Counties:						
Brush & Roller	7.30	.20				
Spray	7.85	.20				
Rock Island, Bureau, JoDaviess & Henry Counties:						
Brush & Roller	6.87	.35	.40		.08	
Structural Steel & Spray	7.11	.35	.40		.08	
Bridges	7.86	.35	.40		.08	
Lee, Carroll, Ogle & Whiteside Cos:						
Brush	6.45					
Structural Steel	6.80					

MODIFICATION P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3088 - Mod. #1						
(39 FR 5102 - February 8, 1974)						
Peoria, Tazewell, Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Stark & Warren Counties, Illinois						
ADD:						
Painters:						
Peoria, Stark, Tazewell & Fulton Counties:						
Brush	$7.55	.35	.30			
Bridge Work & Spray	7.95	.35	.30			
Warren & Mercer Counties:						
Brush & Roller	6.87	.35	.40			
Structural Steel & Spray	7.11	.35	.40			
Bridges	7.86	.35	.40			
Knox & Henderson Counties:						
Brush	6.38	.25	.15			
Structural Steel	6.63	.25	.15			
McDonough & Hancock Counties:						
Brush & Structural Steel	7.00					
Spray	7.35					
DECISION #AQ-3089 - Mod. #1						
(39 FR 5108 - February 8, 1974)						
Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermilion Counties, Iilinois						
ADD:						
Painters:						
Champaign, Coles & Douglas Cos:						
Brush	7.65	.35	.20		.03	
Bridges	8.65	.35	.20		.03	
Macon, Shelby, Moultrie & Piatt Cos:						
Brush	7.00	.30	.20			
Spray	7.75	.30	.20			
Structures over 50'	8.00	.30	.20			
Edgar & Clark Counties:						
Brush	6.15					
Rollers	6.50					
Spray	7.15					
Vermilion County:						
Brush	7.10					
Spray	7.60					
DeWitt County:						
Brush	7.00	.35			.06	
Roller, Spray & Structural Steel	7.50	.35			.06	

MODIFICATION P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3090 - Mod. #1						
(39 FR 5112 - February 8, 1974)						
Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott Counties, Illinois						
ADD:						
Painters:						
Sangamon, Cass, Menard, Morgan, Christian, Scott & Logan Cos:						
Brush	$6.70	.25	.15			
Spray	7.20	.25	.15			
Pike County:						
Brush	7.85	.35	.15			
Roller	8.10	.35	.15			
Bridges:						
Brush	8.35	.35	.15			
Roller	8.85	.35	.15			
Mason County:						
Brush	7.55	.35	.30			
Bridge Work & Spray	7.95	.35	.30			
Schuyler County:						
Brush & Structural Steel	7.00					
Spray	7.35					
Adams & Brown Counties:						
Brush	6.30					
Spray	7.30					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3091 - Mod. #1						
(39 FR 5117 - February 8, 1974)						
Marion, Clay, Crawford, Edwards,						
Effingham, Fayette, Hamilton, Jasper,						
Jefferson, Lawerence, Richland,						
Wabash & White Counties, Illinois						
ADD:						
Painters:						
Marion Co.(Salem & Vic.) & Clay Co:						
Brush	$5.75					
Structural Steel & Spray	7.00					
Marion Co.(Centralia & Vic.) &						
Wabash County:						
Brush, Roller & Structural Steel	6.00					
Jefferson, Wayne, Edwards &						
Hamilton Counties:						
Brush & Roller	5.55					
Spray	5.80					
Jasper & Effingham Counties:						
Brush	7.65	.35	.20		.03	
Bridges	8.65	.35	.20		.03	
Richland & Lawerence Counties:						
Brush	6.05					
White County:						
Brush	6.85	.45	.20			
Bridges:						
Brush	8.00	.45	.20			
Spray	8.75	.45	.20			
Crawford County:						
Brush	6.05	.35				
Fayette County:						
Brush	7.85	.35	.15			
Rollers	8.10	.35	.15			
Bridges:						
Brush	8.35	.35	.15			
Roller	8.85	.35	.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3092 - Mod. #2						
(39 FR 5122 - February 8, 1974)						
St. Clair, Madison, Bond, Calhoun,						
Clinton, Greene, Jersey, Macoupin,						
Monroe, Montgomery & Washington						
Counties, Illinois						
ADD:						
Painters:						
Brush	$7.85	.35	.15			
Rollers	8.10	.35	.15			
Bridges						
Brush	8.35	.35	.15			
Roller	8.85	.35	.15			
DECISION #AQ-3093 - Mod. #1						
(39 FR 5127 - February 8, 1974)						
Alexander, Franklin, Perry, Gallatin,						
Hardin, Jackson, Johnson, Massac,						
Pope, Pulaski, Randolph, Saline,						
Union & Williamson Counties, Illinois						
ADD:						
Painters:						
Williamson Co.(Marion & Vic.) &						
Franklin County:						
Brush	6.70					
Williamson Co.(Herrin & Vic.)						
Brush & Roller	4.70					
Bridges	5.20					
Spray	5.75					
Alexander, Johnson & Pulaski Cos.:						
Brush	5.25					
Bridges:						
Brush & Spray	6.90					
Saline, Gallatin, Hardin & Pope Cos:						
Brush	5.15					
Structural Steel	5.40					
Jackson, Perry & Radolph Counties:						
Brush & Roller	6.85					
Spray	7.60					
Structural Steel	7.75					
Union County:						
Brush	6.00					
Structural Steel	6.50					
Massac County:						
Brush	5.65	.15				
Bridges	6.85	.15				
Spray	6.90	.15				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-13 - Mod. #4 (38 FR 21062 - August 3, 1973) Dubuque County (City of Dubuque & abutting municipalities), Iowa						
Change:						
Building Construction:						
Glaziers	$7.1048	.40	.65			
Ironworkers (SE portion)	8.75	.40	.375		.07	
DECISION #AQ-19 - Mod. #4 (38 FR 22857 - August 24, 1973) Linn County (City of Cedar Rapids & abutting municipalities), Iowa						
Change:						
Building Construction:						
Glaziers	7.1048	.40	.65			
DECISION #AQ-20 - Mod. #4 (38 FR 22861 - August 24, 1973) Johnson County (City of Iowa City & Abutting municipalities), Iowa						
Change:						
Building Construction:						
Carpenters:						
Carpenters; Soft floor layers	6.82	.35	.30		.03	
Piledrivermen	7.07	.35	.30		.03	
Millwrights	7.97	6%	7%		6%	
Glaziers	7.1048	.40	.65			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4063 - Mod. #1 (39 FR 7016 - February 22, 1974) Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington, and Woodford Counties, Kentucky.					
Add:					
Heavy & Highway Construction:					
Laborers:					
Group 1					
Walk behind trenching machine	$5.84	.25	.25		
Truck drivers:					
Mechanic helper	5.90	a	b		
Truck helper & warehousemen	5.79	a	b		
DECISION #AQ-4080 - Mod. #1 (39 FR 7033 - February 22, 1974) Johnson & Lawrence Counties, Kentucky.					
Change:					
Highway Construction:					
Painters:					
Roller	7.24	.25	.10		.03
Add:					
Highway Construction:					
Painters:					
Sandblasting	7.59	.25	.10		.03
Heavy & Highway Construction:					
Laborers:					
Group 2					
Walk behind trenching machine	5.84	.25	.25		
Truck drivers:					
Mechanic helper	5.90	a	b		
Truck helper & warehousemen	5.79	a	b		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4084 - Mod. #1					
(39 FR 8118 - March 1, 1974)					
Allen, Ballard, Butler, Caldwell, Galloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren and Webster Counties, Kentucky.					
Change:					
Heavy & Highway Construction:					
Electricians:					
Groundmen (outside)					
1st 6 months	50%a	.25	1%		1/8 of 1%
2nd 6 months	60%a	.25	1%		1/8 of 1%
3rd 6 months	65%a	.25	1%		1/8 of 1%
4th 6 months	70%a	.25	1%		1/8 of 1%
over 2 years	75%a	.25	1%		1/8 of 1%
Omit:					
Heavy & Highway Construction:					
Electricians:					
Electricians (inside)	8.08	.25	1%		1/8 of 1%
Add:					
Heavy & Highway Construction:					
Electricians:					
Wiremen (inside)	8.08	.25	1%		1/8 of 1%
Ironworkers, ornamental	7.00	.25	.25		.02
Truck drivers:					
Warehousemen	6.04		a		
DECISION #AQ-2075 - Mod. #1					
(39 FR 10068 - March 15, 1974)					
Wicomico County, Maryland					
Change:					
Electricians	$7.20	.50	.20	.15	1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4081 - Mod. #2					
(39 FR 7054 - February 22, 1974)					
Harrison & Pearl River Counties, Mississippi					
Change:					
Line Construction:					
Linemen	7.55	.25	1%+.20		1/8 of 1%
Cable splicers	7.80	.25	1%+.20		1/8 of 1%
Power equipment operators (Building and Heavy):					
Group B	6.60	.25	.25		
DECISION #AQ-4090 - Mod. #2					
(39 FR 10097 - March 15, 1974)					
Hinds County, Mississippi					
Change:					
(Building construction)					
Carpenters:					
Carpenters	6.00	.30	.20		.05
Millwrights	6.35	.30	.20		.05
Piledrivermen	6.35	.30	.20		.05
Soft floor layers	6.00	.30	.20		.05
Laborers:					
Laborers unskilled, wrecking and demolition	3.70	.15	.15		
Mortar mixers, mechanical tools motorized (George buggy op.)	3.95	.15	.15		
Brickmason tenders, cement and plasterer tenders, sewer pipe layers	3.85	.15	.15		
Lathers	6.45				.01
Plasterers	6.15	.25			.01
Power equipment operators:					
Group A	7.20	.25	.25		
Group B	6.25	.25	.25		
Group C	6.00	.25	.25		
Group D	5.55	.25	.25		
Group E	4.85	.25	.25		
Omit:					
(Building construction)					
Marble masons	$3.80				
Terrazzo workers	3.80				
Tile setters	3.80				

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2,090 - Mod. #1						
(39 FR 11822 - March 29, 1974)						
Hudson County, New Jersey						
Omit:						
Laborers, Asphalt schedule originally issued						
Add:						
LABORERS, ASPHALT						
Streets:						
Head rakers	6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale Mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		
PAID HOLIDAYS:						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTE:						
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; Providing an employee works or is available for work 3 days in the work week in which the holiday falls.						
Change:						
Sprinkler Fitters	10.12	.40	.60		.07	

MODIFICATION P. 16

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2,091 - Mod. #1						
(39 FR 11830 - March 29, 1974)						
Somerset County, New Jersey						
Omit:						
Laborers, Asphalt schedule originally issued						
Add:						
LABORERS, ASPHALT						
Streets:						
Head rakers	6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale Mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		
PAID HOLIDAYS:						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTE:						
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; Providing an employee works or is available for work 3 days in the work week in which the holiday falls.						
Change:						
Sprinkler Fitters:						
Remainder of county	9.45	.40	.60		.07	

DECISION #AQ-2,095 - Mod. #1
(39 FR 13472 - April 12, 1974)
Passaic County, New Jersey

Omit:
Supersedes Decision No. AQ-2,073 dated March 1, 1974 in 39 FR 8123

Add:
Supersedes Decision No. AQ-2,077 dated March 15,1974 in 39 FR 10100

DECISION #AQ-2,098 - Mod. #1
(39 FR 13491 - April 12, 1974)
Burlington County, New Jersey

Omit:
Truck Drivers, Building, Heavy & Highway Construction schedules originally issued

Add:
Building, Heavy & Highway Construction
West of Jersey Turnpike to Delaware River

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Straight, dump, transit-mix, pick-up, water & fuel and ambulance drivers	$5.20	a+c	b	d		
Low boy, tractor trailer, winch straight, euclid trailer, dump not self-loading, winch trailer, asphalt or oil distributor	5.55	a+c	b	d		
Mechanics	5.70	a+c	b	d		
Ten wheel dump & trailer dump off-site	4.50	a+c	b	d		
Tow truck	5.35	a+c	b	d		
Mechanics' helper	4.50	a+c	b	d		

FOOTNOTES:

a. Employer contributes $1.90 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension Fund.

c. Employer contributes $1.00 per day to Life Insurance

d. Employee who has worked or received pay for 90 days within a year prior to his anniversary data shall receive 50 hours straight time Vacation Pay; 3 years but less than 8 years of service 100 hours; more than 8 years but less than 15 years-125 hours; 15 years or more-165 hours

DECISION #AQ-2098 (Cont'd)

Add:

BUILDING, HEAVY & HIGHWAY CONSTRUCTION
Remainder of County

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Winch Trailers	$6.28	a		b		
Euclid, International Haversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	6.18	a		b		
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	6.18	a		b		
Straight three-axle materials: Trucks and floats	6.08	a		b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader, nipper, fuel trucks (driver on fuel truck including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), beltcrete trucks, pumpcrete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, little ford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	6.03	a		b		

DECISION #AQ-2098 (Cont'd)

MODIFICATION P.19
New Jersey 1-TD-1-2-3-F 2 of 2

Remainder of County (cont'd.)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS (Cont'd):						
Teamster mechanic	$6.03	a		b		
Mechanic helper	5.80	a		b		

FOOTNOTES:

a. Employer contributes $.89 per hour to a combined Health, Welfare and Pension fund.

b. Employees worked or received pay: 80 days within a year receive one week's vacation, 125 days within a year receive two weeks' vacation, 145 days within a year receive 15 days' vacation, 15 years seniority and 145 days within a year receive four weeks' vacation.

MODIFICATION P. 20

DECISION #AQ-1079 - Mod. #3
(39 FR 5152 - February 8, 1974)
Statewide Oregon

Change:
Laborers:
Schedule attached
Power Equipment Operators:
See Schedule Below

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.

DECISION #AQ-1079 (Cont'd)

MODIFICATION P. 21
1-ORE-LAB-1-2-3-d (1-2)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners & cutters; Car & truck loaders; Carpenter tender; Change-House man or dry shack men; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General Laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers Spraymen; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weight-Man--crusher (aggregrate when used)	6.10	.45	.50	.25	.07	
GROUP II						
Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader & similar types; Clean-up nozzleman Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunnite nozzleman tender; Gunnite or sand blasting pot tender; Handlers or mixers of all materials of an irritating						

DECISION #AQ-1079 (Cont'd)

MODIFICATIONS P. 22
1-ORE-LAB-1-2-3-d (2-2)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP II (Cont'd)						
nature (incl. cement & lime); Manhole builder; Powertool op., incls. but not limited to: Chipping Guns, Jackhammer, Paving breakers, Post hole digger (Air Gas, or Electric) Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip rap man (head), Hand placed; Sandblasting (wet); Sewer timbermen; Timber buckers & fallers; Brush cutters (power saw); Tunnel-Muckers, Brakemen, Concrete crew, Bull gang (underground)	6.25	.45	.50	.25	.07	
GROUP III						
Asphalt rakers; Bit grinder; Concrete saw op.; Drill doctor; Drill operator, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, & other similar types; Gunnite nozzleman; High scalers, strippers & drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping & stripping); Powdermen; Power saw ops. Bucking & falling merchantable logs); Pumpcrete nozzlemen; Sandblasting (dry); Sewer Pipe Layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel - Chuck tenders, Nippers & Timbermen; Vibrators (4" & larger); Water blaster	6.40	.45	.50	.25	.07	
GROUP IV						
Tunnel miners; Tunnel powderman	6.55	.45	.50	.25	.07	

DECISION #AQ-1079 (Cont'd)

MODIFICATION P. 23
1-ORE-PEO-1-2-3-d (1-5)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
ASSISTANT CONVEYOR; Oiler, including plant and crusher; Crusher Feederman; Deckhand; Self-propelled Scaffolding; Guard Rail Punch Oiler; Pump under 4" Brakeman Switchman; Parts Man (Tool Room)	6.55	.55	.85	.35	.05	
GROUP II						
BLADE, PULLED TYPE; Truck Crane Oiler-driver, 25 ton capacity or over; Fireman, all equipment; A-Frame Truck, single drum; Tugger or Coffin type Hoist, any power; Drill Helper; Auger Oiler; Boatman; Forklift or Lumber Stacker; Temporary Heating Plant; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H. D. Repairman Helper; Welder's Helper; Fireman Helicopter Radio-man (ground); Roller, Rock	6.69	.55	.85	.35	.05	
GROUP III						
PLANT FIREMAN; Pugmill; Truck Mounted Asphalt Spreader, with screed; Compressor, any power, under 1,000 cu. ft. total capacity; Mixer Box Concrete Plant; Concrete Conveyor; Cement Hog; Concrete Saw, self-propelled unit; Wire Mat Machine or Booming Machine; Concrete Curing Machine, self-propelled; Bucket Elevator Loader, Barber Greene and similar type; Hydraulic Pipe Press; Pump any power, 4' and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pump or seed; Broom Operator, self-propelled; Air Filtration Equipment; Welding Machine	6.79	.55	.85	.35	.05	
GROUP IV						
SCREED; Compactor, including vibratory; Compressor, over 1,000 cu. ft. total capacity; Concrete Mixer, single drum, under 5 bag capacity;						

DECISION #AQ-1079 (Cont'd)

MODIFICATION P. 24
1-ORE-PEO-1-2-3-d (2-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV (Cont'd)						
Concrete Cooling Machine; Combination Mixer and Compressor, Gunnite work; Helicopter Hoist; Fork Lift, over 5 tons; Lull Hi-Lift or similar type, 20 ft. or over; Service Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Roller, Oiling, CTB	6.95	.55	.85	.35	.05	
GROUP V						
CURB MACHINE, MECHANICAL BERM, CURB AND/OR CURB AND GUTTER: Wagner Factor or similar type (without blade); Batch Plant Material Control; Power Jumbo, setting slip forms, etc. in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator, Diesel, Gas, Engineer; Chip Spreading Machine; Lime Spreading Sweeper (Wayne Type) self-propelled; Tractor, rubber-tired 50 H. P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth	6.97	.55	.85	.35	.05	
GROUP VI						
ASPHALT PLANT; Asphalt Paver; Maginnis, internal full slab vibrator; Concrete finishing Machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Cast in place pipe laying machine; Concrete Paving Machine; Concrete Spreader; Loaders, Rubber-tired type, 2 1/2 cu. yds. and under; Rock Spreader, self-propelled	7.05	.55	.85	.35	.05	
GROUP VII						
ROLLER, ASPHALT; Concrete Mixer, single drum, 5 bag capacity and over; Beltcrete; Pumpcrete; Cement pump, Fuller-Kenyon and similar; Grouting Machine; Concrete Pump;						

DECISION #AQ-1079 (Cont'd)

MODIFICATION P. 25

1-ORE-PEO-1-2-3-d (3-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd)						
Tower Mobile; A-Frame Truck, double drums; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2 1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor and towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper Multi-Purpose; Track Liner; Tie Spacer, Shuttle Car; Locomotive, 40 tons and over	7.11	.55	.85	.35	.05	
GROUP VIII						
DIESEL-ELECTRIC ENGINEER, PLANT OR FLOATING; Batch Plant and/or wet mix, one and two drums; Generator; Diesel-Electric Engineer; Belt Loaders, Kolman and Ko Cal types	7.21	.55	.85	.35	.05	
GROUP IX						
BULLDOZER; Drill Cat; Side-Boom Cat; Compactor, with blade; Chicago Boom and similar types; Lift Slab Machine; Boom Type lifting device, 5 tons capacity or less; Cherry picker or similar type crane-hoist 5 ton capacity or less; Grizzley; Crusher Plant; Boring Machine; Surface Heater & Planer; Hydraulic Backhoe, truck type 3/8 cu. yds. Loader, front end and overhead 2 1/2 cu. yds. and under 4 cu. yds.; Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Bolt Threading Machine; Drill Doctor; including bit grinder; H.D. Mechanic; H.D. Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor Rubber-tired over 50 H.P. Flywheel; Tractor, Rubber tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth	7.27	.55	.85	.35	.05	
GROUP X						
BULLDOZER, TWIN-ENGINE (TC 12 and similar type); Cable-Plow; Compactor, Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types Jack Operator Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder; Welder-Certified; Rubber tired Dozers & Pushers (Michigan, Cat, Hough type)	7.33	.55	.85	.35	.05	
GROUP XI						
MIXER MOBILE: Crane, 25 tons and under; Shovel, Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Gradeall, under 1 cu. yd.; Mucking Machine	7.35	.55	.85	.35	.05	
GROUP XII						
BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drum; Hoist, 3 or more drums; Elevating Loader, Athey and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading, paddle wheel ladder type; Rubber-tired Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Shield Operator	7.41	.55	.85	.35	.05	
GROUP XIII						
BLADE, FINISH (Working with either red or blue tops); Blade, Electronically controlled by wire or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry, Overhead; Derrick, under 100 tons; Hoist, Stiff leg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 tons; Hydraulic Backhoe, truck type over 3/8 cu. yds., Elevating Grader, operated by tractor, Sierra, Euclid or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd., but less than 3 cu. yds.; Gradeall, 1 cu. yd., and over; Back Filling Machine	7.49	.55	.85	.35	.05	

DECISION #AQ-1079 (Cont'd)

MODIFICATION P. 26

1-ORE-PEO-1-2-3-d (4-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X (Cont'd)						
Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types Jack Operator Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder; Welder-Certified; Rubber tired Dozers & Pushers (Michigan, Cat, Hough type)	7.33	.55	.85	.35	.05	
GROUP XI						
MIXER MOBILE: Crane, 25 tons and under; Shovel, Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Gradeall, under 1 cu. yd.; Mucking Machine	7.35	.55	.85	.35	.05	
GROUP XII						
BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drum; Hoist, 3 or more drums; Elevating Loader, Athey and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading, paddle wheel ladder type; Rubber-tired Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Shield Operator	7.41	.55	.85	.35	.05	
GROUP XIII						
BLADE, FINISH (Working with either red or blue tops); Blade, Electronically controlled by wire or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry, Overhead; Derrick, under 100 tons; Hoist, Stiff leg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 tons; Hydraulic Backhoe, truck type over 3/8 cu. yds., Elevating Grader, operated by tractor, Sierra, Euclid or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd., but less than 3 cu. yds.; Gradeall, 1 cu. yd., and over; Back Filling Machine	7.49	.55	.85	.35	.05	

DECISION #AQ-1079 (Cont'd)

MODIFICATION P. 27

1-ORE-PEO-1-2-3-d (5-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XIV						
RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER	7.65	.55	.85	.35	.05	
GROUP XV						
ROCK HOUND; Loader, 4 cu. yds. but less than 6 cu. yds.	7.81	.55	.85	.35	.05	
GROUP XVI						
AUTO GRADER (i.e. CMD) or TRIMMER; Tandem Bulldozer, Quad-nine and similar type; Automatic Concrete Slip Form Paver; Concrete Canal Liner; Cableway, 25 tons and over; Crane, over 40 tons and including 100 tons; Whirley, 80 tons and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge), 30 tons but less than 80 tons; Loader, 6 cu. yds., but less than 8 cu. yds., Loader 8 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour	7.99	.55	.85	.35	.05	
GROUP XVII						
CRANE, Over 100 tons and including 200 tons; Whirley over 80 tons and including 150 tons; Floating Crane (Derrick Barge), 80 tons but less than 150 tons; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer	8.13	.55	.85	.35	.05	
GROUP XVIII						
CRANE, over 200 tons; Whirley, 150 tons and over; Floating Crane 150 tons but less than 250 tons; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with wheel excavator	8.31	.55	.85	.35	.05	
GROUP XVIV						
HELICOPTER; When used in erecting work; Floating Crane 250 tons and over; Remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); Underwater Equipment, remote or otherwise	8.45	.55	.85	.35	.05	

MODIFICATION P. 28

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1089 - Mod. #1 (39 FR 8142 - March 1, 1974) Minnehaha County, South Dakota					
Change:					
Bricklayers	7.50	.25	.30	.50	
Plumbers	7.21	.32	.15	.14	.03
Sheet Metal Workers	7.52		.15,	.35	
DECISION #AQ-1091 - Mod. #1 (39 FR 8146 - March 1, 1974) Minnehaha County, South Dakota					
Change:					
Plumbers	7.21	.32	.15	.14	.03

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-66 - Mod. #4 (38 FR 35574 - December 28, 1973) Galveston County, Texas						
Change:						
Building Construction:						
Pipefitters:						
West of the Trinity River	$7.80	.40	.55		.045	
Roofers:						
Roofers	6.69	.20	.10	.15	.03	
Kettlemen	5.73	.20	.10	.15	.03	
Helpers	4.48	.20	.10	.15	.03	
DECISION #AO-67 - Mod. #5 (38 FR 35577 - December 28, 1973) Harris County, Texas						
Change:						
Building Construction:						
Pipefitters	7.80	.40	.55		.045	
Roofers:						
Roofers	6.69	.20	.10	.15	.03	
Kettlemen	5.73	.20	.10	.15	.03	
Helpers	4.48	.20	.10	.15	.03	
DECISION #AO-100 - Mod. #1 (39 FR 12663 - April 5, 1974) Statewide (excluding Dallas-Fort Worth Regional Airport), Texas						
Add:						
Bulldozer, over 150 HP:						
Zone 11	3.75					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2074 - Mod. #2 (39 FR 9341 - March 8, 1974) York County and the cities of Hampton and Newport News, Virginia					
Change:					
Counties: York County and the Cities of Hampton and Newport News including Langley AFB					

STATE: Illinois COUNTY: Champaign
DECISION NUMBER: AQ-3161 DATE: Date of Publication
Supersedeas Decision No. AP-689 dated June 8, 1973, in 38 FR 15247
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$9.00	.30	.70		.02	
Boilermakers	8.55	.40	.65		.01	
Bricklayers & Stonemasons	7.625	.30			.02	
Carpenters:						
Carpenters & Soft Floor Layers	8.06	.30	.50		.08	
Millwrights & Piledrivermen	8.41	.30	.50		.08	
Cement Masons	7.665	.30			.025	
Electricians	8.45	.25	1%+.20		.4%	
Elevator Constructors:						
Elevator Constructors	7.505	.345	.23	2%+a&b	.003	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	7.70	.25	.15			
Ironworkers	7.70	.40	.60		.04	
Laborers	6.10	.25	.20		.035	
Lathers	8.04	.30	.20		.01	
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen	8.78	.25	1%		.25%	
Groundmen Equip. Opr., Class I	8.20	.25	1%		.25%	
Groundmen Truck Driver W/Winch	6.09	.25	1%		.25%	
Groundmen Truck Driver WO/Winch	5.80	.25	1%		.25%	
Groundmen - Class "A"	5.53	.25	1%		.25%	
Marble-Tile & Terrazzo Workers	7.625	.175				
Marble-Tile & Terrazzo Helpers	6.925					
Painters	7.65	.35	.20		.03	
Plasterers	5.20	.125				
Plumbers & Steamfitters	7.95	.30	.50		.12	
Sheet Metal Workers	6.975	.25	.275	.65		
Sprinkler Fitters	8.75	.30	.50		.05	
Roofers:						
Composite	6.90	.20	.10	.50		
Slate & Tile	7.15	.20	.10	.50		
Helpers	80%JR					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE):
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday & Xmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

ILLINOIS-1-PEO-1 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
CLASS I						
Master Mechanic	$8.575	.30	.50		.05	
CLASS II						
Utility Operator	8.475	.30	.50		.05	
CLASS III						
Power cranes, Draglines, Derricks, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoists, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24", Dredging equipment, Central mix plant engineer, concrete spreader Air compressors 200 cu ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco paver, Boring Machine, Tractors w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver,						

ILLINOIS-1-PEO-1 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D)						
CLASS III (CONT'D)						
Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System	$8.30	.30	.50		.05	
CLASS IV						
Power Sub-Grader, Bull Float, Form grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 200 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on paint pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distributor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser	6.55	.30	.50		.05	

ILLINOIS-4/5-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

STATE: Illinois
COUNTY: Rock Island
DECISION NUMBER: AQ-3162
DATE: Date of Publication
Supersedes Decision No. AP-696, dated June 8, 1973, in 38 FR, 15276
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$8.05	.25	.25		.10	
Boilermakers	8.55	.40	.65		.01	
Bricklayers & Stonemasons	7.91	.35	.30		.02	
Carpenters:						
Carpenters & Soft Floor Layers	7.46	.35	.35		.02	
Piledrivermen	7.71	.35	.35		.02	
Millwrights	7.97	6%	7%		6%	
Cement Masons	7.72					
Electricians	8.30	.32	1%+.37		.03	
Cable Splicers	8.55	.32	1%+.37		.03	
Elevator Constructors:						
Elevator Constructors	7.70	.345	.23	2%+a&b	.005	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	7.1048	.45	.65			
Ironworkers	8.75	.40	.375		.07	
Laborers:						
Unskilled	6.25	.20	.20		.035	
Semi-Skilled	6.45	.20	.20		.035	
Skilled	6.75	.20	.20		.035	
Lathers	7.20		.20			
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen	7.86	.35	1%		½ of 1%	
Cable Splicers	8.01	.35	1%		½ of 1%	
Groundman Truck Driver W/Winch	5.64	.35	1%		½ of 1%	
Groundmen Truck Driver WO/Winch	5.44	.35	1%		½ of 1%	
Groundmen:						
Over 6 Months	5.44	.35	1%		½ of 1%	
Less than 6 Months	4.16	.35	1%		½ of 1%	
Marble-Tile & Terrazzo Workers	8.15					
Painters:						
Brush & Roller	6.87	.35	.40		.08	
Spray	7.11	.35	.40		.08	
Structural Steel	7.11	.35	.40		.08	
Plasterers	8.18				.01	
Plumbers & Steamfitters	8.00	.34	.55		.11	
Roofers:						
Slate-Tile & Waterproof	8.80		.20			
Sheet Metal Workers	8.00	.25	.20		.02	
Sprinkler Fitters	8.75	.30	.50		.05	

Welders - receive rate prescribed for craft performing to which welding is incidental.

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

A. Six paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday and Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I						
All hoists or steel erecting equipment used to hoist or erect in conjunction with the crew of a specialty trade.	$8.70	.40	.50		.08	
CLASS II						
Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cable way, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper dredge op., dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman trav-L-plant or similar machines, CMI autograder or similar machines, slip form paver, caisson augering machine, mucking machine, asphalt heater-planer unit hydraulic cranes.	8.43	.40	.50		.08	
CLASS III						
Athey, Barber-Green, euclid or haiss loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneaupull and similar machines, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3 or 4), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Seaman pulvi-mixer or similar machines, blastholer self-propelled rotary drill or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading sp spreader), mud jack, underground boring machine (over 8"), apsco spreader or similar machine.	8.33	.40	.50		.08	
CLASS IV						
Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitating motor), Dope chop machine, distributor (back end), Flexaplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator (more than one wellpoint pump), portable crusher operator, trench machine (20 H. P. and under), power subgrader (on forms) or similar machines, asphalt spreader screed operator, conveyor.	7.30	.40	.50		.08	
CLASS V						
Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat.	6.28	.40	.50		.08	
CLASS VI						
Air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement & gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine.	6.98	.40	.50		.08	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

STATE: Illinois
COUNTY: Vermilion
DECISION NUMBER: AQ-3163
DATE: Date of Publication
Supersedes Decision No. AP-699, dated June 8, 1973, in 38 FR 15287
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$9.00	.30	.20		.02	
Boilermakers	8.55	.40	.65		.01	
Bricklayers & Stonemasons	8.575	.30				
Carpenters:						
North of Rossville:						
Carpenters, Millwrights, Soft Floor Layers & Piledrivermen	8.45	.35	.30			
Remainder of County:						
Carpenters, Piledrivermen & Soft Floor Layers	7.94	.45	.25		.02	
Millwrights	8.19	.45	.25		.02	
Cement Masons	7.75					
Electricians	8.77	.25	1%+.30		.25%	
Elevator Constructors:						
Elevator Constructors	7.505	.345	.23	2%+a&b	.005	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	5.02					
Ironworkers	7.70	.40	.60		.04	
Line Construction:						
Linemen	8.77	.25	1%+.30		.25%	
Groundmen-Truck Driver W/Winch	7.21	.25	1%+.30		.25%	
Groundmen-Truck Driver WO/Winch	6.74	.25	1%+.30		.25%	
Groundman	6.40	.25	1%+.30		.25%	
Lathers	8.04	.30	.20		.01	
Leadburners	8.75	.30		c	.01	
Marble-Terrazzo Workers	8.575	.30				
Marble-Terrazzo Helpers	6.925					
Painters:						
Brush	7.10					
Spray	7.60					
Plasterers	7.75					
Plumbers & Steamfitters	7.95	.30	.25		.05	
Roofers	7.60					
Sheet Metal Workers	6.975	.25	.275	.65		
Sprinkler Fitters	8.75	.30	.50		.05	
Tile Setters	8.325	.30				
Tile Setters' Helpers	6.925					
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 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.

b. Six Paid Holidays: A through F.

c. Nine Paid Holidays, A through F plus Washingtons' Birthday, Good Friday & Christmas Eve., providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

LABORERS: (Building)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
COMMON LABORERS:						
All sewer workers plus depth pay						
Asphalt Plant Laborers						
Bankmen on Floating Plant						
Batch Dumpers						
Carpenter Tenders						
Cleaning Lumber						
Cofferdam workers plus depth pay						
Deck Hand, Dredge Hand and shore laborer						
Dispatchers						
Driving of Stakes, Stringlines for all machinery						
Fencing Laborers						
Firemen or Salamander Tenders						
Fireproofing Laborers						
Fire Shop Laborers						
Flagmen						
Form Handlers						
Gravel Box Men, Dumpmen and Spotters						
Janitors						
Laborers with De-Watering Systems						
Lanscapers						
Laying of Sod						
Material Checkers						
Material Handlers						
Pit Men						
Plastic Installers						
Planting of Trees						
Removal fo Trees						
Rip Rap Men						
Rod and Chainmen						
Scaffold Workers						
Tool Cribmen						
Track Laborers						
Unloading Explosives						
Unloading and Carrying Lath						
Unloading and Carrying of re-bars						
Wrecking, Disnantling Building, Wallmen and Housemovers						
Wrecking Laborers						
Writer of Scale Tickets	$6.25	.25	.30		.035	
SEMI-SKILLED						
Asphalt Workers with machine, Asphalt Raker and Layers						
Cement Handlers						
Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag)						
Chain Saw						
Chloride Handlers						
Concrete Workers (wet)						
Grade Checker						

LABORERS: (Building) Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Handling of materials treated with oil, creosote, asphalt and/or any foreign material hamrful to skin or clothing						
Kettle and Tar men						
Mason Tenders						
Mortar Mixer Operators						
Motorized Buggies or Motorized Unit used for wet concrete or handling of Building Materials						
On Concrete Paving, Placing, Cutting and Typing of Reinforcing						
Signal Man on Crane Tank Clearners						
Tunnel Helpers in free air						
Vibrator Operators	6.40	.25	.30		.035	
SKILLED:						
Air Tamping Hammerman						
Caisson Workers Plus Depth						
Concrete Burning Machine Operator						
Concrete Saw Operator						
Corning Machine Operator						
Gunnite Nozzle Men						
Jackhammer and Drill Oprators						
Laborers Handling Masterplate or similar materials						
Laborers Tending Masons with hot material or where foreign materials are used						
Laser Beam Operator						
Layout Man and/or Tile Layer						
Leadman on sewer work						
Luteman						
Multiple Concrete Duct - Leadman						
Plasterer Tenders						
Ready Mix Scalemen, Portable or temporary plant						
Screenman on Asphalt Pavers						
Steel Form Setters - Street and Highway						
Welders, Cutters, Burners and Torchmen	$6.50	.25	.30		.045	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
CLASS I						
Master Mechanic	$8.575	.30	.50		.05	
CLASS II						
Utility Operator	8.475	.30	.50		.05	
CLASS III						
Power cranes, Draglines, Derricks, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoists, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24", Dredging equipment, Central mix plant engineer, concrete spreader Air compressors 200 cu ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco paver, Boring Machine, Tractors w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver,						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D)						
CLASS III (CONT'D)						
Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System	$8.30	.30	.50		.05	
CLASS IV						
Power Sub-Grader, Bull Float, Form grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 200 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on paint pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distributor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser	6.55	.30	.50		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Williamson
DECISION NUMBER: AQ-3164 DATE: Date of Publication
Supersedes Decision No. AP-1000, dated June 8, 1973 in 38 FR 15291
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$8.45	.35	.30			
Boilermakers	8.35	.40	.95		.01	
Boilermakers' Helpers	8.10	.40	.95		.01	
Bricklayers & Stonemasons	7.80	.35	.35			
Carpenters:						
Carpenters & Soft Floor Layers	6.63	.25	.25		.02	
Millwrights & Piledrivermen	6.63	.25	.25		.02	
Cement Masons	7.75	.15			.02	
Electricians	9.20	.25	1%+.20		½%	
Elevator Constructors:						
Elevator Constructors	8.14	.345	.26	2%+a&b	.005	
Helpers	70%JR	.345	.26	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Ironworkers	7.40	.45	.50		.02	
Glaziers	7.565	.26	.20		.01	
Laborers	6.10		.30		.035	
Leadburners	8.75	.30		c	.01	
Painters:						
Marion & Vicinity:						
Commercial	6.70					
Industrial	6.95					
Herrin & Vicinity:						
Brush & Roller	4.70					
Structural Steel	5.20					
Spray	5.75					
Plasterers	7.75	.15			.02	
Plumbers & Steamfitters	8.25	.35	.50		.04	
Sheet Metal Workers	8.18	.20	.25	6%	.01	
Sprinkler Fitters	8.75	.30	.50		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.
FOOTNOTES:
a. Six Paid Holidays; A through F
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. Nine Paid Holidays; A through F plus Washington's Birthday, Good Friday & Xmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular schedule work days immediately preceding & following the Holiday.

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1						
Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch Cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; rubbertired; Flexplane; Gradall; Hi-lift, Handblade, power; Hoists, Tugger type; Hoist, (2 drum) or over one; Guy-dirreck; Hyster Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push cat; Pulls & scrapers; Pumps; 2 Well points; P&H pulverizer or pulverizer equal to Pugmill; Pugmill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over ½ yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or Ditching machine; Wood chipper w/tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader	$8.15	.30	.45		.035	
CLASS 2						
Roller, self-propelled, Power sub-grader; Elevator operator	7.80	.30	.45		.035	
CLASS 3						
Rubber-tired Farm type Tractor w/Bull dozer or Hi-lift (½ yd. or less)	7.55	.30	.45		.035	
CLASS 4						
Pump, one Well Point; All Tract Type Tractors, pulling any type Roller or Disc.	7.25	.30	.45		.035	
CLASS 5						
Oiler; All wheel type tractors, Oiler on 30 H.P. ditches & over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity & more	6.85	.30	.45		.035	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLASS 6						
Air Compressor w/value driving piling Air Compressors, 2(220 cu. ft. cap. or over); Air track drills, Air track drill w/compressor; Automatic bins or Scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float Power operator; Concrete saws, (Two); Hudr-lift (single motor); Straw mulcher blower w/spout	$7.80	.30	.45		.035	
CLASS 7						
Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, Two; Chip spreader, self-propelled Concrete saw, one self-propelled; Form grader; Heaters, (Motor driven); Hoiat, 1 drum; Truck crane oiler; Vibrator, self-propelled	7.55	.30	.45		.035	
CLASS 8						
Airtrack Drill (one); Belt Drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air	7.05	.30	.45		.035	
CLASS 9						
Air Compressor (220 cu. ft. cap. or over), One; Air Compressor (under 220 cu. ft.) Two; Automatic Bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or Switchmen; Form tamper, self-propelled; Light plants (Two) Welding machine (two); Pumps (Two); or Combination or 2 pumps, Light Plants, Welding machines, Air compressor (under 220 cu. ft.); Mud jacks or Wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or Pump; Pipeline track jack	7.00	.30	.45		.035	
CLASS 10						
Air Compressor, under 220 cu. ft. cap. (One); Conveyor (one); Conveyor Op. on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) Pump (one); Welding machine (one) Ulmac or Equal Spreader	6.75	.30	.45		.035	

POWER EQUIPMENT OPERATORS (Cont'd) RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLASS 11						
Crane, shovel, dragline 4 yds. or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic on 4 yard machine or over, Engine man on dredge, Levee man on dredge	$8.25	.30	.45		.035	
CLASS 12						
Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge	7.25	.30	.45		.035	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

STATE: Illinois COUNTY: Winnebago
DECISION NUMBER: AQ-3165 DATE: Date of Publication
Supersedes Decision No. AP-1002, dated June 8, 1973, in 38 FR, 15298
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$8.37	.45	.60	.50	.03	
Boilermakers	8.75	.40	.90	4%	.01	
Boilermakers' Helpers	8.65	.40	.90	4%	.01	
Bricklayers & Stonemasons	7.30	.30	.40	.45	.02	
Carpenters:						
Carpenters, Soft Floor Layers & Piledrivermen	7.60	.25	.35		.02	
Millwrights	8.28	.25	.25		.02	
Cement Masons	7.25	.25	.45			
Electricians	8.65	.25	1%+.20		1%	
Elevator Constructors:						
Elevator Constructors	7.79	.345	.23	2%+a&b	.005	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	6.85	.30	.20	.50	.02	
Ironworkers	9.05	.40	.375		.05	
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen-Digger Operator	8.55	.35	1%		.25%	
Groundmen Equipment Operator	5.71	.35	1%		.25%	
Groundmen	5.51	.35	1%		.25%	
Marble, Tile & Terrazzo Workers	7.15	.25				
Painters:						
Brush & Roller	7.30	.20				
Structural Steel (Open)	7.55	.20				
Spray	7.85	.20				
Plasterers	7.18	.20	.50			
Plumbers & Steamfitters	8.25	.35	.40		.05	
Roofers:						
Composition	8.00	.15				
Slate-Tile-Precast	8.00	.15				
Sheet Metal Workers:						
Eastern ½ of County	7.89	.20	.40	.50	.01	
Western ½ of County	8.00	.25	.20		.02	
Sprinkler Fitters	8.75	.35	.40		.02	
Truck Drivers:						
2-3 Axle Trucks	6.55	.25	.15			
4-Axle Trucks	6.70	.25	.15			
5-Axle Trucks	6.90	.25	.15			
6-Axle Trucks	7.10	.25	.15			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to thr holiday, and the regular schedule work days immediately preceding and following the holiday.

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BUILDING LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
CLASS I						
Common Laborers, Rod & Chain Men	$6.10	.20	.20		.035	
CLASS II						
Concrete Puddlers & Initial Placement, Cement Dumpers & Handlers, Air and Mechanical Tools, Pump Crete, 6' to 12' below ground, Mortar Mixer, Mechanical Buggies	6.25	.20	.20		.035	
CLASS III						
Jackhammer, Tile & Sewer Layers, Bottomen, Gunite Workers, Work 25' to 35' above ground, 12' to 18' below ground, Concrete Saw, Stone Derrickmen, Pre-Cast or Pre-Stressed Concrete Members	6.40	.20	.20		.035	
CLASS IV						
Caisson & Cofferdam Workers	6.55	.20	.20		.035	
Work 35' to 50' above ground	6.60	.20	.20		.035	
Burning Bar	6.70	.20	.20		.035	
Work 50' to 75' above ground	6.85	.20	.20		.035	
18' and over below ground	6.90	.20	.20		.035	
Work 75' to 100' above ground	7.10	.20	.20		.035	

ILLINOIS 12 - P30-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I Asphalt plant, asphalt spreader, autograd, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), concrete conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw type pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoops - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines	$10.00	.50	.50	.20	.05
CLASS II Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag & over), conveyor, portable, forklift trucks greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators. stone crushers, tractors, all, winch trucks with "A"-frame	8.70	.50	.50	.20	.05
CLASS III Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches	7.65	.50	.50	.20	.05
CLASS IV Oilers	6.45	.50	.50	.20	.05

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: BERGEN

DECISION NO.: AQ-2,105 DATE: Date of Publication

Supersedes Decision No. AP-810 dated May 11, 1973 in 38 FR 12567

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), 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	$ 9.202	.5803	.4977		.02	
Boilermakers	8.35	8%	9½+3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½+3%	10%	.01	
Bricklayers, cement masons, plasterers and stonemasons:						
Garfield, Lodi, Wallington and E. Patterson South of Route 4 N. Arlington, Lynhurst, E. of Ridge and N. to Rutherford Ave., and Berry's Creek W. of the Hackensack River	8.80	.50	.65		.02	
Remainder of County	8.95	.50	.45	.50	.02	
Carpenters and Insulators:	9.15	.80	.65		.02	
City of Garfield; Lodi and Wallington Boroughs:						
Carpenters	9.29	6%	6%		.02	
Millwrights	9.54	6%	6%		.02	
Remainder of County:						
Carpenters	9.29	6%	6%		.02	
Millwrights	9.54	6%	6%		.02	
Carpenters, Millwrights and Insulators: Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater Fairview, Leonia and Coytesville	8.83	8%	8%+h		.02	
Dock Builders and Piledrivermen	9.36	.90	1.53	.56	.02	
Electricians	10.23	3%+g	6%+.58		1.5%	
Elevator constructors	9.10	.395	a+.26	b+c	.015	
Elevator constructors' helpers	6.83	.395	a+.26	b+c	.015	
Elevator constructors' probationary helper	4.55					
Elevator constructors modernization	8.33	.395	a+.26	b+c	.015	
Elevator constructors modernization helper	6.25	.395		b+c	.015	
Elevator constructors' repair	7.48	.395	a+.26	b+c	.015	
Elevator constructors' repair helper	5.61	.395	a+.26	b+c	.015	
Glaziers	8.27	.45	.70	.15+d	.01	
Ironworkers, structural	9.15	.64	2.11	.90	.09	
Ironworkers, ornamental	9.15	.64	2.11	.90	.09	
Ironworkers, reinforcing	9.15	.64	2.11	.90	.09	
Laborers, Building:						
Garfield, Passaic and Wallington Townships, Lodi, Lodi Borough and E. Paterson:						
Laborers						
Air tool operator (jackhammer, vibrator)	6.65	.50	.55			
Mason tenders	6.65	.50	.55			
Mortar mixers	6.65	.50	.55			
Pipelayers (concrete and clay)	6.65	.50	.55			
Plasterers' tenders	6.65	.50	.55			

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Building, (continued):						
Remainder of County:						
Laborers	$ 6.45	.65	.60			
Air tool op. (jackhammer, vibrator)	6.45	.65	.60			
Mason tenders	6.45	.65	.60			
Mortar mixers	6.45	.65	.60			
Pipelayers (concrete and clay)	6.45	.65	.60			
Plasterers' tenders	6.45	.65	.60			
Wrecking and excavation	6.45	.65	.60			
Lathers	7.75	.25	.25		.02	
Leadburners	8.75	.30		e	.01	
Marble setters	7.40	.63	.66+1+j			
Marble setters' helpers	6.93	.63	.66+1+j			
Painters:						
Commercial and Industrial	7.55	10%	10%+f	.34		
Steel	8.05	10%	10%+f	.34		
High hazardous work and bridge	8.05	10%	10%+f	.34		
Pipe fitters	9.50	.30	.75	1.00	.25	
Plumbers:						
E. Paterson, Fairlawn, Mahawah, Glen Rock, Ridgewood, Midland Park, Hohokus Waldwick, Alendale, Ramsey, Oakland, Franklin Lakes, Saddle River Ridgefield, Fairview Cliffside Park, Fort Lee and Edgewater	8.65	.475	.91	1.00	.02	
Remainder of County	8.20	.61	.55	1.00	.02	
Roofers:	8.70	.60	.55	1.00	.03	
Composition	9.20	6%+.05	1.00			
Slate and tile	8.45	.35	.60			
Slate and tile helpers	6.65	.35	.60			
Sheet metal workers	9.15	.5175	.4575	.4260	.02	
Soft floor layers	8.53	6%	5%	4%		
Sprinkler fitters	10.12	.40	.60		.07	
Terrazzo workers	8.70	1.23	1.26			
Terrazzo workers; helpers	7.43	.925	.475			
Terrazzo machine operator	7.68	.925	.43			
Tile setters	8.10	.60	1.50			
Tile setters' helpers	6.25	6%	5%			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week Vacation after one year's work; two weeks vacation after 4 years work.

e. Holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes $.45 per hour to an annuity fund.

g. Employer contributes 1% to Temporary Disability Fund.

h. Employer contributes $.16 to an annuity fund.

i. Employer contributes .60 per hour to a Trust Fund.

j. Employer contributes .95 per hour to an Annuity Fund.

NJ-1-LAB-2-3- C

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Blasters	$7.10	.41	.64	a		
Finishers, rammer, paver & gunnite nozzle man and stonecutter	6.80	.41	.64	a		
Timberman	6.75	.41	.64	a		
Form setters	6.80	.41	.64	a		
Grademan	6.80	.41	.64	a		
Sewer pipe, laser men, conduit & duct line layers	6.50	.41	.64	a		
Wagon drill op., & drill masters	6.60	.41	.64	a		
Wagon drill op. helper & drill master helper, powder carrier, magazine tender	6.25	.41	.64	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used to perform work usually done manually by laborers	6.60	.41	.64	a		
Signal man	6.30	.41	.64	a		
Wrapping and coating of all pipe	6.20	.41	.64	a		
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen & dumpmen	6.10	.41	.64	a		
FREE AIR TUNNEL WORK	Daily Rates					
Blasters	$63.77	.41	.59	a		
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	60.57	.41	.59	a		
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	59.28	.41	.59	a		
All others (including powder watchmen, change house attendants, top laborers)	55.22	.41	.59	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), econo-mobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), rollers (backtop), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, auto-grade tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with hob site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, grader (finish only), graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement,

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic.

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectiflertransformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operations: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base)

GROUP XIV: Helicopters (pilot/engineer)

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP I	$10.73	7%	10%+5%	a	3%	
GROUP II	9.85	7%	10%+5%	a	3%	
GROUP III	9.65	7%	10%+5%	a	3%	
GROUP IV	8.96	7%	10%+5%	a	3%	
GROUP V	8.81	7%	10%+5%	a	3%	
GROUP VI	8.76	7%	10%+5%	a	3%	
GROUP VII	8.05	7%	10%+5%	a	3%	
GROUP VIII	8.41	7%	10%+5%	a	3%	
GROUP IX	7.60	7%	10%+5%	a	3%	
GROUP X	8.91	7%	10%+5%	a	3%	
GROUP XI	7.50	7%	10%+5%	a	3%	
GROUP XII	9.95	7%	10%+5%	a	3%	
GROUP XIII	8.41	7%	10%+5%	a	3%	
GROUP XIV	12.33	7%	10%+5%	a	3%	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday and Presidential Election Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn., subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), rollers (blacktop), scrapers (letourneau, dw's, ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrators, skimmer machines (boom type), generators, giraffe grinders, grader (finish only), graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading, welder and and repair mechanic

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION CONT'D. :

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment, operation & maintenance of grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP I	$10.73	7%	5% + 10%	a	3%	
GROUP II	9.85	7%	5% + 10%	a	3%	
GROUP III	8.96	7%	5% + 10%	a	3%	
GROUP IV	8.76	7%	5% + 10%	a	3%	
GROUP V	8.05	7%	5% + 10%	a	3%	
GROUP VI	8.61	7%	5% + 10%	a	3%	
GROUP VII	12.33	7%	5% + 10%	a	3%	
GROUP VIII	9.95	7%	5% + 10%	a	3%	
GROUP IX	8.41	7%	5% + 10%	a	3%	
GROUP X	8.91	7%	5% + 10%	a	3%	
GROUP XI	8.66	7%	5% + 10%	a	3%	
GROUP XII	7.90	7%	5% + 10%	a	3%	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday and Presidential Election Day, provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$11.53	7%	15%	a	3%	
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.33	7%	15%	a	3%	
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	10.88	7%	15%	a	3%	
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.31	7%	15%	a	3%	
Air compressors single, welding machines (gasoline electric converter of any type, single)	8.50	7%	15%	a	3%	
Firemen	8.83	7%	15%	a	3%	
Oilers	8.00	7%	15%	a	3%	
Water Operations:						
On all power boats used in conjunction with pipe lina, river crossings and all types of construction work:						
Captain, tugmaster	9.25	7%	15%	a	3%	
Deckhand	7.95	7%	15%	a	3%	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

NEW JERSEY-2-TD-1-2-3-0

BUILDING, HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	5.68	.85		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	5.58	.85		a+b		
Straight three-axle materials: trucks and floats	5.48	.85		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.85		a+b		
Mechanics helpers	5.20	.85		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. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 85 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: OCEAN

DECISION NO.: AQ-2,106 DATE: Date of Publication
Supersedes Decision No. AP-841 dated May 25, 1973 in 38 FR 13985
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories),

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers:						
Twps., of Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton and Union	$ 9.22	.50	.50			
Remainder of County	9.30	.50	.50		.05	
Boilermakers	8.35	8%	9½%+3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½%+3%	10%	.01	
Bricklayers, cement masons, plasterers & stone masons	9.75		.40			
Carpenters and insulators	9.11	6%	6%		.02	
Electricians, Linemen & Pipe Type Cable:						
Electricians	10.20	.41	.30		.01	
Linemen, cable splicer, welder, equipment repairman, hole digging equipment, truck with winch or pole & steel handling, truck without winch	10.20	.41	1% + .30		.01	
Groundman	8.25	.41	1% + .30		.01	
Elevator constructors	9.25	.345	.20	2%+a+b	.015	
Elevator constructors' helpers	6.48	.345	.20	2%+a+b	.015	
Elevator constructors' helpers (prob.)	4.625					
Glaziers	8.08	.61	.65		.02	
Ironworkers, structural, ornamental & reinforcing-nearest towns as listed below:						
Atlantic City	9.20	.64	1.06		.05	
Perth Amboy	9.15	.64	2.11	.90	.09	
Trenton	8.92	.64	1.06	10%	.05	
Laborers, Building:						
Lacey, Ocen, Union, Barnegat City, Stafford, Harvey Cedars, Surf City, Eaglewood, Ship Bottom, Beach Arlington, Little Egg Harbor, Beach Haven & Tuckerton Twps.:						
Laborers, bldg., & concrete	6.35	.55	.15			
Mason tenders	6.35	.55	.15			
Plasterers' tenders, gunite men	6.35	.55	.15			
Air, gas & electric tool operator	6.80	.55	.15			
Nozzle and gun operator	6.80	.55	.15			
Gunite men	6.80	.55	.15			
Remainder of County:						
Laborers	6.60	.35	.45			
Jackhammermen	6.85	.35	.45			
Lathers	5.76	.25	.20			
LeadBurners	8.75	.30		c	.01	
Millwrights	9.36	6%	6%		.02	
Painters:						
Commercial	7.80		.45			
Structural steel	8.40		.45			
Piledrivermen and dock builders	9.42	1.23	.55		.07	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters:						
Whiting to Keswich Grove to Barnegat Pines to Barnegat Light and all areas inclusive south thereof	$ 9.00	.37	.37		.02	
Remainder of County	9.80	5%	.75		.05	
Roofers:						
County line southward to Cassville, Lakehurst, Whiting, Wheatland and Cedar Bridge inclusive:						
Composition, damp & waterproofing	9.45	.50	.325			
Slate and tile	8.625	.50	.325			
Slate and tile helpers	7.55	.50	.325			
Remainder of County	9.20	.40	.50			
Sheet metal workers	8.41	.51	.44	.67	.02	
Soft floor layers	8.53	6%	5%	4%		
Sprinkler fitters	9.45	.40	.60		.07	

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Years' 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; Washington's Birthday; Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes 1% to Temporary Disability Fund.

NJ-1-LAB-2-3- C

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Blasters	$7.10	.41	.64	a		
Finishers, rammer, paver & gunnite nozzle man and stonecutter	6.80	.41	.64	a		
Timberman	6.75	.41	.64	a		
Form setters	6.80	.41	.64	a		
Grademan	6.80	.41	.64	a		
Sewer pipe, laser men, conduit & duct line layers	6.50	.41	.64	a		
Wagon drill op., & drill masters	6.60	.41	.64	a		
Wagon drill op. helper & drill master helper, powder carrier, magazine tender	6.25	.41	.64	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used to perform work usually done manually by laborers	6.60	.41	.64	a		
Signal man	6.30	.41	.64	a		
Wrapping and coating of all pipe	6.20	.41	.64	a		
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen & dumpmen	6.10	.41	.64	a		
FREE AIR TUNNEL WORK	Daily Rates					
Blasters	$63.77	.41	.59	a		
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	60.57	.41	.59	a		
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	59.28	.41	.59	a		
All others (including powder watchmen, change house attendants, top laborers)	55.22	.41	.59	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J. 4-LAB-5-L

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Street:						
Head raker	$6.55	.41	.59	a		
Rakers and screed board man	6.40	.41	.59	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.15	.41	.59	a		
Plant:						
Scale mixers and burner men	6.40	.41	.59	a		
Feeders and dust men	6.15	.41	.59	a		

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, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), econo-mobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), rollers (backtop), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, auto-grade tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with hob site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, grader (finish only), graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement,

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic.

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operations: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base)

GROUP XIV: Helicopters (pilot/engineer)

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP I	$10.73	7%	10%+5%	a	3%	
GROUP II	9.85	7%	10%+5%	a	3%	
GROUP III	9.65	7%	10%+5%	a	3%	
GROUP IV	8.96	7%	10%+5%	a	3%	
GROUP V	8.81	7%	10%+5%	a	3%	
GROUP VI	8.76	7%	10%+5%	a	3%	
GROUP VII	8.05	7%	10%+5%	a	3%	
GROUP VIII	8.41	7%	10%+5%	a	3%	
GROUP IX	7.60	7%	10%+5%	a	3%	
GROUP X	8.91	7%	10%+5%	a	3%	
GROUP XI	7.50	7%	10%+5%	a	3%	
GROUP XII	9.95	7%	10%+5%	a	3%	
GROUP XIII	8.41	7%	10%+5%	a	3%	
GROUP XIV	12.33	7%	10%+5%	a	3%	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday and Presidential Election Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn., subgrader, base MTL, spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), rollers (blacktop), scrapers (letourneau, dw's, ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrators, skimmer machines (boom type), generators, giraffe grinders, grader (finish only), graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading, welder and and repair mechanic

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION CONT'D. :

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment, operation & maintenance of grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I	$10.73	7%	5% + 10%	a	3%	
GROUP II	9.85	7%	5% + 10%	a	3%	
GROUP III	8.96	7%	5% + 10%	a	3%	
GROUP IV	8.76	7%	5% + 10%	a	3%	
GROUP V	8.05	7%	5% + 10%	a	3%	
GROUP VI	8.61	7%	5% + 10%	a	3%	
GROUP VII	12.33	7%	5% + 10%	a	3%	
GROUP VIII	9.95	7%	5% + 10%	a	3%	
GROUP IX	8.41	7%	5% + 10%	a	3%	
GROUP X	8.91	7%	5% + 10%	a	3%	
GROUP XI	8.66	7%	5% + 10%	a	3%	
GROUP XII	7.90	7%	5% + 10%	a	3%	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday and Presidential Election Day, provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$11.53	7%	15%	a	3%	
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.33	7%	15%	a	3%	
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	10.88	7%	15%	a	3%	
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.31	7%	15%	a	3%	
Air compressors single, welding machines (gasoline electric converter of any type, single)	8.50	7%	15%	a	3%	
Firemen	8.83	7%	15%	a	3%	
Oilers	8.00	7%	15%	a	3%	
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	9.25	7%	15%	a	3%	
Deckhand	7.95	7%	15%	a	3%	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

New Jersey 1-TD-1-2-3-F 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Winch Trailers	$6.28	a		b		
Euclid, International Haversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	6.18	a		b		
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	6.18	a		b		
Straight three-axle materials: Trucks and floats	6.08	a		b		
Straight dumps, flats, floats, pick-ups container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader, nipper, fuel trucks (driver on fuel truck including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), beltcrete trucks, pumpcrete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, littleford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	6.03	a		b		

AQ-2,106 P.13

New Jersey 1-TD-1-2-3-F 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (Cont'd):						
Teamster mechanic	$6.03	a		b		
Mechanic helper	5.80	a		b		

FOOTNOTES:

a. Employer contributes $.89 per hour to a combined Health, Welfare and Pension fund.

b. Employees worked or received pay: 80 days within a year receive one week's vacation, 125 days within a year receive two weeks' vacation, 145 days within a year receive 15 days' vacation, 15 years seniority and 145 days within a year receive four weeks' vacation.

SUPERSEDEAS DECISION

STATE: NEW YORK

DECISION NO.: AQ-2,107

COUNTY: BRONX, KINGS, QUEENS, NEW YORK & RICHMOND

DATE: DATE OF PUBLICATION

Supersedeas Decision No. AP-487 dated March 9, 1973 in 37 FR 6608

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

3-24-31-41-43-New York-1-2-3-J 1 of 4

BUILDING HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 8.96	13.1%	9%	12%		
Boilermakers	9.95	5%	5%+10%	7%	.01	
Bricklayers	9.40	.78	2.92	.30		
Carpenters, Building:						
Carpenters, soft floor layers	9.36	.90	1.53	.50	.02	
Millwrights	9.36	.90	1.53	.50	.02	
Dock builders & piledrivermen	9.36	.90	1.53	.50	.02	
Carpenters, Heavy:						
Carpenters	9.15	.85	1.48	.50	.02	
Dock builders & piledrivermen	9.15	.85	1.48	.56	.02	
Timbermen	8.11	.80	1.45	.50	.02	
Cement masons	8.85	.905	755+.50		.01	
Electricians and linemen	9.98	u	1%+a	v + b		
Elevator constructors	9.10	.395	.26+m	c + d	.015	
Elevator constructors' helpers	6.83	.395	.26+m	c + d	.015	
Elevator constuctors' helpers (prob.)	4.55					
Elevator constructors modernization	8.33	.395	.26+m	c + d	.015	
Elevator constructors modernization helpers	6.25	.395	.26+m	c + d	.015	
Elevator constructors repair	7.48	.395	.26+m	c + d	.015	
Elevator constructors repair's helpers	5.61	.395	.26+m	c + d	.015	
Glaziers	7.30	6%	6%+1.20	5%		
Ironworkers:						
Structural	9.58	.60	1.96	1.06+z	.04	
Ornamental finisher	8.10	.60	1.235	.73	.03	
Reinforcing	8.40	.655	.655+1.00	.70	.01	
Laborers:						
Asphalt spreaders (Hwy.)	5.10	4%	4%	e		
Asphalt rubbers, kettlemen, helpers	4.40	4%	4%	e		
Asphalt rakers	7.13	1.05	.87	s		
Asphalt tampers	6.98	1.05	.87	s		
Asphalt laborers	6.96	1.05	.87	s		
Blasters (Hwy.)	8.44	.725	1.135	f + .55		
Cement concrete workers	7.15	.6025	.8025	1.20		
Curb setters, flaggers (Hwy.)	6.35	.75	.32	e		
Form setters (Hwy.)	8.41	1.05	.91	s		
Laborers, puddlers, concrete rakers (Hwy.)	7.47	1.05	.91	s		
Laborers, (Bldg., & Hvy.)	7.40	1.18	1.01	s		
Mason tenders	7.10	.637	.545+.50			
Pavers (Hwy.)	6.35	.75	.32	e		
Plasterers' helpers (Kings)	7.40	1.60		.80		
Plasterers' helpers (Queens)	7.05	1.10		1.15		
Plasterers' helpers (NY-Bronx-Richmond)	7.50	.70	.50			
Pneumatic-gas-elec. tool op. (Hvy.)	7.36	.725	1.135	.55+f		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (Cont'd)						
Power carriers (Hvy.)	$ 6.70	.725	1.135	.55+f		
Rammers (Hwy.)	6.10	.75	.32			
Wagon drills (Hvy.)	7.50	.725	1.135	.55+f		
Lath hoister (except Richmond)	5.80	.12				
Lathers, metallic	8.40	.655	.655+1.00	.70	.01	
Lathers, nail-on (King & Queens)	5.95	8%	6% + .20	.70		
Lathers, nail-on (NY-Brinx-Richmond)	6.75		.25		.01	
Lead burners	8.75	.30		g	.01	
Marble setters:						
Carvers	7.55	.63	.66+w+x			
Cutters, setters	8.00	.63	.66+w+x			
Sawyers, rubbers, polishers	7.17	.63	.66+w+x			
Crane operators & derrickmen	6.93	.63	.66+w+x			
Crane operators helpers	6.93	.63	.66+w+x			
Painters:						
Brush	7.35	6½%	6½% + h	3%		
Spray, spray gun and scaffold work	8.93	6½%	6½% + h	3%		
Structural steel	7.50	8%	11%			
Structural steel spray	8.50	8%	11%			
Plasterers:						
Kings	8.05	.95		1.40	.01	
Queens	8.10	1.00	.40	1.00	.01	
Bronx-NY-Richmond	8.25	.85	.60	.90	.01	
Plumbers:						
Manhattan and Bronx	8.75	.93	.79	.73	.04	
Kings-Queens	8.67	.56	1.09+j	.48	.10	
Richmond	9.10	.60	k+1.98		.04	
Riggers	8.10	5½%	12%+.55	6½%+.15		
Roofers:						
Composition, damp & waterproofers	8.40	11%	1.83	.63		
Slate-tile (Kings-Queens)	6.45	8%	.50	5%		
Slate-tile helpers (Kings-Queens)	5.13	8%	.50	5%		
Slate-tile (Bronx-NY-Richmond)	7.45	.50	.30	.75		
Slate-tile helpers (Bronx-NY-Richmond)	5.96	.40	.24	.60		
Sheet metal workers	10.87	3%+.25	3%+.25	3%+.05	.02	
Sprinkler fitters	8.655	7%+.85	13%	10%	.04	
Steamfitters	8.655	7%+.85	13%	10%	.04	
Service fitters air condition up to 10 hp.	5.05	.05	.15			
Stonemasons	8.45	.66	2.54	1.50		
Stone derrickmen & riggers	8.87	7%+.79	4%+.55	.60	.01	
Terrazzo workers	8.70	1.23	1.26			
Terrazzo workers' helpers	7.43	.925	.475			
Terrazzo workers, machine operator	7.68	.925	.475			
Tile setters	8.10	.60	1.50			
Tile setters' helpers	6.96	.40	.27			
Tuckpointers:						
Steam cleaners	8.12	.70	1.44	.50	.015	
Waterproofers	8.37	.70	1.44	.50	.015	
Sandblasters	9.12	.70	1.44	.50	.015	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Ready-mix concrete, sand, gravel and asphalt	$ 5.23	.44½	.55½	n + o		
Euclids and turnapull operator	5.385	.44½	.55½	n + o		
Demolition & Wrecking:						
Straight jobs	4.76	p	q	r		
Trailers	5.01	p	q	r		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.86 per hour to Annuity Fund.

b. Holidays: A through F; Election Day; Employee's Birthday.

c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

d. Employer contributes 4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

e. Holidays: A through F; (provided the employee worked one day in the payroll week in which the holiday falls).

f. Holidays: A through F; Washington's Birthday; Columbus Day; Election Day; Armistice Day; Lincoln's Birthday.

g. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and regular schedule work days immediately preceding and following the holiday.

h. $3.00 per day contribution for each men to a special annuity fund.

j. Employer contributes $.857 to a Security Benefit Fund.

k. Employer contributes $.43 per hour to a Security Benefit Fund.

m. Employer contributes $7.00 per day to an Annuity Fund.

n. Holidays: A through F, Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day, providing the employee works two days in the calendar week in which the holiday falls and each remaining work day during such calendar week.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

FOOTNOTES (cont'd):

o. Vacation with pay, with a maximum vacation of three weeks per year.

p. Employer contributes $28.86 per month to Health & Welfare.

q. Employer contributes $29.13 per month to a Pension Fund.

r. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armstice Day and Election Day.

s. Holidays: B, C, D & E, Election Day, Columbus Day, providing employee works at least 1 day in the week in which the holiday occurs.

t. Holidays: A through F.

u. Employer contributes $.66 per hour to a combined Health & Welfare and Pension Fund.

v. Employer contribution of $.47 per hour to a Vacation Fund.

w. Employers contribute $.60 per hour to a Trust Fund.

x. Employers contribute $.15 per hour to an Annuity Fund.

z. Paid Holidays: New Year's Day, Christmas Day provided the employee works a full half day preceding the holiday.

NY-1-PEO-1-E

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Double drum hoist	$10.41	5%	5%+a	.70 +b	.02	
Stone derrick, cranes, cherry picker	10.27	5%	5%+a	.70 +b	.02	
Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work), paint spraying, sand blasting, and all equipment used for hoisting material	8.86	5%	5%+a	.70 +b	.02	
Cranes: All types - crawler or truck						
100' to 149' boom	10.76	5%	5%+a	.70 +b	.02	
150' to 249' boom	11.01	5%	5%+a	.70 +b	.02	
250' to 349' boom	11.26	5%	5%+a	.70 +b	.02	
350' to 450' boom	11.76	5%	5%+a	.70 +b	.02	
Steel Erection:						
Three drum derricks	10.64	5%	5%+a	.70 +b	.02	
Cranes, 2 drum derricks, cherry pickers	10.27	5%	5%+a	.70 +b	.02	
Compressors, welding machines	9.32	5%	5%+a	.70 +b	.02	

FOOTNOTES:

a. Employer contributes $.90 per hour to an annuity fund.

b. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Good Friday (Iron League only); Decoration Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

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POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Backhoes, power shovels, steel erection	$9.67	5%	5%	.75+a		
Mine hoist & cranes	9.60	5%	5%	.75+a		
Gradalls, keystones, cranes (on land or water with digging buckets including sand rock cranes, bridge cranes, clamshells, draglines, trenching machines)	9.44	5%	5%	.75+a		
Piledriving cranes (when driving piles), piledriving rigs (when driving piles), cranes (under direction of a dockbuilder foreman), Derrick boats, tunnel shovels, concrete plants (on site only)	9.26	5%	5%	.75+a		
Cherrypicker (20 tons & over)	9.10	5%	5%	.75+a		
Tunnel mucking machines, back filling machines, cranes (including but not limited to those utilizing scale boxes and mucking buckets), paver dual drums	9.09	5%	5%	.75+a		
Elevators (manually operated), pavers, cableways, land derricks, power houses (which contain low air pressure units), asphalt spreaders, autogrades (C.M.I. and machines of similar nature)	8.90	5%	5%	.75+a		
Power houses (other than above), portable compressors (used for steel erection), compressors (3 or more in battery), driving of truck mounted compressors, double drum hoist, concrete pumps, well point pumps, tugger machines (compressed air caissons), drilled in caissons, soil solidification equipment, welding machines (used for steel erection)	8.71	5%	5%	.75+a		
Rollers (irrespective of motor power) concrete mixers	8.67	5%	5%	.75+a		
River cofferdam pumps, welding machines (1 op. 2 through 5 machines, 2 op. 6 through 10 machines except where ARC is operated by members of L-15). concrete breaking machines, portable compressors (1 or 2 in battery not over 100' apart), high pressure boilers, single						

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
drum hoist, locomotives (over 10 tons), push-button machines, stationary engineers (care, operating and maintenence of conveyor roller and plant equipment in asphalt plants)	8.35	5%	5%	.75+a		
Long boom land cranes:						
100' - 149'	9.94	5%	5%	.75+a		
150' - 249'	10.19	5%	5%	.75+a		
250' - 349'	10.44	5%	5%	.75+a		
350' - 450'	10.94	5%	5%	.75+a		
Junior engineers (when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over)	9.35	5%	5%	.75+a		
Junior engineers (when operating the following equipment and attachments): scrapers, turn-a-pulls, tugger hoists (used exclusively for handling excavated material), tractors (rubber-tired and/or track type), hysters and roustabout cranes, back scratchers, cherrypickers (all capacities, including the crew requirement for a manufacturer's minimum rated capacity of cherrypicker twenty tons and over), austin western and machines of a similar nature, basin machines, stetco silent hoist and machines of a similar nature, vac-all, meyers machines, john beam and machines of a similar nature, bulldozers, loaders (rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of less than 6 cubic yards), conveyors, motor graders, curb and gutter pavers and machines of a similar nature, ross carriers and travel lifts and machines of a similar nature	9.10	5%	5%	.75+a		
Junior engineers when operating the following pieces of minor equipment: tractors, locomotives (10 tons and under), post hole diggers, ditch witch (walk behind), motor generators, road finishing machines, mixers (16S and under with or without loading devices) rollers (5 tons and under), tugger						

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
hoists, dual purpose trucks, fork lifts, dempster dumpers, firemen (tending to): steam operated shovels, power boilers, steam operated pile drivers, steam operated derrick boats, steam operated water rigs	8.94	5%	5%	.75+a		
Apprentice engineers & oilers (all gasoline, electric, diesel or air operated), shovels, cranes, draglines, backhoes, keystones, gradalls, pavers, trenching machines, concrete pumps, gunite machines, compressors (3 or more in battery), power houses, their duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck	8.59	5%	5%	.75+a		

Footnotes:
New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

STATE: Oregon COUNTIES: Clackamas, Linn, Multnomah and Washington

DECISION NUMBER: AQ-1100 DATE: Date of Publication

Supersedes Decision No. AQ-1053 dated November 9, 1973, in 38 FR 31152.

DESCRIPTION OR 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.
BRICKLAYERS:					
Linn County	$7.55	.45	.45		.03
Clackamas, Multnomah and Washington Counties	7.90	.35	.35		.02
CARPENTERS:	7.29	.55	.40	.35	.03
CEMENT MASONS:					
Clackamas, Multnomah and Washington Counties	7.14	.35	.35	.20	.03
DRYWALL TAPERS	7.24	.40	.40	.35	.03
ELECTRICIANS:					
Linn County	8.50	.25	1%		.04
Clackamas, Multnomah and Washington Counties	8.40	.45	1%+.40		.02
LABORERS:					
Linn County					
Laborers	5.60	.45	.50	.25	.02
Mortar Mixers	5.75	.45	.50	.25	.02
Clackamas, Multnomah and Washington Counties					
Laborers	6.10	.45	.50	.25	.02
Mortar Mixers	6.25	.45	.50	.25	.02
PAINTERS:					
Brush	7.05	.30	.20		.03
PLUMBERS:					
Linn County	6.95	.51	.63	1.00	.08
Clackamas, Multnomah and Washington Counties	7.68	.65	.75		.07
ROOFERS:					
Linn County	6.00	.22	.15		
Clackamas, Multnomah and Washington Counties	7.30	.45	.55		
SHEET METAL WORKERS	6.94	.33	.24	.28	.02
SOFT FLOOR LAYERS	7.15	.40	.45	a	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS:					
Clackamas, Multnomah and Washington Counties	$7.24	.35	.35		
POWER EQUIPMENT OPERATORS:					
Clackamas, Multnomah and Washington Counties					
Asphalt roller	7.11	.55	.85	.35	.05
Blade, finish	7.49	.55	.85	.35	.05
Loader, 4 cu. yds., but less than 6 cu. yds.	7.81	.55	.85	.35	.05
Linn County					
Asphalt roller	6.96	.45	.60	.25	
Blade, finish	7.34	.45	.60	.25	
Loader, 4 cu. yds., but less than 6 cu. yds.	7.66	.45	.60	.25	

FOOTNOTE:

a. 4% of all gross wages to be placed to the credit of employees with less than one (1) year of service. 6% to employees with more than one (1) year of service.

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: AQ-1098
COUNTIES: Statewide
DATE: Date of Publication

Supersedes Decision No. AQ-1067 dated December 21, 1973, in 38 FR 35194

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.

ASBESTOS WORKERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (northern part), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$8.88	.51	.65		
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties	7.85	.35	.60		.06
Remaining Counties	8.445	.44	.72		
BOILERMAKERS	7.70	.65	1.00	.50	.02
BRICKLAYERS:					
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.05	.35			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Cos.	7.25	.50	.50		
Clallam, Island, Jefferson, King Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02
Grays Harbor and Pacific (northern Areas) Counties	6.50		.35		
Pierce County	8.34	.45	.35		.02
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
San Juan, Skagit (incl. Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	8.15	.40	.45	.25	
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, Grand Coulee Dam area in Okanogan County	8.15	.30			
Grant County and that portion of Adams County incl. the City of Othello	7.00				
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Clark, Cowlitz, Pacific (southern part), Skamania and Wahkiakum Cos.	7.90	.35	.35		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
All Counties and parts of Cos. east of the 120th Meridian					
Carpenters	$7.39	.50	.50		.035
Piledriver; Floor Layers; Floor Finishers; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	7.54	.50	.50		.035
Shingler (wood or composition)	7.59	.50	.50		.035
Millwrights; Boom Men; Machine Erector; Carpenters (creosoted material)	7.64	.50	.50		.035
Piledriver (creosoted material)	7.79	.50	.50		.035
All Counties and parts of Cos. west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties					
Carpenters	7.30	.50	.60		.01
Carpenters on creosoted material	7.40	.50	.60		.01
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shingles; Floor Sander; and other Stationary Power Woodworking Tools	7.43	.50	.60		.01
Millwrights and Machine Erectors; Piledrivers; Bridge, dock and wharf builders	7.45	.50	.60		.01
Acoustical Workers	7.46	.50	.60		.01
Boommen	7.50	.50	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties					
Carpenters; Form Stripper; Man-Hole Builders; Acoustical and Drywall Applicators	7.29	.55	.40	.35	.03
Piledrivermen, bridge, dock and wharf builders	7.39	.55	.40	.35	.03
Floor Layers; Floor Finishers; Stationary power saw operator	7.44	.55	.40	.35	.03
Boomman	7.49	.55	.40	.35	.03
Millwrights; Machine Erectors	7.54	.55	.40	.35	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Lewis, Pierce, Thurston and the City of Auburn in King County	$7.20	.40	.50		.02
King (except the City of Auburn), portion of Kittitas County lying one mile west of the City of Easton, Clallam, Grays Harbor, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Snohomish, Whatcom and Pacific (northern part) Counties	7.13	.55	.60		.01
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima and Kittitas (except for western portion lying one mile west of City of Easton) Counties	7.28	.40	.60		.03
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties	7.14	.35	.35	.20	.03
ELECTRICIANS:					
Clallam, Jefferson, King and Kitsap Counties					
Electricians	8.55	.25	1%+.40		.03
Cable splicer	9.405	.25	1%+.40		.03
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Cos.					
Electricians	8.02	.45	1%+.45	4%	.04
Cable splicers	8.74	.45	1%+.45	4%	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	8.57	.25	1%+.40		.01
Cable splicers	9.43	.25	1%+.40		.01
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.05	.35	1%+.40		.02
Cable splicers	8.86	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla & Yakima Counties					
Electricians	8.05	.35	1%+.40		.02
Cable splicers	8.86	.35	1%+.40		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Clark, Klickitat and Skamania Counties					
Electricians	$8.40	.25	1%+.40		.02
Cable splicers	9.15	.25	1%+.40		.02
Cowlitz and Wahkiakum Counties					
Electricians	8.65	.25	1%		.02
Cable splicers	9.515	.25	1%		.02
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	$8.05	.35	1%+.40		.02
Cable splicers	8.45	.35	1%+.40		.02
ELEVATOR CONSTRUCTORS:					
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (northern part), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties					
Elevator Constructors	7.965	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	7.66	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties					
Elevator Constructors	7.12	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	$7.95	.48	.80		.05
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	7.70	.48	.80	.25	.05
GLAZIERS:					
Island, King, Kitsap, Pacific (northern part), Snohomish, Clallam, Grays Harbor, Jefferson, Lewis, Mason, Pierce, San Juan, Skagit, Thurston and Whatcom Cos.	7.20	.22	.40	b	
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Walla Walla, Benton, Franklin, Columbia, and southeastern portion of Adams Counties	6.51	.25	.35	.40	
Spokane, Ferry, Stevens, Pend Oreille, Eastern half of Lincoln, and Northern Eastern half of Adams Counties	6.345	.25		.28	
Okanogan, Chelan, Douglas, Grant, Western half of Ferry and Lincoln, and the Southwestern corner of Adams Counties	6.57	.21	.15	.36	
LATHERS:					
Clallam, Island, Jefferson, King, Kitsap, Pacific (northern part), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS: (cont'd)					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman, Yakima Counties	7.50	.40			
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties	6.60	.15			.01
MARBLE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties	8.15	.30			
Grant County and that portion of Adams County incl. the City of Othello	7.00				
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.05	.35			
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02
Rays Harbor, Pierce and Pacific (northern part) Counties	7.98	.45	.35		.02
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
San Juan, Skagit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45	.25	
Clark, Cowlitz, Pacific (southern part), Skamania and Wahkiakum Cos.	7.90	.35	.35		.02
Kittitas, Yakima and Klickitat (except ten-mile strip bordering the Columbia River) Counties	7.25	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE, TILE AND TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	$6.55				
Remaining Counties west of the Cascade Mountain Range	6.55	.45			
PAINTERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Brush	6.67	.21	.45		.01
Drywall Taper	6.92	.21	.45		.01
Steel; Spray; Sandblaster; Steam Cleaning; Roller over 9" or 10" handle	7.02	.21	.45		.01
Swing Stage Work or High Rate (over 30')	7.07	.21	.45		.01
Bitumastics, Bridge, Tanks on legs; Tower; Stacks; Steeples	7.42	.21	.45		.01
Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties					
Brush	6.44	.21	.35		.01
Spray; Steel; Roller 9" or 10" handles; Finish Drywall Taper; Steem Cleaning	6.69	.21	.35		.01
Swing Stage over 30' high	6.79	.21	.35		.01
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	6.84	.21	.35		.01
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (northern part) and Whatcom Cos.					
Brush; Tapers	7.37	.40	.27		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	7.62	.40	.27		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties					
Brush	$ 7.05	.30	.20		.03
Spray	7.30	.30	.20		.03
High work over 100'	7.55	.30	.20		.03
High Towers, ground to 100'	7.20	.30	.20		.03
Drywall Tapers	6.93	.40	.40	.35	.03
PLASTERERS:					
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Skagit, San Juan, Snohomish and Pacific (northern part) Counties	7.56	.45	.50		.02
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties	6.80	.40			
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	7.25	.40	.50		.02
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	7.35	.50	.60		.01
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	7.50	.40			
PLUMBERS:					
Statewide (except Clallam, Clark, Jefferson and King Counties, and Chelan, Douglas, and Okanogan Counties West of the 119°, 30 Min. and Kittitas County north of the 47°, 15 Min. Latitude)	7.96	.33	.85	.49	.08
Clark County	7.36	.59	.66		.07
Clallam, Jefferson and King Cos., and Chelan, Douglas and Okanogan Counties west of the 119°, 30 Min. and Kittitas County north of the 47°, 15 Min. Latitude	8.04	.52	.85	.63	.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Kittitas, Franklin, Columbia, Benton, Klickitat, Garfield and Yakima Counties					
Roofers; Kettlemen	$ 7.35	.20	.30		
Irritable Bituminous Material; Spray (hot)	10.35	.20	.30		
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	6.60	.30	.15		
Asotin and Garfield Counties	6.65				
Cowlitz, Northern part of Pacific, and Wahkiakum Counties					
Roofers; Kettlemen; Waterproofers	7.55	.20	.20		
Slate and Tile	7.80	.20	.20		
Clark, Southern part of Pacific, and Skamania Counties					
Roofers	7.30	.45	.55		
Handling of irritating material (coal tar or epoxy)	7.80	.45	.55		
In confined areas and handling of irritating materials (coal, tar or epoxy)	8.05	.45	.55		
Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties					
Roofers; Kettlemen; Waterproofers	7.55	.20	.20		
Slate and Tile	7.80	.20	.20		
SHEET METAL WORKERS:					
King County	8.47	.27	.30		.01
Island and Snohomish Counties	7.90	.32	.40	.42	.03
Benton, Franklin, Kittitas, Klickitat and Yakima Counties	8.05	.32	.78	.50	
Adams, Asotin, Chelan, Douglas, Grant, Ferry, Lincoln, Pend Oreille, Okanogan, Spokane, Stevens and Whitman Counties	8.05	.32	.78	.50	
Walla Walla, Columbia and Garfield Counties	8.05	.32	.78	.50	
Cowlitz, Grays Harbor, Lewis, Pacific (northern part), Pierce, Thurston and Wahkiakum Counties	8.20	.37	.735	.47	.02
San Juan, Skagit and Whatcom Cos.	8.11	.42	.785	.45	.02
Clark, Pacific (southern part) and Skamania Counties	6.94	.33	.24	.28	.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS (Cont'd):					
Clallam, Jefferson, Kitsap and Mason Counties	$ 8.16	.37	.785	.47	.02
SOFT FLOOR LAYERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	6.68	.25	.25		
Grays Harbor, Mason, Pacific (northern part), Pierce and Thurston Counties	7.76	.36	.60		.05
King, Kitsap and Snohomish Cos.	7.82	.36	.60		.05
Clallam, Island, Jefferson, Lewis, San Juan, Skagit and Whatcom Cos.	7.62	.36	.60		.05
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	7.485	.45	.45	c	.05
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties	6.68	.25	.25		
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce, Thurston	9.08	.40	.60		.07
Remaining Counties	9.05	.30	.50		.05
TERRAZZO WORKERS:					
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.00	.40	.35		
San Juan, Skagit (incl. Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45	.25	
Lewis, Mason and Thurston Counties	7.65	.40	.30		
Grays Harbor, Pierce and Pacific (northern part) Counties	7.98	.45	.35		.02
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam Area	7.95	.35	.40		
Grant County and that portion of Adams County incl. the City of Othello	7.00				
Benton, Franklin and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.05	.35			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (Cont'd)					
Clark, Cowlitz, Pacific (southern part), Skamania and Wahkiakum Cos.	$ 6.55	.25	.24		
Kittitas, Yakima and Klickitat (except ten-mile strip bordering Columbia River) Counties	7.25	.50	.50		
TILE SETTERS:					
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.00	.40	.35		.04
San Juan, Skagit (incl. Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45	.25	
Lewis, Mason and Thurston Counties	7.65	.40	.30		
Grays Harbor, Pierce and Pacific (northern part) Counties	7.98	.45	.35		.02
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam Area in Okanogan County	7.95	.35	.40		
Grant County and that portion of Adams County incl. the City of Othello	7.00				
Benton, Franklin and Walla Walla Counties	7.53	.40	.50		
Kittitas, Yakima, Klickitat (except ten-mile strip bordering the Columbia River) Counties	7.25	.50	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.05	.35			
Clark, Cowlitz, Pacific (southern part), Skamania and Wahkiakum Cos.	7.84	.35	.35		.25

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

All Counties and parts of Counties East of the 120th Meridian

LABORERS (AREA 1)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 5.95	.40	.55		.02
Group 2	6.10	.40	.55		.02
Group 3	6.20	.40	.55		.02
Group 4	6.25	.40	.55		.02
Group 5	6.30	.40	.55		.02
Group 6	6.35	.40	.55		.02
Group 7	6.40	.40	.55		.02
Group 8	6.60	.40	.55		.02
Group 9					
Class A:	6.00	.40	.55		.02
Class B:	6.05	.40	.55		.02
Class C:	6.45	.40	.55		.02
Class D	6.50	.40	.55		.02
Group 10					
Class A:	60.00	.40	.55		.02
Class B:	62.70	.40	.55		.02
Class C:	62.70	.40	.55		.02
Class D:	82.95	.40	.55		.02
Class E:	66.90	.40	.55		.02
Class F:	69.30	.40	.55		.02
Class G:	72.00	.40	.55		.02
Class H:	73.30	.40	.55		.02
Class I:	50.40	.40	.55		.02

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the northern part of Pacific County

LABORERS (AREA 2)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$5.85	.50	.65		.03
Group 2	5.95	.50	.65		.03
Group 3	6.00	.50	.65		.03
Group 4	6.05	.50	.65		.03
Group 5	6.10	.50	.65		.03
Group 6	6.15	.50	.65		.03
Group 7	6.20	.50	.65		.03
Group 8	5.90	.50	.65		.03
Group 9	5.95	.50	.65		.03
Group 10	6.05	.50	.65		.03
Group 11	6.15	.50	.65		.03
Group 12	6.20	.50	.65		.03
Group 13	6.30	.50	.65		.03
Group 14					
Class A:	56.40	.50	.65		.03
Class B:	59.10	.50	.65		.03
Class C:	59.10	.50	.65		.03
Class D:	79.35	.50	.65		.03
Class E:	63.30	.50	.65		.03
Class F:	65.70	.50	.65		.03
Class G:	68.40	.50	.65		.03
Class H:	69.70	.50	.65		.03
Class I	50.40	.50	.65		.03

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Cos.

LABORERS (AREA 3)					
Group 1	5.85	.55	.65	.25	.07
Group 2	6.00	.55	.65	.25	.07
Group 3	6.15	.55	.65	.25	.07
Group 4	6.30	.55	.65	.25	.07

Those parts of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

LABORERS (AREA 4)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 5.55	.55	.65		.03
Group 2	5.65	.55	.65		.03
Group 3	5.70	.55	.65		.03
Group 4	5.75	.55	.65		.03
Group 5	5.80	.55	.65		.03
Group 6	5.85	.55	.65		.03
Group 7	5.90	.55	.65		.03
Group 8	5.95	.55	.65		.03
Group 9					
Class A	5.65	.55	.65		.03
Class B	5.70	.55	.65		.03
Class C	5.80	.55	.65		.03
Class D	5.90	.55	.65		.03
Class E	5.95	.55	.65		.03
Class F	6.05	.55	.65		.03
Group 10					
Class A	54.80	.55	.65		.03
Class B	57.50	.55	.65		.03
Class C	57.50	.55	.65		.03
Class D	77.75	.55	.65		.03
Class E	61.70	.55	.65		.03
Class F	64.10	.55	.65		.03
Class G	66.80	.55	.65		.03
Class H	68.10	.55	.65		.03
Group 11	48.80	.55	.65		.03

All Counties and parts of Counties East of the 120th Meridian

POWER EQUIPMENT OPERATORS (AREA 1)					
GROUP 1	$7.00	.55	.65		.03
GROUP 2	7.30	.55	.65		.03
GROUP 3	7.55	.55	.65		.03
GROUP 4	7.65	.55	.65		.03
GROUP 5	7.70	.55	.65		.03
GROUP 6	7.85	.55	.65		.03
GROUP 7	8.10	.55	.65		.03

All Counties and parts of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern part of Pacific County

POWER EQUIPMENT OPERATORS (Area 2)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.42	.45	.65		.08
GROUP 2	7.52	.45	.65		.08
GROUP 3	7.63	.45	.65		.08
GROUP 4	7.68	.45	.65		.08
GROUP 5	7.70	.45	.65		.08
GROUP 6	7.75	.45	.65		.08
GROUP 7	7.76	.45	.65		.08
GROUP 8	7.80	.45	.65		.08
GROUP 9	7.82	.45	.65		.08
GROUP 10	7.95	.45	.65		.08
GROUP 11	7.98	.45	.65		.08
GROUP 12	8.01	.45	.65		.08
GROUP 13	8.06	.45	.65		.08
GROUP 14	8.08	.45	.65		.08
GROUP 15	8.10	.45	.65		.08
GROUP 16	8.13	.45	.65		.08
GROUP 17	8.16	.45	.65		.08
GROUP 18	8.20	.45	.65		.08
GROUP 19	8.27	.45	.65		.08
GROUP 20	8.28	.45	.65		.08
GROUP 21	8.33	.45	.65		.08
GROUP 22	8.38	.45	.65		.08
GROUP 23	8.60	.45	.65		.08
GROUP 24	8.64	.45	.65		.08
GROUP 25	8.69	.45	.65		.08
GROUP 26	8.77	.45	.65		.08
GROUP 27	8.99	.45	.65		.08
GROUP 28	9.19	.45	.65		.08
GROUP 29	9.30	.45	.65		.08
GROUP 30	9.32	.45	.65		.08
GROUP 31	9.60	.45	.65		.08

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Cos.

POWER EQUIPMENT OPERATORS (AREA 3)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	6.55	.55	.85	.35	.05
Group 2	6.69	.55	.85	.35	.05
Group 3	6.79	.55	.85	.35	.05
Group 4	6.95	.55	.85	.35	.05
Group 5	6.97	.55	.85	.35	.05
Group 6	7.05	.55	.85	.35	.05
Group 7	7.11	.55	.85	.35	.05
Group 8	7.21	.55	.85	.35	.05
Group 9	7.27	.55	.85	.35	.05
Group 10	7.33	.55	.85	.35	.05
Group 11	7.35	.55	.85	.35	.05
Group 12	7.41	.55	.85	.35	.05
Group 13	7.49	.55	.85	.35	.05
Group 14	7.65	.55	.85	.35	.05
Group 15	7.81	.55	.85	.35	.05
Group 16	7.99	.55	.85	.35	.05
Group 17	8.13	.55	.85	.35	.05
Group 18	8.31	.55	.85	.35	.05
Group 19	8.45	.55	.85	.35	.05

All Counties East of the 120th Meridian

POWER EQUIPMENT OPERATORS (DREDGING) (AREA 1)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1:					
(a)	$ 8.09	.50	.60		
(b)	8.64	.50	.60		
Group 2	7.70	.50	.60		
Group 3	7.38	.50	.60		
Group 4	7.33	.50	.60		
Group 5	7.28	.50	.60		
Group 6	6.94	.50	.60		
Group 7	6.84	.50	.60		
All Counties and parts of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern part of Pacific Co. (AREA 2)					
Group 1					
(a)	8.64	.50	.60		
(b)	8.09	.50	.60		
Group 2	7.70	.50	.60		
Group 3	7.38	.50	.60		
Group 4	7.33	.50	.60		
Group 5	7.28	.50	.60		
Group 6	6.94	.50	.60		
Group 7	6.84	.50	.60		
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Cos. (AREA 3)					
Group 1					
(a)	7.89	.45	.60	.25	
(b)	8.44	.45	.60	.25	
Group 2	7.50	.45	.60	.25	
Group 3	7.18	.45	.60	.25	
Group 4	7.08	.45	.60	.25	
Group 5	7.13	.45	.60	.25	
Group 6	6.74	.45	.60	.25	
Group 7	6.64	.45	.60	.25	

All Counties and parts of Counties East of the 120th Meridian

TRUCK DRIVERS (AREA 1)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	7.05	.72	.55		
Group 2	7.10	.72	.55		
Group 3	7.15	.72	.55		
Group 4	7.25	.72	.55		
Group 5	7.30	.72	.55		
Group 6	7.35	.72	.55		
Group 7	7.40	.72	.55		
Group 8	7.45	.72	.55		
Group 9	7.55	.72	.55		
Group 10	7.60	.72	.55		
Group 11	7.70	.72	.55		
Group 12	7.85	.72	.55		
Group 13	8.00	.72	.55		
Group 14	8.15	.72	.55		
All Counties and parts of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern part of Pacific Co. TRUCK DRIVERS -(AREA 2)					
Group 1	$ 7.00	.54	.50		.01
Group 2	7.05	.54	.50		.01
Group 3	7.10	.54	.50		.01
Group 4	7.21	.54	.50		.01
Group 5	7.27	.54	.50		.01
Group 6	7.31	.54	.50		.01
Group 7	7.32	.54	.50		.01
Group 8	7.38	.54	.50		.01
Group 9	7.43	.53	.50		.01
Group 10	7.45	.54	.50		.01
Group 11	7.48	.54	.50		.01
Group 12	7.58	.54	.50		.01
Group 13	7.60	.54	.50		.01
Group 14	7.64	.54	.50		.01
Group 15	7.76	.54	.50		.01
Group 16	7.80	.54	.50		.01
Group 17	7.92	.54	.50		.01
Group 18	7.97	.54	.50		.01
Group 19	8.13	.54	.50		.01
Group 20	8.29	.54	.50		.01
Group 21	8.45	.54	.50		.01
Group 22	7.44	.54	.50		.01
Group 23	6.85	.54	.50		.01

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Cos.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS - (AREA 3)					
Group 1	6.58	.40	.60	.30	.03
Group 2	6.63	.40	.60	.30	.03
Group 3	6.68	.40	.60	.30	.03
Group 4	6.73	.40	.60	.30	.03
Group 5	6.78	.40	.60	.30	.03
Group 6	6.88	.40	.60	.30	.03
Group 7	6.98	.40	.60	.30	.03
Group 8	7.08	.40	.60	.30	.03
Group 9	7.18	.40	.60	.30	.03
Group 10	7.35	.40	.60	.30	.03
Group 11	7.45	.40	.60	.30	.03
Group 12	7.55	.40	.60	.30	.03
Group 13	7.65	.40	.60	.30	.03
Group 14	7.75	.40	.60	.30	.03

LINE CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable splicers; Leadmar Pole Sprayer	$9.03	.25	1%	.10	1/2%
Lineman; Pole sprayer; Heavy line equipment man; Certified lineman welder	8.16	.25	1%	.10	1/2%
Tree trimmer	7.37	.25	1%	.10	1/2%
Line equipment man	7.03	.25	1%	.10	1/2%
Head groundman (chipper); Head groundman; Powderman; Jackhammer man	6.15	.25	1%	.10	1/2%
Groundman; Tree trimmer helper	5.80	.25	1%	.10	1/2%
Hole digger	5.55	.25	1%	.10	1/2%

LABORERS (AREA 1)

All Counties and parts of Counties East of the 120th Meridian

Group 1: Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper, Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker and faller; Window cleaner; Brush Hog Feeder

Group 2: Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, nonmechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipewrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Wallpoint man; Wheelbarrow, power driven

Group 3: Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher; shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner

Group 4: Chain Saw (faller); Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger and laser beam but not incl. laying corrugated metal culvert pipe)

Group 5: Concrete stack, Hod carriers; Mortar mixer; Vibrator, 4 inches and over

Group 6: Caisson worker, free air; High Scaler

Group 7: Brush machine; Drills, Gunnite; Monitor op., Air Track or similar mounting; Nozzleman

Group 8: Air track drills with dual masts and drills; Powderman

TUNNEL & SHAFT, FREE AIR

Group 9: Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling and dismantle and nipper

Class B: Brakeman, dumpman

Class C: Minor & Nozzleman for concrete and laser beam op. on tunnels

Class D: Raise & shaft miner and laser beam op. on raises and shafts

LABORERS (AREA 1) (Cont'd)
TUNNEL & SHAFT, FREE AIR (Cont'd)

All Counties and parts of Counties East of the 120th Meridian

Group 10: Sand Hogs (Under compressed air conditions):
Class A: 1 lb. thru 14 lbs. - 6 hrs. work
Class B: Over 14 lbs. thru 18 lbs. - 6 hrs. work
Class C: Over 18 lbs. thru 22 lbs. - 4 hrs. work
Class D: Over 18 lbs. thru 22 lbs. - 6 hrs. work
Class E: Over 22 lbs. thru 26 lbs. - 4 hrs. work
Class F: Over 26 lbs. thru 32 lbs. - 4 hrs. work
Class G: Over 32 lbs. thru 38 lbs. - 3 hrs. work
Class H: Over 38 lbs. thru 44 lbs. - 2 hrs. work
Class I: Outside lock & gauge tender (per shift)

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated on Areas 3 and 4) and including the Northern part of Pacific County

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint and Header Laborer; Guardrail Erector

Group 2: Dumpman; Faller & Bucker, Hand; Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper

Group 3: Groutman (pressure); Power Tools (Light Duty) Chippers, Grinders, Tampers, and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools (Heavy Duty) Jackhammer, Pavement Breaker, Vibrators, Tampers (multiple & self-propelled), Rail-road Spike Puller; Rakers - Asphalt

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite shot-crete)

Group 6: Faller and bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac; Manhole Builder; Laser Beam Operator (pipe)

Group 7: Cement Dumper - Paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-Timberman; Maintenance Man; Laser Beam Operator (tunnel)

Group 12: Miner, Shaft and Raise

Group 13: Powderman

Group 14:
Class A: 1 lb. thru 14 lbs. (6 hrs.)
Class B: Over 14 lbs. thru 18 lbs. (6 hrs.)
Class C: Over 18 lbs. thru 22 lbs. (4 hrs.)
Class D: Over 18 lbs. thru 22 lbs. (6 hrs.)
Class E: Over 22 lbs. thru 26 lbs. (4 hrs.)
Class F: Over 26 lbs. thru 32 lbs. (4 hrs.)
Class G: Over 32 lbs. thru 38 lbs. (3 hrs.)
Class H: Over 38 lbs. thru 44 lbs. (2 hrs.)
Class I: Outside lock and gauge tender (per shift)

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Counties

Group 1: Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners & cutters; Car & truck loaders; Carpenter tender; Change-house man or dry shack men; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, & moving laborers; Driller helpers; Dumpers, Road oiling crew, Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalmen; Slopers, spraymen; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & Bucker (hand labor); Toolroom man (at job site); Tunnel bull gang (above ground); Weigh man crusher aggregate (when used)

Group 2: Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader & similar types; Clean-up nozzleman-greencutter (concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder; Powertool op., incls. but not limited to: Chipping guns, Jackhammer, Paving-breakers, Post hole digger, Air, Gas, or Electric, Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip Rap man (head), hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers & Fallers, Brush cutters (power saw); Tunnel-muckers, Brakemen, Concrete crew, Bull gang (underground)

Group 3: Asphalt rakers; Bit grinder; Concrete saw op.; Drill doctor; Drill oprs., Air tracks, Cat drills, Wagon drills, Rubber-mounted drills & other similar types; Gunite nozzleman; High scalers, Strippers & Drillers (covers work in swinging stages, chairs or belts, under extreme conditions usual to normal drilling, blasting, barring-down, or sloping & stripping); Powdermen; Power saw ops. (bucking & falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel - Chuck tenders, Nippers & Timbermen; Vibrators (4" & larger); Water blaster; Welder; Laser beam (pipe laying

Group 4: Tunnel miners; Tunnel powderman; Laser beam (tunnel)

LABORERS (AREA 4)

Those parts of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter tender; Form stripper; Rip rap man; Track laborer; Stake hopper; Choke setter; Fence laborer

Group 2: Air Track and wagon drill helper; Crusher feeder; Dump and stock pile man; Powder man helper; Sloper, over 20 feet

Group 3: Power Buggy; Drill chipper; Grinder and similar light power tools; Faller and bucker (hand); Grout man (power)

Group 4: Asphalt Raker and spreader; Cement handler; Sack of bulk; Dope pot tender; House wreckers; Jackhammer; Pavement breaker; Tamper vibrator; Track spike puller; Concrete saw and similar heavy power tools; Nozzleman (air and water)

Group 5: Form setter; Steel forms; Grade checker; Swinging stage or hosun chair over water or over 25 feet in height

Group 6: Air track and Wagon Drill operator; Chain saw operator; Gunite man; High scaler; Pipe layer and caulker; Pipe wrapper; Sandblaster; Timber man; Open ditch; Mortar man and Hod carrier

Group 7: Faller and bucker (chain saw); Powder man

Group 8: Caisson workers; Free Air

Group 9: Tunnel Shafts, Free Air
Class A: Topman and bull gang
Class B: Chuck tender; Mucker and Laborer; nipper; Brakemen
Class C: Powderman helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader
Class E: Miner; Shaft & Raise
Class F: Powderman

Group 10: Compressed Air Work
Class A: 1 lb. thru 14 lbs. (6 hours work)
Class B: Over 14 lbs. thru 18 lbs. (6 hours work)
Class C: Over 18 lbs. thru 22 lbs. (4 hours work)
Class D: Over 18 lbs. thru 22 lbs. (6 hours work)
Class E: Over 22 lbs. thru 26 lbs. (4 hours work)
Class F: Over 26 lbs. thru 32 lbs. (4 hours work)
Class G: Over 32 lbs. thru 38 lbs. (3 hours work)
Class H: Over 38 lbs. thru 44 lbs. (2 hours work)

Group 11: Outside lock and Gauge Tender (per shift)

POWER EQUIPMENT OPERATORS (Area 1)

All Counties and Parts of Counties East of the 120th Meridian

GROUP 1: Bit grinders; Bolt threading machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher feeder (mechanical); Deckhand; Drillers' helper; Fireman and heater tender; Grade checker; Helper (mechanic or welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding machine; Oiler and cable tender, Mucking machine

GROUP 2: A-Frame truck (single-drum); Assistant refrigeration plant (under 1000 tons); Assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; Batch plant and wet mix operator, single unit (concrete); Belt finishing machine; Bending machine (pipeline); Blower operator (cement); Cement hog; Compressor (2000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete saw (multiple cut); Distributor leverman, Elevator hoisting materials; Dope pots (power agitated); Equipment serviceman, greaser and oiler; Fork lift or lumber stacker, hydra lift and similar; Gin trucks (pipeline); Hoist, single drum; Loader (bucket elevators and conveyors); Longitudinal float; Mixer (portable - concrete); Pavement breaker, hydra-hammer and similar); Post-hold auger or punch; Power broom; Railroad ballast regulation operator, (self-propelled); Railroad power tamper operator, (self-propelled); Railroad power tamper jack operator, (self-propelled); Spray curing machine (concrete); Spreader box (self-propelled); Straddle buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger operator

GROUP 3: A-Frame truck (2 or more drums); Assistant refrigeration plant and chiller operator (over 1000 tons); Backfillers (Cleveland and similar); Belt-crete conveyors with power pack or similar; Belt loader (Kocal or similar); Blade operator (Motor patrol and attachments); Boat operators; Boom cats (side); Boring machine (earth); Boring machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump cutter (Wayne, Saginaw or similar); Canal linning machine (concrete); Chipper (with cranes); Cleaning and doping machine (pipeline); Concrete pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (churn, core, calyz or diamond); Elevating belt-type loader (Euclid, Barber Green, or similar); Elevating grader-type loader (Dumor, Adams, or similar); Generator plant engineers (diesel, electric); Gunite combination mixer and compressor; Hoist, (2 or more drums or tower hoist); Loaders, (overhead and frontend, under 4 yds., R/T); Locomotive engineer; Mixermobile; Paver or curb extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired scrapers (one motor with one scraper, under 40 yds.); Screed operator; Soil stabilizer (P & H or similar); Spreader machine; Tractor (crawler, incl. dozer, scraper, drills, booms, rollers, etc.); Traverse finishing machine; Trenching machines (under 7 ft. depth capacity); Turnhead operator

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)

All counties and parts of Counties East of the 120th Meridian

GROUP 4: H. D. Mechanic; H. D. Welder; Refrigeration plant engineer (under 1000 tons); Turnhead (with re-screening)

GROUP 5: Asphalt plant operator; Crusher and screening plant operator; Rubber-tired scrapers multi-engine power with one scraper (Euclid, TS-24, and similar); Rubber-tired scraper, one motor with one scraper (40 yds. and over); Single engine with two scrapers (LeTourneau, Tandem B and similar); Surface heater and planer machine

GROUP 6: Automatic subgrader (ditches and trimmers) (R.A. Hansen and similar); Backhoes (under 3 yds.); Batch and wet mix operator-multiple units (2 and incl. 4); Clamshell operator (under 3 yds.); Concrete slip form paver; Cranes (under 65 tons); Derricks and stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling equipment (8" bit and over) (Robbins and similar); Hydra-cranes (Austin, Western, Hydra-Hoe and similar with attachments); Loader operator (Front end and overhead 4 yds. to 8 yds.); Mucking machines; Piledriving engineers; Paver (dual drum); Quad-track or similar equipment; Railroad track liner operator (self-propelled); Rubber-tired scrapers, multiple engines with two scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching machines (7 ft. depth and over)

GROUP 7: Backhoes (3 yds. and over); Batch plant (over 4 units); Cableway controller-dispatcher; Cableway operators; Clamshell operator (3 yds. and over); Cranes (65 tons and over); Derricks and stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower crane; Whirleys and Hammerheads (all).

Underground Work - Add 10% to the Classification.

Classification (not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Cranes Booms: 130' to 200' - $.15/hr. addition to Classification;
Over 200' -- $.30/hr. addition to Classification.

POWER EQUIPMENT OPERATORS (Area 2)

All Counties and parts of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern part of Pacific County

GROUP 1: Mechanics' Helpers (heavy duty)

GROUP 2: Oilers, Grade Checkers and Stakemen and/or brakemen

GROUP 3: Firemen; Fireman (drier and hot plant)

GROUP 4: Tractor (Farmall type, 60 h.p. and under); Compressor (excavating and general purposes); Rollers, tampers and vibrators (other than plant, road mix or multilift materials)

GROUP 5: Oiler Driver on truck cranes (over 45 tons up to 100)

GROUP 6: Oil distributors; Blower distributors and mulch seeding operator

GROUP 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

GROUP 8: Equipment service oiler; Oiler driver on truck cranes (100 tons and over)

GROUP 9: Tractors (Farmall type, over 60 h.p.); Pump (water)

GROUP 10: Post Hole Diggers (mechanical)

GROUP 11: Brooms, power (Wayne, Saginaw and similar); Bulldozers (under D9 or similar); Saw (concrete); Loaders (fork lift or lumber stacker)(on construction job site), Drott travel lift; Scrapers (carry-all type, single); Roller, tampers and vibrator, twin engine

GROUP 12: Mixer (asphalt up to 4 tons per batch); Loaders (Elevating-Athey, Barber Greene and similar types); Loaders (overhead and front-end, under 2½ yds.); Mixers (concrete and batch 200 yds. per hour and under); Pumps, Fuller Kenyon; Pumps, concrete and Pump-crete; Roller, Tamper and Vibrator (on plant, road mix or multilifts materials); Trenching machines (under 16 inches); Batch plant and mixer (200 yds. per hour and under); Conveyors; Crushers (rock), washing and screening plants; Finishing machine operator (concrete paving); Hoist, air tuggers, Strato tower bucket, elevators and deck winches (power); Power plant operators; Screed man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)

POWER EQUIPMENT OPERATORS (Area 2) (cont'd)

All Counties and parts of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern part of Pacific County

GROUP 13: Mechanics or welder (heavy duty)

GROUP 14: Tournapulls, Caterpillar, Euclid Scrapers, and similar type equipment (26 yds. and under); Motor patrol graders (incl. Model 14 and similar)

GROUP 15: Hoists on steel erection, air tuggers and towermobiles; Compressor (steel erection incl. sandblasting, painting of the same); Loaders (fork lifts w/tower)

GROUP 16: Loaders (Elevating grader type, Dumor and similar); Cement hogs; Locomotive (geared or rod engine); Paving; Scraper (carryall type, double)

GROUP 17: Tractors (Farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types 60 h.p. and under)

GROUP 18: Bull dozer (D-9 or similar)

GROUP 19: Trenching machines (16 inches and over)

GROUP 20: Bump cutter (Concut, Christianson or similar types)

GROUP 21: Conveyors (Beltcrete with power pack and similar types); Loaders (Elevating belt type, Euclid and similar); Batch plant operator, batch and mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete and batch, over 200 yds. per hour through 400 yds.); Paving (dual); Mixer, asphalt (4 tons and over per batch)

POWER EQUIPMENT OPERATORS (Area 2) (cont'd)

All Counties and parts of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern part of Pacific County

GROUP 22: Motor patrol graders (over Model 14 and similar); Derricks (all); Drilling machines (core, cable, rotary and exploration); Linked Pusher, Pay Dozer (Quad 9 and similar); Mucking machines (mole or tunnel drill and/or shield); Subgrader (Gurries, CMI and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (over 25 yds. through 40 yds.); Tractors (Farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 h.p.); Piledriver engineers (L.B. Foster puller or similar, paving breaker); Cranes ("A" frame truck, double power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. and under, or 150' of boom, incl. jibs, and under, or 45 tons and under); Hydralifts; Hyster Cat cranes and attachments; Buildozers (engaged) in yo yo operation (while clearing and scaling); Shovels (crawler and truck type, all attachments, 3 yds. and under); Cranes, Chipper, wood with boom attachment; Mixer, (mobile type with hoist combination); Cableways (3 yds. and under); Loader (fork lift with power boom and swing attachment); Loaders (overhead and front end, 2½ yds. up to 4 yds.)

GROUP 23: Loaders (overhead and front end, 4 yds. up to 8 yds.)

GROUP 24: Mixer (Concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)

GROUP 25: Tournapulls, Caterpillar, Euclid Scraper and similar type (over 40 yds. trhough 55 yds.)

GROUP 26: Slip form paver (Zimmerman, CMI, and other similar types); Cableway (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (tower cranes, Pecco, Lorraine, Bucyrus and similar type); Remote control operator (on rubber tired earth moving equipment); Helicopter Winch operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds)

GROUP27: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 55 yds. through 70 yds.)

GROUP 28: Loaders (overhead and frontend, 8 yds. and over)

GROUP 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yds. through 85 7ds.)

GROUP 30: Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. and over, 200' of boom incl. jibs and over, or 100 tons and over)

GROUP 31: Tournapulls, Caterpillar, Eudlic, Scrapers and similar type equipment (over 85 yds. through 100 yds.)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Counties

Group 1: Oiler, including plant, crane crusher, guardrail equipment, and (trenching machine; Assistant Conveyor Operator; Crusher feederman; Deckhand; Self-propelled scaffolding operator; Guardrail punch oiler; Pump operator, under 4"; Brakeman; Switchman; Parts man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-Driver, 25 ton capacity or over, Crane Fireman, (all equipment except floating); A-Frame truck operator; single drum; Tugger or coffin type hoist operator; Drill helper; Auger oiler; Boatman; Fork Lift or Lumber Stacker operator (on job site); Oiler, combination guardrail machines; Temporary heating plant operator; Grade Oiler, required to check grade; Grade checker; Tar pot fireman; Tar pot fireman (power agitated); H.D. Repairman Helper; Welder's helper; Helicopter radioman (ground); Roller operator, grading of base rock (not asphalt);

Group 3: Asphalt plant fireman; Pugmill operator (any type); Truck mounted asphalt spreader, with screed; Compressor operator (any power), under 1,250 cu. ft. total capacity; Conveyor operator; Mixer box operator (C.T.B., dry batch, etc.); Cement hog; Concrete saw; Concrete curing machine (riding type); Wire mat or brooming machine; Ross carrier operator (on job site); Bucket elevator loader, Barber-Greene and similar types; Hydraulic pipe press; Pump operator (any power), 4" and over; Hydrostatic pump; Motorman; Ballast jack tamper; Bell Boy, phones, etc.; Tamping machine, mechanical self-propelled; Hydrographic seeder machine, straw, pulp or seed; Broom operator, self propelled (on job site); Air Filtration equipment; Welding machine operator

Group 4: Screed operator: Compactor, including vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination mixer and compressor gunnite work; Concrete mixer operator, single drum, under five bag capacity; Helicopter hoist operator; Floating Equipment fireman; Lull Hi-Lift operator or similar type; Fork Lift, over 5 ton; Service oiler (greaser); Hydra hammer or similar types; Pavement breaker; Pump operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion machine; Wagner Pactor or similar type (without blade); Concrete batch plant quality control operator; Power Jumbo, setting slip forms, etc., in tunnels; Slip form pumps, power driver hydraulic lifting device for concrete forms; Hoist, single drums; Elevator operator; Pulva-mixer or similar types; Chip spreading machine operator; Lime spreading (on job site); Sweeper (Wayne type) self propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching machine, maximum digging capacity 3 ft. depth;

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Counties

Group 6: Asphalt paver (screed man required); Asphalt burner and reconditioner; Pavement grinder and/or grooving machine (riding type); Cast-in-place pipe laying machine; Maginnis Internal Full Slab Vibrator; Concrete finishing machine, Clary, Johnson, Bidwell, Burgess bridge deck or similar type; Curb machine, mechanical berm, curb and/or curb and gutter; Concrete joint machine; Concrete planer; Concrete paving machine; Concrete spreader; Loaders, rubber-tired type, 2 1/2 cu. yds. and under; Rock spreaders, self-propelled

Group 7: Roller (any asphalt mix); Asphalt plant operator; Beltcrete; Pumpcrete operator (any type); Cement pump, Fuller-Kenyon and similar; Concrete pump; Grouting machine: Concrete mixer, single drum, five bag capacity and over; Tower mobile operator; A-Frame truck, double drum; Boom truck; Churn drill and earth boring machine; Hydraulic backhoe, wheeltype 3/8 cu. yd. and under with or without front end attachments 2 1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor Towed requiring operator or grader; Pot rammer; Ballast regulator; Ballast Tamper Multi-purpose; Track liner; Tie spacer; Shuttle car; Locomotive, 40 tons and over:

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch plant and/or wet mix, one and two drum; Generator operator; Belt Loaders, Kolman and Ko Cal types

Group 9: Bulldozer; Drill Cat Operator; Side-Boom Cat; Compactor, with blade; Concrete cooling machine; Chicago boom and similar types; Lift Slab machine; Boom type lifting device, 5 ton capacity or less; Cherry picker or similar type crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher plant; Drill doctor; Boring machine; Guardrail punch and auger (all types); Surface heater and planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2 1/2 cu. yds. and under 4 cu. yds.; Hammer operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-Threading machine; Drill Doctor (bit grinder); H.D. Mechanic and welder; Machine tool operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench machine, maximum digging capacity over 3 ft. depth

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack operator, elevating barges; Barge operator, self-unloading; Combination H.D. Mechanic-Welder,when dispatched and/or when required to do both; Rubber-tired dozers and pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Counties

Group 11: Mixer Mobile; Concrete breaker; Crane operator, 25 tons and under; Combination guardrail machines, i.c., punch, auger, etc.; Shovel, dragline, clamshell, hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking machine (tunnel)

Group 12: Blade operator; Batch plant and/or wet mix, 3 units or more; Reinforced tank banding machine (K-17 or similar); Hoist, two or more drums; Elevating loader, Athey and similar; Piledriver (not crane type); Rubber-tired scraper, single and twin engine, single scraper, with push-pull attachments, Self-loading, paddle wheel, Auger type; Blade mounted spreaders, Ulrich and similar types; Shield operator

Group 13: Blade operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engines; Concrete paving road mixer; Derrick, under 100 tons; Hoist, stiff leg, Guy Derrick or similar, 50 tons and over; Cableway operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver (where deckhand required); Floating clamshell, etc., 1 cu. yd. and under, but less than 3 cu. yds.; Floating crane (derrick barge), less than 30 ton; Elevating grader, operated by tractor operator, Sierra, Euclid, or similar; Back filling machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over

Group 14: Tower crane operator; Rubber-tired scraper, with tandem scrapers, Self-loading, paddle wheel, Auger type, finish and/or 2 or more units

Group 15: Rock hound operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "trimmer"; Tandem bulldozer, Quad-nine and simimilar; Automatic concrete slip form paver; Concrete canal lone; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating clamshell etc., 3 cu. yds. and over; Floating crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds. but less than 12 cu. yds.; Rubber-tired scraper, with tandem scrapers, multi-engine; Shovel etc., 3 cu. yds. but less than 5 cu. yds.; Wheel excavator, under 750 cu. yds. per hour

POWER EQUIPMENT OPERATORS (AREA 3)(Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Counties

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating crane (derrick barge) 80 ton but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating crane 150 ton but less than 250 ton; Wheel excavator, over 750 cu. yds. per hour; Band wagons, in conjunction with wheel excavator

Group 19: Helicopter, when used in erecting work; Floating crane 250 ton and over; Remote controlled earth moving equipment; Underwater equipment, remote or otherwise

POWER EQUIPMENT OPERATORS (DREDGING) -(AREA 1)

All Counties East of the 120th Meridian

Group 1: Leverman, Dipper: (a) 5 yards and under; (b) Over 5 yards

Group 2: Leverman, Hydraulic

Group 3: Assistant Engineer (Electric Generator Operator for Primary Pump, Power Barge or Dredge)

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 6: Fireman; Oiler

Group 7: Assistant Mate (Deckhand)

POWER EQUIPMENT OPERATORS (DREDGING) -(AREA 2)

All Counties and parts of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern part of Pacific County

Group 1: Leverman, Dipper: (a) Over 5 yards; (b) 5 yards and under

Group 2: Leverman, Hydraulic

Group 3: Assistant Engineer (Electric Generator Operator for Primary Pump, Power Barge or Dredge)

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 6: Fireman; Oiler

Group 7: Assistant Mate (Deckhand)

POWER EQUIPMENT OPERATORS (DREDGING) -(AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific County

Group 1: Dipper Leverman: (a) 5 yards and under; (b) Over 5 yards

Group 2: Leverman, Hydraulic

Group 3: Assistant Engineer (Electric Generator Operator for Primary Pump; Power Barge or Dredge)

Group 4: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 5: Engineer Welder; Craneman

Group 6: Fireman; Oiler

Group 7: Assistant Mate (Deckhand)

TRUCK DRIVERS (AREA 1)

All Counties and parts of Counties East of the 120th Meridian

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish truck; Fork lift, 3,000 lbs. and under; Fuel truck driver (steam cleaner and washer); Helper and swamper; Leverman loading trucks at bunkers; Pickup hauling material; Stationary fuel operator; Team driver; Tractor (small rubber tired pulling trailer or similar equipment); Water tank truck 1,800 gallons

Group 2: Bus Driver or Manhaul Driver; Flat bed truck, dual rear axle; Tireman No. 1; Warehouseman

Group 3: Buggy Mobile and similar; Bulk Cement tanker; Oil tank driver; Power operated sweeper; Semi-trailer, low bed, truck and trailer; Straddle carrier (Ross, Hyster and similar); Transit mixers and trucks hauling concrete (3 yds. and under); Trucks, side, end and bottom dump (under 6 yds.); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 lbs. capacity; Bulk cement spreader; Dumptor (6 yds. and under); Flaherty spreader, box driver; Flat bed truck (using power take off); Fork lift (over 3,000 lbs.); Oil distributor driver (road, bootman, leverman, helper); Rubber tired tunnel jumbo; Scissors truck; Slurry truck driver; Transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.) Trucks, side, end and bottom dump (over 6 yds. to 12 yds.); Water tank Truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low Boy (under 50 tons); Service greaser; Tireman No. 2

Group 6: A-Frame (Swedish Crane, Iowa 3,000, hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yds.); Transit mixers and trucks hauling concrete (6 yds. to 10 yds.); Trucks, side, end and bottom dump (over 12 yds. incl. 20 yds.)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons); 10¢ for each additional 2,000 gallons

Group 9: Transit Mixers and Trucks hauling concrete, (10 yds. to 15 yds.); Trucks, side, end and bottom dump (over 20 yds. incl. 30 yds.)

Group 10: Tournarocker, DW'S and Similar w/2 or 4 wheel power tractor w/trailer or yardage scale whichever is greater

Group 11: Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.) Trucks, side, end and bottom dump (over 30 yds. to 40 yds.)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side end and bottom dump (Over 40 yds. to 50 yds.)

TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and Parts of Counties East of the 120th Meridian

GROUP 13: Truck, side, end and bottom dumps, (over 50 yds. to 100 yds.)

GROUP 14: Trucks, side, end and bottom dump (over 100 yds.)

TRUCK DRIVERS -(AREA 2)

All Counties and parts of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern part of Pacific County

Group 1: Leverman and loaders at bunkers and batch plants; Pickup truck, Escort or pilot car; Swampers; Warehouseman and checkers

Group 2: Team drivers

Group 3: Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon, Euclid; Two and four wheeled power tractor with trailer and similar top loaded equipment transporting material; Dump trucks, side, end and bottom dump, including semi-trucks and trains; Dump trucks up to and including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, Flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon and tank truck, up to 1600 gallons; Winch truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon and tank truck, 1600 gallons to 3000 gallons

Group 6: Transit-mix, 0 to and including 4 1/2 yds.

Group 7: Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go and similar equipment; Winch truck, dual rear axle

Group 8: Dump trucks, over 12 yds. to and incl. 16 yds.

Group 9: Bulk cement tankers; Dump trucks, over 16 yds. to and including 20 yds.; Water wagon and tank truck, over 3000 gals.

Group 10: Bull lifts or similar equipment used in loading or unloading trucks other than warehousing

Group 11: Transit-mix, over 4 1/2 yds. to and incl. 6 yds.

Group 12: "A" - Frame or Hydralift" trucks or similar equipment

TRUCK DRIVERS -(AREA 2)(Cont'd)

All Counties and parts of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern part of Pacific County

Group 13: Dump trucks, over 20 yds. to and incl. 30 yds.; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yds. to and incl. 8 yds.

Group 15: Dump trucks, over 30 yds. to and incl. 40 yds.; Lowbed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yds. to and incl. 10 yds.

Group 17: Dump trucks, over 40 yds. to and incl. 55 yds.

Group 18: Transit-mix, over 10 yds. to and incl. 12 yds.

Group 19: Transit-mix, over 12 yds. to and incl. 16 yds.

Group 20: Transit-mix, over 16 yds. to and incl. 20 yds.

Group 21: Transit-mix over 20 yds.

Group 22: Mechanic

Group 23: Mechanic helper

TRUCK DRIVERS -(AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific, Counties

Group 1: Battery rebuilders; Bus or manhaul driver; Concrete buggies (power operated); Dump trucks, side, end and bottom dumps, incl. semi-trucks and trains or combinations thereof: 6 cu. yds. and under; Lift jitneys, fork lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity); up to 1600 gallons

Group 2: "A" Frame or hydra-lift truck w/load bearing surfaces; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combinations; Team drivers

Group 3: Dump trucks, side, end and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry truck driver or leverman; Transit mix and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity); 1600 to 3000 gallons

Group 4: Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity); 3000 to 5000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof; over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks; over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) 5000 to 7000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks; over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity); over 7000 gallons to 10,000 gallons

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Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern part of Pacific County

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks; over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity); over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks; over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch truck - takes classification of truck on which winch is mounted.

federal register

FRIDAY, APRIL 26, 1974

WASHINGTON, D.C.

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PART IV

FEDERAL ENERGY OFFICE

■

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Suppliers Percentage Notice

FEDERAL ENERGY OFFICE

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Suppliers Percentage Notice

Pursuant to the provisions of 10 CFR 211.163(b), 211.164 and 211.165(d)(2), the Federal Energy Office (FEO) hereby provides notice of the volumes of residual fuel oil allocated to each utility for May 1974, and the percentages of such volumes required to be supplied by each supplier for delivery in May 1974. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities, pursuant to the criteria of 10 CFR 205.24 and are reflected in the Appendix.

The utility allocations were determined after review of the impact of available fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility the FEO considered all of the factors enumerated in 10 CFR 211.163(b) and also the following other factors:

1. The data contained in the revised Federal Power Commission (FPC) Form 23 and addendum thereto submitted by utilities for May;

2. Residual fuel oil needs for utilities were assumed to be reduced as a result of contemplated power purchases from coal and hydro-based utility systems considered feasible by the Federal Power Commission;

3. FEO analysis that the supply level of residual fuel oil is expected to meet or exceed demand. Inventory buildup, therefore where desired, may be accomplished from excess supply.

The allocated volume for each utility and the FEO recommended burn this month are the same, except where inventory or logistical problems have necessitated delivery of additional supply. The amounts set forth in the Appendix below for each utility are the quantities of fuel oil to be delivered to the utility during the month of May 1974. Some utilities have not been assigned an allocation for May. This is due solely to the fact that these utilities reported no planned consumption of residual fuel oil in May.

The Appendix below provides the name of the suppliers obligated to supply each utility and the supplier's percentage and volume of the month's allocation. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEO burn level for the month of May. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume. The fifth column provides the total volume for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parenthesis. The supplier in parenthesis is presumed, on the basis of the best information available, to be the source of supply for certain resellers supplying utility end-users. This information is provided for the convenience of such suppliers and the FEO requests any additions or corrections in this regard be forwarded to: Residual Fuels Manager for Utilities, PO. Box 2887, Washington, D.C. 20013.

FEO will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEO burn levels in any month. Adjustments have been made in the allocation levels of certain utilities to reflect necessary corrections in the delivery levels authorized in February and March. It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of May to avoid undue hardship. Such corrections or adjustments may be made pursuant to 10 CFR 205.21 et seq.

FEO expects the utilities to consume supplies at or below FEO burn levels which are based on the utilities' proposed burn less adjustments for power import, where applicable.

The utility residual fuel allocation program is based in part on the data derived from utilities' filings of FPC Form 23. To insure timeliness and uniformity of data, Form 23 has been revised by FPC. A new Form (FPC Form 23A) has been issued to provide a rolling yearly projection of proposed monthly utility electric generation and corresponding fuel requirements. Utilities which have previously filed Form 23 for June and subsequent months are required to refile using the revised Form 23.

For its June allocation of residual fuel oil, each utility must mail a completed revised Form 23 to FEO and FPC by May 5, 1974. FPC has mailed copies of revised Form 23 to each utility. Any Form 23 mailed after May 5, 1974, may be limited to consideration in connection with the allocation of residual fuel oil for July.

Each utility has also been mailed a set of FPC Form 23A for the period of May, 1974, through April, 1975. These forms were to be submitted by April 15. The next filing of this form will be due June 1, for the period July 1, 1974, through June 30, 1975.

Reports should be addressed to "Data Collection," FEO, Box 2887, Washington, D.C. 20013.

Issued in Washington, D.C., April 20, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

APPENDIX

RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF MAY 1974

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
NORTHEAST UTILITIES	1,912,922			1,912,922
AMERADA HESS CORP		68.0	1,300,787	
TAD JONES CO (GULF)		21.0	401,714	
WYATT INC (EXXON)		10.0	191,292	
H N HARTWELLASON INC		1.0	19,129	
UNITED ILLUMINATING CO	634,689			634,689
TEXACO		87.0	552,179	
WYATT INC (EXXON)		13.0	82,510	
MAINE				
BANGOR HYDRO ELEC. CO.	29,377			29,377
SPRAGUE		100.0	29,377	
CENTRAL MAINE POWER CO.	335,282			335,282
TEXACO		100.0	335,282	
MAINE PUBLIC SERVICE CO.	5,957			5,957
DEAD RIV.O.(SPRAGUE)		100.0	5,957	
MASSACHUSETTS				
BOSTON EDISON CO.	1,026,206			1,026,206
WHITE FUEL (TEXACO)		46.0	472,055	
EXXON		42.0	431,007	
SPRAGUE		12.0	123,145	
BRAINTREE ELEC. LT. DEPT.	18,436			18,436
CK SMITH(GOLD.EAGLE)		100.0	18,436	
E.UTIL.ASSOC.(MONTAUP&BLACKS	367,646			367,646
TEXACO		100.0	367,646	
FITCHBURG GAS & EL.	18,280			18,280
NORTHEAST PETROLEUM		100.0	18,280	
HOLYOKE GAS AND ELECTRIC	18,783			18,783
WYATT INC (EXXON)		100.0	18,783	
NEW ENG. ELEC	879,415			879,415
ASIATIC PETRO CORP		60.0	527,649	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
NEW ENG. G & E	308,791			308,791
NEW ENGLAND PETRO		84.8	261,855	
WHITE FUEL(TEXACO)		15.2	46,936	
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	40,000			40,000
QUINCY OIL CO (EXXON		100.0	40,000	
NEW HAMPSHIRE				
PUB SER OF N.H.	131,535			131,535
SPRAGUE		100.0	131,535	
NEW YORK				
CENTRAL HUDSON GAS & ELEC CO	316,577			316,577
AMERADA HESS CORP		100.0	316,577	
CONSOL EDISON OF NY	3,813,761			3,813,761
NEW ENGLAND PETRO		45.5	1,735,261	
EXXON		20.8	793,262	
AMERADA HESS CORP		22.3	850,469	
TEXACO		11.4	434,769	
FREEPORT, VILLAGE OF	20,000			20,000
BURNS BROS O.(NEPCO)		100.0	20,000	
LAWRENCE PARK HEAT & LIGHT	0			0
LONG ISLAND LIGHT CO.	1,465,183			1,465,183
NEW ENGLAND PETRO		100.0	1,465,183	
NIAGARA MOHAWK POWER CO.	463,084			930,000
NEW ENGLAND PETRO		100.0	930,000	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
ORANGE & ROCKLAND UTILITIES	879,651			879,651
NEW ENGLAND PETRO		31.2	274,451	
HOWARD FUEL CORP		67.4	592,885	
STEPHENS INTERNTL		1.4	12,315	
ROCHESTER GAS & ELECTRIC	8,388			8,388
ALLIED O		29.7	2,491	
MONOCO OIL COMPANY		70.3	5,897	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	7,200			7,200
CK SMITH		100.0	7,200	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	728,158			728,158
STEUART PETROLEUM CO		22.0	160,195	
TEXACO		5.0	36,408	
GULF		8.0	58,253	
CONOCO		65.0	473,303	
DOVER, CITY OF	33,485			33,485
TEXACO		100.0	33,485	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	833,418			833,418
ASIATIC PETRO CORP		79.0	658,400	
STEUART PETROLEUM CO		21.0	175,018	
MARYLAND				
BALTIMORE GAS & ELECTRIC	853,962			853,962
AMERADA HESS CORP		52.7	450,038	
EXXON		47.3	403,924	
NEW JERSEY				
ATLANTIC CITY ELECTRIC COMPA	210,500			210,500
AMERADA HESS CORP		100.0	210,500	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GPU INTEGRATED SYSTEM	539,141			539,141
AMERADA HESS CORP		94.0	506,793	
SWANN OIL INC		5.0	26,957	
SHIPLEY-HUMBLE		1.0	5,391	
PUBLIC SERVICE ELECTRIC	1,951,848			1,951,848
AMERADA HESS CORP		83.4	1,627,841	
EXXON		16.6	324,007	
VINELAND,CITY OF ELEC.	62,600			62,600
SWANN OIL INC		100.0	62,600	
PENNSYLVANIA				
PHILADELPHIA ELECTRIC CO.	1,079,912			1,079,912
ARCO		28.5	307,775	
AMERADA HESS CORP		21.5	232,181	
GULF		9.0	97,192	
NEW ENGLAND PETRO		2.1	22,678	
TEXACO		24.0	259,179	
CONOCO		14.9	160,907	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC COOP	16,440			16,440
BELCHER OIL(EXXON)		100.0	16,440	
FLORIDA P & L	2,804,482			2,804,482
EXXON		15.0	420,672	
BELCHER OIL(EXXON)		85.0	2,383,810	
FLORIDA POWER CORPORATION	2,110,000			2,110,000
EXXON		60.0	1,266,000	
AMERADA HESS CORP		40.0	844,000	
FORT PIERCE, CITY OF	23,800			23,800
NEW ENGLAND PETRO		100.0	23,800	
GAINESVILLE, CITY OF	70,800			148,160
EASTERN SEABOARD		100.0	148,160	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GULF POWER CO.	6,000			16,000
BAKER SERVICE(EXXON)		100.0	16,000	
JACKSONVILLE ELEC. AUTH.	690,428			840,428
VEN FUEL INC		82.6	694,194	
CONOCO		17.4	146,234	
KEY WEST UTILITIES	66,711			79,000
STD.OIL-KY		100.0	79,000	
LAKE WORTH UTIL AUTHORITY	6,436			31,436
BELCHER OIL(EXXON)		100.0	31,436	
LAKELAND LIGHT & WTR DEPT	113,840			113,840
BELCHER(STD.OIL-KY)		100.0	113,840	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	247,328			247,328
NEW ENGLAND PETRO		100.0	247,328	
SEBRING UTILITIES COMM.	6,000			6,000
UNION OIL OF CA		100.0	6,000	
TALLAHASSEE, CITY OF	71,736			71,736
UNION OIL OF CA		100.0	71,736	
TAMPA ELECTRIC CO.	162,200			298,200
WESTERN (STD.OIL-KY)		100.0	298,200	
VERO BEACH MUNICIPAL POWER	14,835			14,835
BELCHER OIL(EXXON)		100.0	14,835	
GEORGIA				
GEORGIA POWER COMPANY	114,912			114,912
NEW ENGLAND PETRO		100.0	114,912	
SAVANNAH ELECTRIC & POWER CO	190,300			195,300
COLONIAL OIL(EXXON)		100.0	195,300	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS
MISSISSIPPI				
MISSISSIPPI POWER CO.	30,000			30,000
ERGON(INTL TRADING)		45.0	13,500	
BAKER SERVICE(EXXON)		55.0	16,500	
SOUTH MISSISSIPPI ELEC	120,323			120,323
SOUTHLND OIL		83.0	99,868	
AMERADA HESS CORP		17.0	20,455	
NORTH CAROLINA				
CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				
S.CAROLINA ELEC & GAS CO	415,238			415,238
EXXON		100.0	415,238	
S.CAROLINA PUB SERV AUTH	20,900			20,900
AMERADA HESS CORP		100.0	20,900	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,294,000			1,294,000
EXXON		68.6	887,684	
AMERADA HESS CORP		24.2	313,148	
AMOCO		7.2	93,168	

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS				
ARKANSAS ELEC COOP	51,000			51,000
LOGICON INC (SHELL)		80.0	40,800	
E L BRIDE(TEXACO)		20.0	10,200	
JONESBORO WATER AND LIGHT PL	4,280			4,280
DELTA REFINING CO		83.0	3,552	
E L BRIDE(MIDLAND)		17.0	728	
COLORADO				
CT&U, S.COLO PWR DIV.	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
KANSAS				
CENTRAL KANSAS PWR	0			0
CHANUTE,CITY OF	0			0
CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	0			0
CT&U, WESTERN PWR DIV	0			0
KANSAS GAS & ELEC	0			0
KANSAS POWER & LIGHT	0			0
LARNED WTR & ELEC	422			422
CARTER WTR		100.0	422	
MCPHERSON BD OF PUB UTIL	0			0
OTTAWA WTR & LT	0			0
LOUISIANA				
CENTRAL LOUISIANA ELECTRIC C	0			0
JONESBORO POWER & LIGHT	0			0
MIDDLE SOUTH SERVICES	1,892,000			1,892,000
MURPHY OIL CORP		30.0	567,600	
TAUBER OIL CO		20.5	387,860	
SHELL		21.3	402,996	
EXXON		12.9	244,068	
TENNECO		9.5	179,740	
ERGON INC (EXXON)		3.8	71,896	
E L BRIDE(OKC REF.)		1.7	32,164	
REESE OIL(SUN OIL)		.3	5,676	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTHWESTERN ELECTRIC POWER	10,000			47,000
FALCO		100.0	47,000	
MISSISSIPPI				
CLARKSDALE WTR & LT	0			0
YAZOO CITY PUB SERV	0			0
MISSOURI				
EMPIRE DIST ELEC	0			0
ST JOSEPH LT & PWR	0			0
OKLAHOMA				
BLACKWELL WTR & LT	0			0
OKLAHOMA GAS & ELEC	0			0
WESTERN FARMERS ELEC COOP	0			0
TEXAS				
GULF STATES UTILITIES	220,000			220,000
COASTAL STATES MKTG		37.5	82,500	
TENNECO		16.1	35,420	
UNITED PETRO DISTRIB		4.0	8,800	
EXXON		20.1	44,220	
SOUTH HAMPTON CO		22.3	49,060	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

AUSTIN CITY ELEC DEPT	48,000			48,000
TESORO		100.0	48,000	
BRAZOS ELEC COOP	0			0
BRYAN, CITY OF	0			0
COMMUNITY PUB SERV	5,952			5,952
STD.OIL-TEXAS		100.0	5,952	
DALLAS POWER &LT.	5,000			5,000
WINSTON REF CO		18.2	910	
KERR MCGEE OIL CO		18.9	945	
J&W REFINING		47.2	2,360	
BEE OIL&REFINING		15.6	780	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GARLAND,CITY OF	0			0
LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	1,190			1,190
TESORO		100.0	1,190	
SAN ANTONIO PUB SERV	37,515			37,515
TESORO		100.0	37,515	
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	6,800			6,800
KERR MCGEE		19.9	1,353	
LA GLORIA OIL&GAS CO		31.1	2,115	
J&W REFINING		49.0	3,332	
WEST TEXAS UTIL	45,800			45,800
PRIDE REFINING INC		100.0	45,800	

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS

COMMONWEALTH EDISON CO.	425,000			480,000
ALLIED O.		98.0	470,400	
CLARK OIL&REF.CORP		2.0	9,600	
ILLINOIS POWER CO	45,000			45,000
ALLIED O.		100.0	45,000	

MISSOURI

UNION ELECTRIC	18,350			18,350
APEX OIL CO		100.0	18,350	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0
SUPERIOR WTR & LT	14,770			14,770
MURPHY OIL CORP		100.0	14,770	
WISCONSIN ELEC PWR	61			61
INDUST FUEL&ASPHALT		100.0	61	

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
ATLANTIC MUNICIPAL UTILITIES	0			0
INTERSTATE POWER	30,679			30,679
NORTHWESTERN REF		100.0	30,679	
LAMONI MUNIC	92			92
STD.OIL(IND)		100.0	92	
MINNESOTA				
AUSTIN UTILITIES	0			0
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	0			0
MINNESOTA PWR & LT	23,100			23,100
MURPHY OIL		100.0	23,100	
NORTHERN STATES PWR	0			0
OWATONNA MUN UTIL	238			238
NORTHWESTERN REF		60.0	143	
GUSTAFSON OIL CO		40.0	95	
WORTHINGTON, CITY OF	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	0			0
FAIRBURY LT & WTR	0			0
GRAND ISLAND ELEC	0			0
HASTINGS UTILITIES DEPT	0			0
LINCOLN ELECTRIC SYSTEM	0			0
NEBRASKA PUBLIC POWER DISTRI	0			0
OMAHA PUB PWR DIST	0			0
8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)				
MICHIGAN				
CLINTON LT & WTR	687			687
CRYSTAL REFINING CO		100.0	687	
CONSUMERS POWER	204,071			204,071
CONSUMERS PWR-CRUDE		54.0	110,198	
LAKESIDE REFINING CO		14.0	28,570	
OSCEOLA REFINING CO		8.0	16,326	
TOTAL LEONARD INC		4.0	8,163	
MURPHY MI.DIV.AMOCO		6.0	12,244	
ENTERPRISE OIL CO		6.0	12,244	
BORON OIL(STANDARD)		3.0	6,122	
INDUST FUEL&ASPHALT		2.0	4,081	
RUPP OIL COMPANY		2.0	4,081	
GLADIEUX REF		1.0	2,041	
DETROIT EDISON CO.	807,542			807,542
SUN OIL LTD		70.0	565,279	
CANADIAN FUEL MKTRS		9.9	79,947	
ENTERPRISE OIL CO		4.8	38,762	
PETRO PRODUCTS		5.4	43,607	
MARATHON OIL		9.9	79,947	

	RECOMMENDED FEO BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GRAND HAVEN BD PUB	4,486			4,486
OSCEOLA REF		100.0	4,486	
HILLSDALE BD OF PUB WORKS	1,800			1,800
LEWIS(GLADIEUX REF)		100.0	1,800	
OHIO				
CLEVELAND ELEC ILLUMIN	92,858			92,858
ALLIED O.(ASHLAND)		100.0	92,858	
TOLEDO EDISON	20,342			20,342
SUN OIL		100.0	20,342	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	100,000			100,000
ALLIED O.(NEPCO)		100.0	100,000	
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				
ARIZONA PUBLIC SERVICE CO.	97,043			97,043
UNION OIL OF CAL		63.0	61,137	
PACIFIC SOUTHWEST		16.5	16,012	
SAN JOAQUIN REF		16.5	16,012	
BASIN FUELS		4.0	3,882	
ALT RIVER PROJECT	176,000			176,000
TESORO		12.4	21,824	
DOUGLAS OIL CO		2.8	4,928	
GUSTAFSON OIL CO		.9	1,584	
MACMILLAN		17.0	29,920	
POWERINE OIL CO		18.1	31,856	
LITTLE AMERICA		19.7	34,672	
SAN JOAQUIN REF		29.1	51,216	
TUCSON GAS & ELEC	206,951			206,951
GOLDEN GATE PETRO		22.0	45,529	
NAVAJO REFINING		5.0	10,348	
TOSCO		43.0	88,989	
UNION OIL OF CA		25.0	51,738	
HOLLAND OIL(TOSCO)		5.0	10,348	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
CALIFORNIA				
BURBANK CITY PUBLIC SER.	35,000			35,000
CARSON(GOLD.EAGLE)		100.0	35,000	
GLENDALE PUBLIC SERVICES	21,000			21,000
POWERINE OIL CO		100.0	21,000	
IMPERIAL IRRIGATION DISTR	25,000			25,000
CRESCENT REF&O(GULF)		100.0	25,000	
LOS ANGELES DEPT OF WATER &	671,400			671,400
ARCO		43.5	292,059	
COASTAL STATES MKTG		27.2	182,621	
EDGINGTON OIL CO		15.3	102,724	
PETROBAY		5.5	36,927	
NEWHALL REFINING CO		3.6	24,170	
SAN JOAQUIN REF		2.6	17,456	
POWERINE OIL CO		2.3	15,442	
PACIFIC GAS & ELECTRIC CO	1,771,000			1,771,000
ARCO		71.3	1,262,723	
UNION OIL OF CA		4.7	83,237	
PHILLIPS PETROLEUM		24.0	425,040	
PASADENA POWER CO.	70,901			70,901
GOLD.EAGLE		100.0	70,901	
SAN DIEGO GAS & ELECTRIC CO.	562,000			562,000
UNION OIL OF CA		29.8	167,476	
HIRI		16.2	91,044	
EDGINGTON OIL CO		21.3	119,705	
TESORO		32.7	183,774	
SOUTHERN CALIF EDISON	3,651,000			3,651,000
STD.OIL-CAL		50.1	1,829,151	
TEXACO		9.7	354,147	
ARCO		7.8	284,778	
EXXON		20.4	744,804	
PACIFIC RESOURCES		6.8	248,268	
MACMILLAN R.F.OIL		3.0	109,530	
CONOCO		2.2	80,322	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
COLORADO				
COLORADO SPRINGS LT & PWR	0			0
LAMAR LT & PWR	0			0
PUB SERV COLORADO	30,879			30,879
PLATEAU INC		100.0	30,879	
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	0			0
SIERRA PACIFIC POWER	24,302			24,302
GOLDEN GATE PETRO		100.0	24,302	
NEW MEXICO				
PLAINS ELEC GEN & TRANSM	0			0
PUB SERV NEW MEXICO	0			0
OREGON				
PACIFIC POWER & LIGHT CO	280			280
STD.OIL(IND)		100.0	280	
TEXAS				
EL PASO ELECTRIC	26,970			26,970
STD.OIL-TEXAS		74.5	20,093	
TESORO		25.5	6,877	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
UTAH				
UTAH POWER &LIGHT CO.	0			0
WASHINGTON				
PUGET SOUND POWER &LIGHT CO.	135,000			135,000
ROSSO INC		1.0	1,350	
PACIFIC NORTHERN		16.0	21,600	
HOME OIL CO		2.0	2,700	
SOUTH CENTER OIL		16.5	22,275	
LILYBLAD		8.5	11,475	
CASCADE		8.0	10,800	
OLDS OLYMPIC		4.0	5,400	
SHELL		44.0	59,400	
SEATTLE DEPT OF LI	74,400			74,400
SHELL		100.0	74,400	
TACOMA DEPT OF PUBLIC UTILIT	0			0
10. ASCC				
HAWAII				
HAWAIIAN ELECTRIC COMPANY	669,683			669,683
STD.OIL-CA		100.0	669,683	
HILO ELEC LT	38,756			38,756
STD.OIL-CA		100.0	38,756	
KAUAI ELECTRIC	15,437			15,437
STD.OIL--CA		100.0	15,437	
MAUI ELECTRIC	30,700			30,700
STD.OIL-CA		100.0	30,700	
11. NOT OTHERWISE CLASSIFIED				
UNK				
GUAM PWR AUTH	0			0
PUERTO RICO WATER RESOURCES	1,898,324			1,898,324
COMMONWEALTH OIL		50.0	949,162	
PUERTO RICO SUN OIL		30.0	569,497	
CARIBBEAN GULF REF		20.0	379,665	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS
ST CROIX, V.I. WTR PWR	0			0
ST THOMAS, V.I. WTR PWR	0			0

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