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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Staff Assistant to the Administrator is excepted under Schedule C.

Effective on June 21, 1974, § 213.3303 (k) (4) is added as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(k) *Federal Energy Office.* * * *

(4) One Staff Assistant to the Administrator.

(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.74–14214 Filed 6–20–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3309 is amended to show that one position of Secretary to the Deputy Assistant Secretary of the Air Force (Research and Development) is excepted under Schedule C.

Effective on June 21, 1974 § 213.3309 (a) (9) is added as set out below.

§ 213.3309 Department of Justice.

* * * * *

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

(9) One Secretary to the Deputy Assistant Secretary of the Air Force (Research and Development).

* * * * *

(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.74–14212 Filed 6–20–74;8:45 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

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

Effective on June 21, 1974, § 213.3342(1) is added as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(l) One Secretary to the 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.74–14213 Filed 6–20–74;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdts. 18, 21]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Miscellaneous Amendments

On March 22, 1974, there was published in the FEDERAL REGISTER (39 FR 10914), a notice of proposed rulemaking with proposed amendments to the regulations governing the National School Lunch Program and the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses.

The amendments were proposed to improve the overall administration of these programs, particularly with respect to requirements for audits, filing of claims for joint program(s), and recordkeeping.

Comments were received from 37 individuals and organizations. Those comments and the sections on which they were made are discussed below:

1. *Sections 210.8(e) (13) (iii) and 220.7 (e) (12) (iii).* Opposition to the proposed cost allocation plan for indirect and joint costs was expressed by 34 respondents. After a careful review of these comments, the Department believes the objections are based on the erroneous assumption that such a plan is mandatory for program participation. The reference to a cost allocation plan for indirect and a share of joint costs was proposed to simplify and assist States in program recordkeeping for schools which are presently using or are considering the implementation of a joint accounting system. The approval of such a plan is left to the discretion of the State agency, or FNSRO where applicable. The Department did not intend to insist or mandate that such a plan be adopted. However, in view of the objections received, we have substantially modified the proposed language by deleting the references to a cost allocation plan, and deferring action thereon pending further review and discussion with the State agencies.

2. *Sections 210.14(b) and 220.24(g).* Two respondents expressed opposition to this provision. One respondent offered no reason for the objection; the other respondent stated that neither the Office of Audit nor any State audit staff should have the right to conduct audits except with the knowledge and consent of the State agency. With respect to this comment, these amendments make no change in the requirements in this area. The Office of Audit (formerly OIG) or its official representative has always had the right under the program regulations to conduct audits. In addition, it is the practice of OA to inform the State agency of its intention to conduct an audit. Therefore, no change has been made to these sections.

In addition, the Department has made minor technical changes which did not appear in proposed form. Because of a reorganization within the Department, the references to OIG, wherever they appear, are changed to OA (Office of Audit) or OI (Office of Investigation).

Accordingly, Parts 210 and 220 of Title 7, Code of Federal Regulations, are hereby amended as follows:

1. In § 210.2, paragraph (1) is revised and a new paragraph (1–1) is added as follows:

§ 210.2 Definitions.

* * * * *

(1) "OA" means the Office of Audit of the Department.

(1–1) "OI" means the Office of Investigation of the Department.

* * * * *

2. In § 210.8, paragraph (e) (13) (iii) is amended by revising the parenthetical statement to read as follows:

§ 210.8 Requirements for participation.

* * * * *

(e) * * *

(13) * * *

(iii) * * * (Supported by invoices, receipts, or other evidence of expenditure, including any indirect costs which may be reported and a share of any joint costs).

* * * * *

3. In § 210.8, paragraph (f) is amended by deleting the word "shall" whenever it appears and inserting the word "may" in lieu thereof.

4. In § 210.11, paragraph (g)(2) is amended by adding the following proviso to the end thereof:

§ 210.11 Reimbursement payments.

* * * * *

(g) * * *

(2) * * *, except that when the highest reduced price charge to children is decreased as a result of changes in per-lunch reimbursement and such decrease is sustained for the balance of the fiscal year, the decreased reduced price charge may be used in the calculation in lieu of the highest reduced price charge.

5. In § 210.14, all references to OIG in paragraph (h) are deleted and references to OI are substituted therefor; and paragraph (b) is revised to read as follows:

§ 210.14 Special responsibilities of State agencies.

* * * * *

(b) *State-conducted audit programs.* (1) a State agency may submit for approval by the Department a plan whereby it will provide for the conduct of audits of the Program. State agencies shall request OA Regional Offices (32 FR 8822, as amended by 34 FR 2139) to assist in the development of these plans, which shall incorporate provisions for organization, financing, direction and coordination of the State audit functions. Audits performed under the plan may be conducted by the State agencies; by the State Auditor, Office of State Controller, or comparable State audit staff; or by Certified Public Accountants or State-licensed public accountants. All approved State audit plans shall be updated and be resubmitted for approval by the Department every third year from the anniversary date of the last such approval, except that any State agency plan approved prior to July 1, 1974, must be resubmitted for approval by the Department in accordance with this paragraph prior to July 1, 1975.

(2) An audit guide furnished by OA, and as amended by OA from time to time, shall be used in the State agency-sponsored audits of schools. The audits shall be performed in accordance with audit standards, guidelines and procedures prescribed by OA in the audit guide; and shall be reviewed by OA to the extent necessary to determine compliance therewith.

(3) While OA shall rely to the fullest extent feasible on State-conducted audits, it shall have the right, whenever considered necessary, to (i) make audits on a statewide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for the State agencies. With respect to State-conducted audits, OA shall also have the rights available to it under the provisions of § 210.17.

* * * * *

§ 210.17 [Amended]

6. In § 210.17, all references to OIG are deleted and references to OA are substituted therefor.

1. In § 220.2, paragraph (n) is revised and a new paragraph (n–1) is added as follows:

§ 220.2 Definitions.

* * * * *

(n) "OA" means the Office of Audit of the Department.

(n–1) "OI" means the Office of Investigation of the Department.

* * * * *

§ 220.6 [Amended]

2. In § 220.6, the word "needy" is deleted.

3. In § 220.7, paragraph (e)(12)(iii) is amended by revising the parenthetical statement to read as follows:

§ 220.7 Requirements for participation.

* * * * *

(e) * * *

(12) * * *

(iii) * * *. (Supported by invoices, receipts, or other evidence of expenditure, including any indirect costs which may be reported and a share of any joint costs):

* * * * *

4. In § 220.7, paragraph (f) is amended by deleting the word "shall" wherever it appears and inserting the word "may" in lieu thereof.

5. In § 220.24, all references to OIG in paragraph (c) are deleted and references to OI are substituted therefor; and paragraph (g) is revised to read as follows:

§ 220.24 Special responsibilities of State agencies.

* * * * *

(g) *State-conducted audit programs.* (1) A State agency may submit for approval by the Department a plan whereby it will provide for the conduct of audits of the programs covered by this part. State agencies shall request OA Regional Offices (32 FR 8822, as amended by 34 FR 2139) to assist in the development of these plans, which shall incorporate provisions for organization, financing, direction and coordination of the State audit functions. Audits performed under the plan may be conducted by the State agencies; by the State Auditor, Office of State Controller, or comparable State audit staff; or by Certified Public Accountants or State licensed public accountants. All approved State audit plans shall be updated and be resubmitted for approval by the Department every third year from the anniversary date of the last such approval, except that any State agency plan approved prior to July 1, 1974, must be resubmitted for approval by the Department in accordance with this paragraph prior to July 1, 1975.

(2) An audit guide furnished by OA, and as amended by OA from time to time, shall be used in the State agency-sponsored audits of schools. The audits shall be performed in accordance with audit standards, guidelines and procedures prescribed by OA in the audit guide; and shall be reviewed by OA to the extent necessary to determine compliance therewith.

(3) While OA shall rely to the fullest extent feasible on State-conducted audits, it shall have the right, whenever considered necessary, to (i) make audits on a statewide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for the State agencies. With respect to State-conducted audits, OA shall also have the rights available to it under the provisions of § 220.26.

* * * * *

§ 220.26 [Amended]

6. In § 220.26, all references to OIG are deleted and references to OA are substituted therefor.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program Nos. 10.553 and 10.555 National Archives Reference Services.)

Effective date. This amendment shall become effective July 1, 1974.

Dated: June 18, 1974.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.74-14273 Filed 6-20-74;8:45 am]

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

[Lemon Reg. 644]

PART 910—LEMONS 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 June 23–29, 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.

§ 910.944 Lemon Regulation 644.

(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 informaiton 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 sluggish and order business is off 20 percent so far this week. Average f.o.b. price was $6.17 per carton the week ended June 15, 1974, compared to $6.34 per carton the previous week. Track and rolling supplies at 185 cars were down 9 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 18, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 23, 1974, through June 29, 1974, is hereby fixed at 300,000 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: June 20, 1974.

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

[FR Doc.74-14474 Filed 6-20-74;12:11 pm]

[Lime Reg. 5]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 23–29, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.405 Lime Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, 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 Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. Shipping point prices for fresh market limes have fallen sharply during May. The committee further reports the fresh market demand for limes continues weak with restricted purchase activity by the retail trade. Fresh shipments for the weeks ended June 15, 1974 and June 8, 1974, were 20,822 bushels and 20,109 bushels, respectively.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, 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 limes; 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 regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 18, 1974.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 23, 1974, through June 29, 1974, is hereby fixed at 24,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated: June 19, 1974.

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

[FR Doc.74-14473 Filed 6-20-74;12:11 pm]

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 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes portions of Barranquitas, Comerio, Corozal, Naranjito, Aibonito, and Coamo Municipalities in the Commonwealth of Puerto Rico from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in the Commonwealth of Puerto Rico remain under the quarantine.

Accordingly, 9 CFR Part 76, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

In § 76.2, paragraph (e)(1) relating to the Commonwealth of Puerto Rico is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 F.R. 28464, 28477, 38 F.R. 19141)

Effective date. The foregoing amendment shall become effective June 17, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. 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 in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-14298 Filed 6-20-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-30-AD; Amdt. 39-1882]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TFE731-2-1C and -2-2B

There has been a failure of the fuel control on an AiResearch Model TFE731-2-2B engine which was caused by the improper configuration of the fuel pump and results in engine flameout and prevents proper closure of the engine fuel shut-off valve. A corresponding configuration error in the Model TFE731-2-1C would cause continuous fuel heating and subsequent accelerated deterioration of the fuel system components. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require a visual inspection of the fuel pump assembly to verify that it has the correct fuel heater anti-ice valve configuration installed.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AIRESEARCH MANUFACTURING CO., ARIZONA.—Applies to Model TFE731-2-1C and -2-2B engines installed in, but not limited to AMD Falcon 10 aircraft, certificated in all categories.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished, and prior to installing replacement fuel pump assemblies.

To detect the improper configuration of the fuel pump, accomplish the following:

(a) Inspect the fuel pump assembly in accordance with the instructions contained in AiResearch Service Bulletin TFE731-73-3004, dated June 14, 1974, or later FAA-approved revisions.

(b) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

(c) Aircraft may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective June 28, 1974.

(Secs. 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on June 13, 1974.

JAMES V. NIELSEN,
Acting Director, FAA Western Region.

[FR Doc.74-14216 Filed 6-20-74;8:45 am]

[Airworthiness Docket No. 74-WE-29-AD; Amdt. 39-1881]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch TFE731-2-2B and -2-1C Engines

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted June 4, 1974, and made effective immediately by telegram dated June 4, 1974, to all known United States operators or owners of aircraft incorporating AiResearch Model TFE731-2-2B and -2-1C engines. The airworthiness directive requires the replacement of the fuel pump assembly with an assembly incorporating an improved high pressure stage rotor within 25 hours time in service after receipt of the telegraphic AD.

The telegraphic AD was required because fatigue cracks have developed in the high pressure stage rotor which can cause failure of the fuel pump and result in engine flame out and complete power loss.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of aircraft, certificated in all categories, incorporating AiResearch TFE731-2-2B and -2-1C engines. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

AIRESEARCH MANUFACTURING CO. OF ARIZONA.—Applies to AiResearch Model TFE731-2-2B and -2-1C engines installed in, but not limited to, AMD Falcon 10 Aircraft certificated in all categories.

(A) Within 25 hours time in service after receipt of this telegram, unless already accomplished, replace the fuel pump assembly P/N 3070851 series in accordance with the instructions contained in AiResearch Service Bulletin Number TFE731-73-3003, dated May 22, 1974, or later FAA-approved revisions.

(B) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

(C) Aircraft may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective June 28, 1974, for all persons except those to whom it was made effective immediately by telegram dated June 4, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on June 13, 1974.

JAMES V. NIELSEN,
Acting Director, FAA Western Region.

[FR Doc.74-14217 Filed 6-20-74;8:45 am]

[Airspace Docket No. 73-SW-65]

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

Designation of Additional Control Area

On February 6, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 4667) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish as an additional control area that airspace at and above 1,200 feet above the surface between the Houston oceanic control boundary and the United States shoreline. The Notice proposed that this be accomplished by revocation of Control Areas 1215, 1216, 1226, and 1447, and the combining of the existing airspace within those control areas along with some uncontrolled airspace into a single additional control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received. One was from the Air Transport Association of America (ATA) endorsing the proposal. The other was from a private commenter of Fort Worth, Tex., who objected to the proposal on the basis that the action would discriminate in favor of helicopter traffic. His objection was based on the assumption that designation of controlled airspace with a floor of 1,200 feet would require all aircraft above 1,200 feet to operate under instrument flight rules regardless of weather conditions, thereby creating a congestion of aircraft operating under visual flight rules below 1,200 feet—too low to afford sufficient time to prepare for ditching. Actually, aircraft are not required to operate under instrument flight rules in controlled airspace as long as visibility is three miles or more and adequate cloud clearance is maintained. Since such weather conditions prevail most of the time, aircraft operating under visual flight rules in the proposed airspace can usually fly at medium or high altitudes if they desire.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

Section 71.163 (39 FR 346) is amended as follows:

(a) Control 1215 is revoked.

(b) Control 1216 is revoked.

(c) Control 1226 is revoked.

(d) Control 1447 is revoked.

(e) Gulf of Mexico Control Area is added as follows:

That airspace extending upward from 1,200 feet MSL bounded by a line beginning at a point 3 nautical miles offshore at latitude 25°58'30" N., longitude 97°05'20" W., thence northward 3 nautical miles from and parallel to the shoreline to latitude 27°32'00" N., longitude 82°48'00" W., to latitude 27°43'00" N., longitude 83°45'30" W., to latitude 27°35'00" N., longitude 83°45'00" W., thence west along the north boundary of the Miami and Houston Oceanic Control Area to latitude 26°00'00" N., longitude 96°00'00" W., to point of beginning; excluding that airspace east of Corpus Christi, Tex., beginning at a point 3 nautical miles offshore at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 96°55'30" W., to latitude 27°23'00" N., longitude 97°06'00" W., to a point 3 nautical miles offshore at latitude 27°11'20" N.

(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 June 13, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-14263 Filed 6-20-74;8:45 am]

[Docket No. 13830; Amdt. 921]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, effective July 18, 1974:

Delta Junction, Alas.—Allen AAF, LFR-A, Amdt. 13, canceled

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective August 1, 1974:

Aurora, Oreg.—Aurora State Arpt., VOR-VOR/DME-A, Orig.
Aurora, Oreg.—Aurora State Arpt., VORTAC-A, Amdt. 1, canceled
Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 2L, Amdt. 2
Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 13, Amdt. 4
Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 20R, Amdt. 2
Nashville, Tenn.—Nashville Metropolitan Arpt., VOR Rwy 31, Amdt. 22
Oneida, Tenn.—Scott Municipal Arpt., VOR/DME-A, Amdt. 1
Spartanburg, S.C.—Spartanburg-Downtown-Memorial Arpt., VOR/DME Rwy 35, Amdt. 4
Spartanburg, S.C.—Spartanburg-Downtown-Memorial Arpt., VOR Rwy 17, Amdt. 4

* * * effective June 27, 1974:

Spencer, Iowa—Spencer Municipal Arpt., VOR Rwy 11, Orig.
Spencer, Iowa—Spencer Municipal Arpt., VOR Rwy 29, Orig.

* * * effective June 10, 1974:

Kinston, N.C.—Stallings Field, VOR/DME Rwy 4, Amdt. 6

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective August 1, 1974:

Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., LOC (BC) Rwy 5R, Orig.
Nashville, Tenn.—Nashville Metropolitan Arpt., LOC (BC) Rwy 20R, Amdt. 12
Salinas, Calif.—Salinas Municipal, LOC/DME Rwy 31, Orig.

* * * effective July 18, 1974:

Ketchikan, Alas.—Ketchikan Arpt., LOC/DME Rwy 11, Orig., canceled

* * * effective July 4, 1974:

DuBois, Pa.—DuBois-Jefferson Co. Arpt., LOC Rwy 25, Amdt. 3, canceled

* * * effective June 27, 1974:

Greensboro, N.C.—Greensboro-High Point Winston-Salem Regional Arpt., LOC Rwy 23, Orig.
Milwaukee, Wisc.—General Mitchell Field, LOC Rwy 19R, Amdt. 1, canceled
Norfolk, Va.—Norfolk Regional Arpt., LOC (BC) Rwy 23, Orig., canceled

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective August 1, 1974:

Cleveland, Ohio—Cleveland Hopkins Int'l Arpt., NDB Rwy 5R/L, Amdt. 8.
Nashville, Tenn.—Nashville Metropolitan Arpt., NDB Rwy 2L, Amdt. 22.
Nashville, Tenn.—Nashville Metropolitan Arpt., NDB Rwy 20R, Amdt. 2.

Spartanburg, S.C.—Spartanburg-Downtown Memorial Arpt., NDB–A, Amdt. 5.

* * * effective July 18, 1974:

Delta Junction, Alaska—Allen AAF, NDB–A, Orig.

* * * effective June 27, 1974:

Spencer, Iowa—Spencer Municipal Arpt., NDB (ADF)–1, Amdt. 2, canceled.
Spencer, Iowa—Spencer Municipal Arpt., NDB Rwy 29, Orig.

* * * effective June 10, 1974:

Kinston, N.C.—Stallings Field, NDB Rwy 4, Amdt. 3.

* * * effective June 5, 1974:

Lima, Ohio—Lima Arpt., NDB (ADF) Rwy 9, Amdt. 1, canceled.

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective August 1, 1974:

Cleveland, Ohio—Cleveland Hopkins Int'l Arpt., ILS Rwy 5R, Amdt. 12, canceled.
Nashville, Tenn.—Nashville Metropolitan Arpt., ILS Rwy 2L, Amdt. 24.
Salinas, Calif.—Salinas Municipal Arpt., ILS/DME Rwy 31, Orig., canceled.

* * * effective July 18, 1974:

Ketchikan, Alaska—Ketchikan Arpt., ILS/DME–1, Rwy 11, Orig.

* * * effective July 4, 1974:

DuBois, Pa.—DuBois-Jefferson County Arpt., ILS Rwy 25, Orig.

* * * effective June 27, 1974:

Bremerton, Wash.—Kitsap County Arpt., ILS Rwy 19, Orig.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 22L, Orig.
Milwaukee, Wis.—General Mitchell Field, ILS Rwy 19R, Orig.
Norfolk, Va.—Norfolk Regional Arpt., ILS Rwy 23, Orig.
Rochester, N.Y.—Rochester-Monroe County Arpt., ILS Rwy 22, Orig.

* * * effective June 10, 1974:

Kinston, N.C.—Stallings Field, ILS Rwy 4, Amdt. 2.

* * * effective June 5, 1974:

Tallahassee, Fla.—Tallahassee Municipal Arpt., ILS Rwy 36, Amdt. 14.

6. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective August 1, 1974:

Nashville, Tenn.—Nashville Metropolitan Arpt., RADAR–1, Amdt. 14.

* * * effective June 27, 1974:

Milwaukee, Wis.—General Mitchell Field, RADAR–1, Amdt. 17.

7. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective August 1, 1974:

Spartanburg, S.C.—Spartanburg-Downtown-Memorial Arpt., RNAV Rwy 4, Amdt. 1.

Corrections. In Docket No. 13757, Amendment 918, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated May 31, 1974, on page 19205, under Section 97.25, effective July 11, 1974—Change effective date of McComb, Miss.—McComb-Pike County Arpt., LOC (BC) Rwy 33, Orig., and LOC Rwy 15, Orig., to August 1, 1974.

In Docket Nr. 13762, Amendment 919, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 6, 1974, on page 20058, under Section 97.29, effective June 27, 1974—Destroy Greensboro, N.C.—Greensboro-High Point-Winston Salem Regional Arpt., ILS Rwy 23, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 13, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74–14262 Filed 6–20–74;8:45 am]

[Docket No. 12800; Amdt. 101–4]

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

Objects Dropped from Certain Balloons, Kites, and Rockets

The purpose of these amendments to Part 101 of the Federal Aviation Regulations is to add a provision governing the dropping of objects under that Part and to make other minor amendments.

Notice 73–15 was published in the FEDERAL REGISTER on May 7, 1973 (38 FR 11354), stating that the Federal Aviation Administration was considering an amendment to Part 101 of the Federal Aviation Regulations to include a provision governing the dropping of objects from moored balloons, kites, unmanned rockets, and unmanned free balloons, similar to the provisions in § 91.13 governing the dropping of objects from piloted aircraft.

In addition, it was proposed to amend Part 101 by changing the reference to "night" and "day" to read in terms of "sunset" and "sunrise." It was also proposed to amend § 101.35(b) to make it clear that the visibility requirements of that paragraph apply to lights and do not apply to a balloon and to its attachments.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments.

One commentator suggested that the second sentence of the proposed amendment to § 101.7 be deleted since it was vague and unclear and tended to lessen the effect of the first sentence. The second sentence, as proposed, stated that "this section does not prohibit the dropping of any object if reasonable precautions are taken to avoid injury or damage to persons or property." The commentator stated that this language had the effect of diminishing the clear intent of the first sentence which stated that no person may allow "an object to be dropped * * * if such action creates a hazard to persons or property." The FAA agrees with this comment. This amendment omits the second sentence.

One commentator suggested that § 101.7 as written might preclude military air drops because of possible hazard to military property. The intent of this proposal was not to prevent a hazard to the property of the regulated person himself but rather to protect the property of other persons. Paragraph (b) of § 101.7, as added by this amendment, therefore, is reworded to specifically refer to hazards to "other persons, or to their property." This would further clarify the intent of the amendment to allow an operator to accept personal risk while limiting that right so as to prevent possible risk to others. At the same time paragraph (a) of § 101.7 is amended to be consistent with this amendment. This revision includes deletion of the reference to "aircraft," since aircraft are covered by the word "property."

(Secs. 307, 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, Part 101 of the Federal Aviation Regulations is amended as follows, effective August 20, 1974.

1. Section 101.7 is amended to read as follows:

§ 101.7 Hazardous operations.

(a) No person may operate any moored balloon, kite, unmanned rocket, or unmanned free balloon in a manner that creates a hazard to other persons, or their property.

(b) No person operating any moored balloon, kite, unmanned rocket, or unmanned free balloon may allow an object to be dropped therefrom, if such action creates a hazard to other persons or their property.

§ 101.17 [Amended]

2. Section 101.17(a) is amended by striking out the words "during the night" and inserting the words "between sunset and sunrise" in place thereof.

3. Section 101.17(b) is amended by striking out the words "by day" and inserting the words "between sunrise and sunset" in place thereof.

§ 101.23 [Amended]

4. Section 101.23(h) is amended by striking out the words "at night" and inserting the words "between sunset and sunrise" in place thereof.

5. Section 101.35(b) is amended to read as follows:

§ 101.35 Equipment and marking requirements.

* * * * *

(b) No person may operate an unmanned free balloon below 60,000 feet standard pressure altitude between sunset and sunrise (as corrected to the altitude of operation) unless the balloon and its attachments and payload, whether or not they become separated during the

operation, are equipped with lights that are visible for at least 5 miles and have a flash frequency of at least 40, and not more than 100, cycles per minute.

§ 101.35 [Amended]

6. Section 101.35(d) is amended by striking out the words "during the day" and inserting the words "between sunrise and sunset" in place thereof.

Issued in Washington, D.C., on June 13, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-14215 Filed 6-20-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8911]

PART 13—PROHIBITED TRADE PRACTICES

Auslander Decorator Furniture, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–100 *Usual as reduced, special, etc.;* § 13.180 *Quantity;* 13.180–30 In stock; § 13.185 *Refunds, repairs, and replacements;* § 13.200 *Sample, offer or order conformance.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1735 *Sample, offer, or order conformance.*—Prices: §13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1895 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2060 *Sample, offer, or order conformance.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Auslander Decorator Furniture, Inc., Hanover, Md., Docket 8911, Apr. 23, 1974]

In the Matter of Auslander Decorator Furniture, Inc., a Corporation Doing Business as A.D.F. Warehouse, and Maxwell Auslander, Sandra Tye, and Linda Decker, Individually, and as Officers of Said Corporation

Order requiring a Hanover, Md., seller and distributor of furniture and related products, among other things to cease failing to deliver ordered merchandise; delivering damaged or defective merchandise; failing to repair or replace damaged goods as advertised; misrepresenting the availability of merchandise in stock; misrepresenting prices as being "sale" prices unless such prices are reduced significantly to afford a meaningful savings over the regular selling prices; and failing to maintain records to substantiate savings claims. Further, respondent is required to refund all monies paid by customers if respondent fails to deliver merchandise within five (5) business days from an agreed-upon date of delivery.

The order and opinion denying motion for extension of time for filing of notice of intention to appeal and for filing appeal brief and final order and decision of the Commission, is as follows:

It is ordered, That respondents' Motion for Extension of Time for Filing of Notice of Intention to Appeal and for Filing of Appeal brief be, and it hereby is, denied.

It is further ordered, That the Initial Decision and Order of the Administrative Law Judge be, and hereby are, adopted as the Decision and Final Order of the Commission.

The order to cease and desist, including further order requiring report of compliance therewith, as set out in the initial decision is as follows:

It is further ordered, That respondents Auslander Decorator Furniture, Inc., a corporation, its successors and assigns, and its officers, and Maxwell Auslander, individually and as an officer of Auslander Decorator Furniture, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale and distribution of furniture and other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. (1) Failing to state, in writing, on the face of all order forms and sales contracts executed by customers, and on all invoices covering the sale of merchandise to customers, in conspicuous language likely to be read and understood by the customer, the dates for delivery of such merchandise agreed to by respondents and their customers at the time of the execution of the order or contract or the date of sale, and that respondents will refund all monies paid by such customers in the event such delivery is not made within five (5) business days of the agreed delivery dates, unless such customers agree in writing to extensions of the delivery dates.

(2) Failing to deliver merchandise to customers within five (5) business days of the agreed delivery dates, or failing to refund immediately all monies paid by such customers in the event such delivery dates are not met by respondents, unless the customers agree, in writing, to extensions of the delivery dates.

(3) Misrepresenting orally or in writing, directly or by implication, the availability of merchandise in stock for delivery by specific dates.

(4) Selling merchandise to customers on the layaway plan, unless such merchandise is physically set aside, in storage, for delivery to such customers upon the completion of the layaway payments, in accordance with the provisions of subparagraphs (1) and (2) hereinabove.

(5) For a period of two (2) years from the effective date of this order, failing to maintain and produce for inspection and copying by the Federal Trade Commission upon ten (10) days' notice, adequate records (a) which disclose the history of all orders, sales and deliveries; and (b) from which it can be determined whether or not merchandise was available in stock for delivery as of specific dates.

II. (1) Using the words "sale", "sale price", "warehouse sale", "clearance sale", "savings", or "buy now and save", or any other word or words of similar import or meaning, unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(2) For a period of two (2) years from the effective date of this order, failing to maintain and produce for inspection and copying by the Federal Trade Commission upon ten (10) days' notice, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations of the type described in subparagraph (1) hereinabove are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

III. *It is further ordered,* That respondents shall:

(1) Inform, orally, all customers at the time of sale and provide in writing on the face of all order forms and sales contracts executed by customers, and on all invoices covering the sale of merchandise to customers, in conspicuous language likely to be read and understood by the customer, that the customer may cancel the contract with a refund of all monies theretofore paid to respondents by notification to respondents in writing within five (5) days from the date of actual delivery of the merchandise, where the merchandise delivered to a customer is defective or damaged, or is not identical to the merchandise ordered by the customer; *Provided, however,* That the provisions of this subparagraph shall not apply to merchandise sold "as is", such sales to be so designated specifically on the order forms, sales contracts and invoices utilized in connection with such sales transactions, nor to sales of merchandise to customers who have knowledge of damage to, or defects in, the particular merchandise and have given written consent to purchasing same in its stated condition.

(2) Refund immediately all monies to customers who have requested contract cancellation in accordance with the provisions of paragraph III(1) above; *Provided, however,* That, in lieu of making such a refund, respondents may, with the written consent of, and with no additional cost to, the customer, replace or

repair defective or damaged merchandise, such replacement or repair to be fully, satisfactorily, and promptly performed. In such a case, the customer who consents to accept replacement or repair in lieu of a refund, may cancel the contract with a refund of all monies by notification to respondents in writing within five (5) days from the date of actual delivery of any replacement or repaired merchandise that is itself defective or damaged.

(3) For a period of two (2) years from the effective date of this order, maintain and produce for inspection and copying by the Federal Trade Commission upon ten (10) days' notice, adequate records to disclose the facts pertaining to the receipt, handling and disposition of each and every communication from a customer, oral or written, requesting contract cancellation, refund, replacement or repair.

IV. (1) *It is further ordered,* That respondents deliver a copy of this order to all present and future employees or other persons engaged in the preparation and placing of respondents' advertisements, and the offering for sale, or sale, of respondents' products, and secure from each such employee or other person a signed statement acknowledging receipt of said order.

(2) *It is further ordered,* That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

(3) *It is further ordered,* that the individual respondent Maxwell Auslander promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include said respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

(4) *It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

(5) *It is further ordered,* That respondents shall, within sixty (60) days from the effective date of this order, notify the Commission in writing of the manner and form in which each has complied with this order.

(6) *It is further ordered,* That the complaint be, and it hereby is, dismissed as to respondents Sandra Tye and Linda Decker as individuals.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-14257 Filed 6-20-74;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER Q—OIL AND GAS

PART 183—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Leasing Procedures and Operations

JUNE 17, 1974.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938). The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2, 9).

Beginning on page 12755 of the FEDERAL REGISTER of April 8, 1974 (39 FR 12755), there was published a notice of proposed rulemaking to revise Part 183 of Subchapter Q, Chapter I, Title 25 of the Code of Federal Regulations. The purpose of the proposed revision is to improve the management of the Osage oil and gas mineral estate. The revision was proposed pursuant to the authority contained in section 3 of the Act of June 28, 1906 (34 Stat. 539, 543).

The public was given until May 8, 1974, to submit written comments, suggestions, or objections regarding the proposed revision.

After consideration of all such relevant matter presented by interested persons, the revision as so proposed is hereby adopted with the following changes:

1. In § 183.2(a), the word "may" is changed to "shall".

2. At the end of § 183.9(a), the following sentence is added: "If a lessee holds both an oil lease and a gas lease covering the same acreage, such lessee is subject to provisions of this section as to both the oil lease and gas lease."

3. Subsection (4) *Value of gas* is deleted from § 183.11(b).

4. In the last sentence of § 183.14(a), the phrase "oil taken" is changed to read "oil and/or gas taken".

5. In the second sentence of § 183.19(a), the phrase "release operations" is changed to read "lease operations".

6. After the first sentence in § 183.19(b), the following sentence is added: "Commencement money will not be required for the drilling of a well which was drilled under the original lease contract."

7. In the second sentence of § 183.25(a), the words "after receiving notice," are changed to read "after receiving notice and cost of drilling,".

8. In the second sentence of § 183.25(b), the words "after receipt of notice," are changed to read "after receipt of notice and cost of drilling,".

9. The subheading "Effect of Regulations" and § 183.46 are deleted because § 183.46 is a repeat of § 183.5.

These regulations shall become effective on July 22, 1974.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Part 183 of Title 25 of the Code of Federal Regulations is revised to read as follows:

Sec.

183.1 Definitions.

LEASING PROCEDURE, RENTAL AND ROYALTY

183.2 Sale of leases.
183.3 Surrender of lease.
183.4 Form of payment.
183.5 Leases subject to current regulations.
183.6 Bonds.
183.7 Provisions of forms made a part of the regulations.
183.8 Corporation and corporate information.
183.9 Rental and drilling obligations.
183.10 Term of lease.
183.11 Royalty payments.
183.12 Government reserves right to purchase oil.
183.13 Time of royalty payments and reports.
183.14 Contracts and division orders.
183.15 Unit leases, assignments and related instruments.

OPERATIONS

183.16 Commencement of operations.
183.17 How to acquire permission to begin operations on a restricted homestead allotment.
183.18 Information to be given surface owners prior to commencement of drilling operations.
183.19 Use of surface of land.
183.20 Settlement of damages claimed.
183.21 Procedure for settlement of damage claimed.
183.22 Prohibition of pollution.
183.23 Easements for wells off leased premises.
183.24 Lessee's use of water.
183.25 Gas well drilled by oil lessees and vice versa.
183.26 Determining cost of well.
183.27 Gas for operating purposes and tribal use.

CESSATION OF OPERATORS

183.28 Shutdown, abandonment and plugging of wells.
183.29 Disposition of casings and other improvements.

REQUIREMENTS OF LESSEES

183.30 Lessees subject to Superintendent's orders; books and records open to inspection.
183.31 Lessee's process agents.
183.32 Well records and reports.
183.33 Line drilling.
183.34 Wells and tank batteries to be marked.
183.35 Formations to be protected.
183.36 Control devices.
183.37 Waste of oil and gas.
183.38 Measuring and storing oil.
183.39 Measurement of gas.
183.40 Use of gas for lifting oil.
183.41 Accidents to be reported.

PENALTIES

183.42 Penalty for violation of lease terms.
183.43 Penalties for violation of certain operating regulations.

APPEALS AND NOTICES

183.44 Hearings and appeals.
183.45 Notices.

AUTHORITY: Sec. 3, 34 Stat. 543. Interpret or apply secs. 1, 2, 45 Stat. 1478, 1479, unless otherwise noted.

§ 183.1 Definitions.

As used in this Part 183, terms shall have the meanings set forth in this section.

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Osage Tribal Council" means the duly elected governing body of the Osage Nation or Tribe of Indians of Oklahoma vested with authority to lease or take other actions on oil and gas mining pertaining to the Osage Mineral Estate.

(c) "Superintendent" means the Superintendent of the Osage Agency, Pawhuska, Oklahoma, or his authorized representative acting under delegated authority.

(d) "Oil lessee" means any person, firm, or corporation to whom an oil mining lease is made under the regulations in this part.

(e) "Gas lessee" means any person, firm, or corporation to whom a gas mining lease is made under the regulations in this part.

(f) "Oil and gas lessee" means any person, firm, or corporation to whom an oil and gas mining lease is made under the regulations in this part.

(g) "Primary term" means the basic period of time for which a lease is issued during which the lease contract may be kept in force by payment of rentals.

(h) "Major purchaser" means any one of the minimum number of purchasers taking 80 percent of the oil in the Kansas-Oklahoma area.

(i) "Casinghead gas" means gas produced from an oil well as a consequence of oil production from the same formation.

(j) "Natural gas" means any fluid, either combustible or noncombustible, recovered at the surface in the gaseous phase and/or hydrocarbons recovered at the surface as liquids which are the result of condensation caused by reduction of pressure and temperature of hydrocarbons originally existing in a reservoir in the gaseous phase.

LEASING PROCEDURE, RENTAL AND ROYALTY

§ 183.2 Sale of leases.

(a) Written application, together with any nomination fee, for tracts to be offered for lease shall be filed with the Superintendent.

(b) The Superintendent, with the consent of the Osage Tribal Council, shall publish notices for the sale of oil leases, gas leases, and oil and gas leases to the highest responsible bidder on specific tracts of the unleased Osage Mineral Estate. The Superintendent may require any bidder to submit satisfactory evidence of his good faith and ability to comply with all provisions of the notice of sale. Successful bidders must deposit with the Superintendent on day of sale a check or cash in an amount not less than 25 percent of the cash bonus offered as a guaranty of good faith. Any and all bids shall be subject to the acceptance of the Osage Tribal Council and approval of the Superintendent. Within 20 days after notification of being the successful bidder, said bidder must submit to the Superintendent the balance of the cash bonus, a $10 filing fee, and the lease in completed form. The Superintendent may extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of moneys due. If the bidder fails to pay the full cash consideration within said period or fails to file the completed lease within said period or extension thereof, or if the lease is rejected through no fault of the Osage Tribal Council or the Superintendent, 25 percent of the cash bonus bid will be forfeited for the use and benefits of the Osage Tribe.

The Superintendent may reject a lease made on an accepted bid, upon evidence satisfactory to him of collusion, fraud, or other irregularity in connection with the notice of sale. The Superintendent may approve oil leases, gas leases, and oil and gas leases made by the Osage Tribal Council in conformity with the notice of sale, regulations in this part, bonds, and other instruments required.

(c) Each oil and/or gas lease and activities and installations associated therewith subject to these regulations shall be assessed and evaluated for its environmental impact prior to its approval by the Superintendent.

(d) Lessee shall accept a lease with the understanding that a mineral not covered by his lease may be leased separately.

(e) No lease, assignment thereof, or interest therein will be approved to any employee or employees of the Government and no such employee shall be permitted to acquire any interest in leases covering the Osage Mineral Estate by ownership of stock in corporations having leases or in any other manner.

§ 183.3 Surrender of lease.

Lessee may, with the approval of the Superintendent and payment of a one dollar filing fee, surrender all or any portion of any lease, have the lease cancelled as to the portion surrendered and be relieved from all subsequent obligations and liabilities. If the lease, or portion being surrendered, is owned in undivided interests by more than one party, then all parties shall join in the application for cancellation: *Provided*, That if this lease has been recorded, Lessee shall execute a release and record the same in the proper office. Such surrender shall not entitle Lessee to a refund of the unused portion of rental paid in lieu of development, nor shall it relieve Lessee and his sureties of any obligation and liability incurred prior to such surrender: *Provided further*, That when there is a partial surrender of any lease and the acreage to be retained is less than 160 acres or there is a surrender of a separate horizon, such surrender shall become effective only with the consent of the Osage Tribal Council and approval of the Superintendent.

§ 183.4 Form of payment.

Sums due under a lease contract and/or the regulations in this part shall be paid by cash or check made payable to the Bureau of Indian Affairs and delivered to the Osage Agency, Pawhuska, Oklahoma 74056. Such sums shall be a prior lien on all equipment and unsold oil on the leased premises.

§ 183.5 Leases subject to current regulations.

Leases issued pursuant to this part shall be subject to the current regulations of the Secretary, all of which are made a part of such leases: *Provided*, That no amendment or change of such regulations made after the approval of any lease shall operate to affect the term of the lease, rate of royalty, rental, or acreage unless agreed to by both parties and approved by the Superintendent.

§ 183.6 Bonds.

Lessees shall furnish with each lease a corporate surety bond acceptable to the Superintendent as follows:

(a) A bond on Form D shall be filed with each lease submitted for approval. Such bond shall be in the penal sum of not less than $1,000 for each quarter section or fractional quarter section covered by said lease: *Provided, however*, That one bond in the penal sum of not less than $15,000 may be filed on Form G covering all leases on the Osage Mineral Estate not in excess of 10,240 acres to which Lessee is or may become a party.

(b) In lieu of the bonds required under paragraph (a) of this section, a bond in the penal sum of $75,000 may be filed on Form 5–5438 for full nationwide coverage of all leases, without geographic or acreage limitation, to which the Lessee is or may become a party.

(c) A bond on Form H shall be filed in the penal sum of not less than $1,000 covering a lease acquired through assignment where the assignee does not have a collective bond, or the corporate surety does not execute its consent to remain bound under the original bond given to secure the faithful performance of the terms and conditions of the lease.

(d) The right is specifically reserved to increase the amount of bonds prescribed in paragraphs (a) and (c) of this section in any particular case when the Superintendent deems it proper. The nationwide bond may be increased at any time in the discretion of the Secretary.

§ 183.7 Provisions of forms made a part of the regulations.

Leases, assignments, and supporting instruments shall be in the form prescribed by the Secretary, and such forms

are hereby made a part of the regulations.

§ 183.8 Corporation and corporate information.

(a) If the applicant for a lease is a corporation, it shall file evidence of authority of its officers to execute papers; and with its first application it shall also file a certified copy of its Articles of Incorporation and, if foreign to the State of Oklahoma, evidence showing compliance with the corporation laws thereof.

(b) Whenever deemed advisable the Superintendent may require a corporation to file any additional information necessary to carry out the purpose and intent of the regulations in this part, and such information shall be furnished within a reasonable time.

§ 183.9 Rental and drilling obligations.

(a) Oil leases, gas leases, and oil and gas leases. Unless Lessee shall complete and place on production a well producing and selling oil and/or gas in paying quantities on the land embraced within the lease within 12 months from the date of approval of the lease, or as otherwise provided in the lease terms, or 12 months from the date the Superintendent consents to drilling on any restricted homestead selection, the lease shall terminate unless rental at the rate of not less than $1 per acre for an oil or gas lease, or not less than $1.50 per acre for an oil and gas lease, shall be paid before the end of the first year of the lease. The lease may also be held for the remainder of its primary term without drilling upon payment of the specified rental annually in advance, commencing with the second lease year. The lease shall terminate as of the due date of the rental unless such rental shall be received by the Superintendent, or shall have been mailed as indicated by postmark on or before said date. The completion of a well producing in paying quantities shall, for so long as such production continues, relieve Lessee from any further payment of rental, except that should such production cease during the primary term the lease may be continued only during the remaining primary term of the lease by payment of advance rental which shall commence on the next anniversary date of the lease. Rental shall be paid on the basis of a full year and no refund will be made of advance rental paid in compliance with the regulations in this part: *Provided*, That the Superintendent in his discretion may order further development of any leased acreage or separate horizon if, in his opinion, a prudent operator would conduct further development. If Lessee refuses to comply, the refusal will be considered a violation of the lease terms and said lease shall be subject to cancellation as to the acreage or horizon, the further development of which was ordered: *Provided further*, That the Superintendent may impose restrictions as to time of drilling and rate of production from any well or wells when, in his judgment, such action may be necessary or proper for the protection of the natural resources of the leased land and the interests of the Osage Tribe. The Superintendent may consider, among other things, Federal and Oklahoma laws regulating either drilling or production. If a lessee holds both an oil lease and a gas lease covering the same acreage, such lessee is subject to the provisions of this section as to both the oil lease and the gas lease.

(b) The Superintendent may, with the consent of and under terms approved by the Osage Tribal Council, grant an extension of the primary term of a lease for a period not to exceed six months on which the actual drilling of a well shall have commenced within the term thereof or for the purpose of enabling Lessee to obtain a market for his oil and/or gas production.

§ 183.10 Term of lease.

Leases issued hereunder shall be for a 5-year primary term and so long thereafter as the minerals specified are produced in paying quantities unless a different primary term is established by the Osage Tribal Council, approved by the Superintendent, and so stated in the notice of sale of such lease or leases.

§ 183.11 Royalty payments.

(a) *Royalty on oil.* (1) Royalty rate. Lessee shall pay or cause to be paid to the Superintendent, as royalty, the sum of 16⅔ percent of the gross proceeds from sales after deducting the oil used by Lessee for development and operation purposes on the lease: *Provided*, That when the quantity of oil taken from all the producing wells on any quarter-section or fraction thereof, according to the public survey, during any calendar month is sufficient to average one hundred or more barrels per active producing well per day the royalty on such oil shall be 20 percent. The Osage Tribal Council may, upon presentation of justifiable economic evidence by Lessee, agree to a revised royalty rate, subject to approval by the Superintendent, applicable to additional oil produced from a lease or leases by secondary recovery methods, which rate shall not be less than 12½ percent of the gross proceeds from sale of oil produced by secondary recovery processes, other than gas injection, after deducting the oil used by Lessee for development and operating purposes on the lease or leases.

(2) Unless the Osage Tribal Council, with the approval of the Secretary, shall elect to take the royalty in kind, payment shall be made at the time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, or the highest posted or offered price by a major purchaser in the Kansas-Oklahoma area whichever is higher on the day of sale or removal. Where different prices are paid simultaneously for oil from a lease and the highest such price exceeds the higher of the aforementioned prices, then that price shall be the basis of royalty on all oil from said lease.

(3) Royalty in kind. Should Lessor, with the approval of the Secretary, elect to take the royalty in kind, Lessee shall furnish free storage for royalty oil for a period not to exceed 60 days from date of production after notice of such election.

(b) *Royalty on gas*—(1) *Oil lease.* All casinghead gas shall belong to the oil lessee subject to any rights under existing gas leases. All casinghead gas removed from the lease from which it is produced shall be metered unless otherwise approved by the Superintendent and subject to a royalty of 16⅔ percent of the market value of the gas and all products extracted therefrom, less a reasonable allowance for manufacture or processing. If oil lessee supplies casinghead gas produced from one lease for operation and/or development of other leases, either his or others, a royalty of 16⅔ percent shall be paid on the value of all casinghead gas so used. All casinghead gas not utilized by the oil lessee may, with the approval of the Superintendent, be utilized by the gas lessee, subject to the prescribed royalty of 16⅔ percent.

(2) *Gas lease.* Lessee shall pay a royalty of 16⅔ percent of the value of all natural gas and products extracted therefrom produced and sold from his lease. Natural gas used in the reasonable and prudent operation and development of said lease shall be exempted from royalty payment.

(3) *Oil and gas lease.* Lessee shall pay royalty as provided in (1) and (2) above.

(c) *Minimum royalty.* In no event shall the royalty paid from producing leases during any year be less than an amount equal to the annual rental specified for the lease. Any underpayment of minimum royalty shall be due and payable within 45 days following the end of the lease year. After the primary term, Lessee shall submit with his payment evidence that the lease is producing in paying quantities. The Superintendent is authorized to determine whether the lease is actually producing in paying quantities or has terminated for lack of such production. Payment for any underpayment not made within the time specified shall be subject to a late charge at the rate of not less than 1½ percent per month for each month or fraction thereof until paid.

§ 183.12 Government reserves right to purchase oil.

Any of the executive departments of the United States Government shall have the option to purchase all or any part of the oil produced from any lease at not less than the highest posted price as defined in § 183.11.

§ 183.13 Time of royalty payments and reports.

(a) Royalty payments due may be paid by either purchaser or Lessee. Unless otherwise provided by the Osage Tribal Council and approved by the Superintendent, all payments shall be due by the 25th day of each month and shall cover the preceding month. Failure to make such payments shall subject Lessee or purchaser, whoever is responsible for

royalty payment, to a late charge at the rate of not less than 1½ percent for each month or fraction thereof until paid.

(b) Lessee shall furnish certified monthly reports by the 25th of each following month covering all operations, whether there has been production or not, indicating therein the total amount of oil, natural gas, casinghead gas, and other products subject to royalty payment.

(c) Failure to remit payments or reports shall subject Lessee to further penalties as provided in §§ 183.42 and 183.43 and shall subject the division order to cancellation.

§ 183.14 Contracts and division orders.

(a) Lessee may enter into division orders or contracts with the purchasers of oil, gas, or derivatives therefrom which will provide for the purchaser to make payment of royalty in accordance with his lease: *Provided*, That such division orders or contracts shall not relieve Lessee from responsibility for the payment of the royalty should the purchaser fail to pay. No production shall be removed from the leased premises until a division order and/or contract and its terms are approved by the Superintendent: *Provided further*, That the Superintendent may grant temporary permission to run oil or gas from a lease pending the approval of a division order or contract. Lessee shall file a certified monthly report and pay royalty on the value of all oil and gas used off the premises for development and operating purposes. Lessee shall be responsible for the correct measurement and reporting of all oil and/or gas taken from the leased premises.

(b) Lessee shall require the purchaser of oil and/or gas from his lease or leases to furnish the Superintendent with a monthly statement of the gross barrels and/or gross Mcf sold not later than the 15th day of each month which shall cover the preceding month.

§ 183.15 Unit leases, assignments and related instruments.

(a) *Unitization of leases.* The Osage Tribal Council and Lessee or Lessees, may, with the approval of the Superintendent, unitize or merge, two or more oil or oil and gas leases into a unit or cooperative operating plan to promote the greatest ultimate recovery of oil and gas from a common source of supply or portion thereof embracing the lands covered by such lease or leases. The cooperative or unit agreement shall be subject to the regulations in this part and applicable laws governing the leasing of the Osage Mineral Estate. Any agreement between the parties in interest to terminate a unit or cooperative agreement as to all or any portion of the lands included shall be submitted to the Superintendent for his approval. Upon approval the leases included thereunder shall be restored to their original terms: *Provided*, That for the purpose of preventing waste and to promote the greatest ultimate recovery of oil and gas from a common source of supply or portion thereof, all oil leases, oil and gas leases, and gas leases issued heretofore and hereafter under the provisions of the regulations in this part shall be subject to any unit development plan affecting the leased lands that may be required by the Superintendent with the consent of the Osage Tribal Council, and which plan shall adequately protect the rights of all parties in interest including the Osage Mineral Estate.

(b) *Assignments.* Approved leases or any interest therein may be assigned or transferred only with the approval of the Superintendent. The assignee must be qualified to hold such lease under existing rules and regulations and shall furnish a satisfactory bond conditioned for the faithful performance of the covenants and conditions thereof. Lessee must assign either his entire interest in a lease or legal subdivision thereof, or an undivided interest in the whole lease: *Provided*, That when an assignment covers only a portion of a lease or covers interests in separate horizons such assignment shall be subject to both the consent of the Osage Tribal Council and approval of the Superintendent. If a lease is divided by the assignment of an entire interest in any part, each part shall be considered a separate lease and the assignee shall be bound to comply with all the terms and conditions of the original lease. A fully executed copy of the assignment shall be filed with the Superintendent within 30 days after the date of execution by all parties. If requested within the 30-day period, the Superintendent may grant an extension of 15 days. A filing fee of $10 shall accompany each assignment.

(c) *Overriding royalty.* Agreements creating overriding royalties or payments out of production shall not be considered as an interest in a lease as such term is used in paragraph (b) of this section. Agreements creating overriding royalties or payments out of production are hereby authorized and the approval of the Department of the Interior or any agency thereof shall not be required with respect thereto, but such agreements shall be subject to the condition that nothing in any such agreement shall be construed as modifying any of the obligations of Lessee under his lease and the regulations in this part. All such obligations are to remain in full force and effect, the same as if free of any such royalties or payments. The existence of agreements creating overriding royalties or payments out of production, whether or not actually paid, shall not be considered in justifying the shutdown or abandonment of any well. Agreements creating overriding royalties or payments out of production need not be filed with the Superintendent unless incorporated in assignments or instruments required to be filed pursuant to paragraph (b) of this section. An agreement creating overriding royalties or payment out of production shall be suspended when the working interest income per active producing well is equal to or less than the operational cost of the well, as determined by the Superintendent.

(d) *Drilling contracts.* The Superintendent is authorized to approve drilling contracts with a stipulation that such approval does not in any way bind the Department to approve subsequent assignments that may be provided for in said contracts. Approval merely authorizes entry on the lease for the purpose of development work.

OPERATIONS

§ 183.16 Commencement of operations.

(a) No operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Superintendent: *Provided*, That the Superintendent may grant authority to any party under such rules, consistent with the regulations in this part that he deems proper, to conduct geophysical and geological exploration work.

(b) Lessee shall submit applications on forms to be furnished by the Superintendent and secure his approval before:

(1) Well drilling, treating, or workover operations are started on the leased premises.

(2) Removing casing from any well.

(c) Lessee shall notify the Superintendent a reasonable time in advance of starting work, of intention to drill, redrill, deepen, plug, or abandon a well.

§ 183.17 How to acquire permission to begin operations on a restricted homestead allotment.

(a) Lessee may conduct operations within or upon a restricted homestead selection only with the written consent of the Superintendent.

(b) If the allottee is unwilling to permit operations on his homestead, the Superintendent will cause an examination of the premises to be made with the allottee and Lessee or his representative. Upon finding that the interests of the Osage Tribe require that the tract be developed, the Superintendent will endeavor to have the parties agree upon the terms under which operations on the homestead may be conducted.

(c) In the event the allottee and Lessee cannot reach an agreement, the matter shall be presented by all parties before the Osage Tribal Council, and the Council shall make its recommendations. Such recommendations shall be considered as final and binding upon the allottee and Lessee. A guardian may represent the allottee. Where no one is authorized or where no person is deemed by the Superintendent to be a proper party to speak for a person of unsound mind or feeble understanding, the Principal Chief of the Osage Tribe shall represent him.

(d) If the allottee or his representative does not appear before the Osage Tribal Council when notified by the Superintendent, or if the Council fails to act within 10 days after the matter is referred to it, the Superintendent may authorize Lessee to proceed with operations in conformity with the provisions of his lease and the regulations in this part.

§ 183.18 Information to be given surface owners prior to commencement of drilling operations.

Except for the surveying and staking of a well, no operations of any kind shall commence until Lessee or his representative shall meet with the surface owner or his representative, if a resident of and present in Osage County, Oklahoma. At such meeting Lessee shall comply with the following requirements:

(a) Indicate the location of the well or wells to be drilled.

(b) Arrange for route of ingress and egress. Upon failure to agree on route of ingress and egress, said route shall be set by the Superintendent.

(c) Impart to said surface owners the name and address of the party or representative upon whom the surface owner shall serve any claim for damages which he may sustain from mineral development or operations, and as to the procedure for settlement thereof as provided in § 183.21.

(d) Where the drilling is to be on restricted land, Lessee in the manner provided above shall meet with the Superintendent.

(e) Where the surface owner or his representative is not a resident of or is not physically present in Osage County, then the Superintendent shall be so advised whereupon the Superintendent may authorize Lessee to proceed with operations: *Provided,* That in the event the Superintendent should so arrange with the surface owner or his tenant, Lessee or his representative within 5 days after receipt of notice from the Superintendent shall meet with the surface owner or his tenant on the leased premises and arrange for the procedure to follow as indicated in this section.

§ 183.19 Use of surface of land.

(a) Lessee or his authorized representative shall have the right to use so much of the surface of the land within the Osage Mineral Estate as may be reasonable for operations and marketing. This includes but is not limited to the right to lay and maintain pipelines, electric lines, pull rods, other appliances necessary for operations and marketing; the right-of-way for ingress and egress to any point of operation; and the right to use water for lease operations as set out in § 183.24. Lessee shall conduct his operations in a workmanlike manner, commit no waste and allow none to be committed upon the land, nor permit any nuisance to be maintained on the premises under his control.

(b) Before commencing a drilling operation, Lessee shall pay or tender to the surface owner commencement money in the amount of $25 per seismic shot hole and commencement money in the amount of $300 for each well, after which Lessee shall be entitled to immediate possession of the drilling site. Commencement money will not be required for the drilling of a well which was drilled under the original lease contract. A drilling site shall be held to the minimum area essential for operations and shall not exceed one and one-half acres in area unless authorized by the Superintendent. Commencement money shall be a credit toward the settlement of the total damages. Acceptance of commencement money by the surface owner does not in any way affect his right to compensation for damages as described in § 183.20, occasioned by the drilling and completion of the well for which it was paid. Since actual damage to the surface from operations cannot necessarily be ascertained prior to the completion of a well as a serviceable well or dry hole, a damage settlement covering the drilling operation need not be made until after completion of drilling operations.

(c) Where the surface is restricted land, commencement money shall be paid to the Superintendent for the landowner. All other surface owners shall be paid or tendered such commencement money direct. Where such surface owners are not residents of Osage County nor have a representative located therein, such payment shall be made or tendered to the last known address of the surface owner at least 5 days before commencing drilling operations on any well: *Provided,* That should Lessee be unable to reach the owner of the surface of the land for the purpose of tendering the commencement money or if the owner of the surface of the land shall refuse to accept the same, Lessee shall deposit such amount with the Superintendent by check payable to the Bureau of Indian Affairs. The Superintendent shall thereupon advise the owner of the surface of the land by mail at his last known address that the commencement money is being held for payment to him upon his written request.

(d) Lessee shall also pay fees for tank sites not exceeding 50 feet square at the rate of $40 per tank or other vessel: *Provided,* That no payment shall be due for a tank temporarily set on a well location site for drilling, completing, or testing. The sum to be paid for a tank occupying more than 50 feet square shall be agreed upon between the surface owner and Lessee or, on failure to agree, the same shall be fixed by arbitration as provided by § 183.21.

§ 183.20 Settlement of damages claimed.

(a) Lessee or geophysical permittee shall pay for all damages to growing crops, any improvements on the lands, and all other surface damages as may be occasioned by operations. Commencement money shall be a credit toward the settlement of the total damages occasioned by the drilling and completion of the well for which it was paid. Such damages shall be paid to the owner of the surface and by him apportioned among the parties interested in the surface, whether as owner, surface lessee, or otherwise, as the parties may mutually agree or as their interests may appear. If Lessee and surface owner are unable to agree concerning damages, the same shall be determined by arbitration. Nothing herein contained shall be construed to deny any party the right to file an action in a court of competent jurisdiction if he is dissatisfied with the amount of the award.

(b) Surface owners shall notify their lessees or tenants of the regulations in this part and of the necessary procedure to follow in all cases of alleged damages. If so authorized in writing, surface lessees or tenants may represent the surface owners.

(c) In the settlement of damages on restricted land all sums due and payable shall be paid to the Superintendent for credit to the account of the Indian entitled thereto.

(d) Any person, other than a surface lessee or an allottee or the heirs of a deceased allottee, claiming an interest in any leased tract or in damages thereto, must furnish to the Superintendent a statement in writing showing said claimed interest. Failure to furnish such statement shall constitute a waiver of notice and estop said person from claiming any part of such damages after the same shall have been disbursed.

§ 183.21 Procedure for settlement of damages claimed.

Where the surface owner or his lessee suffers damage due to the operation of any oil or gas lessee, the procedure for recovery shall be as follows:

(a) The party or parties aggrieved shall, as soon as possible after the discovery of any damages, serve written notice to Lessee or his representative as provided by § 183.18. Written notice shall contain the nature and location of the alleged damages, the date of occurrence, the names of the party or parties causing said damages, and the amount of damages. It is not intended by this requirement to limit the time within which action may be brought in the courts to less than the 90-day period allowed by section 2 of the Act of March 2, 1929 (45 Stat. 1478, 1479).

(b) If the alleged damages are not adjusted at the time of such notice, Lessee or his representative shall try to adjust the claim with the party or parties aggrieved within 20 days from receipt of the notice. If the claimant is the owner of restricted property and a settlement results, a copy of the settlement agreement shall be filed with the Superintendent. If the settlement agreement is approved by the Superintendent, payment shall be made to the Superintendent for the benefit of said claimant.

(c) If the parties fail to adjust the claim within the 20 days specified, then within 10 days thereafter each of the interested parties shall appoint an arbitrator who immediately upon their appointment shall agree upon a third arbitrator. If the two arbitrators shall fail to agree upon a third arbitrator within 10 days, they shall immediately notify the parties in interest. If said parties cannot agree upon a third arbitrator within 5 days after receipt of such notice, the Superintendent shall appoint the third arbitrator.

(d) As soon as the third arbitrator is appointed, the arbitrators shall meet;

hear the evidence and arguments of the parties; and examine the lands, crops, improvements, or other property alleged to have been injured. Within 10 days they shall render their decision as to the amount of the damage due. The arbitrators shall be disinterested persons. The fees and expenses of the third arbitrator shall be borne equally by the claimant and Lessee. Each Lessee and claimant shall pay the fee and expenses for the arbitrator appointed by him.

(e) When an act of an oil or gas lessee or any of his employees results in injury to both the surface owner and his lessee, the parties aggrieved shall join in the appointment of an arbitrator. Where the injury complained of is chargeable to one or more oil or gas lessees, such lessees shall join in the appointment of an arbitrator.

(f) Any two of the arbitrators may make a decision as to the amount of damage due. The decision shall be in writing and forthwith shall be served upon the parties in interest. Each party shall have 90 days from the date the decision is served in which to file an action in a court of competent jurisdiction. If no such action is filed within said time and the award is against Lessee, he shall pay the same together with interest at the rate of 6 percent per annum from date of award, within 10 days after the expiration of said period for filing an action. If he fails to do so, in the discretion of the Superintendent, the Lessee shall be subject to a penalty of $10 per day for each day thereafter that he remains in default.

(g) Lessee shall file with the Superintendent a report on each settlement agreement, setting out the nature and location of the damage, date, and amount of the settlement, and any other pertinent information.

§ 183.22 Prohibition of pollution.

(a) All operators, contractors, drillers, service companies, pipe pulling and salvaging contractors, or other persons, shall at all times conduct their operations and drill, equip, operate, produce, plug and abandon all wells drilled for oil or gas, service wells or exploratory wells (including seismic, core and stratigraphic holes) in a manner that will prevent pollution and the migration of oil, gas, salt water or other substance from one stratum into another, including any fresh water bearing formation.

(b) Pits for drilling mud or deleterious substance used in the drilling, completion, recompletion, or workover of any well shall be constructed and maintained so as to prevent pollution of surface and subsurface fresh water. These pits shall be enclosed with a fence of at least four strands of barbed wire, or an approved substitute, stretched taut to adequately braced corner posts, unless the surface owner, user, or the Superintendent gives consent to the contrary. As soon as possible after completion of operations, pits shall be emptied and leveled unless otherwise requested by surface owner or user.

(c) Drilling pits shall be adequate to contain mud and other material extracted from wells and shall have adequate storage to maintain a supply of mud for use in emergencies.

(d) No earthen pit, except those used in the drilling, completion, recompletion or workover of a well, shall be constructed, enlarged, reconstructed or used without approval of the Superintendent. Unlined earthen pits shall not be used for the continued storage of salt water or other deleterious substances.

(e) B.S., salt water and other deleterious substances shall be contained in proper receptacles and not permitted to escape. Where existing lease facilities are inadequate for proper disposal of such substances, Lessee shall notify the Superintendent, who shall give instructions as to their disposal.

§ 183.23 Easements for wells off leased premises.

The Superintendent, with the consent of the Osage Tribal Council, may grant easements for wells off the leased premises to be used for waste or salt water disposal, water injection, water supply, or other necessary services. Rental payable to the Osage Tribe for such easements shall be an amount agreed to by Grantee and the Osage Tribal Council, subject to the approval of the Superintendent. Grantee shall be responsible for all damages resulting from the use of such wells and settlement therefor shall be made as provided in § 183.21.

§ 183.24 Lessee's use of water.

Lessee or his contractor may, with the approval of the Superintendent, use water from streams and natural water courses to the extent that same does not diminish the supply below the requirements of the surface owner from whose land the water is taken. Similarly, Lessee or his contractor may use water from reservoirs formed by the impoundment of water from such streams and natural water courses, provided such use does not exceed the quantity to which they originally would have been entitled had the reservoirs not been constructed. Lessee or his contractor may install necessary lines and other equipment within the Osage Mineral Estate to obtain such water. Any damage resulting from such installation shall be settled as provided in § 183.21.

§ 183.25 Gas well drilled by oil lessees and vice versa.

When an oil lessee in drilling a well encounters a formation or zone having indications of possible gas production, or the gas lessee in drilling a well encounters a formation or zone having indication of possible oil production, he shall immediately notify the other lessee and the Superintendent. Lessee drilling the well shall obtain all information which a prudent operator would normally obtain to evaluate the productive capability of such formation or zone.

(a) *Gas well to be turned over to gas lessee.* If the oil lessee drills a gas well, he shall, without removing from the well any of the casing or other equipment, immediately shut the well in and notify the gas lessee and the Superintendent. If the gas lessee does not, within 15 days after receiving notice and cost of drilling, elect to take over such well and reimburse the oil lessee the cost of drilling the same, including all damages paid and the cost in-place of casing, tubing, and other equipment, the oil lessee shall immediately confine the gas to the original stratum. The disposition of such well and the production therefrom shall then be subject to the approval of the Superintendent.

(b) *Oil well to be turned over to oil lessee.* If the gas lessee drills an oil well, he shall immediately, without removing from the well any of the casing or other equipment, notify the oil lessee and the Superintendent. If the oil lessee does not, within 15 days after receipt of notice and cost of drilling, elect to take over the well, he shall immediately notify the gas lessee, and the disposition of such well and the production therefrom shall be subject to the approval of the Superintendent. Should the oil lessee elect to take over the well, he shall pay the gas lessee the cost of drilling the same, including all damages paid and cost in-place of casing and other equipment.

(c) *Lands not leased.* If the gas lessee shall drill an oil well upon lands not leased for oil purposes or the oil lessee shall drill a gas well on lands not leased for gas purposes, the Superintendent may, until such time as said lands are leased, permit the lessee who drilled the well to operate and market the production therefrom. Where said lands are leased, the lessee who drilled and completed the well shall be reimbursed by the oil or gas lessee, as the case may be, the cost of drilling said well, including all damages paid and the cost in-place of casing and other equipment. If the lessee does not elect to take over said well as provided above, the disposition of such well and the production therefrom shall then be subject to the approval of the Superintendent.

§ 183.26 Determining cost of well.

The term "cost of drilling" as applied where one lessee takes over a well drilled by another, shall include all reasonable, usual, necessary, and proper expenditures. A list of expenses mentioned in this section shall be presented to proposed purchasing lessee within 10 days after the completion of the well. In the event of a disagreement between the parties as to the charges assessed against the well that is to be taken over, such charges shall be determined by the Superintendent.

§ 183.27 Gas for operating purposes and tribal use.

(a) *Gas to be furnished oil lessee.* Lessee of a producing gas lease shall furnish the oil lessee sufficient gas for operating purposes at a rate to be agreed upon, or on failure to agree the rate shall be determined by the Superintendent: *Provided,* That the oil lessee shall, at his own expense and risk, furnish and install the necessary connections to the

gas lessee's well or pipeline. All such connections shall be reported in writing to the Superintendent.

(b) *Use of gas by Osage Tribe.* (1) Gas from any well or wells shall be furnished any Tribal-owned building or enterprise at a rate not to exceed the price less royalty being received or offered by a gas purchaser: *Provided,* That such requirement shall be subject to the determination by the Superintendent that gas in sufficient quantities is available above that needed for lease operation and that no waste would result. In the absence of a gas purchaser the rate to be paid by the Osage Tribe shall be determined by the Superintendent based on prices being paid by purchasers in the Osage Mineral Estate. The Osage Tribe is to furnish all necessary material and labor for such connection with Lessee's gas system. The use of such gas shall be at the risk of the Osage Tribe at all times.

(2) Any member of the Osage Tribe residing in Osage County and outside a corporate city is entitled to the use at his own expense of not to exceed 400,000 cubic feet of gas per calendar year for his principal residence at a rate not to exceed the amount paid by a gas purchaser plus 10 percent: *Provided,* That such requirement shall be subject to the determination by the Superintendent that gas in sufficient quantities is available above that needed for lease operation and that no waste would result. In the absence of a gas purchaser the amount to be paid by the Tribal member shall be determined by the Superintendent. Gas to Tribal members is not royalty free. The Tribal member is to furnish all necessary material and labor for such connection to Lessee's gas system, and shall maintain his own lines. The use of such gas shall be at the risk of the Tribal member at all times.

(3) Gas furnished by Lessee under paragraphs (b)(1) and (2) of this section may be terminated only with the approval of the Superintendent. Written application for termination must be made to the Superintendent showing justification.

CESSATION OF OPERATIONS

§ 183.28 Shutdown, abandonment, and plugging of wells.

No productive well shall be abandoned until its lack for further profitable production of oil and/or gas has been demonstrated to the satisfaction of the Superintendent. Lessee shall not shut down, abandon, or otherwise discontinue the operation or use of any well without the written approval of the Superintendent. All applications for such approval shall be submitted to the Superintendent on forms furnished by him.

(a) Application for authority to shut down or discontinue use or operation of a well shall set forth justification therefor and probable duration, the means by which the well bore is to be protected, and the contemplated eventual disposition of the well. The method of conditioning such well shall be subject to the approval of the Superintendent.

(b) Prior to permanent abandonment of any well, the oil lessee or the gas lessee, as the case may be, shall offer the well to the other for his recompletion or use under such terms as may be mutually agreed upon but not in conflict with the regulations. Failure of the Lessee receiving the offer to reply within 10 days after receipt thereof shall be deemed as rejection of the offer. If, after indicating acceptance, the two parties cannot agree on the terms of the offer within 30 days, the disposition of such well shall be determined by the Superintendent.

§ 183.29 Disposition of casings and other improvements.

(a) Upon termination of lease. Permanent improvements, unless otherwise provided by written agreement with the surface owner and filed with the Superintendent, shall remain a part of said land and become the property of the surface owner upon termination of the lease, other than by cancellation, excepting personal property which may include tools, tanks, pipelines, pumping and drilling equipment, derricks, engines, machinery, and the casings of all wells: *Provided,* That when any lease terminates all such personal property shall be removed within 90 days or such reasonable extension of time as may be granted by the Superintendent. Otherwise, the ownership of all casings shall revert to Lessor and all other personal property and permanent improvements to the surface owner. Nothing herein shall be construed to relieve Lessee of responsibility for removing any such personal property or permanent improvements from the premises if so required by the Superintendent and restoring the premises as near as practicable to its original state.

(b) Upon cancellation of lease. When there has been a cancellation for cause, Lessor shall be entitled and authorized to take immediate possession of the lease premises and all permanent improvements and all other equipment necessary for the operation of the lease.

(c) Wells to be abandoned shall be promptly plugged as prescribed by the Superintendent. Applications to plug shall include a statement affirming compliance with § 183.28(b) above and shall set forth reasons for plugging, a detailed statement of the proposed work including kind, location, and length of plugs (by depth), plans for mudding and cementing, testing, parting and removing casing, and any other pertinent information: *Provided,* That the Superintendent may give oral permission and instructions pending receipt of a written application to plug a newly drilled hole. Lessee shall remit a fee of $15 with each written application for authority to plug a well. This fee will be refunded if permission is not granted.

(d) Lessee shall plug and fill all dry or abandoned wells in a manner to confine the fluid in each formation bearing fresh water, oil, gas, salt water, and other minerals, and to protect it against invasion of fluids from other sources. Mud-laden fluid, cement, and other plugs shall be used to fill the hole from bottom to top: *Provided,* That if a satisfactory agreement is reached between Lessee and the surface owner, subject to the approval of the Superintendent, Lessee may condition the well for use as a fresh water well and shall so indicate on the plugging record. The manner in which plugging material shall be introduced and the type of material so used shall be subject to the approval of the Superintendent. Within 10 days after plugging, Lessee shall file with the Superintendent a complete report of the plugging of each well. When any well is plugged and abandoned, Lessee shall, within 90 days, clean up the premises around such well to the satisfaction of the Superintendent.

REQUIREMENTS OF LESSEES

§ 183.30 Lessees subject to Superintendent's orders; books and records open to inspection.

Lessee shall comply with all orders or instructions issued by the Superintendent. The Superintendent or his representative may enter upon the leased premises for the purpose of inspection. Lessee shall keep a full and correct account of all operations, receipts, and disbursements and make reports thereof, as required. Lessee's books and records shall be available to the Superintendent for inspection.

§ 183.31 Lessee's process agents.

(a) Before actual drilling or development operations are commenced on leased lands, Lessee or Assignee, if not a resident of the State of Oklahoma, shall appoint a local or resident representative within the State of Oklahoma on whom the Superintendent may serve notice or otherwise communicate in securing compliance with the regulations in this part, and shall notify the Superintendent of the name and post office address of the representative appointed.

(b) Where several parties own a lease jointly, one representative or agent shall be designated whose duties shall be to act for all parties concerned. Designation of such representative should be made by the party in charge of operations.

(c) In the event of the incapacity or absence from the State of Oklahoma of such designated local or resident representative, Lessee shall appoint a substitute to serve in his stead. In the absence of such representative or appointed substitute, any employee of Lessee upon the leased premises or person in charge of drilling or related operations thereon shall be considered the representative of Lessee for the purpose of service of orders or notices as herein provided.

§ 183.32 Well records and reports.

(a) Lessee shall keep accurate and complete records of the drilling, redrilling, deepening, repairing, treating, plugging, or abandonment of all wells. These records shall show all the formations penetrated, the content and character of oil, gas, or water in each formation, and the kind, weight, size, landed depth and cement record of casing used in drilling each well; the record of drill-stem and

other bottom hole pressure or fluid sample surveys, temperature surveys, directional surveys, and the like; the materials and procedure used in the treating or plugging of wells or in preparing them for temporary abandonment; and any other information obtained in the course of well operation.

(b) Lessee shall take such samples and make such tests and surveys as may be required by the Superintendent to determine conditions in the well or producing reservoir and to obtain information concerning formations drilled, and shall furnish reports thereof as required by the Superintendent.

(c) Within 10 days after completion of operations on any well, Lessee shall transmit to the Superintendent the applicable information on forms furnished by the Superintendent; a copy of electrical, mechanical or radioactive log, or other types of survey of the well bore; and core analysis obtained from the well. Lessee shall also submit other reports and records of operations as may be required and in the manner and form prescribed by the Superintendent.

(d) Lessee shall measure production of oil, gas, and water from individual wells at reasonably frequent intervals to the satisfaction of the Superintendent.

(e) Upon request and in the manner and form prescribed by the Superintendent, Lessee shall furnish a plat showing the location, designation, and status of all wells on the leased lands, together with such other pertinent information as the Superintendent may require.

§ 183.33 Line drilling.

Lessee shall not drill within 300 feet of boundary line of leased lands, nor locate any well or tank within 200 feet of any public highway, any established watering place, or any building used as a dwelling, granary, or barn, except with the written permission of the Superintendent.

§ 183.34 Wells and tank batteries to be marked.

Lessee shall clearly and permanently mark all wells and tank batteries in a conspicuous place with number, legal description and operator, as applicable, and shall take all necessary precautions to preserve these markings.

§ 183.35 Formations to be protected.

Lessee shall, to the satisfaction of the Superintendent, take all proper precautions and measures to prevent damage or pollution of oil, gas, fresh water, or other mineral bearing formations.

§ 183.36 Control devices.

In drilling operations in "wildcat" territory, or in fields where high pressures, lost circulation, or other conditions which could result in blowouts are believed to exist, Lessee shall have on such leased premises an approved gate valve or other controlling device installed and in proper working condition for use until the well is completed.

§ 183.37 Waste of oil and gas.

Lessee shall conduct all operations in a manner that will prevent waste of oil and gas and shall not wastefully utilize oil or gas. The Superintendent shall have the authority to impose such requirements as he deems necessary to prevent waste of oil and gas and to promote the greatest ultimate recovery of oil and gas. Waste as applied herein includes, but is not limited to, the inefficient, excessive or improper use or dissipation of reservoir energy which would reasonably reduce or diminish the quantity of oil or gas that might ultimately be produced, or the unnecessary or excessive surface loss or destruction, without beneficial use, of oil and/or gas.

§ 183.38 Measuring and storing oil.

All production run from the lease shall be measured according to methods and devices approved by the Superintendent. Facilities suitable for containing and measuring accurately all crude oil produced from the wells shall be provided by Lessee and shall be located on the leasehold unless otherwise approved by the Superintendent. Lessee shall furnish to the Superintendent a copy of 100-percent capacity tank table for each tank. Meters and installations for measuring oil must be approved, and tests of their accuracy shall be made when directed by the Superintendent.

§ 183.39 Measurement of gas.

All gas, required to be measured, shall be measured by meter (preferably of the orifice meter type) unless otherwise agreed to by the Superintendent. All gas meters must be approved by the Superintendent and installed at the expense of Lessee or purchaser at such places as may be agreed to by the Superintendent. For computing the volume of all gas produced, sold or subject to royalty, the standard of pressure shall be 14.65 pounds to the square inch, and the standard of temperature shall be 60° F. All measurements of gas shall be adjusted by computation to these standards, regardless of the pressure and temperature at which the gas was actually measured, unless otherwise authorized in writing by the Superintendent.

§ 183.40 Use of gas for lifting oil.

Lessee shall not use natural gas from a distinct or separate stratum for the purpose of flowing or lifting the oil, except where said Lessee has an approved right to both the oil and the gas, and then only with the approval of the Superintendent of such use and of the manner of its use.

§ 183.41 Accidents to be reported.

Lessee shall make a complete report to the Superintendent of all accidents, fires, or acts of theft and vandalism occurring on the leased premises.

Penalties

§ 183.42 Penalty for violation of lease terms.

Violation of any of the terms or conditions of any lease or of the regulations in this part shall subject the lease to cancellation by the Superintendent, or Lessee to a fine of not more than $500 pe rday for each day of such violation or noncompliance with the orders of the Superintendent, or to both such fine and cancellation: *Provided*, That prior to the determination that a fine or cancellation of a lease will be imposed as provided for in this section, Lessee shall receive a 30-day notice with respect to the terms of the lease or of the regulations violated and, if he so requests, may receive a hearing before the Superintendent. Payment of penalties not received within 10 days after notice of final decision is given shall be subject to late charges at the rate of not less than 1½ percent per month for each month or fraction thereof until paid.

§ 183.43 Penalties for violation of certain operating regulations.

In lieu of the penalties provided under § 183.42, penalties may be imposed by the Superintendent for violation of certain sections of the regulations of this part as follows:

(a) For failure to obtain permission to start operations required by § 183.16(b), $10 per day until permission is obtained.

(b) For failure to file records required by § 183.32, $10 per day until compliance is met.

(c) For failure to mark wells and tank batteries as required by § 183.34, $50 for each well and tank battery.

(d) For failure to construct and maintain pits as required by § 183.22, $10 for each day after operations are commenced on any well until compliance is met.

(e) For failure to comply with § 183.36 regarding valve or other approved controlling device, $100.

(f) For failure to notify Superintendent before drilling, redrilling, deepening, plugging, or abandoning any well, as required by §§ 183.16(c) and 183.25, $200.

(g) For failure to properly care for and dispose of B.S. and salt water as provided in § 183.22, $100 per day and in the event of failure to comply within 5 days after notification by the Superintendent, $500 per day until compliance is met.

(h) For failure to file plugging reports as required by § 183.29 and for failure to file reports as required by § 183.13, $10 per day for each violation until compliance is met.

(i) For failure to perform or start an operation within 5 days after ordered by the Superintendent in writing under authority provided in this part, if said operation is thereafter performed by or through the Superintendent, the actual cost of performance thereof, plus 25 percent.

Appeals and Notices

§ 183.44 Hearings and appeals.

Any person, firm, or corporation aggrieved by any decision or order issued by or under authority of the Superintendent, pursuant to the regulations in this part, may file with the Superintendent at any time an application for modification or revocation of such decision or order. The Superintendent

shall give notice of the time and place and conduct a hearing upon the application within 10 days after its receipt by him. If the applicant is not satisfied with the decision of the Superintendent, an appeal may be taken as provided in 25 CFR Part 2.

§ 183.45 Notices.

Whenever notice is provided for in the regulations in this part, the Superintendent may in his discretion increase the time allowed.

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Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER E—CLAIMS

PART 757—AFFIRMATIVE CLAIMS REGULATIONS

Medical Care Claims

On November 6, 1973, Chapter XXIV of the Manual of the Judge Advocate General was revised and the changes made thereto were promulgated within the naval service. Those revised portions of Chapter XXIV having general applicability and legal effect warrant a revision of Part 757 of Chapter VI of Title 32 of the Code of Federal Regulations. Accordingly, effective June 21, 1974, Part 757 of Chapter VI of Title 32 of the Code of Federal Regulations is amended as follows:

1. In § 757.2, paragraphs (c), (f) and (g) are revised, and paragraphs (h) and (i) are added to read as follows:

§ 757.2 Authority of the Judge Advocate General and JAG designees.

* * * * *

(c) *Authority of other JAG designees.* All other JAG designees are authorized to (1) accept payment for the full amount of a claim and execute a release therefor, or (2) waive completely or compromise and execute a release of any claim not in excess of $10,000.

* * * * *

(f) *Potential Value of Claims.* When settlement, compromise or waiver is imminent and the final NAVJAG 5890/12 has not been filed, JAG designees are authorized to estimate the potential value of the claim and to take appropriate action if the potential value comes within their settlement authority.

(g) *Recomputation of Claims.* JAG designees are authorized to recompute the amount of claims reported on form NAVJAG 5890/12 in accordance with the standards of *Tolliver v. Shumate*, 151 W. Va. 105, 150 S.E.2d 579 (1966), and *United States v. Jones*, 264 F. Supp. 11 (1967). The information contained on form NAVJAG 5890/13, the particular practices of the hospital involved and the known facts of the case will be considered. Hospitalization periods may be subtracted from the claim when such hospitalization was unnecessary, (such as where a patient was given leave, liberty, or was awaiting assignment to new duties) or may be charged at the reduced rate of an outpatient visit for each day of hospitalization where medical treatment was actually rendered, but hospitalization in a civilian hospital would have been unnecessary or inappropriate. If, upon recomputation, the claim is within the authority of the JAG designee making such recomputation, the claim may be acted upon by that JAG designee.

(h) *Limitations.* The authority set forth in this section shall not be exercised in any case in which (1) the claim of the United States has been referred to the Department of Justice or (2) a suit has been instituted by the third party against the United States or against the individual who received or is receiving the medical care described above, and the suit arises out of the occurrence which gave rise to the third-party claim of the United States.

(i) *Restrictions on contact with Department of Justice and United States Attorneys.* JAG designees, except those serving in the Office of the Judge Advocate General, shall refrain from dealing directly with the Department of Justice or U.S. Attorneys except in those cases (1) where the Department of Justice or a U.S. Attorney has assumed cognizance over the case; (2) where circumstances dictate immediate action to protect the interests of the United States; or (3) where such action is authorized by the Judge Advocate General.

2. In § 757.3, paragraphs (a), (b), (d) and (f) (1) are revised to read as follows:

§ 757.3 Report of care and treatment.

(a) *NAVJAG Form 5890/12.* NAVJAG Form 5890/12 (*see* Appendix section A-24-d)[1] shall be used by all Navy medical facilities to report the value of medical care furnished to any patient (1) when a third-party may be legally liable for causing the injury or disease treated, or (2) when a Government claim is possible under workmen's compensation or under medical-payments insurance (*e.g.*, in all automobile accident cases).

(b) *Computations.* NAVJAG Form 5890/12 shall be computed by using the rates set out in Appendix A-24-c.[1] All computations by medical personnel and any necessary recomputations will be made pursuant to § 757.2(g).

* * * * *

(d) *Supplementary documents.* A narrative summary (Standard Form 502) should accompany the final NAVJAG Form 5890/12 in all cases involving inpatient care. In addition, when Government care exceeds $1,000, the hospital should also provide a completed NAVJAG Form 5890/13 (*see* Appendix A-24-f).[1] On this form, the determination of "patient status" may be based on local hospital usage. If the hospital prefers, it may furnish in lieu of NAVJAG Form 5890/13 a statement by the treating physician (normally on a locally-prepared form) giving the date that necessary inpatient treatment was essentially completed, and the number of outpatient treatments that would have been required if the patient had been discharged on that date. Report control symbol JAG 5890-10 is assigned to this report.

* * * * *

(f) (1) *U.S. Army:* Commanding general of the Army or comparable area commander in which the incident occurred;

* * * * *

3. In § 757.5, paragraphs (e), (f), and (g) are revised; and paragraph (h) is added to read as follows:

§ 757.5 Determination, assertion, and collection of claims.

* * * * *

(e) *Coordination with the injured party's claim.* (1) Every effort will be made to coordinate action to collect the claim of the United States with the injured party's action to collect his own claim for damages, in order that the injured party's recovery for his damages, other than the reasonable value of medical care furnished by the United States, is not prejudiced by the Government's claim.

(2) Attorneys representing an injured party may be authorized to assert the Government's claim as an item of special damages in their client's claim or suit. Any agreement to this effect will be in writing, and the agreement should expressly recognize the fact that counsel fees neither may be paid by the Government (5 U.S.C. 3106) nor computed on the basis of the Government's portion of the recovery.

(3) If the injured party, or his attorney or legal representative, fails or refuses to cooperate in the prosecution of the claim of the United States, independent collection action will be vigorously pursued.

(f) *Claims file.* In cases exceeding their settlement authority, or in other cases deemed appropriate, the action JAG designees shall take the action set forth in subsections a ar.d b above, and shall forward the file to the Judge Advocate General for action. The claim file should contain the following information:

(1) The name, address, and occupation of each person determined to be a third party.

(2) In those cases where the third-party is a serviceman or an employee of the United States, a statement should be included regarding whether such person was acting within the scope of his official duties or employment at the time of the incident.

(3) The nature and extent of any insurance coverage of the third party with the name and address of the insurer.

(4) In vehicle accident cases where the third party is uninsured, a report as to whether any injured party, owner, driver, or passenger had uninsured-motorist coverage, whether such coverage was mandatorily offered by the insurer in accordance with a state requirement, and whether action has been taken under the financial-responsibility law of the situs.

[1] Filed as part of original document.

(5) Completed copies of NAVJAG Forms 5890/12 (or equivalent forms of the other services) and a statement whether there will be any permanent disability and the degree thereof. If such forms are not presently available, then a statement to the effect that the action JAG designee will request the appropriate medical facility to forward them directly to the Judge Advocate General should be included. It shall be the responsibility of the action JAG designee to ensure that all completed copies of NAVJAG Forms 5890/12 and authorizations made by district medical or dental officers for payment for civilian care are forwarded to the Judge Advocate General in those cases where the file has been forwarded to the Judge Advocate General for action.

(6) The original or copies of all bills or statements of cost incurred where treatment is furnished by civilian facilities.

(7) A statement regarding liability of the third party. (Where liability is questionable, a brief of the law of situs applicable should be included.)

(8) A statement as to whether a "Notice of Claim" (Standard Form 96) was sent to the third party; the name, address, and phone number of the injured party's attorney, if any; and a statement as to whether a suit has been or is likely to be instituted.

(9) A statement as to whether the injured party's attorney will protect the interests of the United States—*i.e.*, whether the Government's claim will be included in the injured party's demand or suit.

(10) A recommended disposition of the case.

(g) *Waiver and compromise requests.* In cases in which a compromise or a complete waiver of the Government's claim is requested, and the claim is beyond the settlement authority of the action JAG designee, the claims file shall be forwarded to the Judge Advocate General. In addition to the information required by paragraph (e) of this section, the file should also contain detailed information as to:

(1) The anticipated amount of the gross recovery.

(2) The degree and permanency of any disability and the extent to which the Government otherwise is obligated to compensate the injured party for such disability.

(3) Whether the injured party is entitled to continuing medical care at Government expense.

(4) Out of pocket expenses incurred or anticipated by the injured party, including litigation costs and counsel fees.

(5) The present and prospective assets, income, and obligations of the injured party.

(6) Any other information indicating that full collection of the Government's claim would work an undue hardship upon the injured party.

(h) *Payments.* Payments of claims should be made in the form of checks, drafts, or money orders payable to the collecting organization, such as "Commandant Twelfth Naval District" or "Commander, U.S. Naval Forces Marianas," and are to be forwarded for deposit by the disbursing officer serving the collecting organization. (These receipts are to be credited to appropriation accounts as designated by the Comptroller of the Navy.)

4. Section 757.8 is amended by revising the introductory and concluding text to read as follows:

§ 757.8 Statistical reports.

Action JAG designees shall forward monthly reports to the Judge Advocate General setting forth the following information:

* * * * *

Report Symbol JAG–5800–11 is assigned for this reporting requirement.

5. Section 757.13 is revised to read as follows:

§ 757.13 Reference material.

The following aids and reference materials are contained in Appendix section A–24:

(a) A–24–a.[1] Executive Order 11060 of 7 November 1962, authorizing the Director of the Bureau of the Budget to establish rates and the Attorney General to prescribe regulations to carry out the purpose of the Medical Care Recovery Act;

(b) A–24–b.[1] Department of Justice Order Number 289–62 (as amended), pursuant to Executive Order 11060;

(c) A–24–c.[1] Bureau of the Budget Rate Schedules, pursuant to Executive Order 11060;

(d) A–24–d.[1] NAVJAG Form 5890/12, "Hospital and Medical Care 3rd Party Liability Case,"

(e) A–24–e.[1] Standard Form 96, "Notice of Claim,"

(f) A–24–f.[1] NAVJAG Form 5890/13, "Supplemental Statement for Hospital and Medical Care Third Party Liability Case."

(g) A–24–g.[1] Department of the Navy Promissory Note.

(h) A–24–h.[1] Sample report on property damage claims.

6. Section 757.14 is revised to read as follows:

§ 757.14 Regulations concerning affirmative claims.

Property damage claims in favor of the United States shall be processed in accordance with the Federal Claims Collection Act (31 U.S.C. 952), as implemented by the "Joint Regulations of the General Accounting Office and Department of Justice on Federal Claims Collection Standards" (Subpart C of this Part). Department of Defense Directive 5515.11 of 10 December 1966 delegates to the Secretary of the Navy, and his designees, the authority granted to the Setected by the "Joint Regulations of the ignees, the authority granted to the Secretary of Defense under the Federal Claims Collection Act.

[1] Filed as part of original document.

7. In § 757.15, paragraph (a)(4) is revised to read as follows:

§ 757.15 Pursuit, settlement, and terminaion of claims.

(a) * * *

(4) Overseas commands with a Navy or Marine Corps judge advocate attached.

* * * * *

8. A new paragraph (c) is added to § 757.16 to read as follows:

§ 757.16 Collection of claims.

* * * * *

(c) *Rental automobile deductible damage claims.* When a rental automobile is damaged while in the possession of service personnel or Government employees on official business and a part of the damages are paid or reimbursed by the Government in accordance with Joint Travel Regulations (Volume 1, paragraph M4405–1 and Volume 2, paragraph C6101–3) officers authorized to take collection action under this Part shall endeavor to collect the amount of the Government's loss from any third-parties liable in tort. Collection action should not be directed at the personnel who rented the damaged vehicles. Collection efforts may be discontinued or claims compromised in accordance with the guidelines of Subpart C of this Part.

9. Section 757.19 is revised to read as follows:

§ 757.19 Statute of limitations.

There is a 3-year statute of limitation on affirmative Government claims "founded upon a tort." 28 U.S.C. 2415(b). Uncollected affirmative claims should therefore be forwarded to the Judge Advocate General soon enough for timely referral to the Department of Justice. Any installment-payment agreement that will run beyond the statutory period should include a confess-judgment clause (*see* Appendix section A–24–g).[1]

10. Section 757.20 is revised to read as follows:

§ 757.20 Reports.

(a) The officers designated by § 757.15 (a)(2)–(4) shall make a quarterly report on property damage claims to the Judge Advocate General. The report should include the following figures:

(a) Number of claims asserted;

(b) Dollar amount of claims asserted;

(c) Number of claims collected:

(d) Dollar amount of claims collected.

Report control JAG 5890–3 is assigned to this report.

(Medical Care Recovery Act (42 U.S.C. 2651–53); Federal Claims Collection Act (31 U.S.C. 952))

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

JUNE 14, 1974.

[FR Doc.74–14227 Filed 6–20–74;8:45 am]

[1] Filed as part of the original document.

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER L—STANDARDS OF CONDUCT

PART 920—STANDARDS OF CONDUCT

Part 920 is revised to authorize the acceptance of accommodation subsistence of services furnished in connection with official travel when authorized by the order issuing authority as being in the overall interest of the Government, to bring various references up to date, and to correct administrative errors.

Part 920, Subchapter L of Chapter VII of 32 CFR is amended as follows:

1. Section 920.0 is revised to read as follows:

§ 920.0 Purpose.

This part, in implementing Department of Defense Directive 5500.7, March 22, 1966 (32 CFR Part 40):

(a) Prescribes the standards of conduct relating to possible conflict between private interests and official duties required of all Air Force personnel, regardless of assignment. Close adherence to these principles will insure compliance with the high ethical standards demanded of all public servants. Violation of this part may be cause for appropriate disciplinary action which may be in addition to any penalty provided by law.

(b) Also further implements Executive Order 11222 of May 8, 1965, prescribing Standards of Ethical Conduct for Government officers and employees (3 CFR, 1964–1965, Comp., p. 306), and the Civil Service Commission Regulations of October 1, 1965 (5 CFR 735). It is in consonance with the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress, which applies to all Government personnel (see Subch. B, Part 40, App. A, Ch. 1 of this title).

(c) Includes standards of conduct based on the revisions of the conflict of interest laws enacted in 1962 (P.L. 87–777 and P.L. 87–849) (AFR 30–30, Attachment 3 (Digest of Conflict of Interest Laws))[1] (or see Subch. B, Part 40, App. a., Ch. 1 of this title).

(d) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

2. Section 920.5 is revised by adding a new paragraph (e) which reads as follows:

§ 920.5 Gratuities.

* * * * *

(e) Procedures regarding acceptance of accommodations, subsistence, or services furnished in kind in connection with official travel, from other than Defense contractors, are contained in § 920.23(b)(14).

§ 920.8 [Amended]

3. Section 920.8 is amended by changing the references in the last sentence of paragraph (a) from "(See AFR 190–12 (Release of Information to the Public) and AFM 190–4 (Information Policies and Procedures) (Pt. 835 of this chapter).)" to read "(See AFR 190–12 (Release of Unclassified Information to the Public) and AFM 190–9 (Information Policies and Procedures) (Pt. 835 of this chapter).)".

§ 920.9 [Amended]

4. Section 920.9 is amended by:

(a) changing the reference at the end of paragraph (b) from "(10 U.S.C. 8635)" to "10 U.S.C. 974)". and

(b) deleting from the second sentence of paragraph (c) the following: "including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service,".

5. The introductory portion of § 920.10 is revised to read as follows:

§ 920.10 Gambling, betting, and lotteries.

Air Force personnel shall not participate while on Government-owned or leased property, or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game of money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

* * * * *

§ 920.13 [Amended]

6. Section 920.13 is amended by correcting the first sentence of paragraph (c) to read as follows: No one below the grade of Lieutenant Colonel or GS–13 (or comparable pay grade) will be required to submit a DD Form 1555; nor will any one whose basic duties are not within the provisions of this section and § 920.24 be required to submit a DD Form 1555.

§ 920.19 [Amended]

7. Section 920.19 is amended by correcting:

(a) the reference at the end of paragraph (e) from "(see U.S.C. 520)." to "(see 5 U.S.C. 520).", and

(b) the references at the end of paragraph (f) from "paragraphs 15, 16, and 17 (see U.S.C. 2105(d))." to "§§ 920.15, 920.16, and 920.17 (see 5 U.S.C. 2105(d).)".

8. Paragraph (b)(1) of § 920.20 is revised to read as follows:

§ 920.20 General.

* * * * *

(b) * * *

(1) As defined in AFRs 40–304 (Employment of Experts and Consultants) and 160–97 (Civilian National Consultants);

* * * * *

§ 920.22 [Amended]

9. Section 920.22 is amended by correcting the reference in the last sentence of paragraph (g) from "(AFPCPAA)" to "(1143d ABSq)".

10. Section 920.23 is amended by revising paragraph (b)(14) to read as follows:

§ 920.23 Gratuities.

* * * * *

(b) * * *!

(14) The acceptance of accommodations, subsistence, or services furnished in kind in connection with official travel, from other than Defense contractors, when authorized by the order-issuing authority as in the overall Government interest. When accommodations, subsistence, or services in kind are furnished to DOD personnel by private sources, appropriate deductions shall be made in the travel, per diem, and other allowances otherwise payable to the personnel. DOD personnel may not accept personal reimbursement from a private source for expenses incident to official travel, unless authorized pursuant to 5 U.S.C. 4111 or other express statutory authority. Rather, any reimbursement must be made to the Government by check payable to the Treasurer of the United States; personnel will be reimbursed by the Government in accordance with regulations relating to reimbursement. In no case shall DOD personnel accept—either in kind or on a reimbursable basis—benefits which are under prudent standards extravagent or excessive in nature.

* * * * *

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-14260 Filed 6-20-74;8:45 am]

[1] Filed as part of original document.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients In Pesticide Formulations

In response to the notice published in the FEDERAL REGISTER of April 22, 1974 (39 FR 14225), proposing (1) establishment of an exemption from tolerance requirements under provisions of section 408 of the Federal Food, Drug, and Cosmetic Act for 16 inert (or occasionally active) ingredients in pesticide formulations, (2) exemption from tolerance requirements for additional salts of an inert ingredient previously exempted from tolerance requirements, and (3) revision of the nomenclature and description of another previously exempted ingredient, no comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic

Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.1001 is amended by revising the items "*N,N*-bis[*a*-ethyl-*omega*- * * *" and "Sodium butyl naphthalenesulfonate * * *" in the table in paragraph (d) and by inserting new items in paragraphs (c) and (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Aluminum oxide		Diluent.
* * *	* * *	* * *
Sodium metasilicate		Surfactants, emulsifiers, wetting agents, dispersing agents, buffer.
* * *	* * *	* * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Acetophenone		Attractant.
* * *	* * *	* * *
Almond, bitter		Attractant.
* * *	* * *	* * *
N,N-Bis(2-[*omega*-hydroxypoly (oxyethylene)] ethyl) alkyl amines; the reaction product of one mole of *N,N*-bis(2-hydroxyethyl) alkylamine and three moles of ethylene oxide. The alkyl groups C_{16}-C_{18} are derived from tallow, soybean, or cottonseed acids.		Surfactants for preemergence use with herbicides on sugarcane only.
* * *	* * *	* * *
Carrageenan, conforming to Title 21, § 121.1066.	Not more than 0.15% of pesticide formulation.	Thickener and stabilizer for pesticide formulations applied to seeds before planting.
* * *	* * *	* * *
Cinnamon		Attractant.
Clove		Do.
Coffee		Do.
* * *	* * *	* * *
D & C Red No. 17, technical grade.	Not more than 0.001% of pesticide formulation.	Dye.
D & C Violet No. 2, technical grade.	Not more than 0.005% of pesticide formulation.	Do.
* * *	* * *	* * *
Fenugreek		Attractant.
* * *	* * *	*
Hydroxypropyl guar gum.		Thickener.
* * *	* * *	* * *
Octyl and decyl glucosides mixture with a mixture of octyl and decyl oligosaccharides and related reaction products (primarily *n*-decanol) produced as an aqueous-based liquid (68-72% solids) from the reaction of straight chain alcohols (C_8(45%), C_{10}(55%)) with anhydrous glucose.		Surfactants in methanearsonic acid formulations.
* * *	* * *	* * *
Polysorbate 60, conforming to Title 21, § 121.1030.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Sodium mono-, di, and tributyl naphthalenesulfonates.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Vanillin		Attractant.
* * *	* * *	* * *
Wintergreen oil		Do.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 17, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 21, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14205 Filed 6-20-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-1—GENERAL

Organizational Changes

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to update organizational changes resulting from the establishment of the Office of Grants and Procurement Management, and also provides for the new procedure relating to Certificate of Competency appeals as set forth in the Federal Procurement Regulations Amendment 119. It also provides for a class set-aside for small business for each proposed procurement for construction, repair, and alteration work in an estimated amount ranging from $2500 to $1,000,000.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves a change in internal administrative procedures. Therefore, the public rule making process is deemed unnecessary in this instance.

Subpart 3-1.7—Small Business Concerns

1. Sections 3-1.704 through 3-1.708-3 are hereby deleted and the following is substitued in lieu thereof:

§ 3-1.704 Agency program direction and operation.

§ 3-1.704-1 HEW headquarters.

The Office of Grants and Procurement Management, OASAM, is responsible for the general supervision of the HEW small business programs,[1] and represent-Office of Grants and Procurement Management (OGPM), the Director of Business Affairs is responsible for developing and managing the HEW small business program, advising the Deputy Assistant Secretary for Grants and Procurement Management and other HEW officials on small business programs,[1] and representing HEW before other Government agencies on matters primarily affecting small business.

§ 3-1.704-2 Other procuring activities.

The head of the procuring activity (see § 3-75.101) or his designee shall appoint a qualified individual as a small business specialist, directly responsible to him, to serve as small business coordinator for the activity to provide a central point of contact to which small business concerns may direct inquiries concerning participation in the procurement program and small business matters. As deemed necessary, additional small business specialist shall be appointed in principal procurement offices. The principal small business specialist, through the appointing authority, shall be directly responsible to the Director of Business Affairs (OGPM) for policies, technical guidance and assistance and in the resolution of complex matters involving higher echelons and other Government agencies. The small business specialist shall also perform such other functions as he is

[1] The Director of Business Affairs is not responsible for matters pertaining to the minority business programs of the Department.

specifically directed to perform by this Subpart 3–1.7 and any additional functions which the head of the procuring activity may prescribe for the purpose of implementing the small business program. A copy of each appointment and termination of appointment of small business specialists shall be forwarded to the Director of Business Affairs, OGPM.

§ 3–1.704–3 Small business specialists.

The small business specialist appointed pursuant to § 3–1.704–2 shall perform the following duties as determined appropriate by the head of the procuring activity or his designee:

(a) Maintain a program designed to locate capable small business sources for current and future procurements, through SBA or other methods.

(b) Coordinate inquiries and requests for advice from small business concerns on procurement matters.

(c) Prior to issuance of solicitations (or contract modifications for additional supplies or services) in excess of $2,500, determine that small business concerns will receive adequate consideration including initiation of set-asides (see § 1–1.706). This determination may be made jointly with the contracting officer or may be in form of a recommendation to him. Disagreements between the small business specialist and the contracting officer on proposed set-aside actions shall be resolved by the head of the procuring activity or his designee, whose decision shall be final except in those cases where an SBA representative intervenes as an interested party (see §§ 1–1.706–2 and 3–1.706–2).

(d) Review procurement programs for possible breakout of items suitable for procurement from small business concerns.

(e) Advise small business concerns with respect to the financial assistance available under existing law and regulations and assist such concerns in applying for financial assistance, assuring that requests by small business concerns for proper assistance are not treated as a handicap in securing the award of contracts.

(f) Participate in determinations concerning responsibility of a prospective contractor (see § 1–1.310) whenever small business concerns are involved and shall provide advice to the contracting officer concerning responsibility determinations of small business concerns.

(g) Participate in the evaluation of a prime contractor's subcontracting program (see § 3–1.710).

(h) Assure that participation of small business concerns is accurately reported (see § 3–1.709).

(i) Make available to SBA copies of solicitations when so requested.

(j) Act as liaison between the contracting officer and SBA field offices and representatives in connection with set-asides, certificates of competency, and other matters in which the small business program may be involved. Procurements estimated to cost $100,000, or more, in which certificates of competency are requested, shall be reported to the Director of Business Affairs, OGPM. The report shall contain a description of the requirement, a list of the bidders or proposers, and the contract prices specified in the bids or proposals submitted and the reason for the proposed rejection of an otherwise acceptable small business bid or proposal. Pertinent dates such as the required date for the completion of the procurement, the date of the request for the certificate of competency, etc., shall also be furnished.

(k) In cooperation with the contracting officer and technical personnel, seek and develop information on the technical competence of small business concerns for research and development contracts. Regularly bring to the attention of the contracting officers and technical personnel descriptive data, brochures, and other information as to small business concerns that are apparently competent to perform research and development work in fields which the operating agency is interested in.

§ 3–1.704–4 Principal procurement officer.

The "principal procurement officer" of a procuring activity is that individual who is charged with overall responsibility for procurement including decisions regarding, and interpretations of, policy of the operating agency or other principal Departmental organizations (e.g. Director, Office of Contracts and Grants, HSA).

§ 3–1.705 Cooperation with the Small Business Administration.

§ 3–1.705–1 General.

All HEW procurement activities are responsible for consulting and cooperating with the SBA in carrying out the purposes of the Small Business Act.

§ 3–1.706 Procurement set-asides for small business.

§ 3–1.706–2 Review of SBA set-aside proposals.

(a) (1) The recommendation of the small business specialist that an individual procurement or class of procurements, or portion thereof, be set aside, shall be in writing, setting forth the rationale therefor. Upon receipt of such recommendation, the contracting officer shall promptly (i) concur in the recommendation, or (ii) disapprove, stating in writing his reasons for disapproval. If the contracting officer disapproves the recommendation of the small business specialist, the case shall be promptly referred to the SBA representative (if one is assigned and available) for his review. The SBA representative will either concur in the decision of the contracting officer or appeal the case to the head of the procuring activity (see § 1–1.706–2 (a)). No further appeal action will be taken by the small business specialist. If an SBA representative is not assigned or available, and the contracting officer notifies the small business specialist of his disagreement, the small business specialist may appeal, in writing, to the head of the procuring activity for decision. A memorandum of the decision of the head of the procuring activity shall be placed in the contract file. After receipt of a decision of the head of the procuring activity, which shall be final, and if the decision approves the action of the contracting officer, the small business specialist shall forward for information and management purposes complete documentation of the case to the Director of Business Affairs, OGPM. Documentation transmitted shall include as a minimum, (i) a copy of the IFB or RFP, (ii) a list of sources solicited, indicating if the invites is small or large business by SBA definition, (iii) copies of the reasons for or against set-aside submitted by the small business specialist and the contracting officer, (iv) a copy of the head of the procuring activity's decision, and (v) a complete abstract of bids or proposals received indicating the successful bidder together with any other material considered by the head of the procuring activity in arriving at his decision. The small business specialist's transmittal letter shall contain an affirmative statement that the enclosures constitute the complete file reviewed and considered by the head of the procuring activity in making his decision.

§ 3–1.706–3 Withdrawal or modification of set-asides.

(b) Concurrent with notification to the SBA representative or liaison, telephonic notification regarding all set-aside withdrawals will be furnished to the Director of Business Affairs in the Office of Grants and Procurement Management, OASAM.

§ 3–1.706–50 Small Business class set-aside for construction, repair and alteration work.

A class set-aside for small business is considered to have been made for each proposed procurement for construction, repair, and alteration work in an estimated amount ranging from $2,500 to $1,000,000. Accordingly, the contracting officer shall set aside for small business each such proposed procurement. If, in his judgment, the particular procurement falling within the dollar limits specified above is unsuitable for a set-aside for exclusive small business participation, the procedure set forth in § 3–1.706–3 shall apply. Proposed procurements for construction, repair, and alteration work in an estimated amount of more than $1,000,000 shall be processed on a case by case basis.

§ 3–1.708 Certificate of competency program.

§ 3–1.708–1 General.

SBA has statutory authority (15 U.S.C. 637(b)(7)) to certify the competency (responsibility) of any small business concern as to capacity and credit. "Capacity" means the overall ability of a prospective small business contractor to meet quality, quantity, and time requirements of a proposed contract and includes ability to perform, organization, experience, technical knowledge, skills,

know-how, technical equipment and facilities.

§ 3–1.708–2 Applicability and procedure.

(a) If a bid or proposal of a small business concern is to be rejected solely because the contracting officer has determined the concern to be non-responsible as to capacity or credit, the matter shall be referred to the appropriate SBA field office having authority to process the referral in the geographical area where the small business concern is located. If required, guidance as to the location of the appropriate SBA field office may be obtained from the SBA representative assigned to the procurement office or the nearest SBA field office. Under no circumstances will a referral be made to the SBA prior to a determination by the contracting officer that a bid or proposal of the small business concern is responsive. Concurrent referrals of two or more bids or proposals, rejected because of lack of capacity or credit for a proposed award, shall not be made to SBA by the contracting officer. Final processing of a case, including possible issuance of a certificate of competency, must be completed by SBA on each referral before the contracting officer may proceed with an additional referral to SBA on the proposed award. The award shall be withheld pending either SBA issuance of a certificate of competency or the expiration of 15 working days after SBA is so notified, whichever is earlier, subject to the following:

(1) This procedure is not mandatory if the contracting officer certifies in writing that award must be made without delay and such certificate is approved by the principal procurement officer of the procuring activity (see § 3–1.704–4).

(2) A pre-award survey shall be made prior to a determination by a contracting officer that a small business concern is not responsible because of a lack of capacity or credit on a proposed award of more than $10,000.

(3) A determination by the contracting officer that a small business concern is not responsible for reasons *other than* deficiencies in capacity or credit shall be approved by the principal procurement officer of the procuring activity (see § 3–1.704–4).

(i) Prior to submission of the contracting officer's determination of nonresponsibility to the principal procurement officer of the procuring activity for approval, the contracting officer shall transmit a copy of the documentation supporting the determination through the small business specialist to the SBA representative, or the nearest SBA regional office, as appropriate.

(ii) The SBA office receiving the documentation will within 5 working days after receipt of the documentation notify the contracting officer in writing whether SBA desires to submit contrary views concerning the determination.

(iii) If the contracting officer is not so notified, he may conclude that SBA has no objection to the determination and he may then submit it to the principal procurement officer of the procuring activity for approval.

(iv) If the contracting officer does not agree with the SBA position, he shall then forward the determination to the principal procurement officer of the procuring activity for resolution with an explicit indication of his views and the contrary SBA position. The decision of the principal procurement officer shall be final.

(v) The provisions of §§ 1–1.708–2(a)(1) and 3–1.708–2(a)(1) apply if the award must be made without delay. In such instances the determination of nonresponsibility for reasons other than deficiencies in capacity or credit shall be submitted immediately to the principal procurement officer of the procuring activity for approval. In all other instances the provisions of §§ 1–1.708–2(a)(5) (i) through (v) and 3–1.708–2(a)(3) (i), (iii), and (iv) shall apply.

(vi) The Director of Business Affairs, OGPM, shall be informed promptly in writing of all cases where (*a*) a small business concern elects not to file an application for a certificate of competency, or (*b*) the SBA declines to issue a certificate of competency, or (*c*) the procurement officer reverses the pre-award survey negative finding.

In procurement where the highest competency obtainable or the best scientific approach is needed, as in certain negotiated procurements of research and development, highly complex equipment, or professional services, the certificate of competency procedure is not applicable to the selection of the source offering the highest competency obtainable or best scientific approach and, prior to award, the contracting officer determines that the concern is not responsible because of lack of capacity or credit, the certificate of competency procedure is applicable.

(b) (1) SBA field offices will notify the contracting officer of each case where they (i) plan to issue a certificate of competency, or (ii) are submitting the case to the SBA Central Office, Washington, D.C., for approval prior to issuance of a certificate of competency; and provide the contracting officer or his designated representative with a brief written statement citing the reasons for SBA's proposed affirmative action. Prior to final SBA field office action, the contracting officer will be afforded an opportunity to meet or communicate with SBA field office representatives and furnish to them new or additional information on the case. Copies of significant data developed by SBA that are pertinent to the case will be made available, upon request, to the contracting officer, or his representative, at such meeting or through correspondence. SBA case files may be examined at the meeting and pertinent notes taken by the contracting officer or his representative, but such files will not be released outside SBA.

(2) One of the following courses of action shall be taken subsequent to discussions of a meeting between representatives of the contracting officer and SBA field offices:

(i) If new and additional facts presented by the SBA field office representatives so warrant, the negative determination as to capacity or credit of the apparent low bidder or offeror shall be reversed, the referral to SBA shall be withdrawn, and the contract award shall be made without the necessity for issuance of a certificate of competency.

(ii) If agreement cannot be reached between the SBA field office and the contracting officer and substantial doubt still exists as to the ability (capacity or credit) of the contractor to perform, the contracting officer shall request the SBA field office to suspend action to permit referral of the case to the SBA Central Office, Washington, D.C. for review. Simultaneously, the contracting officer shall forward to the Director of Business Affairs, OGPM, through administrative channels on an expedited basis, a complete case file with a request that the case be considered for appeal to SBA, Washington, D.C. This file shall include the data specified in § 1–1.708–2(b), SBA's rationale for proposing affirmative COC action, and the contracting officer's comments thereon. If OGPM agrees with the recommended appeal action of the contracting officer, it will request in writing that the SBA Associate Administrator for Procurement and Management Assistance, Washington, D.C., review the proposed affirmative COC action of the SBA field office. If SBA, Washington, D.C. does not concur with the proposed affirmative COC action of its field office, it shall so inform the Director of Business Affairs, OGPM. If SBA, Washington, D.C. concurs with the affirmative COC action proposed by the SBA field office, it shall so inform the Director of Business Affairs, OGPM, giving reasons for its position. Thereafter and within 10 working days after receipt of written notification of SBA's proposed affirmative action, OGPM shall notify the SBA Central Office, Washington, D.C. whether a formal appeal will be made at the Central Office of SBA. The appeal shall then be presented within 10 working days after the SBA Central Office is notified that an appeal will be made or at such later date as may be agreed upon by SBA and the Director of Business Affairs, OGPM. Following the appeal, the SBA Associate Administrator shall make a determination relative to the COC action and his determination will be considered final.

(iii) If agreement cannot be reached between the contracting officer and the SBA field office, the contracting officer may conclude it would not be practicable to appeal the case to the Washington SBA level nor would it be appropriate to withdraw his request for certificate of competency action. In that case, the contracting officer shall inform the SBA field office that it must issue a certificate of competency as prerequisite to contract award. However, such action shall not be taken by the contracting officer without prior approval of the Director of Business Affairs, OGPM.

§ 3–1.708–3 **Conclusiveness of certificate of competency.**

As provided in the Small Business Act (15 U.S.C. 637(b)(7)), procurement agencies are required to accept SBA certificates of competency as conclusive of a prospective contractor's responsibility as to capacity and credit. The SBA will make the following distribution of such certificates of competency:

(1) original to the cognizant HEW procurement office;

(2) carbon copy to the operating agency's headquarters procurement office.

Dated: June 17, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74–14295 Filed 6–20–74;8:45 am]

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A–1—GENERAL

Subpart 5A–1.2—Definition of Terms

HEAD OF THE PROCURING ACTIVITY

This change to the General Services Administration Procurement Regulations (GSPR) reflects recent organizational changes in the Office of Procurement.

Section 5A–1.206 is revised as follows:

§ 5A–1.206 **Head of the procuring activity.**

"Head of the procuring activity" as prescribed in Chapter 5A, GSPR, includes: (a) In the Central Office, the appropriate Assistant Commissioner and the appropriate division director and (b) in the regional offices, the Regional Commissioner, FSS, and the appropriate Regional Director, Procurement Division or Transportation Management Division.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective June 10, 1974.

Dated: June 10, 1974.

M. J. TIMBERS,
Commissioner, FSS.

[FR Doc.74–14258 Filed 6–20–74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Recoupment of Overpayments and Correction of Underpayments

Part 233 of Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 233.20(a)(12) to comply with the Order dated April 11, 1974, of the United States District Court for the District of Columbia in National Welfare Rights Organization v. Weinberger (C.A. No. 1703–73). That Order declared the existing regulation appearing at 45 CFR 233.20(a)(12)(i) invalid and prohibited "recoupment from public assistance grants of prior overpayments when the recipient lacks income or resources available in the amount of the proposed reduction" except "where said overpayments were occasioned or caused by a recipient's willful withholding of information concerning his income and resources." The revised regulation set forth below complies with this Order. Moreover, the revised regulation requires the States to furnish examples of the most frequent situations in which such willful withholding might occur (though evidence presented by the recipient in those situations might negate any presumption of willfullness) and stresses that it is the obligation of the State agency to assure that recipients are aware of the information which must be reported.

Notice of proposed rulemaking has been dispensed with in order to meet the timetable required by the Order of the Court and avoid the substantial administrative inconvenience to the States which would result from the rescission of the previous recoupment regulation without its immediate replacement by a more limited one permitted by the District Court's Order.

Although normal rulemaking procedures have been dispensed with in order to have a continuous recoupment regulation, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Post Office Box 2382, Washington, D.C. 20013 on or before July 22, 1974. Comments received will be available for public inspection in Room 5324 of the Department's offices at 330 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202/245–0950), and will be given the same consideration they would receive if this were a notice of proposed rulemaking.

Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 233.20(a)(12) to read as set forth below:

§ 233.20 **Need and amount of assistance.**

(a) *Requirements for State plans.* * * *

* * * * *

(12) *Recoupment of overpayments and correction of underpayments.* Specify uniform Statewide policies for:

(i) Recoupment of overpayments of assistance, including certain overpayments resulting from assistance paid pending hearing decisions.

(*a*) The State may not recoup any overpayment previously made to a recipient:

(*1*) Unless the recipient has income or resources exclusive of the current assistance payment currently available in the amount by which the agency proposes to reduce payments: except that,

(*2*) Where such overpayments were occasioned or caused by the recipient's willful withholding of information concerning his income, resources or other circumstances which may affect the amount of payment, the State may recoup prior overpayments from current assistance grants irrespective of current income or resources.

(*b*) Withholding of information which is subject to the provisions of paragraph (a)(12)(i)(*a*)(*2*) of this section includes the following:

(*1*) Willful misstatements (either oral or written) made by a recipient in response to oral or written questions from the State agency concerning the recipient's income, resources or other circumstances which may affect the amount of payment. Such misstatements may include understatements of amounts of income or resources and omission of an entire category of income or resources;

(*2*) A willful failure by the recipient to report changes in income, resources or other circumstances which may affect the amount of payment, if the State agency has clearly notified the recipient of an obligation to report such changes. The recipient shall be given such notification periodically at times (not less frequently than semi-annually) and by methods which the State agency determines will effectively bring such reporting requirements to the recipient's attention;

(*3*) A willful failure by the recipient (*i*) to report receipt of a payment which the recipient knew represented an erroneous overpayment, or (*ii*) to notify the State agency of receipt of a check which exceeded the prior check by at least the amount which the State agency had previously notified the recipient (pursuant to the provisions of paragraph (a)(12)(i)(*c*)(*4*) of this section) might represent an overpayment and constitute a sum to which the recipient would not be entitled. In making a determination pursuant to this paragraph (a)(12)(i)(*b*)(*3*), all relevant circumstances including the amount by which the erroneous payment exceeded the previous payment shall be considered.

(*c*) Each periodic notification under paragraph (a)(12)(i)(*b*)(*2*) of this section shall:

(*1*) Include a reminder that it is the recipient's continuing obligation to furnish to the State agency accurate and timely information concerning changes in income, resources, or other circumstances which may affect the amount of payment, within a reasonable specified period after such change. The recipient may also be notified that a failure to so notify the State agency within the designated time period may constitute a willful withholding of such information and permit the State agency to recover any overpayment occasioned or caused by the willful withholding;

(*2*) Specifically and comprehensibly in simple phraseology indicate the type of information to be disclosed by the recipient. Examples shall be furnished

of the most frequent types of newly acquired income or resources (e.g., inheritance, wages from a part-time job);

(3) Require that, if there is any doubt whether a particular change in circumstances constitutes such reportable information, the recipient contact the State agency or a designated representative thereof within a reasonable specified period of time after such change in circumstances;

(4) If the State plan provides for recoupment in the circumstances described in paragraph (a)(12)(i) (b)(3)(ii) of this section, notify the recipient that if the check received exceeds the prior check by a specified amount (which amount may not be less than that which a reasonable man should have known was erroneous), this increased check may constitute a sum to which the recipient is not entitled. In such instances, the notification may require that the recipient notify the State agency or a designated representative thereof prior to the negotiation of such check, so that corrective action may be taken; the State agency shall respond to such notification within 24 hours. The recipient may also be notified that a failure to so notify the State agency within the designated time period may constitute a willful withholding of such information and permit the State agency to recover such overpayment.

(d) The State agency shall require periodic formal acknowledgement by recipients (on a form utilized for this purpose) that the reporting obligations of this paragraph had been brought to the recipient's attention and that they were understood.

(e) Any recoupment of overpayments made under circumstances other than those specified in paragraph (a)(12)(i) (b) of this section shall be limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.

(f) Any recoupment of overpayments permitted by paragraph (a)(12)(i)(a)(2) of this section may be made from available income and resources (including disregarded, set-aside or reserved items) or from current assistance payment or from both. If recoupments are made from current assistance payments, the State shall, on a case-by-case basis, limit the proportion of such payments that may be deducted in each case, so as not to cause undue hardship or recipients.

(g) The plan may provide for recoupment in all situations specified herein, or only in certain of the circumstances specified herein, and for waiver of the overpayment where the cost of collection would exceed the amount of the overpayment.

(h) Election by the State not to recoup overpayments shall not waive the provisions of §§ 205.40, and 205.41, or any other quality control requirement.

(ii) Prompt correction of underpayments to current recipients, resulting from administrative error where the State plan provides for recoupment of overpayments. Under this requirement:

(a) Retroactive corrective payment shall be made only for the 12 months preceding the month in which the underpayment is discovered;

(b) For purposes of determining continued eligibility and amount of assistance, such retroactive corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month; and

(c) No retroactive payment need be made where the administrative cost would exceed the amount of the payment.

* * * * *

(Sec. 1102, 49 Stat. 647, (U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid).)

Effective date. The regulations in this section shall be effective July 10, 1974.

Dated: June 12, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: June 19, 1974.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.74-14372 Filed 6-20-74;8:45 am]

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Medicaid; Federal Matching for Mechanized Systems; Correction

FEDERAL REGISTER Document 74-11462, published at page 17762 in the issue dated Monday, May 20, 1974, is corrected by changing the reference to "paragraph (b)(1)(ii)(B) and (C)" in paragraph (b)(2)(ii) to read "paragraphs (b)(1)(ii)(B) through (D)".

Approved: June 17, 1974.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.74-14294 Filed 6-20-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18262]

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

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Future Use of Certain Frequency Band; Order Setting Date for Filing Opposition

In the matter of an inquiry relative to the future use of the frequency band 806-960 MHz and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the Rules Relative to Operations in the Land Mobile Service Between 806 and 960 MHz, Docket No. 18262.

Order. 1. Informal request has been made to set a date for filing oppositions to petitions for reconsideration submitted in the above-captioned proceeding. The petitions in question are directed to the Commission's Second Report and Order in Docket No. 18262, 39 FR 16831 (May 10, 1974). These petitions were not all filed on the same date; consequently, under procedures established in the rules, the time for filing oppositions to these pleadings varies. For administrative reasons, it is desirable to have the filing date for all oppositions uniform; and the action, here, is taken for this purpose, in conformity with the mentioned request.

2. Accordingly, pursuant to the provisions of § 0.251(b) of the rules and regulations, the date for filing oppositions to the several petitions for reconsideration filed in this Docket is established as June 28, 1974.

Adopted: June 12, 1974.

Released: June 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] ASHTON R. HARDY,
General Counsel.

[FR Doc.74-14286 Filed 6-20-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S. O. 1112]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 13th day of June 1974.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding both the domestic and export movements of agricultural, mineral, forest, and manufactured products, and other commodities; and that the existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1112 Railroad operating regulations for freight car movement.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

[1](1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all loaded cars.

(iii) This order shall apply to all empty general service freight equipment cars described on pages 1119–1121, inclusive and listed in the Official Railway Equipment, Register ICC RER No. 391, issued by W. J. Trezise, or reissues thereof including cars bearing mechanical designations modified in the manner described in the various notes thereto. (See exceptions, paragraph (a)(1) (iv), (v), (vi) and (vii) of this section).

(iv) *Exception.* Cars of mechanical designation FL, SC, SM, ST, or NE.

(v) *Exception.* Empty cars of private ownership as defined in Service Order No. 1170, or revisions thereof.

(vi) *Exception.* Empty cars owned by The Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this order.

(vii) *Exception.* Empty cars, described in part (iii) of this section, owned by and bearing the registered reporting marks assigned to the line holding the car, are exempt from the provisions of this order.

(viii) *Exception.* To alleviate hardships or inequities, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideration.

(ix) The mechanical designations of existing freight cars in paragraph (a)(1)(iii) of this section may not be changed to any mechanical designation other than those listed in paragraph (a)(1)(iii) of this section during the period this order is in effect.

(x) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(xi) Holidays shall be those listed in Item 25 of Agent B. B. Maurer's Tariff 4–J ICC H–59, naming Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

[1](2) *Placing of cars.* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays following arrival at destination, or after arrival at the yard from which cars are dispatched for actual placement.

(ii) Empty cars which after placement will be subject to demurrage storage or detention rules applicable to cars for loading, shall be actually placed or appropriate notice as required by applicable tariffs issued within 48 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point where held.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to the consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice, shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(v) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or at hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays, and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded or set aside for cleaning, repairs, or weighed, if to be weighed at that point, within 24 hours following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays, and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded or set aside for repairs or weighed if to be weighed at that point, within 24 hours following release and removal.

(iii) Cars subject to paragraph (a)(3)(i) and (ii) of this section, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(iv) Cars shall not be removed from point of unloading or from industrial interchange tracks, nor released from demurrage or detention status, until all bracing, blocking, dunnage, paper, residue of lading, debris, and other foreign matter directly related to the inbound load have been removed from the car in accordance with the requirements of Rules 14 and 27 of the Uniform Freight Classification, I.C.C. 7, issued by J. D. Sherson, supplements thereto, or reissues thereof.

Exception. Dunnage being returned to shipper under the provisions of the applicable tariffs may be left in cars released as empty, provided that proper shipping instructions are received by the carrier prior to 5 p.m., of the first day, which is not a Saturday, Sunday, or holiday, immediately following release of the car.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours, except cars described in paragraph (a)(4) (ii), (iii), or (iv) of this section, or cars described in paragraph (a)(2)(ii) of this section.

(ii) *Exception.* Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) *Exception.* Cars held for repairs, weighing, or cleaning. (See paragraph (a)(5) of this section.)

(iv) *Exception.* Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars Held for Repairs, Weighing, or Cleaning.* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays, and holidays, after time carded for repairs or cleaning. Light repairs or cleaning shall be accomplished within 24 hours, exclusive of Sundays, and holidays, after placement on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars held awaiting such material, repairs shall be completed within 24 hours, exclusive of Sundays, and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(iii) Cars which must be weighed shall be weighed and restenciled, if required, within 24 hours, exclusive of Sundays and holidays, after arrival at the point at which weighing is to be accomplished, or after request for weight is received, if

[1] Specific provisions applicable to cars assigned to the exclusive use of a shipper eliminated. Provisions of Demurrage Tariff 4–J, ICC H–59 apply to the extent applicable.

[1] Specific provisions applicable to cars assigned to the exclusive use of a shipper eliminated. Provisions of Demurrage Tariff 4–J, ICC H–59 apply to the extent applicable.

weights are requested by shipper or by car owner.

(iv) Cars which have been repaired, cleaned or weighed shall become subject such to paragraphs 2, 3, or 4, of this section, as applicable, from the date such repairs, cleaning or weighing have been accomplished.

(6) *Movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, or the acceptance of instructions from the shipper, for the movement of cars over its line via any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Rules and Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 11:59 p.m., June 15, 1974.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14300 Filed 6-20-74;8:45 am]

[S.O. 1187]

PART 1033—CAR SERVICE

Return of Trailers

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of June 1974.

It appearing, that an acute shortage of insulated trailers equipped with ventilating devices exsits on the lines of the Seaboard Coast Line Railroad Company for transporting melons and other perishable products requiring protection from heat; that shippers are being deprived of the insulated and ventilated trailers required to transport such perishable freight, thus creating spoilage of produce and great economic loss; that insulated, ventilated trailers, after being unloaded are being retained and appropriated for other services which do not result in their return to the major origin areas for perishable freight; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of insulated, ventilated trailers are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1187 Regulations for return of trailers.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to Seaboard Coast Line Railroad Company (SCL) (see paragraph (a)(3) of this section), either empty via the reverse of the service route or direct as agreed to by the owner, or loaded to the SCL in the manner prescribed in paragraph (a)(2) of this section, all insulated, ventilated trailers owned or controlled by the following railroads and bearing any of the reporting marks designated:

Seaboard Coast Line Railroad Company;
Reporting marks: SBD, SBDZ, SCLZ
Series 2002–2060, 30104–30901, 702001–702034 and 703004–703150.
Reporting marks: RCLZ, RSBZ and RSCZ
Series 700000–709999 when subject to notes E(3), E(4), E(5), E(6) and E(7) on pages 98–109, inclusive of the Official Intermodal Equipment Register, ICC–O.I.E.R. No. 18, issued by R. G. Hilts, or successive issues thereof.

(2) Trailers described in paragraph (a)(1) of this section, located on lines other than the SCL (see paragraph (a)(3) of this section) may be loaded to any station on the lines of the SCL. If empty at a station on the lines of the SCL, such trailers shall be returned to the SCL at that station.

(3) For the purpose of this order the term Seaboard Coast Line Railroad Company (SCL) shall include the following railroads:

Fort Myers Southern Railroad Company;
Gainesville Midland Railroad Company;
Seaboard Coast Line Railroad Company;
Tampa Southern Railroad Company.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the SCL, or by R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the SCL must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by, R. D. Pfahler.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded trailer, described in this order, contrary to the provisions of the order.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(e) *Effective Date.* This order shall become effective at 12:01 a.m., June 15, 1974.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1974, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14303 Filed 6-20-74;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 92]

IMPORTATION OF BIRDS

Quarantine and Permit Requirements

Statement of considerations. The purposes of these proposed amendments are to provide for the quarantine of imported zoological birds in approved zoological parks and clarify the permit requirements for commercial birds as well as the authority of the Deputy Administrator in § 92.2(a) to allow imports, in specific cases, of any animals and products; and birds for research purposes only. Certain exotic, delicate, and endangered species of birds require special care, feeding, and proper environment. The required care, feeding, and environment can best be provided by professional staffs found only at such approved zoological parks.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending 9 CFR Part 92 in the following respects:

1. In § 92.1 paragraphs (j)(2) (i) and (ii) would be amended and new paragraphs (j)(2) (iii), (iv) and (t) would be added to read:

§ 92.1 Definitions.

* * * * *

(j) * * *

(2) * * *

(i) *Pet birds.* Birds which are imported for the personal pleasure of their individual owners and are not intended for resale.

(ii) *Commercial birds.* Birds which are imported for resale, breeding, public display, or any other purpose, except pet birds or research birds.

(iii) *Zoological birds.* Birds intended for breeding or public display, for recreational or educational purposes, at a zoological park.

(iv) *Research birds.* Birds which are to be used for research purposes only.

* * * * *

(t) *Zoological Park.* A zoo, park, garden or other place maintained for the exhibition of live animals, pigeons or birds, for the purpose of public recreation or education.

§ 92.2 [Amended]

2. In the proviso in § 92.2(a), the term "or birds," would be deleted and the term ", or birds" would be substituted therefor.

§ 92.4 Import permits for ruminants, swine, poultry, commercial birds, and animal semen.

3. § 92.4 would be amended in the following respects:

The heading of § 92.4 would be amended to read as set forth above.

In § 92.4(a)(1) in the first sentence, the term "commercial birds," would be added after the term "poultry,".

In § 92.4(a)(1) in the second sentence, a comma and the words "commercial birds," would be added after the word "animals" each time it appears.

In § 92.4(a)(1), the third sentence would be amended to read: "Additional information may be required in the form of certificates concerning specific diseases to which the animals or commercial birds are susceptible, as well as vaccinations or other precautionary treatments to which the animals, commercial birds, or animal semen have been subjected."

In § 92.4(a)(3), in the first sentence, the term "commercial birds," would be added after the term "poultry,"; and a comma and the term "commercial birds," would be added after the word "animals".

In § 92.4(b) in the third sentence, a comma and the term "commercial birds," would be added after the word "animals".

The fourth sentence in § 92.4(b) would be amended to read: "Ruminants, swine, poultry, commercial birds, and animal semen for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the animals (including poultry), commercial birds, or semen offered for entry differ from those described in the permit; if the animals, commercial birds, or semen are not handled as outlined in the application for the permit and as specified in the permit issued; or in the case of ruminants and swine, if ruminants or swine other than those covered by import permits are aboard the transporting carrier."

4. In § 92.4(c)(1) the third sentence would be deleted.

5. In § 92.11 the present provisions in paragraph (e) would be amended by deleting the first word and substituting the following therefor: "Except as otherwise provided in paragraph (e)(2) of this section, each" and by designating such provisions as paragraph (e)(1) with the heading *"Commercial birds"*; and a new paragraph (e)(2) would be added as follows:

§ 92.11 Quarantine requirements.

* * * * *

(e) *Birds.* (1) *Commercial birds.* Except as otherwise provided in paragraph (e)(2) of this section * * *

* * * * *

(2) *Zoological birds.* (i) Each lot of zoological birds shall be offered for entry at one of the ports of entry listed in § 92.8(b) and if found free of evidence of communicable diseases of poultry upon inspection at the port of entry by the port veterinarian, may be transported by an approved means to a zoological park for quarantine in facilities at the park that have been approved by the Deputy Administrator, Veterinary Services, as provided in this section, prior to the issuance of the import permit under § 92.4. The importer shall notify the Deputy Administrator, Veterinary Services, in advance, of the means of transportation proposed to be used and approval will be given if the Deputy Administrator determines that such means of transportation may be used without risk of dissemination of livestock or poultry diseases. If any imported zoological bird is found during port of entry inspection to be infected with or exposed to a communicable disease of poultry, such bird shall be refused entry, or shall be disposed of otherwise, as directed by the Deputy Administrator, Veterinary Services, in accordance with section 2 of the Act of July 2, 1962 (21 U.S.C. 134a).

(ii) Each lot of zoological birds imported from any part of the world and so transported to a zoological park shall be quarantined for a minimum of 30 days and for such longer period as may be required by the Deputy Administrator in any specific case, on an "all-in, all-out" basis, in facilities approved under § 92.11(f) at the zoological park where they shall be isolated from any other birds, pigeons, or poultry and be under the supervision of a Veterinary Medical Officer of Veterinary Services. If, at the end of the quarantine period and the succeeding 60-day period, the imported zoological birds and all other birds, pigeons, and poultry in the zoological park are found free of evidence of communicable diseases of poultry, the imported zoological birds shall be released by the supervising Veterinary Medical Officer from such isolation quarantine. During the quarantine period, and the succeeding 60-day period, the operator of the zoological park shall comply with handling procedures (including inspection and testing) as provided in paragraph (f) of this section.

6. In § 92.11, subparagraph (f) (1) and subdivision (f) (2) (i) would be amended to read:

§ 92.11 Quarantine requirements.

* * * * *

(f) *Standards for approved quarantine facilities and handling procedures for importation of birds.* * * *

(1) *Supervision of the facility.* The quarantine facility shall be maintained under the supervision of a Veterinary Medical Officer of Veterinary Services.

(2) * * *

(i) *Location:* (A) Any port of entry quarantine facility shall be located: Within the immediate area of the port of entry to curtail to a minimum the possibility of introduction and dissemination of poultry diseases by the imported birds, while in transit from the point of entry to the quarantine facility; and at least one-half mile from any concentration of avian species, such as, but not limited to, poultry processing plants, poultry or bird farms, pigeon lofts, or other approved quarantine facilities. Factors such as prevailing winds, possible exposure to poultry or birds moving in local traffic, etc., shall be taken into consideration. If the quarantine facility consists of multiple units for handling separate lots of birds, the individual units shall be located at least one-half mile from each other with separate personnel working as handlers in each unit.

(B) Any zoological park quarantine facility shall be located within the confines of a zoological park that has outside boundaries located no less than one-half mile from any commercial concentration of avian species other than the resident bird population of the zoological park.

§ 92.11 [Amended]

7. Subdivision 92.11(f) (3) (ii) (D) would be amended by redesignating the present paragraph as (f) (3) (iii) (D) (*1*) and adding a new paragraph (f) (3) (ii) (D) (2) to read:

(2) If during the isolation quarantine for zoological birds and the succeeding 60-day period, any dead or apparently sick birds, pigeons, or poultry are found, the supervising Veterinary Medical Officer shall be notified immediately by a representative of the zoological park. Any dead birds, pigeons, or poultry shall be refrigerated at the zoological park. Sick or dead birds, pigeons, or poultry found during the period of isolation quarantine or the succeeding 60-day period at the zoological park shall be autopsied only by the direction of the supervising Veterinary Medical Officer. If any birds, pigeons or poultry at the zoological park are found during the period of isolation quarantine or the succeeding 60-day period, to be dead or infected with or exposed to any communicable disease of poultry, all birds, pigeons, and poultry in the zoological park shall be disposed of or otherwise handled as directed by the Deputy Administrator, Veterinary Services, as he considers necessary to prevent the spread of livestock or poultry diseases, and the entire facility or park shall be thoroughly cleaned and disinfected as directed by and under the supervision of a Veterinary Medical Officer.

8. Section 92.11 would be further amended by adding a new paragraph (f) (3) (ii) (G) to read:

(G) No birds, pigeons, or poultry shall be removed from the zoological park during the isolation quarantine period or the following 60-day period, except by permission of the supervising Veterinary Medical Officer.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before July 22, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 870, Hyattsville, Maryland, during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-14299 Filed 6-20-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 74-NW-14-AD]

BOEING MODEL 707/720 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 707/720 series airplanes. In-flight pitching oscillations have occurred on a Boeing 707 airplane and the possibility of the condition leading to such an occurrence may exist in other 707 and 720 airplanes. Flight tests have shown that when the airplane is in an abnormal nose-up, out of trim condition and the horizontal stabilizer to elevator contour mismatch is to one side of a previously approved tolerance, the pitching oscillations could be induced. Such may, in turn, lead to loss of control of the aircraft.

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 and be submitted in duplicate to the Federal Aviation Administration, Northwest Region, Airworthiness Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before August 1, 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.

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:

BOEING: Applies to all Model 707/720 Series Airplanes Certificated in all categories.

Compliance required as indicated.

To prevent potential oscillatory longitudinal flight on Boeing Models 707/720 series airplanes, accomplish the following:

Within 1,000 hours time in service from the effective date of this airworthiness directive, unless already accomplished, inspect and adjust the horizontal stabilizer to elevator contour mismatch upper surfaces, in accordance with Boeing Service Bulletin No. 3151, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

NOTE: Boeing letter No. M-7020-301, dated June 7, 1974, will contain a preliminary copy of Service Bulletin No. 3151.

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)).

Issued in Seattle, Washington on June 11, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74-14266 Filed 6-20-74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 74-NW-11-AD]

BOEING MODEL 737 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 737 series airplanes. There have been failures of the outer flap inboard and outboard forward flap track support attach bolts that could result in the loss of the flap and consequent severe controllability problems. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed airworthiness directive would require inspection of these bolts and, as terminating action, the installation of larger, stainless steel bolts.

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 Federal Aviation Administration, Northwest Region, Airworthiness Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108. All

communications received on or before August 1, 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.

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:

BOEING: Applies to Model 737 series airplanes as listed in the Effectivity Paragraph of Boeing Alert Service Bulletin 737-57-1079, Revision 1, or later FAA approved revisions, with more than 5,000 hours time in-service.

Compliance required as noted.

(A) Within the next 500 hours time in service after the effective date of this AD unless already accomplished within the last 500 hours time in service, and thereafter at intervals not to exceed 1,000 hours time in service from the last inspection, accomplish a torque check per (B) below.

(B) Torque check the 5/16 inch bolts that attach the forward support fitting of the inboard and outboard flap tracks of the outboard flap in accordance with Boeing Alert Service Bulletin 737-57-1079, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) Bolts which either fail or do not sustain the torque check shall be replaced before further flight. If the replaced bolt is a 5/16 inch bolt, prior to 5,000 hours time in-service, and thereafter at intervals not to exceed 1,000 hours time in-service from the last inspection, accomplish a torque check per (B). If the bolt is replaced with 3/8 inch stainless steel bolt in accordance with paragraph (D), this is considered terminating action.

(D) Termination action for this Airworthiness Directive consists of bolt replacement with 3/8" diameter, stainless steel bolts, in accordance with Boeing Alert Service Bulletin 737-57-1079, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(E) Upon request by an operator, through an appropriate FAA maintenance inspector, subject to approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the repetitive inspection period herein may be adjusted for that operator if the request contains adequate substantiating data to justify the increase.

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)).

Issued in Seattle, Washington on June 11, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74-14264 Filed 6-20-74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 74-NW-12-AD]

BOEING MODEL 747 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 747 series airplanes. There have been cracks found in some torque tube crank assemblies in pasenger doors Nos. 2, 4 and 5 right- and left-hand on Boeing Model 747 series airplanes. Failure of one of these crank assemblies will not permit the door to be opened or closed. This precludes the use of the door in an emergency as an exit thereby providing an unacceptable level of safety. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections of crank assemblies until replaced with like parts of a different material. Boeing Service Bulletin 747-52-2090 was issued for inspection and repair of the crank assemblies. 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 and be submitted in duplicate to the Federal Aviation Administration, Northwest Region, Airworthiness Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108.

All communications received on or before August 1, 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.

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:

BOEING: Applies to Boeing Model 747 airplanes, certificated in all categories, which are affected by Boeing Service Bulletin 747-52-2090.

Compliance required as indicated:

(A) Within the next 400 hours time in-service after the effective date of this AD, unless already accomplished in the last 1,200 hours time in-service, and at intervals thereafter not to exceed 1,600 hours time in-service, inspect the torque tube cranks, Part Numbers 65B05025-1 and -2, 69B02875-1 and -2, and 65B09704 1 on passenger doors Nos. 2, 4 and 5 right- and left-hand sides for cracks, using dye penetrant inspection procedures as noted in FAA-approved Boeing Service Bulletin 747-52-2090. If cracks are not found, apply LPS-3 and retorque cross bolts in accordance with Paragraph III, Part I of FAA-approved Boeing Service Bulletin 747-52-2090. If cracks are found, repair or replace in accordance with paragraph (B) below.

(B) Cracked parts may be repaired by installation of a saddle clamp in accordance with Paragraph III, Part II of FAA-approved Boeing Service Bulletin 747-52-2090, or FAA-approved revisions or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region and shall be reinspected in accordance with FAA-approved Boeing Service Bulletin 747-52-2090, at intervals thereafter not to exceed 3,200 hours time in-service. As terminating action, cracked parts may be replaced with new parts in accordance with Paragraph III, Part III of FAA-approved Boeing Service Bulletin 747-52-2090, or FAA-approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) Upon request of the operator and FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the repetitive inspection intervals specified in this AD may be adjusted to permit compliance at an established inspection interval of the operator, if the request contains substantiating data to justify the adjustment.

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)).

Issued in Seattle, Washington on June 11, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74-14265 Filed 6-20-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-WE-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would alter the description of the Chandler, Arizona control zone.

Interested persons may participate in the proposed rule making 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 July 22, 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 acordance 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 shortage of qualified control tower and weather observer personnel precludes continued operation of the Chandler Control Zone during the currently published effective hours. Due to this situation, local flying is being adjusted to a more regular schedule consistent with available manpower. This will result in a small reduction of hours of operation of the control zone. To provide for this change in the most efficient manner and to allow for possible infrequent changes in the effective hours, the use of the NOTAM procedure is proposed.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (39 FR 354) the description of the Chandler, Arizona control zone is amended in part as follows: In the text of the control zone description, delete all after "This control zone * * *" and substitute therefor "* * * is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on June 10, 1974.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.74-14267 Filed 6-20-74;8:45 am]

[14 CFR Part 121]

[Docket No. 13841; Notice No. 74-22]

AIRCRAFT SECURITY

Use of X-ray Devices

In response to a Court Order effective April 24, 1974, issued by the United States District Court for the District of Columbia (Civil Action No. 1967-73), and in accordance with related assurances and agreements, the Federal Aviation Administration is proposing to amend Part 121 of the Federal Aviation Regulations to provide for the use of X-ray devices to inspect carry-on baggage and other items in accordance with approved security programs required by § 121.538.

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 regulatory docket and notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before August 20, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 121.538 of the Federal Aviation Regulations requires Part 121 certificate holders to maintain and carry out, for scheduled operations, a security program that has been approved by the FAA. Due to the continuing menace of air piracy and other crimes aboard aircraft, and because of the serious nature of this threat to the safety of persons and property, the Administrator found that an emergency existed requiring immediate action with respect to safety in air transportation and air commerce. Accordingly, effective January 5, 1973, the FAA took emergency action in accordance with the provisions of § 121.538 to amend all security programs previously approved under that section and required the preboarding inspection of all carry-on baggage and items. The purpose of this inspection is to detect weapons, explosives, or other dangerous articles and prevent their being carried aboard the aircraft by passengers. To implement the required inspection of carry-on baggage and items, certain of the security programs approved for certificate holders currently provide for the use of X-ray devices for the inspection of carry-on baggage and items. However, the standards which form the basis of the FAA approval are not set forth in Part 121.

The Food and Drug Administration, Department of Health, Education, and Welfare has adopted performance standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage and items. Those standards were adopted by the Commissioner of Food and Drugs, following public rule-making proceedings pursuant to the Radiation Control for Health and Safety Act, 42 U.S.C. 263f, and are published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974). The FAA believes those standards provide radiation safeguards that will ensure the protection of public health. Accordingly, to obtain FAA approval for use of an X-ray system to inspect carry-on baggage and items, it is proposed to amend Part 121 of the Federal Aviation Regulations and require the Part 121 certificate holder to show that the system meets the performance standards prescribed in 21 CFR 1020.40. In the interest of achieving a uniform standard of safety, the proposal would require an X-ray system to meet those performance standards regardless of the date the system was manufactured or assembled.

In addition, this proposal would also require the certificate holder to show that: (1) the results of a radiation survey confirm that the system, after being initially installed and each time it is moved to a new location, meets the performance standards in 21 CFR 1020.40 and that its operation in accordance with the procedures to be used will not adversely affect the safety of any person; (2) an appropriate program for initial and recurrent training of operators of the system has been established; (3) procedures have been established to ensure that each operator of the system will be provided with a personnel dosimeter, each dosimeter used will be evaluated every 30 days, and appropriate records of operator duty time and the results of dosimeter evaluations will be maintained by the certificate holder; and (4) the system has the capability of distinguishing an insulated 24-gauge solid copper wire.

The proposal would also prohibit a Part 121 certificate holder from using an X-ray system to inspect carry-on baggage and items for which there is in effect any defect notice or modification order issued by the Food and Drug Administration, Department of Health, Education, and Welfare, unless that Administration has advised the FAA that the defect or modification required is not such as to create a significant risk of injury, including genetic injury, to any person. Finally, the proposal would prohibit a certificate holder from using an X-ray system to inspect carry-on baggage or items, unless there is a sign posted in a conspicuous place which notifies passengers that such baggage and items are being inspected by an X-ray system and advises them to remove all X-ray and scientific film from their carry-on baggage and items before inspection. If the system being used exposes any carry-on baggage and items to more than one milliroentgen during the inspection, the sign would have to advise passengers to remove film of all kinds from their carry-on baggage and items before inspection.

In addition to comments regarding the specific amendment proposed, the FAA would appreciate receiving comments from interested persons in regard to the following issues:

(1) The adequacy of the existing federal safety and radiation emission standards governing the design, use, and operation of the X-ray baggage inspection systems. On this issue the FAA believes that the Food and Drug Administration of the Department of Health, Education, and Welfare has exercised its responsibility under the Radiation Control for Health and Safety Act by establishing federal regulatory standards for cabinet X-ray systems designated to inspect carry-on baggage. Comments on the adequacy of these standards will be considered by FAA and forwarded to FDA for its use and information.

(2) What training, if any, should be required for operators of and other persons assigned to work in the vicinity of the devices.

(3) Whether the FAA should establish mandatory hours-of-service regulations or other safety standards for operators of the system, and if so, what standards should be established.

(4) The environmental aspects of the use of X-ray baggage inspection systems. The FAA believes that the use of cabinet

X-ray systems to inspect carry-on baggage will not have a significant impact on the human environment. A copy of the FAA's environmental analysis is available for review and comment. Copies may be obtained by writing to the Federal Aviation Administration, Civil Aviation Security Service, Attention: ACS-100, 800 Independence Avenue, SW., Washington, D.C. 20591.

(5) Whether in light of health, safety, environmental, and security considerations, the use of any X-ray system should be authorized as a substitute for physical search procedures for the inspection of carry-on baggage and items.

(6) Whether exposure to X-rays may harm photographic film, magnetic tape, medicines or other items which may be contained in carry-on baggage and items and, if so, what measures should be taken to eliminate or reduce such possible harm other than or in addition to those set out in this proposal.

It should be pointed out that any person who knows of the use of an X-ray system by a Part 121 certificate holder to inspect carry-on baggage or items that does not comply with that certificate holder's security program, as approved under § 121.538, may report the matter to any FAA regional or district office. The FAA will investigate each alleged violation reported and take appropriate administrative or enforcement action in accordance with the procedures set forth in 14 CFR Part 13. If deemed appropriate, the FAA may request advice and assistance from the Food and Drug Administration or any other government agency in the conduct of its investigation.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and 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 Part 121 of the Federal Aviation Regulations by adding after § 121.538 a new § 121.538a to read as follows:

§ 121.538a Use of X-ray system.

(a) No certificate holder may use an X-ray system to inspect carry-on baggage or items unless specifically authorized under an approved security program required by § 121.538 or use such a system contrary to its approved security program. The Administrator authorizes a certificate holder to use an X-ray system for inspecting carry-on baggage or items, under an approved security program, if the certificate holder shows the following:

(1) The system meets the performance standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the Food and Drug Administration, Department of Health, Education, and Welfare and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974).

(2) The results of a radiation survey confirm that the system, after being initially installed and each time it is moved to a new location, meets the performance standards in 21 CFR 1020.40 and that its operation in accordance with the procedures to be used will not adversely affect the safety of any person.

(3) An appropriate program for initial and recurrent training of operators of the system has been established.

(4) Procedures have been established to ensure that each operator of the system will be provided with a personnel dosimeter, each dosimeter used will be evaluated every 30 days, and appropriate records of operator duty time and the results of dosimeter evaluations will be maintained by the certificate holder.

(5) The system has the capability of distinguishing an insulated 24-gauge solid copper wire.

(b) No certificate holder may use an X-ray system to inspect carry-on baggage or items for which there is in effect any notice or modification order issued by the Food and Drug Administration, Department of Health, Education, and Welfare, unless that Administration has advised the FAA that the defect or modification required is not such as to create a significant risk of injury, including genetic injury, to any person.

(c) No certificate holder may use an X-ray system to inspect carry-on baggage or items, unless a sign is posted in a conspicuous place which notifies passengers that such items are being inspected by an X-ray system and advises them to remove all X-ray and scientific film from their carry-on baggage and items before inspection. If the X-ray system exposes any carry-on baggage or item to more than one milliroentgen during the inspection, the certificate holder shall post a sign which advises passengers to remove film of all kinds from their carry-on baggage and items before inspection.

Issued in Washington, D.C., on June 19, 1974.

A. L. BUTLER,
Acting Director,
Civil Aviation Security Service.

[FR Doc.74-14382 Filed 6-20-74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 74-SW-26]

BELL MODEL 206A AND 206B HELICOPTERS

Proposed Airworthiness Directive

Correction

In FR Doc. 74-13745, appearing at page 20994 of the issue for Monday, June 17, 1974, the eleventh line of the third paragraph is corrected by inserting the date "July 18, 1974" before the word "will".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 83]

OCCUPATIONAL SAFETY AND HEALTH; PERSONAL PROTECTIVE DEVICES

Notice of Public Hearing

On April 1, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 F.R. 11923) to amend Title 42, Code of Federal Regulations, by adding a new Part 83 to establish in the National Institute for Occupational Safety and Health a program for the certification of personal occupational protective devices (hats, eye and face protective devices, shoes, and gloves). Procedures and requirements for certification were also proposed. Interested persons were afforded a period of 30 days within which to submit comments which, by notice of May 1, was extended to 60 days (39 FR 15141).

A number of comments questioned the Institute's authority to conduct the program proposed by the regulations. Several persons also requested a public hearing as provided in section 6 of the Occupational Safety and Health Act (29 U.S.C. 665).

The recited authority for the proposed regulations is section 8(g)(2) which authorizes the Secretary to prescribe such rules as he deems necessary to carry out his responsibilities under the Act.

As recited in the preamble to the notice of rulemaking, these regulations would implement the responsibility set forth in section 22(c) of the Act which authorizes the Institute to develop and establish recommended occupational safety and health standards. The Institute intends, where appropriate, to recommend that certain devices be used for the personal protection of workers against various industrial hazards.

As a necessary adjunct to this type of recommendation, it is necessary to establish recommended standards for such personal protective devices. Under the proposed regulations, the Institute would establish a program to test devices which are submitted to it and to certify those devices which meet its recommended construction and performance standards and which are manufactured pursuant to an approved quality control plan. Certification by the Institute would mean that a particular device meets the standards recommended by the Institute for that device. Not only does the Institute regard section 22(c) as providing authority for the conduct of the proposed program, section 21(a)(2) directs that the Institute conduct programs on the use of adequate safety and health equipment. The proposed program would assist the Institute in determining whether devices designed to protect workers from specific industrial hazards are adequate.

Manufacturers would, of course, be under no obligation to submit their

products for Institute testing and certification. It is anticipated, however, that Institute approval of a device will be an incentive to a manufacturer to participate in the program.

Nor would the regulation require that such certified equipment be used. Such a requirement can be imposed only if the Occupational Safety and Health Administration (OSHA) were to adopt, pursuant to section 6 of the Act, a standard requiring the use of devices certified by the Institute. Furthermore, the proposed adoption of such standard by OSHA would, unlike the proposed Part 83, be subject to the hearing provisions of section 6(b)(3) of the Act.

Although persons objecting to the proposed regulations are not, therefore, entitled to a hearing as a matter of right, in view of the large number of comments on the proposed rules and requests for a public hearing, notice is hereby given that the Department of Health, Education, and Welfare will hold a public hearing on July 18, 1974, beginning at 9:30 a.m. in Conference Room E (3rd floor) of the Department's Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, for purpose of receiving relevant oral and written presentations on the following issues:

1. Whether the National Institute for Occupational Safety and Health (NIOSH) should establish the program proposed by the regulations.

2. Whether any of the provisions of the proposed Part 83 should be adopted, modified, or deleted.

Mr. Edward J. Baier, Deputy Director, NIOSH, is designated as Chairman of the hearing. A verbatim record of the proceedings will be maintained and all statements presented at the meeting, as well as the written comments previously submitted in response to the notice of proposed rulemaking, will be considered.

Any person who wishes to make a presentation at the hearing should forward written notification to the Deputy Director, National Institute for Occupational Safety and Health, Room 3-30 (Park Bldg.), 5600 Fishers Lane, Rockville, Maryland 20852, not later than seven days preceding the hearing, stating the time required for his or her presentation.

Dated: June 18, 1974.

MARCUS M. KEYS,
Director, National Institute for Occupational Safety and Health.

[FR Doc.74-14331 Filed 6-20-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 275]

[Docket No. R-74-267]

LOW RENT PUBLIC HOUSING

Prototype Cost Limits; Montana

In the FEDERAL REGISTER issued for Friday, May 17, 1974 (39 FR 17678), prototype per unit cost schedules were published pursuant to section 15(5) of the Housing and Urban Development Act of 1937. Consideration of subsequent factual project cost data received from the Denver Regional Office (Region VIII) indicates that certain prototype per unit cost schedules should be revised for the State of Montana.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires that this material be made effective as quickly as possible. At the same time, it is the Department's policy, 24 CFR Part 10, that regulatory provisions and requirements be published as a notice for comment and public procedure before becoming effective unless such notice is impracticable, unnecessary or contrary to the public interest. In this case, the Assistant Secretary has determined that it would be impracticable and contrary to the public interest to provide the customary 30-day comment period. However, the Department is allowing a shorter time in which comments may be submitted before the costs are made effective. Interested persons are invited to submit suggestions and data with respect to these proposed costs and all submittals received on or before July 5, 1974 will be considered before a final revision of the costs is adopted. Comments filed within that time will be without prejudice to the opportunity accorded all interested persons at any time to file information showing that a specific cost or costs may be inappropriate.

Written data, views or statements shall be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Copies of comments received will be available for examination during business hours at the above address.

Accordingly, it is proposed to amend 24 CFR Part 275 as follows:

1. On Page 17728 of the FEDERAL REGISTER for Friday, May 17, 1974, delete Anaconda, Montana. On Page 17729, delete Dillon, Glendive, Laurel and Libby, Montana. On Page 17730, delete Superior, Montana under Region VIII and substitute in lieu thereof and revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule.

(Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Proposed effective date: June 20, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA							
HELENA:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,500	17,300	20,850	23,200	24,250
ROW DWELLINGS	9,350	11,150	13,850	16,500	19,950	22,100	23,150
WALKUP	8,800	11,100	14,050	16,550	19,150	21,200	22,100
ELEVATOR-STRUCTURE	15,300	17,750	22,550	------	------	------	------
BILLINGS:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,150	16,800	20,250	22,500	23,600
ROW DWELLINGS	9,050	10,750	13,350	15,850	19,150	21,250	22,300
WALKUP	8,400	10,650	13,550	15,900	18,350	20,350	21,250
ELEVATOR-STRUCTURE	14,900	17,200	21,850	------	------	------	------
BOZEMAN:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	------	------	------	------
BUTTE:							
DETACHED AND SEMIDETACHED	10,150	12,200	15,050	17,900	21,550	24,000	25,150
ROW DWELLINGS	9,700	11,600	14,300	17,050	20,600	22,800	23,950
WALKUP	9,000	11,400	14,350	16,950	19,600	21,700	22,650
ELEVATOR-STRUCTURE	15,850	18,350	23,350	------	------	------	------
GLASGOW:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	------	------	------	------
GREAT FALLS:							
DETACHED AND SEMIDETACHED	10,250	12,250	15,150	18,100	21,700	24,200	25,300
ROW DWELLINGS	9,800	11,700	14,450	17,350	20,850	23,050	24,400
WALKUP	9,200	11,600	14,650	17,250	19,950	22,100	23,100
ELEVATOR-STRUCTURE	16,050	18,550	23,600	------	------	------	------
HAVRE:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	------	------	------	------
KALISPEL:							
DETACHED AND SEMIDETACHED	9,550	11,550	14,250	16,950	20,350	22,700	23,750
ROW DWELLINGS	9,150	10,950	13,550	16,200	19,450	21,600	22,650
WALKUP	8,650	10,950	13,800	16,300	18,750	20,800	21,750
ELEVATOR-STRUCTURE	15,000	17,400	22,100	------	------	------	------
MILES CITY:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	------	------	------	------
MISSOULA:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,150	16,800	20,250	22,500	23,600
ROW DWELLINGS	9,050	10,750	13,350	15,850	19,150	21,250	22,300
WALKUP	8,400	10,650	13,550	15,900	18,350	20,350	21,250
ELEVATOR-STRUCTURE	14,900	17,200	21,850	------	------	------	------
RONAN:							
DETACHED AND SEMIDETACHED	13,850	16,650	20,600	24,500	29,450	32,900	34,400
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	------	------	------	------
BROWNING:							
DETACHED AND SEMIDETACHED	13,850	16,650	20,600	24,500	29,450	32,900	34,400
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	------	------	------	------
HARLEM:							
DETACHED AND SEMIDETACHED	13,850	16,650	20,600	24,500	29,450	32,900	34,400
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	------	------	------	------
WOLF POINT:							
DETACHED AND SEMIDETACHED	13,900	16,750	20,600	24,600	29,500	32,950	34,500
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	------	------	------	------
LODGE GRASS:							
DETACHED AND SEMIDETACHED	13,850	16,650	20,550	24,500	29,450	32,800	34,350
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	------	------	------	------

[FR Doc.74-14202 Filed 6-20-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[EDR-275; PSDR-41; Economic Regs., Policy Regs. Docket 26803]

AIR CARRIERS INVOLVED IN MILITARY TRANSPORTATION

Fuel Surcharge Rates and Procedures

June 17, 1974.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 of its Economic Regulations and Part 399 of its Statements of General Policy (14 CFR Parts 288 and 399) with respect to certain foreign and overseas air transportation performed for the Department of Defense (DOD). The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. As set out in the Explanatory Statement, the Board proposes to amend existing interim final rates which became effective on and after August 28, 1973,[1] and to revise the procedures used in determining fuel surcharges as a result of the revision of the interim final rates. The interim rates adopted are to be effective from the date of this notice, pending completion of a full-scale MAC rate review establishing final rates to be effective prospectively. The amendments are proposed under authority of sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before July 8, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communication will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

By ER-819 and PS-53, adopted August 28, 1973, the Board amended Part 288 of its Economic Regulations and Part 399 of its Statements of General Policy (14 CFR Parts 288 and 399) by adopting minimum interim final rates for overseas and foreign air transportation services performed for the Military Airlift Command (MAC). No expiration date was fixed for these interim rates, which were based on reported results for the twelve months ended March 31, 1973, since a full-scale MAC rate review was also initiated at that time. The Board stated, however, that it would "continue to monitor recurring reports * * * and act expeditiously if further interim rate adjustments are in order."[2]

I. INTERIM FINAL RATE REVIEW—CALENDAR YEAR 1973

In conjunction with monitoring the adequacy of the interim final rates, recurrent quarterly reviews have been conducted as Form 243 reported data became available. In this connection, the results for the twelve months ended December 31, 1973, our latest review, are set out in the attached appendices. The methodology used in adjusting the Form 243 reported data for this review is consistent with the treatment applied in ER-819.

As set out in Appendix B,[3a] the adjusted returns on investment reported for calendar year 1973 were 5.39, 9.98 and −1.19 percent for the long-range, short-range Pacific inter-island, and short-range "all other" carriers, respectively. As outlined in Appendix A,[3b] the additional revenues required for the long-range carriers, which account for 92.5 percent of the international MAC charter services, to achieve the recognized level of return on investment[4] are $11.3 million.[5] The additional revenues required for the short-range Pacific inter-island and "all other" carriers, respectively are $0.1 and $0.3 million. The increases in the current base interim final rates necessary to provide these additional revenues are 8.70, 1.36 and 15.29 percent for the long-range, short-range Pacific inter-island and "all other" carriers, respectively. These increases are exclusive of any prospective fuel surcharge.

The Board is of the tentative opinion that without the proposed rate increases, the carriers would experience an undue financial burden. The interim final rate procedure was instituted for the purpose of maintaining the adequacy of existing rates so as to minimize retroactive rate adjustments following time-consuming full-scale MAC rate reviews.[6] The analysis discussed above clearly indicates the need for an adjustment to the current interim final rates. Accordingly, we are tentatively of the view that it is appropriate to revise the interim final rates if the financial position of the carriers participating in these services is to be maintained.

II. FUEL SURCHARGE PROCEDURES

ER-819 also established an escalator adjustment factor for changes in the price of fuels purchased from military sources. The price of fuel obtained from the military was in effect stabilized, thus eliminating the need for repetitive prospective rate adjustments for fluctuations in the price of military fuel supplied the carriers. We propose to continue this provision without change.

By ER-839, adopted March 8, 1974, the Board adopted a separate rate surcharge to compensate the carriers for increased commercial fuel prices.

By ER-860, adopted May 24, 1974, the fuel surcharge rate was increased to reflect commercial fuel costs as of February 1, 1974, and a procedure was provided whereby the surcharge rate would be automatically reopened monthly and retroactively adjusted. The base period for this fuel surcharge adjustment was again the twelve months ended September 30, 1973.

Under the amended interim final rates proposed herein, the commercial surcharge procedure will be maintained. The base period for surcharge adjustments subsequent to the date of this Notice will be calendar year 1973, in order to relate the fuel surcharge rate to the same base upon which the proposed rate amendments have been determined.[5]

For Category A and Z services, the proposed rules amend the current interim final rates consistent with the proposed one-way Category B rates. The commercial fuel surcharge rate and amendment procedures established for Category A services by ER-861, adopted June 11, 1974, will continue to apply to the interim final rates proposed herein.

PROPOSED RULES

It is proposed to amend Part 288 of the Economic Regulations and Part 399, Statements of General Policy (14 CFR Parts 288 and 399), as follows:

PART 288

1. Amend the table of rates in § 288.7 (a) (1) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) Performed with turbine-powered aircraft.

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[1] ER-819, effective July 1, 1972.

[2] ER-819, p. 11.

[3a] Appendices A, B, and C filed as part of the original document.

[3] Based on return rates of 10.5 percent on owned investment and 4.5 percent on excess leased equipment.

[3] Compared with the revenues computed under the minimum rates established by ER-819.

[4] ER-819, p. 11.

[5] In the proposed rule, the fuel surcharge percentages have not been included. These percentages will be based upon the latest available commercial fuel price base at the time the final rules are adopted.

Aircraft type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible rates [1]		Mixed passenger cargo rates, per revenue plane-mile [1]	
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round trip	One way
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Dollars*	*Dollars*
Turboprops:								
CL-44	2.00	3.60	9.36	17.19				
L-382/L-100-10/20/30 [2]			10.05	19.4				
Regular turbojets	2.220	4.176	8.758	16.885	2.220	10.096		
Passengers-pallets:								
165 and 0							$3.662	$6.890
117 and 3							3.527	6.680
105 and 4							3.494	6.626
93 and 5							3.459	6.574
81 and 6							3.425	6.521
63 and 7							3.374	6.442
51 and 8							3.340	6.388
0 and 12							3.196	6.163
DC-8-61-63F	[3] 2.220	[3] 4.176	[3] 8.758	[3] 16.885	[3] 2.220	[3] 10.096		
Passengers-pallets:								
219 and 0							4.861	9.146
159 and 5							4.609	8.722
65 and 12							4.213	8.058
47 and 13							4.139	7.931
0 and 18							3.941	7.598
B-727 Pacific Interisland	[4] 2.757	[4] 5.265	14.534	28.924	2.757	17.441		
Passengers-pallets:								
105 and 0							2.894	5.527
61 and 2							2.778	5.393
50 and 3							2.749	5.359
46 and 4							2.739	5.347
0 and 7							2.616	5.206
B-727 All other	[4] 3.346	[4] 6.391	16.604	33.041	3.346	19.924		
Passengers-pallets:								
105 and 0							3.513	6.710
61 and 2							3.294	6.391
50 and 3							3.238	6.312
46 and 4							3.219	6.282
0 and 7							2.988	5.947

[1] Conversion charges for convertible flights or variable mixed flights shall be at the rate of $50 per seat changed on each segment.
[2] The rates for L-100-10/20/30 aircraft in Pacific Interisland services shall be the same as for the B-727.
[3] Also applies to wide-bodied (B-747 and DC-10) aircraft.
[4] Also applies to CV-990 aircraft.

* * * * *

2. Amend § 288.7(a)(1) by amending the second proviso of the paragraph following the tables and paragraph (d)(1) and (2) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) * * *

And, provided further, That (i) effective through _____, the total minimum compensation for transportation with regular turbojet, wide-body jet and DC-8F-61-63 aircraft, pursuant to the rates specified in paragraph (a)(1) of this section, shall be further increased by a surcharge of __ percent, and (ii) on and after _____, 1974, the total minimum compensation for transportation with regular turbojet, wide-body jet, and DC-8F-61-63 aircraft pursuant to the rates specified in paragraph (a)(1) of this section, shall include a temporary surcharge of __ percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * *

(d) For Category A transportation services performed on and after _____, 1974:

(1) Passengers, 4.176 cents per passenger-mile.

(2) Cargo, 16.885 cents per ton-mile. *Provided, however,* That (i) effective _____, through _____, the total minimum compensation for Category A transportation, pursuant to the rates specified above shall be increased by a surcharge of __ percent, and (ii) on and after _____, the total minimum compensation for Category A transportation, pursuant to the rates specified above shall include a temporary surcharge of __ percent, subject to amendment (upward or downward) upon final determination by the Board.

PART 399

Amend the first proviso paragraph in § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas transportation and in air transportation between the 48 contiguous states, on the one hand, and Hawaii or Alaska, on the other hand, effective on and after _____, 1974, will be 4.176 cents per passenger-mile applied to the shortest mileage between the commercial air carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares: *Provided, however,* That effective _____, 1974, the total minimum compensation for Category Z transportation shall be increased by a surcharge of __ percent.

[FR Doc.74-14285 Filed 6-20-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20083]

FM BROADCAST STATIONS

Proposed Table of Assignments, Valdosta, Ga., and Perry, Fla.

Notice of proposed rulemaking. In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcasts Stations. (Valdosta, Georgia and Perry, Florida), Docket No. 20083, RM-2175.

1. On April 4, 1973, EV-CO Broadcasters, Inc. (EV-CO), licensee of Class IV standard broadcast Station WVLD at Valdosta, Georgia, filed a petition with this Commission requesting the reassignment of FM Channel 240A from Perry, Florida, to Valdosta, Georgia, and the replacement of Channel 240A at Perry with Channel 288A. No other revisions in our FM Table of Assignments were proposed. No responses to the petition were filed.

2. Valdosta, Georgia (population 32,303),[1] is the seat of Lowndes County (population 55,112). There are four standard broadcast stations licensed in Valdosta: WGOV (licensed to WGOV, Inc.), WVLD (licensed to petitioner), WGAF (licensed to Valdosta Broadcasting Co.) and WJEM (licensed to Lowndes County Broadcasting Co.). The only station limited to daytime-only broadcasting is WJEM. At the present time there are two commercial FM assignments to the community, Channels 225 and 266. The former is licensed to WGOV, Inc., as WGOV-FM while the latter is licensed to Christian Radio Fellowship, Inc. as WAFT. There is also a noncommercial educational FM station there.

3. Taylor County, Florida, with 13,641 residents contains Perry which has a population of 7,701 citizens. The community has two standard broadcast stations: WPRY (licensed to WPRY Radio Broadcasters, Inc. as an unlimited-

[1] All population statistics cited are from the 1970 U.S. Census unless otherwise specified.

time station) and WGKR (licensed to K&R Broadcasters as a daytime-only station). The only FM assignment in Perry is Channel 240A for which there are no applications pending. EV-CO has proposed a replacement for Channel 240A at Perry (Channel 288A) in the event Channel 240A is reassigned from Perry to Valdosta and therefore the potential for broadcast service at Perry will remain the same if petitioner's request is adopted.

4. We are told that Valdosta (the ninth largest city in Georgia) is located at the intersection of Interstate Highway 75 and U.S. Highways 41, 84 and 221, *i.e.*, it is 74 miles northeast of Tallahassee, Florida, 80 miles southeast of Albany, Georgia and 124 miles northwest of Jacksonville, Florida. Petitioner advises us that Valdosta and Lowndes County respectively have had a 5.2 percent gain and a 12.2 percent gain in population between 1960 and 1970. It goes on to state:

> * * * The city serves an area consisting of eight Georgia and two Florida counties as a marketing and employment center. These counties have a total population of 120,759. The 1970 edition of Sales Management *Survey of Buying Power* estimates that Lowndes County's retail sales were in excess of 108 million dollars and that its wholesale sales exceeded 50 million dollars.

Although the original economy of the Valdosta area of Georgia was based primarily on agriculture and forest products the community's economy today contains a substantial sector of manufacturing, according to the petitioner. EV–CO states that since 1967 nineteen new industries employing 775 people and representing an annual payroll of $6,200,000 have located in Valdosta. The total manufacturing employed labor force is said to consist of 6,710 persons.

5. EV–CO informs us that to continue the rapid development of Valdosta, the Valdosta-Lowndes County Industrial Authority has thus far, at a cost of $590,000, constructed seven new industrial buildings for lease which are currently occupied. Moreover, according to the petitioner, industrial parks or zones are being developed (in the area surrounding Valdosta) on lines of three different railroads.

6. It is also stated that Valdosta State College (enrollment of over 4,000 students), a four-year co-educational liberal arts college within the university system of Georgia, meets the area's need for higher education; and that the county and city school systems have, in cooperation with local industry, developed a variety of forward looking vocational programs.

7. The petitioner further asserts that the South Georgia Medical Center, located at Valdosta by the City-County Hospital Authority, has 220 beds, is the largest medical facility in the 13 county area, and serves approximately 200,000 persons.

8. In a description of the competitive stance of the broadcast media in Valdosta EV–CO, licensee of WVLD, states that its service:

> * * * is a Class IV standard broadcast station operating on 1450 kHz with a non-directional power of 1,000 watts day and 250 watts at night. During nighttime hours, WVLD's signal is limited to the area within six miles of its transmitter site. In contrast to this limited service area, WVLD's competitors operate facilities with 5,000 watts power full-time (WGAS [sic]) and 5 KW day, 1 KW night (WGOV) on the AM band, and 100 KW (WGOV–FM) and 30 KW (WAFT–FM) on the FM band. nI addition, daytime only Station WJEM provides services to a substantially larger area than that served by WVLD.

We are told that two of the existing stations (including WVLD) now provide Top 40 programming, two provide country and western music, one programs primarily to a Black audience and one to religious needs.

9. Petitioner is of the view that it will be better able to compete if it (as it has promised to do) constructs a maximum facility on Channel 240A (if it is assigned to Valdosta). It is suggested that such a facility would have far superior coverage, from a technical point of view, to WVLD in nighttime hours and that such a maximum facility Class A service would have substantially more coverage area than the average such facility because of the flat terrain in and around Valdosta. It also hopes to improve its competitive status by covering what it considers is a serious void in programming in Valdosta, *i.e.*, it:

> * * * plans to separately program the proposed FM facility with an adult music format which will permit the production of serious, in-depth public affairs programming which is not generally consistent with the popular music formats broadcast by the existing stations in the market * * *.

10. Our engineering examination indicates that the reassignment of Channel 240A from Perry to Valdosta will preclude assignment only in a small additional area, and that, only with respect to Channel 240A. Georgia communities with populations greater than 1,000 persons having no AM or FM broadcast stations or FM channel assignments, which are located within the affected area, are: Willacoochee (population 1,120) and Pearson (population 1,700), both in Atkinson County (population 5,879); Nicholls (population 1,150) in Coffee County (population 22,828); and Lakeland (population 2,569) in Lanier County (population 5,301).[2]

11. Although we believe that the petitioner has made a showing sufficient to warrant the issuance of a notice of proposed rule making, there are problems to which interested parties should address their comments in connection with the proposal. Thus, for example, according to our assignment criteria, a community the size of Valdosta (under 50,000 population) is not normally assigned more than two channels, whereas this proposal would assign a third. However, the criteria are guidelines; they are not rigid standards which may not be deviated from in appropriate situations. Additionally, if the proposed channel is assigned to Valdosta it would result in intermixture of classes of channels which the Commission does not normally favor. Yet, we have on occasion intermixed when, as here, there appears to be a party willing to apply for and operate on the Class A channel. Finally, as mentioned in paragraph 10, assignment of Channel 240A to Valdosta does have some preclusionary effect.

12. With the above material and public interest finding before us, we propose, for consideration, the following revisions in our FM Table of Assignments (§ 73.202 (b) of our rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Valdosta, Ga	225, 266	225, 240A, 266
Perry, Fla	240A	288A

13. Authority for the action proposed herein is contained in sections 4(i), 303, 307(b) and 5(d)(1) of the Communications Act of 1934, as amended. It is also contained in § 0.281(b)(6) of the Commission's rules and regulations.

14. *Showings required.* Comments are invited on the proposals discussed and set forth above. Proponents of the proposed assignments are expected to file comments which discuss, at a minimum, the three problem areas set out in paragraph 11, *supra*. Proponents should also restate their present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

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

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

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

16. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 8, 1974, and reply comments on or before August 27, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

17. In accordance with the provisions of § 1.419 of the Commission's rules and

[2] Douglas, Georgia which is located in Coffee County (respective populations 10,195 and 22,828), also is located in the precluded area. This community however, has two Class C FM assignments and three standard broadcast stations.

regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

18. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW.)

Adopted: June 13, 1974.

Released: June 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-14290 Filed 6-20-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20033]

PROPOSED TABLE OF ASSIGNMENTS, TELEVISION STATIONS IN TEXAS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606 (b), of the Commission's rules, *Table of Assignments*, Television Broadcast Stations (Monahans, Odessa, Texas), Docket No. 20033, RM-2200.

1. In response to a petition for rule making filed by Grayson Enterprises, Inc. (Grayson), the Commission, on April 19, 1974, issued a notice of proposed rulemaking in the above-entitled matter. Publication in the FEDERAL REGISTER was given on May 2, 1974 (39 FR 15317). Comments and reply comments are presently due on June 14 and July 3, 1974, respectively.

2. On June 14, 1974, the law firm representing Grayson filed a request for a two-week extension of time, until June 28, 1974, in which to file comments in this proceeding. The request states that counsel in the office responsible for preparation of the comments was suddenly called out of the city and, because of a prescheduled vacation, will not return for ten days.

3. It appears that under the circumstances, the requested extension of time is warranted. *Accordingly, it is ordered,* That the dates for filing comments and reply comments in this proceeding is extended to and including June 28, and July 17, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: June 14, 1974.

Released: June 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-14289 Filed 6-20-74;8:45 am]

[47 CFR Part 97]

[Docket No. 19723; FCC 74-609]

RADIO AMATEUR CIVIL EMERGENCY SERVICE (RACES)

Notice of Proposed Rulemaking

1. Notice of proposed rulemaking is hereby given in the above captioned matter.

2. On April 18, 1973, the Commission adopted a Notice of Inquiry in the referenced Docket, FCC 73-40, 38 FR 10467 (April 27, 1973). The purpose of that Notice was to elicit comment on various questions pertaining to the Radio Amateur Civil Emergency Service (RACES). The Notice requested informed parties to comment on the general topics of the effectivenes of the present RACES program; the type of RACES program, if any, that should be continued; the objectives the RACES program should attempt to achieve; and how the services should be structured to achieve those objectives. Responses were received from the Secretary of Defense, civil defense agencies (99), individual amateur operators (20), and amateur organizations (9). Additionally, we have the Final Report of a management study of the emergency role of amateur radio in civil emergencies, performed by the System Development Corporation for the Defense Civil Preparedness Agency (DCPA), under Contract No. DAHC20-72-C-0243, as a source of information regarding RACES.

3. Our Notice was initiated in response to four petitions, RM-968, RM-1116, RM-1478, and RM-2032, proposing additional frequency allocations and privileges for RACES activities. Two new petitions, RM-2154 and RM-2168, also pertaining to RACES, are being added to this Docket. The former was filed by the Fort Worth and Tarrant County (Texas) Civil Defense, and the latter by the Office of Disaster Control and Civil Defense, Baltimore, Maryland. Both request more frequencies be allocated to RACES. Additionally, RM-2168 requests rule amendments to make Technician Class amateur operators also eligible for authorization to operate a RACES station.

4. In reply to our inquiry asking if RACES is an effective means of providing communication services during periods of local, regional, or national emergencies, most of the responses were in the affirmative. Examples were cited of RACES supplied communications during hurricanes, floods, etc. On the other hand, the findings of the DCPA study in this regard, provide a somewhat different perspective:

> Of the 46 states for which we have responses, 31 reported that RACES was useful to them. Of this number, approximately half reported simply that RACES provided them with emergency communications, primarily for backup purposes. Of the remainder, most, while recognizing the value of the emergency communications channels, also reported that the RACES volunteer operators, their technical skills, and their equipment were additional resources of value. The remaining 15 states expressed more or less negative attitudes toward RACES: 11 appeared to feel strongly that RACES, at least as presently structured, is of no value to them; two felt that RACES is of little value in a protracted emergency because of the necessity to rely on volunteers, who have their own jobs and families to provide for; and two reported some need for the RACES frequencies, but only in the hands of paid state personnel. Interestingly, of the 15 states expressing a negative attitude toward RACES, only three reported any recent use of the service. (The two states reporting use of RACES frequencies by paid personnel did not comment on their recent disaster experience.) Since only two states registering approval of RACES reported no recent use of RACES, it appears that the negative attitude has caused the disuse of the system. Local government acceptance of RACES is difficult to evaluate. Almost all jurisdictions that responded to our questionnaires and had operational RACES units found it a useful resource, a few emphasized the limitations currently imposed upon RACES. Those jurisdictions that responded and indicated that they did not have RACES units, were often vehement in their criticisms. These negative responses and the extent to which local RACES units are nonexistent throughout many states lead us to believe that, overall, RACES is not well accepted by local governments.

5. Our questions regarding the need for additional or different privileges drew numerous and diverse recommendations. In summary, the most often mentioned were:

A. Permit pre-tuned equipment to be operated by non-RACES personnel in Emergency Operation Centers.

B. Authorize all amateur privileges for RACES.

C. Authorize all amateur repeater frequencies for RACES.

D. Designate a specific frequency in each state for simplex communications.

E. Permit the use of fixed microwave equipment in a control link for a remotely controlled RACES station.

6. In reply to our inquiry as to the projected consequences, to both RACES and the Amateur Radio Service, if RACES were to be expanded, proponents for an expanded RACES argued RACES would function more effectively, and there would be no adverse impact upon the Amateur Radio Service. Others claimed the Amateur Radio Service would suffer from an expansion of RACES because other amateur activities would decline as RACES activities increased.

7. The major new item raised in the comments was that RACES should not be a part of the Amateur Radio Service. The comments argue that the presence of RACES radiocommunications on the amateur frequency bands is a violation of the International Radio Regulations, and that civil defense communications do not fall within the scope of the Amateur Service (A service of self-training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with

a personal aim and without pecuniary interest[1]). They claim the definition of RACES (. . . under the direction of authorized local, regional or federal civil defense officials pursuant to an approved civil defense communications plan[2]) is in itself contradictory to the Basis and purpose of the Amateur Radio Service as stated in § 97.1.

8. We conclude that there does exist, at least in some regions and localities, a real need to organize the resources of amateurs into a service of the kind RACES is intended to provide. In general, we find the following comments from the American Radio Relay League (ARRL) to be appropriate:

> In some areas of the United States, RACES is highly and skillfully organized, with excellent capabilities for service during periods of local and, to a somewhat limited extent, regional emergencies. In other areas, RACES is nonexistent. Because each RACES organization is established and administered by local civil defense officials, RACES does not and probably cannot provide other than local and limited regional service. To provide a national service, RACES must be tied into some other amateur organization such as NTS[3] * * * one answer is clear. RACES should not be abandoned.

Whether this activity rightfully belongs, except for any emergency necessitating invoking of the President's War Emergency Powers, in the amateur frequency bands, depends upon the degree of compatibility that can be achieved with the fundamental purposes of the Amateur Radio Service. For instance, if a station or local governmental organization *needs the capability to conduct other than bona fide civil defense emergency communications*, then *RACES* and *amateur frequencies should not be used* as the resource. If RACES cannot function with only volunteer operators, it should not be a part of the Amateur Radio Service. On the other hand, if amateurs in their role of serving the public with a voluntary non-commercial communications service, particularly with respect to providing emergency communications, can assist with civil defense emergencies, then RACES does come within the scope of the Amateur Radio Service and should be continued.

9. As a general objective, we would like to make available all of the necessary resources of the Amateur Radio Service to civil defense efforts in times of real need. It is also our desire to minimize the additional administrative burdens now required to process applications for RACES authorizations. We believe both of these objectives can be accomplished by *greatly simplifying the rules* for the Radio Amateur Civil Emergency Service as set forth in the attached Appendix. We believe the comments submitted for our consideration by the ARRL to be consistent with our objectives:

> * * * the present licensing system can stand some improvement. Some on the temporary advisory committee and others submitting comments to the Communications Department have suggested (1) that only licensed amateur operators be permitted to operate in RACES, and (2) that station licenses be issued directly to the local or area civil defense director, the communications officer, or the radio officer, even though not a licensed amateur operator, similar to the issuance of station licenses for military recreation stations * * * With respect to operating "privileges" by various classes of amateur operators, many have suggested that Technician Class operators be permitted to hold station authorizations in RACES. In support, the argument has been made that the experience and discipline obtained by Technicians from the operation of and through repeaters above 146 MHz have provided a highly skilled corps of operators and a vast pool of excellent equipment fully capable of handling emergency communications and traffic * * *

10. We propose to make all licensed amateur radio operators and stations eligible for participation in RACES. The only additional requirement, over and above the possession of an amateur radio operator license, would be enrollment and registration in a civil defense organization, which would be a matter involving only the amateur operator and the organization. We would discontinue the requirements for RACES Communications Plans, FCC Certifications, and Authorizations (FCC Forms 481 and 482). Local, regional or state civil defense organizations desiring to avail themselves of the resources in the Amateur Radio Service for civil defense emergency communication purposes would be able to meet their needs without prior Commission authorization. Additionally, they could obtain one or more RACES station licenses for those locations where they need their own station for amateurs to operate. All amateur frequencies would normally be shared between RACES operations and all other amateur operations on a first come, first served basis. In the event of an emergency, exclusive frequencies can be specified as already provided in § 97.107. The frequency limitations now imposed upon RACES operations would only apply during any emergency situation which necessitates invoking the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended. During such an emergency situation, all other amateur frequencies may be temporarily assigned to higher priority users by the President.

11. Under these proposals, all licensed amateurs would be eligible to participate in RACES including the additional 50,000 Technician Class licensees, to the full extent of their license class privileges. Although, RACES stations would be licensed to civil defense organizations, rather than to amateurs, only licensed amateurs could serve as control operators. These proposed amendments would make many new resources available for civil defense communications, and should greatly increase RACES effectiveness.

12. RACES stations could only be used for civil defense emergency communications, including real emergencies and up to one hour per week for drills and tests. If it is desired to use the same equipment for other types of amateur communication, it could also be licensed as an amateur radio station by a club or individual. With regard to call signs for RACES stations, we believe the comments of the ARRL to be appropriate:

> * * * Section 97.213 now provides for the assignment of "tactical or secret call signs by the Commission or by competent civil defense authority" and for their use if properly registered with the civil defense radio officer and, except in time of "actual or threatened conditions which appear to jeopardize the defense or security of the United States," if properly registered with the Commission. With the shift in the role of civil defense over the years, with less emphasis on enemy threats and attacks and more emphasis on natural and man caused disasters, the need for tactical and secret call signs has greatly diminished. Recognition of emergency operations and identifications of stations participating in RACES is most desirable, particularly if the self-policing practices of amateurs are to be effective in minimizing unintentional interference from nonparticipating stations. Inasmuch as most RACES communications are in voice, a simple means of identifying a station as engaged in RACES operations is desirable.

Therefore, we are proposing to assign the same distinctive two letter call sign prefix to all RACES stations to facilitate rapid identification as a RACES station, so as to help alert other amateurs of the presence of an emergency situation. Even RACES repeater stations, control stations, and auxiliary link stations would all have this same distinctive prefix, and would also have a distinctive suffix. For instance, all RACES stations could be assigned the same prefix WC. Additionally, a RACES repeater station could have a suffix beginning with the letter *R* (Example: WC4RAA). All other amateur radio stations would use their regular assigned call when participating in civil defense communication.

13. An application for a RACES station would be submitted on the FCC Form 610–B, in a fashion similar to an application for a military recreation station. The applicant could be any state, regional, or local civil defense organization. The application would be signed by the responsible civil defense official for that organization and countersigned by the responsible official for the governmental entity served by the organization. This should provide a far greater degree of flexibility for civil defense organizations wishing to use the services of RACES, and at the same time reduce our application processing workload.

14. The problem of remotely controlling a RACES station using the frequency band 220–225 MHz will be solved by this approach since other frequencies, such as 420–450 MHz, can be used during all but War Emergency Powers periods. The use

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[1] Article 1, Terms and Definitions 78, Radio Regulations.

[2] Section 97.163(a), *Definitions*, Radio Amateur Civil Emergency Service.

[3] *National Traffic System:* An ARRL organization of amateur traffic networks designed to move messages through a planned series of relays and liaisons.

of non-amateur facilities for remote control can be considered on a case-by-case basis similar to the use of a public telephone system in a wire line control link.

15. Authority for the proposed rule changes herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before September 25, 1974 and reply comments on or before October 10, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

17. In accordance with the provision of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

18. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: June 12, 1974.

Released: June 17, 1974.

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

Subpart F—Radio Amateur Civil Emergency Service (RACES)

GENERAL

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STATION AUTHORIZATIONS

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Subpart F—Radio Amateur Civil Emergency Service (RACES)

GENERAL

§ 97.161 Basis and purpose.

The Radio Amateur Civil Emergency Service provides for amateur radio operation for civil defense communications purposes only, during periods of local, regional or national civil emergencies, including any emergency which may necessitate invoking of the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended.

§ 97.163 Definitions.

For the purposes of this subpart, the following definitions are applicable:

(a) *Radio Amateur Civil Emergency Service.* A radiocommunication service conducted by volunteer licensed amateur radio operators, for providing emergency radiocommunications to local, regional, or state civil defense organizations.

(b) *RACES station.* An amateur radio station licensed to a civil defense organization, at a specific land location, for the purpose of providing the facilities for amateur radio operators to conduct amateur radiocommunications in the Radio Amateur Civil Emergency Service.

§ 97.165 Applicability of rules.

In all cases not specifically covered by the provisions contained in this subpart, amateur radio stations and RACES stations shall be governed by the provisions of the rules governing amateur radio stations and operators (Subparts A through E of this part).

STATION AUTHORIZATIONS

§ 97.169 Station license required.

No transmitting station shall be operated in the Radio Amateur Civil Emergency Service unless:

(a) The station is licensed as a RACES station by the Federal Communications Commission, or

(b) The station is an amateur radio station licensed by the Federal Communications Commission, and is certified by the responsible civil defense organization as registered with that organization.

§ 97.171 Eligibility for RACES station license.

A RACES station will only be licensed to a local, regional or state civil defense organization.

§ 97.173 Application for RACES station license.

(a) Each application for a RACES station license shall be made on the FCC Form 610–B.

(b) The application shall be signed by the civil defense official responsible for the coordination of all civil defense activities in the area concerned.

(c) The application shall be countersigned by the responsible official for the governmental entity served by the civil defense organization.

(d) If the application is for a RACES station to be in any special manner covered in § 97.41, all of the showings as specified in § 97.41 for non-RACES stations, shall also be submitted.

§ 97.175 Amateur radio station registration in civil defense organization.

No amateur radio station shall be operated in the Radio Amateur Civil Emergency Service unless it is certified as registered in a civil defense organization, by that organization.

OPERATING REQUIREMENTS

§ 97.177 Operator requirements.

No person shall be the control operator of a RACES station, or shall be the control operator of an amateur radio station conducting communications in the Radio Amateur Civil Emergency Service unless (a) that person holds a valid amateur radio operator license, and (b) that person is certified as enrolled in a civil defense organization, by that organization.

§ 97.179 Operator privileges.

Operator privileges in the Radio Amateur Civil Emergency Service are dependent upon, and identical to, those for the class of operator license held in the Amateur Radio Service.

§ 97.181 Availability of RACES station license and operator licenses.

(a) The original license of each RACES station, or a photocopy thereof, shall be attached to each transmitter of such station, and at each control point of such station. Whenever a photocopy of the RACES station license is utilized in compliance with this requirement, the original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and request has been made for a duplicate license in accordance with § 97.57.

(b) In addition to the operator license availability requirements of § 97.83, a photocopy of the control operator's amateur radio operator license shall be posted at a conspicuous place at the control point for the RACES station.

TECHNICAL REQUIREMENTS

§ 97.185 Frequencies available.

(a) All of the authorized frequencies and emissions allocated to the Amateur Radio Service are also available to the Radio Amateur Civil Emergency Service on a shared basis.

(b) In the event of any emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended, unless modified or otherwise directed, RACES stations and amateur radio stations participating in RACES will be limited in operation to the following:

FREQUENCY OR FREQUENCY BANDS

kHz	*Limitations (see paragraph (c))*
1800–1825	1
1975–2000	1
3515–3550	2, 4
3984–4000, 3997	3
7097–7103	4
7103–7125	2, 4
7245–7255	2, 4
14047–14053	4
14220–14230	2, 4
21047–21053	4

MHz	Limitations (see paragraph (c))
28.55–28.75, 29.45–29.65, 50.35–50.75, 53.30	3
53.35–53.75	
145.17–145.71	
146.79–147.33	
220–225	

(c) Limitations:

(1) Use of frequencies in the band 1800–2000 kHz is subject to the priority of the Loran system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 97.61 of the rules governing amateur radio stations and operators (Subparts A through E of this part).

(2) The availability of the frequency bands 3516–3550 kHz, 7103–7125 kHz, 7245–7247 kHz, 7253–7255 kHz, 14220–14222 kHz and 14228–14230 kHz for use during periods of actual civil defense emergency is limited to the initial 30 days of such emergency, unless otherwise ordered by the Commission.

(3) For use in emergency areas when required to make initial contact with military units; also, for communication with military stations on matters requiring coordination.

(4) For use by all authorized stations only in the continental United States, except that, the bands 7245–7255 and 14.220–14.230 kHz are also available in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

USE OF STATIONS

§ 97.189 Points of communications.

(a) RACES stations may only be used to communicate with:

(1) Other RACES stations.

(2) Amateur radio stations certified as being registered with a civil defense organization, by that organization.

(3) Stations in the Disaster Communications Service.

(4) Stations of the United States Government authorized by the responsible agency to exchange communications with RACES stations.

(5) Any other station in any other service regulated by the Federal Communications Commission, whenever such station is authorized by the Commission to exchange communications with stations in the Radio Amateur Civil Emergency Service.

(b) Amateur Radio Stations registered with a civil defense organization may only be used to communicate with:

(1) RACES stations licensed to the civil defense organizations with which the amateur radio station is registered.

(2) Any of the following stations upon authorization of the responsible civil defense official for the organization in which the amateur radio station is registered:

(i) Any RACES station licensed to other civil defense organizations.

(ii) Amateur radio stations registered with the same or another civil defense organization.

(iii) Stations in the Disaster Communications Service.

(iv) Stations of the United States Government authorized by the responsible agency to exchange communications with RACES stations.

(v) Any other station in any other service regulated by the Federal Communications Commission, whenever such station is authorized by the Commission to exchange communications with stations in the Radio Amateur Civil Emergency Service.

§ 97.191 Permissible communications.

All communications in the Radio Amateur Civil Emergency Service must be specifically authorized by the civil defense organization for the area served. Stations in this service may transmit only civil defense communications of the following types:

(a) Communications concerning impending or actual conditions jeopardizing the public safety, or affecting the national defense or security during periods of local, regional civil emergencies:

(1) Communications directly concerning the immediate safety of life or individuals, the immediate protection of property, maintenance of law and order, alleviation of human suffering and need, and the combating of armed attack or sabotage.

(2) Communications directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or that of other authorized governmental or relief agencies.

(b) Communications for training drills and tests necessary to insure the establishment and maintenance of orderly and efficient operation of the Radio Amateur Civil Emergency Service as ordered by the responsible civil defense organization served. Such tests and drills may not exceed a total time of one hour per week.

(c) Brief one way transmissions for the testing and adjustment of equipment.

§ 97.193 Limitations on the use of RACES stations.

(a) No station in the Radio Amateur Civil Emergency Service shall be used to transmit or to receive messages for hire, nor for communications for material compensation, direct or indirect, paid or promised.

(b) All messages which are transmitted in connection with drills and tests shall be clearly identified as such by use of the words "drill" or "test", as appropriate, in the body of the messages.

[FR Doc.74-14287 Filed 6-20-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 74-517]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Statement of Policy Regarding Branch and Mobile Facilities

JUNE 5, 1974.

The Federal Home Loan Bank Board considers it desirable to propose amendments to its statement of policy on approval of applications by Federal savings and loan associations for branch offices and mobile facilities contained in § 556.5 (b)(3) of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5(b)(3)).

Section 556.5(b)(3) provides that it is the Board's general policy to consider an application by a Federal association for permission to establish or maintain a branch office or a mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office. Section 556.5(b)(3) also sets forth certain exceptions to this general policy. Under subdivision (i) of § 556.5(b)(3), the Board will consider an application by a Federal association whose home office is located in Alaska, Hawaii, or Puerto Rico for permission to establish or maintain a branch office or mobile facility beyond 100 miles from the association's home office. The Board proposes to add the Virgin Islands to this list of jurisdictions.

Second, the Board proposes to permit consideration of applications by Federal associations for permission to establish branch offices or mobile facilities in a State without regard to the 100 mile geographical limitation if the Board determines that at the time the application is filed the total assets of Federal associations with home offices located in such State are 90 percent or more of the combined assets of all offices in such State of institutions insured by the Federal Savings and Loan Insurance Corporation and mutual savings banks insured by the Federal Deposit Insurance Corporation.

Presently, the Board will permit consideration of applications for permission to establish branch offices or mobile facilities without regard to the 100 mile geographic limitation if the Board determines that the State in which the home office of the applicant's Federal association is located permits State-chartered savings and loan associations, savings banks, or similar institutions or commercial banks to establish branch offices or mobile facilities beyond 100 miles from their home offices. The Board proposes to extend this exception to the 100 mile geographical limitation in two respects. The Board would permit consideration of applications for permission to establish branch offices or mobile facilities in a State without regard to the 100 mile geographical limitation if the Board determines that such State as a general policy permits (1) a bank holding company through acquisition of a *de novo* charter to have an office of a subsidiary insured by the Federal Deposit Insurance Corporation located more than 100 miles from the corporate headquarters of such holding company located in such State, or (2) a bank holding company or a savings and loan holding company subsidiary which is insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation to establish *de novo* branch offices or mobile facilities more than 100 miles from the corporate headquarters of such holding company located in such State.

Accordingly, the Board hereby proposes to amend § 556.5(b)(3) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C., 20552 by July 15, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.* * * *

(3) It is the Board's general policy to consider an application by such an association for permission to establish or maintain a branch office or mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office unless (i) the association's home office is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands, (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition, or (iii) such application is by a Federal association which has converted (or is in the process of converting) from a State-chartered association for permission to upgrade an office facility, which is located outside the State in which the applicant's home office is located but inside the applicant's regular lending area as prescribed in § 545.6–6 of this subchapter, to the status of a branch office located at or in the same vicinity as such existing office facility is located. However, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in a State without regard to the 100-mile geographical limitation contained in the preceding sentence if the Board determines that:

(*a*) Such State permits State-chartered savings and loan associations, savings banks, or similar institutions or commercial banks to establish branch offices or mobile facilities beyond 100 miles from their home offices;

(*b*) The total assets of Federal associations with home offices located in such State are 90 percent or more of the combined assets of all offices in such State of institutions insured by the Federal Savings and Loan Insurance Corporation and mutual savings banks insured by the Federal Deposit Insurance Corporation; or

(*c*) Such State as a general policy permits (*1*) a bank holding company through acquisition of a *de novo* charter to have an office of a subsidiary insured by the Federal Deposit Insurance Corporation located more than 100 miles from the corporate headquarters of such holding company located in such State or (2) a bank holding company or a savings and loan holding company subsidiary which is insured by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation to establish *de novo* branch offices or mobile facilities more than 100 miles from the corporate headquarters of such holding company located in such State.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-14293 Filed 6-20-74;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–150]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in Room 1207 in the Department of State, 2201 C Street, NW, Washington, D.C., from 9:30 a.m. to 4:30 p.m. on July 18, 1974.

The Committee will discuss U.S. Information Agency book exhibits abroad and the UNESCO seminar on promotion of reading habits.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: 632–2841.

Dated: June 17, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74–14259 Filed 6–20–74;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

NON-POWERED HAND TOOLS FROM JAPAN

Determination of Sales at Less Than Fair Value

JUNE 17, 1974.

Information was received on August 20, 1973, that non-powered hand tools from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER on March 25, 1974 (39 FR 11122).

I hereby determine that for the reasons stated below non-powered hand tools from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the U.S. Customs Service reveals that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of either an ex-godown port of lading, Japan, unit price to the United States or a c.i.f. or C&F unit price to the United States, as appropriate, with deductions for inland freight, where the price was ex-godown port of lading, Japan, and with deductions for inland freight, ocean freight, insurance, clearance and brokerage charges, and discount, where appropriate, where the price was c.i.f. or C&F U.S. port of destination.

Exporter's sales price was calculated on the basis of the sales price by the United States importer to unrelated purchasers in the United States, with deductions for foreign inland freight, ocean freight, insurance, brokerage charges, U.S. duty, bank charges, U.S. inland freight, U.S. insurance, distributors discounts, cash discounts, and selling expenses.

Home market price was calculated on the basis of a weighted-average delivered price, with a deduction for inland freight. Adjustments were made for packing, interest, advertising, trade discounts, commission, differences in the merchandise compared, and for differences in the applicable rate of currency exchange, where appropriate.

Using the above criteria, purchase price and exporter's sales price were found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–14208 Filed 6–20–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Power Site Cancellation 326]

YUBA RIVER BASIN, CALIFORNIA

Cancellation of Power Site Classification; Correction

In FEDERAL REGISTER Document 74–12709 appearing on page 19791 in the issue of Tuesday, June 4, 1974, the first paragraph should be changed to read as follows:

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 28 of April 22, 1922, is hereby cancelled to the extent that it affects the following described land:

Dated: June 14, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74–14261 Filed 6–20–74;8:45 am]

Office of the Secretary

GARY E. ADAMS

Statement of Financial Interest

MAY 1, 1974.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

NAME OF APPOINTEE

Gary E. Adams.

NAME OF EMPLOYING AGENCY

Department of the Interior.
Defense Electric Power Administration.

THE TITLE OF THE APPOINTEE'S POSITION

Deputy Director, DEPA Area 11.

THE NAME OF THE APPOINTEE'S PRIVATE EMPLOYER OR EMPLOYERS

Utah Power and Light Company.

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 1, 1974, as Deputy Director, Area 11, Defense Electric Power Administration, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Utah Power & Light Co.—Stock & Other.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: May 28, 1974.

GARY E. ADAMS.

[FR Doc.74–14138 Filed 6–19–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY

Notice of Reestablishment

The Secretary of Agriculture proposes to re-establish the Advisory Committee on State and Private Forestry for a two-year period. The committee serves an important function by involving the public early in the process of cooperative forestry program formulation and policy development. It has strengthened and improved communication between the public and the Department on these matters. This committee meets at least annually to provide advice to the Department of Agriculture and the Forest Service on the protection, management, and development of the Nation's non-Federal forest land and resources. Committee members provide a valuable source of advice and counsel on national forestry needs and opportunities. Emphasis must be given to increasing the production from the Nation's State and private forests which are growing in importance as sources of meeting future timber, water, wildlife, and other public benefits.

The 15 members of the committee will be selected by the Secretary of Agriculture. They will represent a broad spectrum of geographic areas and interests, including conservation associations and organizations, consultant foresters, small and large forest industries, minority and women's groups, agriculture and forestry educators, and forest landowners.

Comments on re-establishing this committee should be submitted to John R. McGuire, Chief, Forest Service, U.S. Department of Agriculture, ATTN: 3000, 14th & Independence, SW, Washington, D.C. 20250, by July 8, 1974.

This notice is given in compliance with Public Law 92-463.

JOSEPH R. WRIGHT,
Assistant Secretary for Administration.

JUNE 14, 1974.

[FR Doc.74-14297 Filed 6-20-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INDUSTRY POLICY ADVISORY COMMITTEE FOR MULTILATERAL TRADE NEGOTIATIONS

Cancellation of Meeting

A meeting of the Industry Policy Advisory Committee for Multilateral Trade Negotiations scheduled for 2 p.m., Tuesday, June 25, 1974, in Room 4830, U.S. Department of Commerce, 14th and E Streets, NW., Washington, D.C. has been cancelled. A notice of meeting was published in the issue of June 10, 1974 (39 FR 20406).

Dated: June 18, 1974.

FOREST E. ABBUHL,
Director, Office of International Trade Policy.

[FR Doc.74-14373 Filed 6-20-74;8:45 am]

National Oceanic and Atmospheric Administration

COOS BAY, OREGON, SOUTH SLOUGH

Availability of Final Environmental Impact Statement

The Department of Commerce wishes to advise of the release and availability of the Final Environmental Impact Statement for the Proposed Estuarine Sanctuary Grant Award for South Slough, Coos Bay, Oregon pursuant to section 312 of the Coastal Zone Management Act of 1972, Public Law 92-583. Interested parties may request copies from the:

Office of Coastal Zone Management
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Rockville, Maryland 20852
(301) 496-8821

Having found the proposed action favorable and having received a minimum of adverse comment on the proposed action, the Department has asked that the 30 day period for review of the final Statement be waived in order that action might be taken promptly.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.74-14468 Filed 6-20-74;11:43 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Notice is hereby given that the following delegations of authority have been made under Section 412 of P.L. 92-255, Drug Abuse Office and Treatment Act of 1972:

1. Delegation from the Secretary to the Assistant Secretary for Health of the authority and responsibility to supervise the operations related to the National Drug Abuse Training Center which was established by Public Law 92-255, Drug Abuse Office and Treatment Act of 1972. This authority was transferred to the Secretary by the Director, Special Action Office for Drug Abuse Prevention on December 28, 1973.

Section 412 of Public Law 92-255 requires that the authority and responsibility for supervising the operation of the National Drug Abuse Training Center be exercised by the National Institute on Drug Abuse. In accordance with the law, this authority shall be redelegated to the Director of the National Institute on Drug Abuse not later than December 31, 1974.

2. Delegation of the above authority from the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration with the stipulation that Section 412 of Public Law 92-255 requires the authority and responsibility for supervising the operation of the National Drug Abuse Training Center be exercised by the National Institute on Drug Abuse. In accordance with the law, this authority shall be redelegated to the Director of the National Institute on Drug Abuse not later than December 31, 1974.

Dated June 17, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-14250 Filed 6-20-74;8:45 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Invitation for Comments, Views, or Suggestions

The Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act as amended, is charged with conducting a review of the social security program. The Council's report is due by January 1, 1975.

In order to provide an opportunity for individuals and groups outside the Federal Government who wish to have their interest in the social security program taken into account by the Council, the Council invites the submission of written comments, views, or suggestions.

Responses will be brought to the attention of the Council in the order in which they are received. Because of the limited time available for the Council to complete its work, earlier responses are more likely to be afforded full review. Views should be submitted within 90 calendar days from the date of this notice.

Responses should be sent to John Trout, Executive Secretary, Advisory Council on Social Security, Room 440, Altmeyer Building, Social Security Administration, Baltimore, Maryland 21235.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807, Social Security Programs)

Dated: June 14, 1974.

JOHN TROUT,
Executive Secretary, Advisory Council on Social Security.

[FR Doc.74-14292 Filed 6-20-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

NEW YORK FLIGHT SERVICE STATION/INTERNATIONAL FLIGHT SERVICE STATION, ISLIP MAC ARTHUR AIRPORT, ISLIP, N.Y.

Notice of Consolidation

Notice is hereby given that the International Flight Service Station at John F. Kennedy International Airport, Jamaica, New York, will be combined with the Flight Service Station at Islip MacArthur Airport, Islip, New York. It will be known as the New York Flight Service Station/International Flight Service Station and will be in operation 24 hours, daily. It will provide both domestic and international services to the aviation public. Consolidation will be effected on or about June 24, 1974. Communications to the new facility should be addressed as

New York Flight Service Station/International Flight Service Station
Department of Transportation
Federal Aviation Administration
Islip MacArthur Airport
Ronkonkoma, New York 11779

Issued in New York, N.Y., on May 16, 1974.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.74-14218 Filed 6-20-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON PILGRIM STATION, UNIT 1

Notice of Meeting

JUNE 19, 1974.

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Pilgrim Station, Unit 1 will hold a meeting on July 9, 1974 in Room 1046 at 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the significance of indicated discontinuities in nozzle-to-vessel welds on the reactor pressure vessel of this plant.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, July 9, 1974, 11:30 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Boston Edison Company and will hold discussions with these groups pertinent to its review of matters related to indications of discontinuities in nozzle-to-vessel welds on the reactor pressure vessel of Pilgrim Station, Unit 1.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 10:30 a.m. and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with respesentatives of the Regulatory Staff and Licensee for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions 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 closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue intereference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or sched-

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 July 2, 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 the subject matter of the Licensee's letter of April 24, 1974 to the U.S. Atomic Energy Commission 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 at the Plymouth Public Library, North Street, Plymouth, Mass. 02360.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statement 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 1:30 p.m. and 3:30 p.m. on July 9, 1974.

(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 July 8, 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., Eastern Daylight Time.

(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 portion of the meeting will be available for inspection on or after July 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately nine days at the Plymouth Public Library, North Street, Plymouth, Massachusetts 02360. 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 September 9, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-14383 Filed 6-20-74;8:45 am]

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING & POWER CO.

Reconstitution of Board

In the matter of Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Units 1 & 2).

By notice dated June 7, 1974, Frederic J. Coufal, Esq., was appointed Chairman of the Atomic Safety and Licensing Board established to consider the above applications in place of Elizabeth S. Bowers, Esq., who, because of schedule conflicts, was unable to continue in her duties as Chairman of this Board.

Michael Glaser, Esq., who was the originally designated Alternate Chairman, is unable, because of schedule conflicts, to continue service on this Board.

Dr. Stuart G. Forbes, who was the originally designated technical Alternate, has retired from the Atomic Safety and Licensing Board Panel.

Dated at Bethesda, Md. this 18th day of June 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-14224 Filed 6-20-74;8:45 am]

[Dockets Nos. 50-477A, 50-478A]

PUBLIC SERVICE ELECTRIC & GAS, ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended a letter of advice from the Attorney General of the United States, dated June 7, 1974, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by July 22, 1974, either (1) by delivery to the AEC Public Document Room at 1717 H Street, N.W., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

In the matter of Public Service Electric and Gas, Jersey Central Power and Light, and Atlantic City Electric Company; Atlantic Generating Station, Units 1 and 2 (Docket Nos. 50-477A and 50-478A).

JUNE 7, 1974.

Dear Mr. Shapar:

You have requested our advice pursuant to the provisions of section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

THE FACILITY

Atlantic Generating Station is proposed to be two floating nuclear power plants located in the Atlantic Ocean 2.8 miles off the New Jersey coastline, each with a net electrical output of 1150 megawatts (mw). Unit No. 1 is scheduled to begin operation in 1980, with Unit No. 2 coming on line the following year. The total cost of this project is estimated at more than $1 billion. Public Service Electric and Gas (PSE&G) will have an eighty percent interest in the plant; the remaining twenty percent of ownership and output will be shared equally by Atlantic City Electric Company and Jersey Central Power and Light Company, a subsidiary of General Public Utilities. PSE&G will construct and operate the facility.

THE APPLICANTS

Public Service Electric and Gas. PSE&G, headquartered in Newark, New Jersey, is the largest utility in the State of New Jersey and one of the largest in the nation, with a 1973 peak load of 6816 mw. It provides retail electric service in 223 municipalities, which together have a population of nearly 5 million. PSE&G's dependable capacity as of November 1, 1973, exceeded 8300 mw, which allowed for the maintenance of a minimum reserve level of 20%. Its transmission system consists of 2200 miles of transmission lines and 13,000 miles of distribution line. PSE&G is the largest signatory to the PJM Interconnection Agreement, pursuant to which it is interconnected with Philadelphia Electric Company, Pennsylvania Power and Light, Jersey Central Power and Light, and Atlantic City Electric Company. The arrangements for system operations and for exchange of power among PJM companies are set forth in detail in the Federal Power Commission's *1970 National Power Survey*, Part II, pages II-1-77-81. PSE&G is also interconnected with Consolidated Edison of New York and Orange and Rockland Utilities, a New York corporation serving in New Jersey through its subsidiary, Rockland Electric Company.

PSE&G serves two cities at wholesale: South River with a population of 17,000 and Milltown with a population of 6,400. No rural electric cooperative serves in areas adjacent to those served by PSE&G.

While PSE&G has a total monopoly of generation and transmission in its area, we have no evidence that it has used its market power to discourage actual or potential competition. PSE&G and the Atlantic City Electric Company (ACEC) did conduct discussions concerning the possible merger of these two companies, but they have been discontinued. Subsequently, PSE&G offered ACEC an opportunity to participate in construction of this nuclear unit, which ACEC has accepted. PSE&G's two wholesale customers have expressed no interest in participating in this unit and have not advised the Department that there are any antitrust problems associated with the licensing of this unit.

Jersey Central Power and Light Company (JCP&L). Jersey Central Power and Light, headquartered in Morristown, New Jersey, is the second largest utility in the state with a 1973 peak load of 2456 mw and serving nearly 600,000 customers. It is a wholly owned subsidiary of General Public Utilities Corporation, a registered public utility holding company. The three GPU subsidiaries (JCP&L, Metropolitan Edison Company and Pennsylvania Electric Company) are closely interconnected and coordinated in operation. Indeed, for purposes of the PJM Interconnection, the GPU subsidiaries are treated as a single system. JCP&L, with a dependable capacity of 2284 mw and 714 miles of high-voltage and extra-high-voltage transmission, is interconnected with other members of the GPU system and other signatories to the PJM Interconnection. JCP&L serves at wholesale five municipalities and the Sussex Rural Electric Cooperative. Sussex is a member of Allegheny Electric Cooperative, a generation and transmission cooperative composed of Sussex, and thirteen distribution cooperatives operating in Pennsylvania. None of these entities are seeking participation in the Atlantic Generating Station. As we previously informed you in our letter to you dated September 29, 1971, Allegheny Electric Cooperative has sought participation in JCP&L's Forked River Unit. We have recently been assured by both counsel for JCP&L and Allegheny that agreement in principle has been reached which will allow Allegheny to purchase an undivided tenancy in common ownership participation share in the Forked River station, along with associated transmission backup and certain other services.

Atlantic City Electric Company. ACEC, with a peak load of 1097 mw, is the smallest of the three participants in this nuclear unit. It serves over 300,000 customers in southern New Jersey. ACEC is a member of the PJM Interconnection and, pursuant to this agreement, is interconnected with PSE&G, Philadelphia Electric Company, and Delmarva Power & Light Co. ACEC also sells emergency power and economy energy to the City of Vineland, a municipally owned system adjacent to ACEC's service area which generates its own power requirements. ACEC offered an ownership share in the Atlantic Generating Station to the City of Vineland, but because of legal limitations on the city's financing capability, Vineland could not accept the offer. ACEC has no full or partial requirements wholesale customers.

CONCLUSION

As noted above, Applicants are the dominant bulk power suppliers in the State of New Jersey. However, there is no evidence that any of the three Applicants are currently exercising their market power to the detriment of competition. The Department has no present reason to believe that the Commission's licensing of these nuclear units would create or maintain a situation inconsistent with the antitrust laws. A hearing on this application would appear to be unnecessary.

[FR Doc.74-14223 Filed 6-20-74;8:45 am]

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Prehearing Conference

In the matter of Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2).

The Prehearing Conference previously scheduled for this "Section B" proceeding will be held commencing at 9:30 a.m. local time on Tuesday, July 9, 1974, at the U.S. Tax Court, Courtroom #1, 1111 Constitution Avenue NW., Washington, D.C.

The cardinal objective of this conference will be to determine a final schedule for all procedural dates leading towards the resolution of issues and the final disposition of the proceeding.

It is so ordered.

Issued at Bethesda, Maryland, this 18th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-14225 Filed 6-20-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24283, etc.; Order 74-6-18]

AIR CARRIER REORGANIZATION INVESTIGATION

Diversified Business Activities; Correction

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 4th day of June 1974.

The following change should be made in FR Doc. 74-13106, FEDERAL REGISTER, Vol. 39, page 20229, Column 1, paragraph 3, line 3, Friday, June 7, 1974:

On page 6, paragraph 1, line 2, the designation "Department of Transportation" should be revised to read "Department of Justice."

[SEAL] EDWIN Z. HOLLAND,
Secretary.

JUNE 11, 1974.

[FR Doc.74-14284 Filed 6-20-74;8:45 am]

[Docket No. 23080-2, Order 74-6-84]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Reclassifying Stations

Issued under delegated authority, June 14, 1974.

Order 71-2-92, dated February 22, 1971, and effective March 6, 1971, classified the stations for the purposes of the multielement service mail rate formulas applicable to the transportation of domestic priority and nonpriority mail. On May 16, 1974, the Board issued Order 74-5-82, directing all interested persons, and particularly the Postmaster General and all air carrier parties to this investigation to show cause why the Board should not put into effect the findings and conclusions concerning the reclassification of stations as proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party.[1]

In view of the fact that no notice of objection or answer to the order has been filed by any party, all parties have waived the right to a hearing and all other procedural steps short of a decision by the Board establishing the classification of stations as proposed in Order 74-5-82.

Subsequent to the issuance of Order 74-5-82, we found that Class Y points Annette, Alaska; Caracas, Venezuela; Kingston, and Montego Bay, Jamaica; and Santo Domingo, Dominican Republic, had been inadvertently omitted from Appendix No. 2. We intend by this order to add these points to that appendix.

Accordingly, pursuant to authority duly delegated by the Board in its regulations, 14 CFR 385.16(c),

It is ordered, That:

1. Effective May 25, 1974, Orders E-25610, 70-4-9 and 74-1-89 be amended, respectively, to reflect the classification standards set out in Order 74-5-82;

2. Appendix No. 2, attached to Order 74-5-82, shall be amended by adding to the Class Y stations: Annette, Alaska; Caracas, Venezuela; Kingston, and Montego Bay, Jamaica; and Santo Domingo, Dominican Republic;

3. The stations included in each of the station classifications shall be as specified in Appendix No. 2 to Order 74-5-82, as amended, provided that any station not listed in the Appendix No. 2, as amended, shall be classified as a Class Z station;

4. Effective May 25, 1974, the Appendix to Order 71-2-92 shall be superseded by Appendix No. 2 attached to Order 74-5-82, as amended, which is incorporated by reference herein; and

5. This order be served upon all parties to Docket 23080-2.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14282 Filed 6-20-74;8:45 am]

[Docket No. 23944]

SUPPLEMENTAL RENEWAL PROCEEDING

Notice of Postponement of Oral Argument

Upon consideration of the request of seven applicants and certain trunkline intervenors by letter dated June 13, 1974, the request of Bureau Counsel by letter dated June 14, 1974, and the opposition of Modern Air Transport, Inc., by letter dated June 17, 1974, notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in this proceeding, heretofore assigned to be held before the Board on July 11, 1974 (39 FR 20720, June 13, 1974), is postponed to September 18, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., June 18, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-14283 Filed 6-20-74;8:45 am]

[1] However, the National Air Transportation Associations (NATA) suggested that the Board include commuter air carrier traffic in the data base for determining the classification of stations. We believe the inclusion of such data is not administratively practical for this purpose, particularly since the benefits derived, if any, would be extremely minimal, and the current domestic service mail rates are established on a temporary basis.

CIVIL RIGHTS COMMISSION

DISTRICT OF COLUMBIA 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 District of Columbia Advisory Committee to this Commission will convene at 12 Noon on June 27, 1974, in Room 512 (Fifth Floor Conference Room), 1121 Vermont, NW, Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20425.

The purpose of this meeting shall be to conduct followup activities to the District of Columbia Advisory Committee's Seminar entitled "Overcoming Obstacles to Minority Enterprises."

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-14254 Filed 6-20-74;8:45 am]

OHIO 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 Ohio State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on June 29, 1974, in Sander Hall, University of Cincinnati, Cincinnati, Ohio 45221.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be to (1) discuss plans for the release of the Ohio SAC prison report and (2) plan new projects to be undertaken by the Ohio SAC during FY 1975.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-14253 Filed 6-20-74;8:45 am]

UTAH 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 fact-finding meeting of the Utah State Advisory Committee (SAC) to this Commission will convene at 8:30 a.m. on June 27, 1974, in the Moot Court Room, University of Utah, College of Law, Salt Lake City, Utah 84112.

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 Utah with special emphasis on credit availability to women in the State; 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 credit availability to women in the State of Utah; 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 credit availability to women in the State of Utah; and to related areas.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.74-14251 Filed 6-20-74;8:45 am]

UTAH 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 Utah State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on June 26, 1974, in the Governor's Board Room, Utah State Capitol Building, State Street, Salt Lake City, Utah 84114.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1926 Champa Street, Denver, Colorado 80202.

The purpose of this meeting shall be to finalize plans for the June 27 factfinding meeting on Credit Availability to Women.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee,
Management Officer.

[FR Doc.74-14252 Filed 6-20-74;8:45 am]

VIRGINIA 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 Virginia State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on June 27, 1974, at the John Marshall Hotel, Fifth and Franklin Streets, Richmond, Virginia 23213.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to begin plans for followup activities to the Virginia SAC report on judicial selection in the State.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.74-14255 Filed 6-20-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 16, 1974 and May 31, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: June 13, 1974.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between May 16, 1974, and May 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-61235-CA	Silver Basin winter sports development, Amador and El Dorado Counties, Calif.	ER-2	J
D-AFS-65093-OR	Timber management plan, Pinchot National Forest, Oreg.	LO-1	K
D-AFS-65095-MT	Cube Iron-Silcox planning unit, multiple-use plan, Montana.	ER-2	I
D-AFS-82086-MN	Cooperative spruce budworm suppression program, Minnesota.	LO-2	F
D-REA-08016-MS	Purvis generating plant units 1 and 2, 4 161 kV transmission lines, Lamar County, Purvis, Miss.	3	E
D-REA-08017-CO	Yampa projecct generating station, Colorado	ER-2	I
D-SCS-34110-AR	Cane Creek recreational development, R.C. & D. measure plan, Arkansas.	LO-2	G
D-SCS-36379-AR	Chicot watershed, Chicot County, Ark	ER-2	G
D-SCS-36395-OK	Lower Clear Boggy Creek watershed, Oklahoma	LO-1	G
Corps of Engineers:			
D-COE-07082-MN	Sherburne County, electrical generating plant, Minnesota.	ER-2	F
D-COE-32507-ME	Winter Harbor, small boat navigation project, Maine	LO-2	B
D-COE-34104-SC	Cooper River rediversion project, Charleston Harbor, S.C.	ER-2	E
D-COE-34114-TX	Aquilla Lake, Aquilla Creek, Tex	ER-2	G
D-COE-34116-OK	Operation and maintenance, Eufala Lake, Canadian River, Okla.	LO-2	G
D-COE-34120-AR	Dierks Lake, Slaine River, Ark	LO-2	G
D-COE-35115-OO	Operation and maintenance, dredging Upper Mississippi River, 9-ft channel, Minnesota and Iowa.	ER-2	F/H
D-COE-35121-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 11, Dubuque, Wis. and Iowa.	ER-3	F/H
D-COE-35122-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 12, Bellevue, Ill. and Iowa.	ER-3	F/H
D-COE-35123-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 13, Clinton, Ill. and Iowa.	ER-3	F/H
D-COE-35124-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 14, La Clarie, Ill. and Iowa.	ER-3	F/H
D-COE-35125-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 15, Davenport, Ill. and Iowa.	ER-3	F/H
D-COE-35126-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 16, Illinois and Iowa.	ER-3	F/H
D-COE-35127-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 17, Illinois and Iowa.	ER-3	F/H
D-COE-35128-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 18, Iowa and Illinois.	ER-3	F/H
D-COE-35129-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 19, Illinois and Iowa.	ER-3	F/H
D-COE-35130-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 20, Missouri and Illinois.	ER-3	F/H
D-COE-35131-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 21, Illinois and Iowa.	ER-3	F/H
D-COE-35132-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 22, Missouri and Illinois.	ER-3	F/H
D-COE-35135-WA	Maintenance and dredging, Blair Waterway, dredge spoil disposal repair and extension of east training wall of Puyallup River, Wash.	LO-2	K
D-COE-35139-TX	Lake Lavon project, East Fork, Trinity River, Tex	LO-2	G
D-COE-36372-OH	Muskingum River basin study, Ohio	ER-2	F
D-COE-36377-CA	Fairfield vicinity streams project, Solano County, Calif.	ER-2	J
D-COE-36387-WV	East Lynn Lake project, East Fork of Twelvepole Creek, Twelvepole Creek Basin, Wayne County, W .Va.	LO-1	D
D-COE-36390-WA	Mill Creek project, Walla Walla, Wash	LO-1	K
D-COE-39096-ID	Blackfoot Reservoir modification, Blackfoot River, Idaho.	ER-1	K
D-COE-39105-OK	Operation and maintenance program, Fort Gibson Lake, Tenkiller Ferry Lake, Okla.	LO-2	G
Department of Commerce:			
DR-NOA-86050-OO	50 CFR 216—Marine mammals—incidental taking	3	A
Federal Power Commission:			
DS-FPC-03047-IA	Dallas center storage project, Iowa	LO-2	H
Department of Defense:			
D-USN-10040-WA	Trident support site, Bangor, Kitsap County, Wash	ER-2	K
Department of Housing and Urban Development:			
D-HUD-89140-CA	Yerba Buena Center urban renewal, San Francisco, Calif.	ER-2	J
Department of the Interior:			
D-NPS-61244-FL	Proposed wildnerness plan, Everglades National Park, Fla.	LO-2	E
D-NPS-61245-KY	Mammoth Cave National Park, management, Kentucky.	LO-2	E
Interstate Commerce Commission:			
A-ICC-53032-OO	Ex parte 295, increased freight rates, recyclable commodities.	ER-2	A
Department of Transportation:			
D-FAA-51853-KY	Lebanon-Springfield Airport, Springfield, Ky	LO-2	E
D-FAA-51856-MI	Northeast, southwest runway, Mason County Airport, Mich.	LO-2	F
D-FHW-41464-NM	I-40 in Tijeras Canyon east of Albuquerque, Bernalillo County, N. Mex.	LO-2	G
D-FHW-42170-IL	I-55 Normal to Gardner, McLean, Livingston, and Grundy, Ill.	LO-2	F
DS-FHW-42177-KS	U.S. 36, Brown and Doniphan Counties, Kans	LO-1	H
D-FHW-42186-WI	West County line to East County line road, STH 21, Juneau County, Wis.	LO-2	F

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-42187-IA	Freeway 520, Delaware and Dubuque Counties, Iowa	LO-1	H
D-FHW-42189-ND	Project F-4-002(06)146, U.S. 2 & 83, Minot interchange, North Dakota.	ER-2	I
D-FHW-42207-OK	Cherokee Expressway U.S. 75 from Independence Street to Apache Street, Tulsa, Okla.	ER-2	G
D-FHW-42211-WI	Durand to Eau Clair Road State Highway 85, Dunn, Eau Clair County, Wis.	LO-2	F
D-FHW-42221-WA	U.S. 95 Bellgrove Geour d'Alene, Wash.	ER-2	K
D-FHW-42222-AL	Colbert and Lawrence Counties, County line to Red Bank, Ala.	LO-2	E
D-FHW-42224-SC	Horry County Multi-lane widening of South Carolina Route 9, South Carolina.	LO-2	E
D-FHW-42225-AL	Project S-122-2, improvement U.S. 80 from Demopolis to Faundale, Marengo and Hale Counties, Ala.	LO-2	E
D-FHW-42237-MS	Lowndes, Clay, Monroe, Lee Counties, Corridor route, Columbus to Shannon, Miss.	LO-2	E
D-FAA-51851-FL	Bay County Airport, Panama City, Fla.	LO-2	E

ERRATA.—The "general nature of comments" for the draft impact statement "D-AFS-65078-VA: Laurel Fork unit plan, George Washington and Monongahela National Forest, Va." is revised to read "LO-1" in lieu of "ER-2".

APPENDIX II—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—*Lack of objection.* EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—*Environmental reservations.* EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—*Environmentally unsatisfactory.* EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between May 16, 1974 and May 31, 1974.*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-61174-AZ	Madera Canyon Planning Unit, Coronado National Forest, Ariz.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-AFS-65063-CA	Stanislaus National Forest, timber management plan, California.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
Corps of Engineers:			
FS-COE-30052-PA	Trexler Lake, Jordan Creek, Lehigh County, Pa.	EPA reserved comment until the USGS flow study is completed and recommended that the COE delay the project until the study is made available for our review.	D
FS-COE-36232-VA	Four Mile Run flood protection, Arlington County, Va.	EPA had no objections to the project as proposed.	D
Department of Interior:			
F-NPS-61134-CA	Proposed Wilderness, Point Reyes National Seashore, Calif.	EPA had no objections to the project as proposed	J
Tennessee Valley Authority:			
FS-TVA-34121-TN	Duck River project, Tennessee.	EPA took exception to the TVA's failure to address several issues raised by EPA on the draft statement. Overall water quality would be degraded for most parameters with the exception of turbidity and feeal coli counts at the dam, in the reservoir, and just below the dam. If, however, the project were operated so that temperature and oxygen requirements were met, it appears that water quality standards would not be violated by construction of this project.	E
Department of Transportation:			
F-FHW-41996-CA	Expressway construction, on Route 395, Inyo County, Calif.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-FHW-42003-CA	State Route 99, SR 132 to 0.3 miles south of Pelandale Avenue, Stanislaus County, Calif.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J

Identifying No.	Title	General nature of comments	Source for copies of comments
F-FHW-42078-DE..	Ruthby road maintenance, New Castle County, Del.	EPA has no objections to the project as proposed.	D
F-FHW-41881-AZ...	McConnico-Kingman and Kingman interstate freeway, Mojave County, Ariz.	The final statement adequately assessed the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
FS-FHW-41796-LA.	State route 1 in White Castle, Iberville Parish, La.	EPA recommended that FHWA include other segments of highway under the air quality analysis to enable EPA to complete a thorough analysis of the air impacts.	G
FS-FHW-40191-LA.	Air quality analysis, SR 312, Sunshine Bridge, St. James Parish, La.	EPA recommended that FHWA follow PPM 90-7 procedures for this supplement to the final statement.	G
FS-FHW-40824-IA..	Freeway 520, Sioux City, Woodbury County, Iowa	EPA had no objections to the project as proposed.	H
F-FHW-41268-IL....	U.S. 6 Illinois 47, city of Morris, Grundy County, Ill.	EPA had no objections to the project as proposed.	F

APPENDIX IV.—*Regulations, legislation and other Federal agency actions for which comments were issued between May 16, 1974 and May 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Federal Power Commission:			
R-FPC-99086-00.....	18 CFR part 35—filing of rate design information notice of proposed rulemaking.	EPA supports the proposed amendment as an initial step in the reconsideration and reevaluation of the rationale underlying current rate designs. These designs now feature a decrease in cost per Btu as consumption increases, making it economical for consumers to use more electricity rather than less. The environmental impact of such a policy needs to receive closer attention, and we believe the proposed amendment will further that objective.	A
Department of Housing and Urban Development:			
R-HUD-86048-00...	24 CFR part 50—protection and enhancement of environmental quality, proposed departmental policies, responsibilities, and procedures.	The EPA review reflected that the proposed regulations will provide an adequate framework for preparing and processing environmental impact statements. EPA, however, made several comments for consideration in order to strengthen the regulations.	A

APPENDIX V—SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

B. Director of Public Affairs
Region I
Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203

C. Director of Public Affairs
Region II
Environmental Protection Agency
Room 847
26 Federal Plaza
New York, New York 10007

D. Director of Public Affairs
Region III
Environmental Protection Agency
Curtis Building, 6th and Walnut Streets
Philadelphia, Pennsylvania 19106

E. Director of Public Affairs
Region IV
Environmental Protection Agency
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1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

F. Director of Public Affairs
Region V
Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606

G. Director of Public Affairs
Region VI
Environmental Protection Agency
1600 Patterson Street
Dallas, Texas 75201

H. Director of Public Affairs
Region VII
Environmental Protection Agency
1735 Baltimore Street
Kansas City, Missouri 64108

I. Director of Public Affairs
Region VIII
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1860 Lincoln Street
Denver, Colorado 80203

J. Director of Public Affairs
Region IX
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San Francisco, California 94111

K. Director of Public Affairs
Region X
Environmental Protection Agency
1200 Sixth Avenue
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[FR Doc.74-14122 Filed 6-20-74;8:45 am]

[OPP-32000/71]

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, S.W., Washington, D.C. 20460.

On or before August 20, 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 August 20, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 10369–U. Antech Chemical Inc., 146 So. Main Street, Middleton, Massachusetts 01949. *Shock King.* Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9582–U. Associated Chemicals Corp., 231 Oak St., Quincy, Illinois 62301. *Sana-Klean Disinfectant Toilet Bowl Cleaner.* Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(d) of interim policy.

EPA File Symbol 3833–ER. Barnett Chemical Products Company, Inc., c/o Delsea Sanitation Co., 24 South 41st Street, Camden, New Jersey 08105. *Barnett Brand ULV–10.* Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 4.0%. Method of support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11556–4. Chemagro Division of Baychem Corporation, Box 4913, Kansas City, Missouri 64120. *Chemagro Co-Ral Animal Insecticide 1% Shaker Can.* Active Ingredients: *O,O*-Diethyl O-(3-chloro-4-methyl-2-oxo(2*H*)-1-benzoypyran-7-yl) phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125–122. Chemagro Division of Baychem Corporation, Box 4913, Kansas City, Missouri 64120. *Baygon Spray Concentrate Insecticide.* Active Ingredients: *o*-Isopropoxyphenyl methylcarbamate 17.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33464–R. A. Brown Exterminating Service and Supplies, 173 Utica Avenue, Brooklyn, New York 11213. *Brown's Stainless #319 Roach Spray.* Active Ingredients: Pyrethrins 0.5%; O,O,-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothiate 4.0%; Petroleum Distillate 15.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7273–RUR. Crown Chemicals, 4995 N. Main St., Rockford, Illinois 61101. *Flora Tox 2,4-D Amine Weed Killer.* Active Ingredients: Dimethylamine Salt of 2,4-dichlorophenoxyacetic Acid 49.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168–UOA. Wasatch Chemical Division, Entrada Industries, Inc. P.O. Box 6219, Salt Lake City, Utah 84106. *Morgso Zectran kills: Snails, Slugs, Lawn Moths, Pillbugs on Lawns, Turfs & Ground Covers.* Active Ingredients: 4-(dimethylamino)-3,5-xylyl methyl carbamate) 12.80%; Aromatic Petroleum Derivative Solven 10.00%; Petroleum Hydrocarbon Solvent 58.85%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–1707. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Malathion Sevin 4–5 Dust Insecticide Code 30888.* Active Ingredients: Malathion 4.00%; Carbaryl (1-naphthyl N-methyl carbamate) 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1990–364. Farmland Industries, Box 7305, Kansas City, Missouri 64116. *CO–OP Rabon Insecticide Livestock Dust.* Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 833–AI. Alex C. Fergusson Company, Spring Mill Drive, Frazer, Pennsylvania 19355. *Super Slash Concentrated Liquid Sanitizer-Detergent.* Active Ingredients: N-Alkyl (C14, C12, C16) Dimethyl Benzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 729–LU. Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pennsylvania 15230. *Gulf Spray Insect Repellent Formula 5.* Active Ingredients: N,N-diethyl-*m*-toluamide 6.65%; Other isomers 0.35%; N-octyl bicycloheptene dicarboximide 2.00%; 2,3:4,5-Bis(2-butylene) tetrahydro-2-furaldehyde 0.50%; Di-*n*-propyl isocinchomeronate 0.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 802–488. The Chas. H. Lilly Co., 109 S.E. Alder St., Portland, Oregon 97214. *Miller's Protect Roses—Flowers—Shrubs From Chewing and Sucking Insects.* Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxy-ethyl) phosphonate 18.0%; S-[2-(ethyl-sulfinyl) ethyl] *O,O*-Dimethyl phosphorothioate 6.0%; Xylene 36.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 802–351. The Chas. H. Lilly Co. *Miller's Slug, Snail & Insect Killer Bait.* Active Ingredients: Metaldehyde 2.0%; Carbaryl (1-naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. 802–1. The Chas. H. Lilly Co. *Miller's Liquid Lime Sulphur.* Active Ingredients: Calcium Polysulfide 29%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11540–T. Micro-Gen Equipment Corporation, 8127 Vidor Drive, San Antonio, Texas 78216. *Micro-Gen BP–300 G Insecticide.* Active Ingredients: Pyrethrins 3.00%; Piperonyl butoxide, technical 6.00%; N-octyl bicycloheptene dicarboximide 10.00%; Petroleum distillate 81.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–RNU. Moyer Chemical Company, P.O. Box 945, San Jose, California 95108. *Dox Bait No. 5.* Active Ingredients: O, O-dimethyl(2,2,2-trichloro-1-hydroxyethyl) phosphonate 5.0%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–361. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox HC Aerosol Concentrate—An Insecticide for Formulating Use.* Active Ingredients: Terpene Polychlorinates (66% Chlorine) 13.340%; Piperonyl Butoxide, Technical 5.330%; Pyrethrins 1.330%; Petroleum Distillates 76.501%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–337. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox Py-But-Carbamate Concentrate—An Insecticide Concentrate For Formulating Use.* Active Ingredients: o-Isopropoxyphenyl Methylcarbamate 10.00%; Pyrethrins 0.50%; Piperonyl Butoxide, Technical 4.00%; Petroleum Distillates 2.00%; 2-Butoxyethanol 82.86%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5576–EO. Regal Supply & Chemical, P.O. Box 1955, El Paso, Texas 79950. *Extermo-Cide.* Active Ingredients: (5-benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.330%; Related Compounds 0.046%; Aromatic Petroleum Hydrocarbon 0.436%; Petroleum Distillate 99.175%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1588–EI. Rochester Germicide Company, 333 Hollenbeck Street, P.O. Box 1515, Rochester, New York 14603. *Cinch Cleaner Disinfectant.* Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 0.096%; N-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 0.096%; Sodium Metasilicate 0.269%; Tetrasodium Ethylenediamine Tetraacetate 1.152%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 201–GAO. Shell Chemical Company, A Division of Shell Oil Company, Agricultural Division, Suite 200, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036. *Vendex 50 Wettable Powder Miticide.* Active Ingredients: Hexakis (beta, beta-dimethylphenethyl)-distannoxane 50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 25708–A. Shield Aerosol Company of California, P.O. Box F 486, Chino, California 91710. *Shield House Plant & Garden Spray.* Active Ingredients: Pyrethrins 0.026%; Piperonyl Butoxide, Technical 0.256%; Rotenone 0.128%; Other Cube Extractives 0.236%; Isothymoxychloroethyl Ether 0.313%; Petroleum Distillate 0.102%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5657-G. Sobin Chemicals, Inc., Sobin Park, Boston, Massachusetts 02210. *Chloropicrin A Herbicide—Fungicide For Formulation Use.* Active Ingredients: Chloropicrin 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 476-1198. Stauffer Chemical Company, Labeling & Registration Dept., 1200 South 47th Street, Richmond, California 94804. *Eptam 6-E.* Active Ingredients: S-ethyl dipropylthiocarbamate 76.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 675-16. National Laboratories, Lehn & Fink Industrial Products Division of Sterling Drug Inc., 225 Summit Avenue, Montvale, New Jersey 07645. *Tergisyl Detergent/Disinfectant.* Active Ingredents: Potassium O-Benzyl-p-Chlorophenate 7.450%; Tetrasodium ethylene diamine tetraacetate 1.970%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724-ELA. Thuron Industries, Inc., 12200 Denton Drive, Dallas, Texas 75234. *Thuron Tick Kill Collar for Dogs.* Active Ingredients: o-Isopropoxyphenyl methylcarbamate 9.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 400-103. Uniroyal Chemical, Amity Road, Bethany, Connecticut 06525. *Kylar-85, A Plant Growth Regulant.* Active Ingredients: Succinic acid 2,2-dimethylhydrazide 85.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1063-114. Valley Chemical Company, P.O. Box 1317, Greenville, Mississippi 38701. *Valco Brand Tox-A-Me 63 Combination Cotton Insecticide.* Active Ingredients: Toxaphene 53.15%; O,O-Dimethyl O-p-nitrophenyl thiophosphate 26.66%; Aromatic petroleum solvent 16.46%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 52-EGT. West Chemical Products, Inc., 42-16 West Street, New York, New York 11101. *Residol-Plus Pressurized Residual Spray Kills Cockroaches.* Active Ingredients: Petroleum Distillates 81.07%; o-Isopropoxyphenyl methylcarbamate 0.97%; Coconut Oil 0.49%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-13595 Filed 6-20-74;8:45 am]

IDENTIFICATION OF PRODUCTS AS MAJOR SOURCES OF NOISE

Publication of Report

As specified in the Noise Control Act of 1972 (Public Law 92-574, 86 Stat. 1234), the first step toward promulgation of noise standards for new products is identification of those products that are major sources of noise. Section 5(b) of the Act provides as follows:

> The Administrator shall, after consultation with appropriate Federal agencies, compile and publish a report or series of reports (1) identifying products (or classes of products) which in his judgment are major sources of noise, and (2) giving information on techniques for control of noise from such products, including available data on the technology, costs, and alternative methods of noise control. The first such report shall be published not later than eighteen months after the date of enactment of this Act.

Accordingly, this report is the initial identification of those products which in the judgment of the Administrator are major sources of noise. Additional products will be identified as major sources of noise in other reports that will be issued from time to time. In future identification of products as major sources of noise, those products listed in Table 2 are presently considered the principal candidates. However, the specific regulation of products in accordance with the Act will be based on further developments in the knowledge of health effects, number of people affected, and consideration of cost and technology factors which have a bearing on the feasibility of controls.

The Act does not provide a mechanism by which the Administrator shall identify products which are a major source of noise nor is there any one universally accepted method to determine which noise sources pose the most serious threat to public health and welfare. In the absence of a standard approach, an effort has been made in the identification process to take into account the many factors affecting public health and welfare. Ultimately, however, the indentification of major noise sources must be partly subjective. At this point, reliance on judgment was necessary, with the recognition that other reasonable approaches might exist. The identification of major sources of noise under section 5 is in addition to the regulation of in-use interstate rail carriers and motor carriers under sections 17 and 18 of the Act. A Notice of Proposed Rule Making has been published for motor carrier regulations and similar action is proceeding with respect to rail carrier regulations.

Factors affecting public health and welfare. Many factors together determine whether the sound emitted by a product will have a serious adverse effect on public health and welfare. These factors include the frequency characteristics of the products operating, the length of time each product operates, the proximity of people to the products, the time of day or other situational variables, the presence of other noise sources, and the degree to which the people exposed to the product can control the product and/or its sound emission.

Many attempts have been made to combine these factors into quantitative measures of noise in a way that can be directly related to human response. At the present time, the A-weighted scale is widely used to convert the sound pressure at different frequencies into one indicator of loudness known as the sound level (dB(A)).

The accumulated evidence of research indicates that human response to sound (hearing loss and annoyance) is a function of exposure to sound energy (frequently represented by sound level). Hearing loss or annoyance may occur either due to exposure to high sound levels for short periods (impulses) or due to exposure to moderate sound levels over long periods of time.

Two cumulative equivalent sound level measures have been developed to indicate a long-term hazard to public health and welfare. The first measure is the equivalent sound level (Leq), which is the constant sound level (dB(A)) that in a given situation and time period would convey the same sound energy as does the actual time-varying sound; Leq is used to indicate a long-term hazard to hearing. A variation of Leq, the day-night sound level (Ldn) is the equivalent sound level during a 24 hour period with a 10 dB(A) penalty added to events occurring at night to account for the increased annoyance; Ldn is used to indicate long-term annoyance. These measures are not the most appropriate to indicate health and welfare effects due to high level noise of short duration.

In situations where the effects of noise exposure are well represented by Leq and Ldn, the problem of identifying the major source(s) of the noise still remains. This task is not difficult in a given situation, but it is very difficult to do for the nation as a whole, since in different situations and in different geographic areas of the country, different products are the major source(s) of noise.

Since public health and welfare deals with populations, noisy products must be compared through an analysis of the size of the population affected and the way it is affected by their noise emissions. However, even when this is done, it is difficult to compare annoyance to hearing loss or to determine whether severely annoying a few people is more serious from a public health and welfare standpoint than slightly annoying a vast number of people.

General agreement exists that incidence of hearing loss is a more severe health and welfare effect than annoyance. However, the varying situations in which these effects occur make this generalization difficult to apply. Human exposure to products whose noise emissions are capable of causing hearing loss or annoyance may occur in occupational, recreational, or residential settings and such exposure may be to a greater or lesser degree a matter of personal choice. Evidence exists that noise exposure capable of causing hearing loss may not be annoying if the person exposed has some measure of control over the source of the noise. To give a specific example, it is difficult to determine whether the potential hearing loss associated with the use of a recreational vehicle is worse from the standpoint of public health and welfare than the annoyance and interference with activities associated with freeway noise.

Another situation is the case of products used in occupational settings, since they may be designed to be compatible with OSHA noise standards. Even if a product meets OSHA requirements, it may still be a major source of noise and may ultimately be so identified. In many cases the same product may be both a source capable of producing hearing loss and causing community annoyance. This

would simplify the identification dilemma except that efforts to quiet exterior (passby) noise on some products may actually intensify the sound level at the operator's ear.

Approach used by EPA to identify major sources of noise. In an effort to develop an EPA criteria for identifying products as major sources of noise, first priority has been given at this time to sources that contribute to community noise exposure. Community noise exposure is that exposure experienced by the community as a whole as a result of the operation of a product, as opposed to that exposure experienced by the users of the product. Ultimately, of course, noise that adversely affects public health and welfare in any setting must be controlled when this is technologically feasible and economically reasonable.

In this report, a two-step approach has been used to identify major sources of community noise. First, the Ldn index has been used to identify residential areas where a large number of people are exposed to high day-night sound levels. Then in these areas, major contributors to the cumulative day-night sound level have been identified as a major source of noise.

The day-night sound level (Ldn) has been specifically developed as a measure of community noise. Since it is a cumulative energy measure, it can be used to identify areas where noise sources operate continuously, or where sources operate intermittently but are present enough of the time to emit a great deal of sound energy in a 24 hour period.

A number of attempts have been made to estimate the daily exposure of people to various kinds of community noise. Table 1 summarizes the estimated number of people in residential areas subjected to urban traffic noise, aircraft noise, construction site noise, and freeway traffic noise at or above an outdoor Ldn of 60, 65, and 70 dBA.

EPA has identified an outdoor Ldn of 55 dBA as the day-night sound level requisite to protect the public from all long-term adverse public health and welfare effects in residential areas. Table 1 indicates that it will be necessary to quiet the major sources contributing to urban traffic noise, construction noise, freeway traffic noise, and aircraft noise if this level is to be achieved. In other situations, it will be necessary to quiet other products.

TABLE 1.—*Number of people subjected (millions)*

Outdoor L_{dn} level	Urban traffic noise	Aircraft noise	Construction site noise	Freeway noise
70 dB +	4-12	4-7	1-3	1-4
65 dB +	15-33	8-15	3-6	2-5
60 dB +	40-70	16-32	7-15	3-6

NOTE: Estimated number of people in residential areas subjected to noise of different kinds at or above specified day-night sound levels (outdoors).

Identification of major sources. Aircraft are a major source of noise and regulations for aircraft will be proposed to FAA as described in Section 7 of the Noise Control Act. Aircraft are, pursuant to section 3(3)(A), excluded as products under section 6 of the Act.

Section 6(a)(1)(C) sets out four categories of products that may be regulated by the Administrator for noise emissions:

(1) Construction equipment.

(2) Transportation equipment (including recreational vehicles and related equipment).

(3) Any motor or engine (including any equipment of which an engine or a motor is an integral part).

(4) Electrical or electronic equipment. Section 6(b) states that regulations may also be prescribed for products other than those indicated in section 6(a).

The newly-manufactured construction equipment and transportation equipment categories have been selected as first priority for regulatory attention because of the extensive community exposure to noise emanating from products in these categories.

Table 2 indicates both the typical sound level (dB(A)) associated with each product at fifty feet (Column 1) and the estimated total sound energy (Kwhr) emitted by all existing models of each product per day (Column 2). These measures are useful tools for evaluating the noise problem associated with the operation of certain products, but neither is sufficient to identify major sources because they do not take into account the situation in which the products operate.

TABLE 2

Transportation vehicles	Typical sound level dB(A) at 50 ft	Estimated total sound energy kWh/day
1. Trucks (medium and heavy over 10,000 No. GVWR)	84	5,800
2. Automobiles (sports, compacts)	75	1,150
3. Automobiles (passenger)	69	800
4. Trucks (light, pickup)	72	570
5. Motorcycles (highway)	82	325
6. Buses (city and school)	73	20
7. Buses (highway)	82	12
8. Snowmobiles	85	500
9. Motorcycle (off-road)	85	160

Construction equipment	Typical sound level dB(A) at 50 ft	Estimated total sound energy kWh/day
1. Dump truck	88	296
2. Portable air compressors	81	147
3. Concrete mixer (truck)	85	111
4. Jackhammer	88	84
5. Scraper	88	79
6. Dozer	87	78
7. Paver	89	75
8. Generator	76	65
9. Piledriver	101	62
10. Rock drill	98	53
11. Pump	76	47
12. Pneumatic tools	85	36
13. Backhoe	85	33

The sound level (dB(A)) at 50 feet is an indication of the perceived loudness at that distance from the product when it is operating. This measure suggests which products will be perceived as noisy by the community when they are operated alone. The daily total sound energy emission is useful because it is an aggregate measure that takes into account the sound energy emission rate of the product, the number of products operating, and the amount of time they are operated each day. Neither measure directly relates human exposure or response to the product's noise emissions; but when several products are operated in similar situations, these two measures serve to indicate which are the major sources of noise (i.e., it is possible to compare two pieces of construction equipment operating at the same site).

Transportation vehicles. Table 2 indicates that medium and heavy duty trucks contribute the most sound energy to the environment of any highway vehicle and that an individual truck will be perceived to be louder than most other transportation vehicles. These values are a composite of noise emitted in both urban traffic conditions and on freeways, and there can be little doubt that trucks are one of the major contributors to traffic noise.

Consequently, in accordance with section 5(b) of the Noise Control Act, this report identifies medium and heavy duty trucks having a gross vehicle weight rating (GVWR) in excess of 10,000 pounds as a major source of noise. GVWR means the value specified by the manufacturer as the loaded weight of a single vehicle.

Construction Equipment. Table 2 indicates that pile drivers and rock drills are perceived as the loudest pieces of construction equipment when they are operating, but the sound energy measure indicates that these products do not contribute as much sound energy to the environment as other products operating on construction sites. The fact that dump trucks, portable air compressors, and concrete mixers (trucks) have sound levels equal to or lower than other construction equipment, and higher total sound energy emissions means that these are the most widely used pieces of construction equipment.

A control technology report prepared for the Environmental Protection Agency on dump trucks and concrete mixers (Bolt, Beranek, and Newman, *Specialty Construction Trucks: Noise and Cost of Abatement*) indicates that their contribution to construction site noise is largely engine-related noise that will be controlled when these trucks meet the standards to be proposed for medium and heavy duty trucks. This leaves portable air compressors as the major source of sound energy and the most widely used product among pieces of construction equipment contributing to construction site noise.

Consequently, in accordance with section 5(b) of the Noise Control Act, this report identifies portable air compressors

rated above 75 cubic feet per minute as a major source of noise.

Preliminary information on the cost and technology of newly-manufactured medium and heavy duty trucks and portable air compressors is available for public inspection in the Environmental Protection Agency Freedom of Information Center, 401 M Street SW., Washington, D.C. Additional information, as prescribed in section 5(b)(2), will be published in advance of rulemaking.

This report on the Identification of Major Noise Sources is issued under the authority of section 5(b) of the Noise Control Act of 1972 (86 Stat. 1234, Public Law 92-574).

JOHN QUARLES,
Acting Administrator.

JUNE 19, 1974.

[FR Doc.74-14270 Filed 6-20-74;8:45 am]

SANDOZ-WANDER, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1506) has been filed by Sandoz-Wander, Inc., Post Office Box 1489, Homestead, FL 33030, proposing establishment of tolerances (40 CFR Part 180) for combined negligible residues of the herbicide norflurazon (4-chloro-5-(methylamino) - 2 - (α,α,α-trifluoro-*m*-tolyl) - 3(2*H*) - pyridazinone) and its desmethyl metabolite 4-chloro-5-(amino)-2-(α,α,α-trifluoro - *m* - tolyl)-3(2*H*)-pyridazinone in or on the raw agricultural commodities cottonseed and cranberries at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using an electron-capture detector.

Dated: June 14, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-14268 Filed 6-20-74;8:45 am]

TETRAETHYL PYROPHOSPHATE

Intent To Cancel Registration

This notice is a continuation of the Environmental Protection Agency's policy of canceling the registered uses for pesticide chemicals where available data do not meet present-day requirements.

In the FEDERAL REGISTER of August 30, 1972 (37 FR 17554), an interim tolerance was established for residues of the insecticide tetraethyl pyrophosphate in or on the raw agricultural commodity hops at 0.01 part per million.

The data submitted to support establishment of a permanent tolerance for residues of tetraethyl pyrophosphate in or on hops have been evaluated and found inadequate, and the interim tolerance has been revoked (39 FR 13970; April 19, 1974).

Therefore, in accordance with the provisions of section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 92-516 (86 Stat. 984), products containing tetraethyl pyrophosphate which bear directions for use on hops and which are registered under the Federal Insecticide, Fungicide, and Rodenticide Act are no longer considered to be in compliance with provisions of said act. The registration of such products will be canceled effective 30 days following the publication of this notice or from receipt by the registrant of a copy of this notice, whichever is later, unless other procedure is invoked as provided in section 6.

Dated: June 14, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-14269 Filed 6-20-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 705]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 17, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 be considered to be a newly filed application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business on 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 below 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.

[1] All applications listed below 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 below 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).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21367-C2-P-74, South Central Bell Tel. Co. (KKI448), C.P. to change antenna system at Loc. No. 1: 1.7 Miles NNE of Sweet Lake, Louisiana operating on 152.75 MHz (Base).

21537-C2-P-74, The Mountain States Tel. & Tel. Co. (KON914), C.P. to replace transmitter operating on test freq. 157.80 and 157.92 MHz located at 431 26th Street, Ogden, Utah.

21438-C2-P-74, The Pacific Telephone and Telegraph Company (KMA829), C.P. to replace base facilities operating at Loc. No. 2: 3848 7th Avenue, San Diego, California and Loc. No. 4: 8 Miles NE of San Diego Civic Center, Murray Lake Hill, California on freq. 152.51, 152.57, 152.63, 152.69 and 152.81; also to replace transmitters operating on test freq. 157.77, 157.83, 157.89, 157.95 and 158.07 MHz. at Loc. No. 2.

21539-C2-P-74, C & C Communications Company (NEW), C.P. for a new two-way station located at McFaden Park, Chehalis, Washington to operate on 152.21 MHz.

21450-C2-P-(2)-74, King Communications, Inc. Consent to Transfer of Control from Carl G. King, Sr., TRANSFEROR, to Carl G. King, Jr., TRANSFEREE. (KSV935—Carrolton Township, Michigan) (KQD310—Saginaw, Michigan).

21541-C2-P-74, C & C Communications Company (NEW), C.P. for a new one-way station located at McFaden Park, Chehalis, Washington to operate on 152.24 MHz.

21542-C2-P-74, General Telephone Company of Indiana, Inc. (KSJ815), C.P. to delete location No. 2: 3102 South Clinton Street, Fort Wayne, Indiana and Loc. No. 3: 4011 North Clinton Street, Fort Wayne, Indiana, also facilities operating at Loc. No. 1: 303 East Berry Street, Fort Wayne, Indiana on 35.22 MHz to be replaced by one-way facility 152.84 MHz at Loc. No. 1.

21543-C2-P-74, Gulf Central Communications & Electronics, Inc. (NEW), C.P. for a new one-way station located 5.8 miles Northwest of Kaplan, Louisiana to be operated on 158.70 MHz.

21544-C2-P-74, General Telephone Company of the Northwest, Inc. (NEW), C.P. for a new two-way station located 3.8 Miles S.E. of Moscow, Paradise Ridge, Idaho to operate on 152.81 MHz.

21545-C2-P-74, The Medical Dental Bureau, Inc. (KLF512), C.P. for additional facilities located at Mabel Street, Youngstown, Ohio to be operated on 454.05 MHz, 454.150 MHz and 454.300 MHz.

21546-C2-P-74, Caprock Radio Dispatch (KKJ449), C.P. for an additional transmitter site 1200 Feet South of Summit and 500 Feet West of Aspen Street, SW., Roswell, New Mexico to operate on 454.125 MHz and 454.275 MHz.

21547-C2-P-74, Central Radio Telephone (NEW), C.P. for a new 1-way station to be located at 500 University Avenue, Palo Alto, California to operate on 152.24 and 158.70 MHz.

21548–C2–P–74, Blue Earth Valley Telephone Company (KBM521), C.P. for additional facilities at Rt. 169, 3.78 miles NW of Blue Earth, Minnesota to operate on freq. 152.60 MHz.

21549–C2–P–74, Radio Dispatch Company (NEW), C.P. for a new 2-way station located at Holiday Inn, 2210 Board Walk, Atlantic City, New Jersey to be operated on freq. 152.030 MHz, 152.060 MHz, 152.180 MHz.

21550–C2–P–74, Lebanon Mobilphone, Inc. (New), C.P. for a new 2-way station to be located at 2000' SE of Big Hill near Lebanon, Tennessee operating on 454.150 MHz.

21551–C2–P–74, Lebanon Mobilphone, Inc. (NEW), C.P. for a new 2-way station to be located at 2000' SE of Big Hill near Lebanon, Tennessee operating on 43.58 MHz.

Corrections

20192–C2–P–74, Airmail, Inc. (KIY779), Correct Public Notice to read: change freq. from 35.22 MHz to 152.24 MHz operating on Spivey Mountain, Ashville, North Carolina. All other particulars to remain as reported on Public Notice No. 663, dated August 27, 1973.

RURAL RADIO SERVICE

60291–C6–P/L–74, RCA Alaska Communications, Inc. (WGF70), C.P. and Lic. for additional facilities to change antenna system located on Hichenbrook Island, Boswell Bay, Alaska to operate on 73.0 MHz, 165.7 MHz, and 172.825 MHz.

60292–C6–P/L–74, RCA Alaska Communications, Inc. (New), C.P. and Lic. for a new inter-Office station to operate on 96.3 MHz, 82.4 MHz, 86.6 MHz, 164.3 MHz, 172.9 MHz, 169.3 MHz located at Duncan Canal (WACS) Alaska.

60293–C6–P/L–74, RCA Alaska Communications, Inc. (New), C.P. and Lic. for a new Inter-Office station operating on 93.1 MHz located at Hoonah (WACS) Alaska.

60294–C6–P/L–74, The Mountain States Telephone and Telegraph Company (New), C.P. and Lic. for a new Rural Subscriber station to be located 18.4 Miles East of Rawlins, Wyoming to operate on 158.07 MHz.

POINT TO POINT MICROWAVE RADIO SERVICE

4463–C1–P–74, John Walson d/b/a Service Electric Company, (KGH99), 1 Mile North of Delano, Pennsylvania. Lat. 40°51'00" N., Long. 76°04'48" W. C.P. to power split 6100V MHz, 6175V MHz, and 6250C MHz toward Bald Eagle Mtn., Pa. (NOTE.—Special Temporary Authority requested by Service Electric Company.)

4464–C1–MP–74, Easter Microwave, Inc. KEA64. 4 Miles SE of Cherry Valley, New York. Lat. 42°46'31" N., Long. 74°40'56" W. C.P. to add 6108.3H MHz toward Amsterdam, New York on azimuth 62°39'.

4465–C1–MP–74, Microwave Service Company of Florida, Inc. (KLH80), 2.5 Miles North of Tupelo, Mississippi. Lat. 34°19'24" N., Long. 88°42'39" W. C.P. to add 6301.0V MHz and 6360.3V MHz toward Sallillo, Mississippi.

4466–C1–MP–74. Same (KUV91), 0.5 Miles NW of West Point, Mississippi. Lat. 33°36'-44.5" N., Long. 88°39'42.6" W. C.P. to add 6301.0V MHz and 6360.3V MHz toward Woodland, Mississippi on azimuth 296°40'.

4467–C1–MP–74, Southern Pacific Communications Company (KEV27), Mod. of C.P. to change site location to Burlingame, California. Lat. 37°36'00" N., Long. 122°22'38" W. Change frequency to 5945.2H MHz toward Monte Bello Ridge, California.

4468–C1–MP–74. Same (WPF82), Mod. of C.P. to change point of communication to Burlingame, California. Change frequency to 6197.2H MHz toward Burlingame, California.

4469–C1–P–74, American Satellite Corporation (New), 2.0 Miles NW of Vernon, New Jersey. Lat. 41°13'24" N., Long. 74°30'06" W. C.P. for a new station on 10915H MHz and 11135H MHz toward Mtn. Lodge, New York.

4470–C1–P–74. Same (New), 1.5 Miles SE of Mountain Lodge, New York. Lat. 41°22'41" N., Long. 74°08'12" W. C.P. for a new station on 11425H MHz and 11665H MHz toward Vernon, New Jersey.

4471–C1–P–74, RCA Alaska Communications, Inc. (New), Boswell Bay, Alaska. Lat. 60°-25'04" N., Long. 146°09'08" W. C.P. for a new station on 930.0V MHz, 942.0H, toward Neklasson Lake, Alaska; 906.0V MHz, 918.0H MHz toward Cape Yakataga, Alaska.

4472–C1–P–74. Same (New), Ocean Cape, Alaska. Lat. 59°32'32" N., Long. 139°51'36" W. C.P. for a new station on 882.0V MHz, 894.0H toward Cape Yakatage, Alaska; 906.0H MHz, 918.0V MHz toward Hoonah, Alaska.

4473–C1–P–74. (Same) (New), Cape Yakataga, Alaska. Lat. 60°05'18" N., Long. 142°-29'51" W. C.P. for a new station on 786.0V MHz, 798.0H MHz toward Boswell Bay, Alaska; 762.0V MHz and 774.0H MHz toward Ocean Cape, Alaska.

4474–C1–P–74, RCA Alaska Communications, Inc. (New), Hoonah, Alaska. Lat. 58°07'40" N., Long. 135°25'49" W. C.P. for a new station on 786H MHz, 798V MHz toward Ocean Cape, Alaska; 774.0V MHz, 762.0H MHz 1 toward Duncan Canal, Alaska; 3730V MHz, 3810H MHz toward Lena Point, Alaska.

4475–C1–P–74. Same (New), Duncan Canal, Alaska. Lat. 56°45'14" N., Long. 133° 10'11" W. C.P. for a new station on 882.0H MHz, 984.0V MHz toward Hoonah, Alaska; 906.0V MHz, 918.0H MHz toward Smugglers Cove, Alaska.

4476–C1–P–74. Same (New), Smugglers Cove, Alaska. Lat. 55°05'09" N., Long. 131°35'18" W. C.P. for a new station on 786.0V MHz, 798.0H MHz toward Duncan Canal, Alaska; 3730V MHz, 3810V MHz toward Ketchikan, Alaska.

4477–C1–P–74, Michigan Bell Telephone Company (KQH43), Grand Ave., 5200' NW of Intersection of Hoban & Market Strs., Mackinac Island, Michigan. Lat. 45°51'21" N., Long. 84°38'14" W. C.P. to add 11245.0V MHz and 11565.0V MHz toward new point of communication at St. Ignace, Michigan.

4478–C1–P–74. Same (KQE78), 327 Paro Street, St. Ignace, Michigan. Lat. 45°51'14" N., Long. 84°42'56" W. C.P. to add point of communication and change frequency. Frequencies: 11115.0V MHz and 10795.0V MHz toward Mackinac Island, Michigan; 11155.0V MHz and 10835.0V MHz toward Allenville, Michigan.

4479–C1–P–74. Same (KQE80), 1606 Davitt Street, Sault Ste. Marie, Michigan. Lat. 46° 29'08" N., long. 84°21'25" W. C.P. to add 4150H MHz and 4070 H MHz toward new point of communication at Rudyard, Michigan.

4480–C1–P–74. Same (KQI63), 3 Miles E of Allenville, Michigan. Lat. 45°58'06" N., Long. 84°45'56" W. C.P. to add 11605.0V MHz and 11285.0V MHz toward St. Ignace, Michigan; add 3730V MHz and 3810V MHz toward new point of communication at Rudyard, Michigan.

4481–C1–P–74. Same (New), On Hantz Rd., 2 miles E. and 1 Mile S. of Rudyard, Michigan. Lat. 46°13'02" N., Long. 84°33'07" W. C.P. for a new station on 4090H MHz and 4170H MHz toward Allenville, Michigan; 3710V MHz and 3790V MHz toward S.S. Marie, Michigan.

4482–C1–P–74, General Telephone Company of Illinois (KSO38), 0.1 Mile W. of Jct. of U.S. Highway No. 66 & Illinois Hwy. No. 23, Pontiac, Illinois. Lat. 40°53'11" N., Long. 88°38'41" W. C.P. to add 6286.2V MHz and 10795.0H MHz toward new point of communication at Odell R2, Illinois.

4483–C1–P–74, The Mountain States Telephone and Telegraph Company (KPN83), Telegraph Pass, 12 Miles W. of Wellton, Arizona. Lat. 32°40'31" N., Long. 114°20'18" W. C.P. to change and add frequency; and add new point of communication. Frequencies 11405H MHz toward Yuma, Arizona; 11445H MHz toward Martinez Lake, Arizona; 11445V MHz toward Wellton, Arizona.

4484–C1–P–74, The Mountain States Telephone and Telegraph Company (KPV41), Martinez Lake, 19.5 miles NNE of Yuma, Arizona. Lat. 32°57'47" N., Long. 114°25'29" W. C.P. to change 6160.2 MHz to 10995H MHz toward Telegraph Pass, Arizona.

4485–C1–P–74, Same (KOV59), 285 Second Avenue, Yuma, Arizona. Lat. 32°43'18" N., Long. 114°37'16" W. C.P. to replace transmitter on 10955H MHz toward Telegraph Pass, Arizona.

4486–C1–P–74, Same (New), 100 South Helen Street, Wellton, Arizona. Lat. 32°40'21" N., Long. 114°08'36" W. C.P. for a new station on 10995V MHz toward Telegraph Pass, Arizona.

4487–C1–P–74, Pacific Telatronics, Inc. (New), Mt. Vaca, California. Lat. 38°23'48" N., Long. 122°06'00" W. C.P. for a new station on 11225.0H MHz and 11465.0H MHz toward Sacramento, California.

4488–C1–P–74, Western Maryland Communications, Inc. (KGO30), 3.2 miles E of Cumberland, Maryland. Lat. 39°37'35" N., Long. 78°42'33" W. C.P. to change point of communication from Irons Mtn., Maryland to Big Savage Mtn., Maryland on 5974.8V MHz and 6093.5V MHz.

Corrections

4253–C1–P–74, South Central Bell Telephone Company. Correct frequency to read 39330 GHz. (All other particulars same as reported in Public Notice No. 703 dated June 3, 1974.)

MULTIPOINT DISTRIBUTION SERVICE

Correction

The following information was erroneously omitted from Public Notice #702, dated May 28, 1974.

Informative

It appears that the following applications may be mutually exclusible subject to the Commission's Rules regarding ex parte presentations, reasons of potential electrical interference.

Virginia, Charlesville, Peninsula Broadcasting Corporation. 50042–C5–P–74, RCC of Virginia, Inc. 50156–C5–P–74.

Virginia, Roanoke, Peninsula Broadcasting Corporation. 50043–C5–P–74, RCC of Virginia, Inc. 50157–C5–P–74.

Digital Paging Systems, Inc. (New), Correct file no. to read 50041–C5–P–74.

Private Networks, Inc. (New), Correct file no. to read 50119–C5–P–74.

[FR Doc.74–14291 Filed 6–20–74;8:45 am]

[Dockets Nos. 19872, 19873; FCC 74R–225]

WESTERN CONNECTICUT BROADCASTING CO. (WSTC) AND RADIO STAMFORD, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of the Western Connecticut Broadcasting Company (WSTC) Stamford, Connecticut, Docket

No. 19872, File No. BR–1150, for renewal of license Radio Stamford, Inc., Stamford, Connecticut, Docket No. 19873, File No. BP–19162, for construction permit.

1. The above-captioned mutually exclusive applications for a standard broadcast station in Stamford, Connecticut, were designated for hearing by Commission Memorandum Opinion and Order, 44 FCC 2d 673, released November 21, 1973, 38 FR 32971, published November 29, 1973. The Review Board now has before it a petition to enlarge issues, filed January 21, 1974, by Radio Stamford, Inc. (Radio Stamford).[1] Petitioner requests the Board to enlarge the issues as follows:

(a) To determine whether the broadcast interests of Western Connecticut Broadcasting Company and the other media under common control of Kingsley Gillespie and Gillespie Brothers, Inc., constitute an undue concentration of control of the media of mass communication in Stamford, Greenwich, Darien and New Canaan, Connecticut.

(b) To determine the efforts made by Western Connecticut Broadcasting Company to ascertain community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(c) To determine whether Western Connecticut Broadcasting Company has misrepresented its past performance and programming in Docket No. 19043 and its renewal applications.

(d) To determine the facts and circumstances surrounding the civil suit by George Waas, Michael Conetta, Ray Marlin Rothermel and Victor Rubell against The Western Connecticut Broadcasting Company in The Fairfield County (Connecticut) Court of Common Pleas, No. 95596.

(e) To determine the facts and circumstances surrounding the civil suit by Paul Kuczo, Jr. and John J. P. Nocerino against Western Connecticut Broadcasting Company, Kingsley Gillespie and Julian Schwartz, Civil Action No. B–623, in the United States District Court for the District of Connecticut.

(f) To detremine whether Western Connecticut Broadcasting Company has complied with Section 1.65 of the Commission's Rules regarding the reporting of civil suits, and the effect of such compliance or non-compliance upon the basic qualifications of the licensee.

(g) To determine whether Western Connecticut Broadcasting Company has followed a racially discriminatory policy in its overall programming practices.

(h) To determine whether Western Connecticut Broadcasting Company has made reasonable and good faith efforts to assure equal opportunities in its employment policies and practices in accordance with Section 73.125 of the Commission's Rules.

(i) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of the Western Connecticut Broadcasting Company application would serve the public interest, convenience and necessity, or whether a comparative demerit or demerits should be assessed against Western Connecticut Broadcasting Company.

(j) To determine, pursuant to the standard comparative issue, the benefits and detriments to be derived from the proposed duplication of programming on WSTC and WSTC–FM, and whether a comparative demerit should be assessed against Western Connecticut Broadcasting Company.

The petition was filed late. However, Radio Stamford asserts that it worked diligently to prepare its petition to enlarge and that it was necessary to make several trips to Stamford to interview witnesses and to obtain supporting affidavits. Moreover, petitioner contends that substantial periods of counsel's time were required in the pretrial discovery procedures. Radio Stamford also contends that in any event the overwhelming public interest significance of the subject matter warrants the acceptance of its petition. The Broadcast Bureau, in its comments, takes the position that Radio Stamford has long been aware that its application would be designated for hearing with the mutually exclusive application of renewal of Station WSTC and that the delay in filing the petition is therefore unwarranted. The Board is satisfied that the nature of this case and the subject matter of the petition warrant the modest delay incurred by Radio Stamford in filing this petition.[2] Accordingly, the petition will be considered on its merits.

2. *Undue Concentration of Control of Mass Communications in Greater Stamford Area.* Radio Stamford contends that Western Connecticut Broadcasting Company (Western), the licensee of Station WSTC, is part of a newspaper-radio media monopoly in the greater Stamford area. In support of this contention, petitioner alleges: that Kingsley Gillespie is president, treasurer, director and 51.6% stockholder of Western; that Western is the licensee of Stations WSTC and WSTC–FM, the only broadcast stations in Stamford, Connecticut; that Gillespie Brothers, Inc. owns and publishes the *Stamford Advocate*, the only daily newspaper in Stamford; and that Kingsley Gillespie is president, treasurer and a director of Gillespie Brothers, Inc. Radio Stamford further alleges that Gillespie Brothers also publishes the *Greenwich Time*, a daily evening newspaper in the town of Greenwich, Connecticut, one of the communities served by WSTC. Moreover, Radio Stamford contends that Kingsley Gillespie has exercised his control over the mass media of communications in the Stamford area in a manner inconsistent with the public interest. More specifically, Stamford alleges that certain candidates for political office have been discriminated against by the Gillespie radio stations and newspapers, both as to news coverage and commercial advertising. To support these allegations, petitioner attaches the affidavits of six Stamford residents who contend that in one way or another the Gillespie controlled media has discriminated against them. Radio Stamford also contends that the Gillespie controlled media has unfairly dealt with the employees of Station WSTC, when they undertook to organize a labor union at WSTC. To support this contention, petitioner attaches affidavits of two former employees of the station. In view of the foregoing allegations, Stamford contends that the issues should be enlarged to determine whether the Gillespie controlled media of mass communications constitutes an undue concentration of control contrary to the public interest.

3. In opposition, Western and the Bureau argue that all of the allegations advanced by Radio Stamford can be considered under the diversification of media of mass communications criterion of the standard comparative issue, and that the Commission has specifically stated that *ad hoc* renewal proceedings are not the appropriate vehicle for restructuring broadcast ownership. Moreover, Western contends that any questions concerning Mr. Gillespie's ownership of radio stations in Stamford, Connecticut, were litigated in 1945 when he purchased Station WSTC. At that time the Commission found, after an evidentiary hearing, that the public interest would be served by a grant of his application to acquire WSTC, then the only broadcast station in Stamford. Western and the Bureau both contend that in renewal situations the mere concentration of control of media is not sufficient to warrant a disqualification issue. Rather, they argue, specific allegations of abuse are necessary to warrant the inclusion of such an issue. In this connection, Western argues that the specific allegations of abuse set forth by Radio Stamford constitute nothing more than a proper exercise of editorial judgment on the part of the management of WSTC and the *Stamford Advocate*.

4. The Review Board has considered the voluminous pleadings and affidavits in this matter and is persuaded that the factual showing made by Radio Stamford warrants the inclusion of a concentration of control issue. It is satisfied that common control of the only two radio stations and the only daily newspaper in Stamford, Connecticut, a city of over 100,000 persons is comparable to the factual situation which existed in Cheyenne, Wyoming, where the Commission designated a renewal application for

[1] Other related pleadings before the Board for consideration are: (a) opposition, filed March 11, 1974, by Western Connecticut Broadcasting Company; (b) comments, filed March 11, 1974, by Broadcast Bureau; (c) reply, filed April 17, 1974, by Radio Stamford and (d) reply, filed April 22, 1974, by Radio Stamford.

[2] See *The Western Connecticut Broadcasting Company (WSTC)*, FCC 74R–167, —— FCC 2d ——, 30 RR 2d 271.

hearing under a concentration of control issue.[3] Moreover, the several affidavits submitted by Radio Stamford raise factual questions concerning the possibility of misuse by Western of its controlling position. While we agree with Western that differences as to editorial judgment should not form a basis for such an issue, the allegations set forth in the various affidavits raise a question as to whether the Gillespie controlled media may have been governed in its choice of news and its management of commercial advertising by something more than editorial judgment. Accordingly, an appropriate issue will be added. *Cf. Midwest Radio-Television, Inc.*, 16 FCC 2d 943 (1969); and *Chronicle Broadcasting Co.*, 16 FCC 2d 882, 15 RR 2d 993 (1969).

5. *Ascertainment of Community Needs Issue.* Radio Stamford contends that Western's survey of community needs and interests contains serious misrepresentations. Specifically, Radio Stamford alleges that Western's reporting of a response to one of its questionnaires made by Mr. Alphonsus J. Donahue, now a principal of Radio Stamford, was "slanted to avoid any reference to local media." In support of this allegation, it has attached the affidavit of Mr. Donahue which states that the response reported after his name in the column under "major problems" did not include a solution which he had suggested, namely that "problems should be thoroughly aired by all our news media. If any of the questions are [in] issue both sides of the problem should be explored with much closer scrutiny to the reports and statements of city officials." Mr. Donahue also avers that he is not a retired industrialist, as stated by Western, but president of Donahue Sales, a division of Textron. Petitioner also alleges that Western's failure to refer to slanted or distorted media and media monopoly as community problems indicates that Western either failed to adequately survey the community or ignored the results of its survey. In support of this allegation, Radio Stamford relies upon affidavits of Stamford principals: Mrs. Sylvia Dowling, Edmond Davis, Alphonsus J. Donahue, Henry Lee and William Brett. Each state that they interviewed community leaders and each includes one or more interview summary sheets which show that the person interviewed felt that some aspect of local news media coverage was a problem. Based on these allegations, Radio Stamford urges the Board to add a *Suburban* issue.

6. In opposition, Western points out that it carefully considered the response of Alphonsus J. Donahue and included the community problems noted by him in its list of major community problems. However, Western notes, Mr. Donahue's suggested solution was not included since WSTC had not undertaken to list solutions to the problems elicited. As to its description of Mr. Donahue as a retired industrialist, Western contends that it made an innocent error.

7. The requested issue will be denied. The fact that Mr. Donahue's suggested solution to a problem was not included in WSTC's exhibit does not warrant the conclusion that Western has slanted its exhibit or that it has not properly ascertained the needs and problems of its community. Nor do the affidavits of Radio Stamford's principals, with their several attachments, warrant the inclusion of the requested issue. The fact that several citizens of Stamford reported to Radio Stamford some problems with existing mass media and that this problem was not ascertained by WSTC in its exhibit does not, *per se*, raise substantive questions concerning Western's ascertainment survey.

8. *Misrepresentation Issues.* Radio Stamford argues that WSTC has failed to program as promised, and that it has seriously misrepresented its programs and operating policies both in its renewal application and before the Presiding Judge in the revocation proceeding. Petitioner sets forth twenty specific areas in which it contends Western misrepresented facts to the Commission. In support of those specific allegations, it relies upon a lengthy affidavit of Mrs. Sylvia Dowling, together with some fifteen exhibits. The Board has carefully considered the voluminous pleadings submitted both in support of and in opposition to this requested issue and is satisfied that the showing made by Radio Stamford does not warrant the inclusion of a misrepresentation issue. We shall not here undertake to treat in detail each of the specific allegations set forth by Radio Stamford. However, we note that in many instances the alleged misrepresentations are subject to varying interpretations. Some of the statements do not allege any facts that are indicative of misrepresentation. In many others, the supporting affidavits consist of conclusory statements of the affiants, which do not provide the specific factual basis for enlargement of the issues required by Section 1.229 of the Commission's Rules. To a large extent Radio Stamford's request for a misrepresentation issue is based upon a critical examination of the minute details of the record of WSTC's revocation hearing and its renewal application. The minor omissions and discrepancies discovered by petitioner clearly do not raise a substantial question of misrepresentation. Moreover, as noted by the Bureau and Western, to the extent that these matters have a bearing on WSTC's past operating record, they may be considered under the existing standard comparative issue. The requested misrepresentation issue will, therefore, be denied.

9. *Rule 1.65 Issue.* Radio Stamford asserts that WSTC failed to amend its renewal application to report four civil actions involving the station and its ownership. Specifically, Radio Stamford alleges that on or about November 4, 1970, a suit was filed against Connecticut Broadcasting Company by George Wass, Michael Cornetta, Ray Marling Rothermel and Victor Rubell alleging denial of accrued WSTC profit-sharing plan benefits; that on April 29, 1971, a suit was filed against Gillespie Brothers, Inc. and other defendents by Polycast Technology Corp. of Stamford, alleging a conspiracy to ruin Polycast's business; that in June, 1971, a suit was filed against Gillespie Brothers, Inc. by Paul R. Doddona, president of Polycast, alleging libel by the *Stamford Advocate;* and finally that on October 19, 1972, a suit was filed against Western Connecticut Broadcasting Company, Kingsley Gillespie and Julian Schwartz by Paul Kuczo, Jr. and John J. P. Nocerino alleging political censorship and discrimination by WSTC in election campaigns. Petitioner points out that none of these lawsuits were reported by WSTC in its renewal application or in subsequent amendments thereto. In its opposition, WSTC notes that the first three listed lawsuits were filed prior to the date of the filing of its last renewal application and that no information concerning these civil suits is elicited by the renewal application. Moreover, it contends that the civil suit filed by Kuczo and Nocerino is not required to be reported because it is a civil action based upon the same facts as were elicited by the Commission in the WSTC revocation proceeding.

10. The requested 1.65 issue will be denied. *Southern Broadcasting Co.*, 38 FCC 2d 461, 25 RR 2d 1138 (1972), relied on by petitioner to support its request, does not stand for the proposition that the civil actions cited by Radio Stamford should have been reported. The renewal application form, at section 1, paragraph 2, requires the reporting of suits in federal courts involving the monopolization of radio communication or the use of unfair competitive methods. None of the civil actions fall within this definition. An issue was added in the *Southern* case because the lawsuits concerned were based on antitrust allegations. Nor does the Kuczo-Nocerino civil action require reporting. Section 1.65 requires the applicant to advise the Commission of changes whenever the information in the application is no longer substantially accurate and complete in all significant respects.[4] Radio Stamford has made no showing that WSTC's renewal application is deficient in this regard. This is particularly true since the Commission in its designation Order

[3] *Frontier Broadcasting Company*, 21 FCC 2d 570, 18 RR 2d 521 (1970).

[4] Section 1.65 reads as follows:

Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending applicaton. Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate.

specified that the record in the revocation proceeding could be considered in the present comparative hearing.[5]

11. *Racial Discrimination Issues.* Radio Stamford has requested an issue based on an alleged racially discriminatory policy in the programming practices of Station WSTC, and an issue to determine whether Western has made reasonable and good faith efforts to assure equal employment opportunities in accordance with section 73.125 of the Commission's Rules. To support these requests, Radio Stamford alleges that WSTC's only regular programming for the black minority was a program known as "Black Viewpoint", that this program was terminated early in 1972; and that it was not restored until after Radio Stamford filed its competing application in the fall of 1972. Moreover, petitioner alleges that "Black Viewpoint" did not in fact represent the point of view of the black people in Stamford, Connecticut. Furthermore, Radio Stamford alleges that the WSTC management continually harrassed the participants on "Black Viewpoint", threatened its cancellation and edited the program. Petitioner also notes that the producer of the program stated that he was not permitted to produce the program live and that frequently the program tapes were lost and the program not aired as scheduled. As further evidence of a racially discriminatory policy, Radio Stamford alleges that the National Association for the Advancement of Colored People worked out an arrangement with the station to carry a special memorial service for the late Martin Luther King, Jr., but that at the last moment the station refused to carry the program. In support of these allegations, Radio Stamford relies upon the affidavits of Edward White, a director of the West Main Street Community Center, a recreational and cultural center which provided the personnel and material for "Black Viewpoint"; Calvin Johnson, the moderator for "Black Viewpoint"; and Mrs. Eleanor Parks-Davis, President of the Stamford chapter of the National Association for the Advancement of Colored People. Radio Stamford also contends that WSTC does not comply with the Commission's Rules requiring equal employment opportunity for minority persons. To support this contention, it relies on the affidavit of Mrs. Parks-Davis to the effect that WSTC had at the time of the affidavit, no black employees. In addition, Joseph Franchina, formerly Acting Program Director attests that he was never instructed to encourage minority group applications and that, contrary to WSTC's representation in its renewal application that in the past year the station only had two job vacancies, there were in fact six employees hired by WSTC.

12. The allegations of White, Johnson, Parks-Davis and Franchina do not raise specific questions of fact concerning the programming policies and employment practices of WSTC which require addition of issues to this proceeding. See *Stone* v. *FCC*, 466 F. 2d 316 (D.C. Cir. 1972). A careful reading of the White and Johnson affidavits makes it quite clear that the affiants do not feel that they were given as much latitude to present the "black viewpoint" as they would have liked. On the other hand, the affiants have not alleged particular instances of censorship or even editorial supervision which would provide a basis for the requested issue. While the program "Black Viewpoint" was discontinued for a short time, it is now being carried by the Station. Moreover, Mrs. Parks-Davis concedes that, in addition to "Black Viewpoint", the station occasionally carries programming of interest to the black community. With respect to the Martin Luther King Memorial service, WSTC has responded that two services were discussed with Mrs. Parks-Davis and that one was carried live and the other was covered as local news. As to its hiring practices, Western responds that the principles stated in its application do in fact govern its hiring practices and that, as of the time its opposition was filed, it had two full time black employees and one part time black newsman. Western notes that 10 percent of its full time employees are black and 11.1 percent of its part time employees are black, while 7.3 percent of the population of Stamford is black.[6] Neither Mrs. Parks-Davis nor Franchina have cited any specific instances of racial discrimination in employment by Western. Petitioner's general assertions of discrimination do not, in light of Western's response, require a special issue. The questions raised regarding past programming, however, may be fully explored under the existing comparative issue.

13. Radio Stamford also contends that the merits of its independent AM proposal versus the duplicate AM–FM operation proposed by WSTC should be included in the existing comparative issue. While the Board is not aware of a situation where an applicant has contended that the public interest would be served by severing an AM station from a commonly owned FM station because the programming of one station is duplicated by the other, it is satisfied that the question can properly be explored under the existing comparative issue since such exploration is regularly permitted when one applicant for an FM station proposes substantial duplication of its AM programming and the other does not.

14. For the foregoing reasons the petition to enlarge issues filed by Radio Stamford on January 21, 1974 will be granted to the extent indicated herein and denied in all other respects.

15. *Accordingly, it is ordered,* That the petition to enlarge issues filed by Radio Stamford, Inc., on January 21, 1974 is granted to the extent indicated herein and denied in all other respects.

16. *It is further ordered,* That the issues in the above captioned proceeding are enlarged as follows:

To determine whether the broadcast interests of the Western Connecticut Broadcasting Company and the other media of communication controlled by Kingsley Gillespie and Gillespie Brothers, Inc. constitute an undue concentration of control of the media of mass communications in Stamford, Connecticut.

17. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Radio Stamford, Inc., and the burden of proof shall be on the Western Connecticut Broadcasting Company.

Adopted: June 13, 1974.

Released: June 18, 1974.

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

[FR Doc.74-14288 Filed 6-20-74;8:45 am]

[5] Nor has Radio Stamford justified its request that special issues to explore the facts concerning the above described lawsuits be included. To the extent that the facts underlying the above described lawsuits are relevant, they may be elicited under the concentration of control issue or as part of WSTC's past operations record under the comparative issue.

[6] In response to Franchina's allegation that Western's statement that "it had only two vacancies in the last year" was not true, Western states that the statement resulted from an error. Western alleges that the station in fact placed 13 persons, including both full and part time, on the payroll in 1971; that the tenure of many of these employees was quite short, a few days to a few months; and that one black person was employed in 1971 in a responsible position and even using the total of 13 as a base, 7.7% of the employees placed on the payroll in 1971 were black, Western notes.

FEDERAL POWER COMMISSION

[Docket No. E-8826]

AMERICAN ELECTRIC POWER SERVICE CORP.

Supplemental Agreement

JUNE 13, 1974.

Take notice that on June 3, 1974, American Electric Power Service Corporation on behalf of Ohio Power Company (Applicant) filed with the Federal Power Commission a third supplemental Agreement, dated April 1, 1974, supplementing the Interconnection Agreement between Applicant and Kentucky Utilities Company, dated January 17, 1950 and designated as Applicant's Rate Schedule FPC No. 22.

The application states that the third supplemental Agreement provides for an additional service—Emergency service—and is set forth in an attached Service Schedule D. Said service schedule indicates that emergency service is to be provided by either party to the other under stated conditions.

Kentucky Utilities Company has filed a Certificate of Concurrence in this matter.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26,

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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14228 Filed 6-20-74;8:45 am]

[Docket No. RI74-248]

CALIFORNIA CO.

Petition for Special Relief

JUNE 14, 1974.

Take notice that on June 5, 1974, The California Company, a Division of Chevron Oil Company, (Petitioner), 1111 Tulane Avenue, New Orleans, Louisiana 70112, filed a petition for special relief in Docket No. RI74-248, seeking a rate above the applicable area ceiling under Opinion No. 595. Petitioner seeks a price of 22.584375 cents per Mcf, including tax reimbursement, in lieu of its current rate of 19.007125 cents per Mcf, for the sale of gas to Natural Gas Pipeline Company of America (Natural) under its FPC Gas Rate Schedule No. 62 from the Jack Casey No. 12 and the David Bazan No. 3 wells in the Sejita Yegua Field, Duval County, Texas. The petition is based upon the installation of compression facilities in an attempt to increase the quantities of gas available for delivery to Natural. Petitioner estimates that additional reserves of 670,000 Mcf will be recoverable due to the additional compression.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any 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.

[FR Doc. 74-14229 Filed 6-20-74;8:45 am]

[Docket Nos. CP66-112, etc.]

GREAT LAKES TRANSMISSION CO.

Petition to Amend

JUNE 14, 1974.

Take notice that on June 4, 1974, Great Lakes Gas Transmission Company (Great Lakes), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket Nos. CP66-112, *et al.*, a petition to amend the orders issued in Docket Nos. CP66-112, CP70-20, and CP71-223 pursuant to section 3 of the Natural Gas Act authorizing the importation of natural gas from Canada to the United States by permitting Great Lakes to pay 105 percent of such rate to TransCanada Pipelines Limited (TransCanada) as may be authorized after hearings scheduled to be held on June 4, 1974, on TransCanada's Manitoba Rate Zone CD-75 Rate Schedule before the National Energy Board of Canada (NEB), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By order issued on March 29, 1974, the Commission authorized Great Lakes to pay TransCanada 105 percent of the price per Mcf, computed at a load factor of 100 percent, paid by domestic Canadian customers for natural gas sold under TransCanada's Manitoba Rate Zone CD-75 Rate Schedule as effective April 1, 1974. However, said order further stated that in the event higher rates than those effective on April 1, 1974, shall be required, Great Lakes shall apply to the Commission for further amendment of the import authorizations.

Subsequently, Great Lakes filed an application for rehearing[1] of the order of March 29, 1974, in order to bring to the Commission's attention a proceeding before the NEB on a price increase for TransCanada's gas. After the application for rehearing was filed, the NEB proceeding was adjourned *sine die*. The Commission, therefore, dismissed the application in its order of May 10, 1974, in Docket Nos. G-18314, *et al.*, and CP66-110, *et al.* In dismissing, however, the Commission clarified its position on the issue of the need to file for amendments to the import authorizations in the event of a price increase for Canadian natural gas. The Commission stated that the filing should be made, preferably, immediately after the institution of any proceeding before the NEB which might result ultimately in a request by Great Lakes for an amended import authorization. Accordingly, Great Lakes states, it submits the instant petition.

Great Lakes states that the hearings scheduled for June 4, 1974, before the NEB are to deal principally with increased costs, increased rate of return and a change in the method of computing the rate base.[2] Great Lakes further states that the relevant effect of the proposal of TransCanada in the proceeding before the NEB is to increase the rate for TransCanada's sales to Petitioner to 37.00 cents per Mcf in Canadian currency (38.41 cents in American currency). The currently effective rate is 35.91 cents (Canadian) per Mcf (37.28 cents American).

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14230 Filed 6-20-74;8:45 am]

[1] Midwestern Gas Transmission Company (Midwestern) filed jointly with Great Lakes said application for rehearing.

[Docket No. CP74-299]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

JUNE 14, 1974.

Take notice that on May 21, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP74-299 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and service in Nebraska and Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes, due to a continuing decline in its recoverable reserves, to abandon the sale and delivery of natural gas to the following five interruptible, electric power generating customers[1]:

Direct pipeline customers:

[2] TransCanada is requesting an increase in its rate of return from 9.5 percent to 10.159 percent, a change in the method of computing cost of service based on the devaluation of the American dollar, and permission to credit excess revenues from the 105 percent rate charged to Great Lakes and Midwestern to all its sales on a volumetric basis. TransCanada states in its application before the NEB that the sales in the test period as adjusted exceed the allocated cost for such sales to Great Lakes and Midwestern.

[1] Each of the customers utilizes natural gas for boiler fuel with a minimum daily requirement which exceeds 10,000 Mcf; and, accordingly, these customers are classified as Category 9 sales as defined by § 2.78(a) of the Commission's general policy and interpretations (18 CFR 2.78(a)).

1. Central Nebraska Public Power and Irrigation District, Canaday power plant near Lexington, Nebraska.
2. The City of Grand Island power plant at Grand Island, Nebraska.
3. The City of Hastings power plant at Hastings, Nebraska.
4. The Central Kansas Power Company, Inc., Ross Beach power plant at Hill City, Kansas.

Customer of Applicant's distribution system in Scottsbluff, Nebraska:

5. Nebraska Public Power District, Bluffs power plant at Scottsbluff, Nebraska.

Based upon present and projected gas supply conditions, Applicant considers such abandonment in the best interests of its higher priority firm gas customers and in keeping with the Commission's end use policy.

Applicant plans to phase said customers off of natural gas beginning in 1975 by incremental annual reductions of 20 percent based on volumes delivered during the 12 months ended April 30, 1973, so that complete termination of interruptible service for boiler fuel use and abandonment of related facilities can be made effective by December 31, 1978. Thus, Applicant states, such customers would receive not more than 80 percent of said volume in 1975, 60 percent in 1976, 40 percent in 1977, and 20 percent in 1978. Applicant states that the proposed four-year phasing-off plan will provide a reasonable time for these five customers to make other provisions for their fuel requirements considering that these customers are interruptible and, therefore, have alternate fuel facilities presently installed. Applicant maintains that by phasing off said customers (which utilize approximately 13 percent of Applicant's total system requirements) Applicant can reduce the annual recoverable reserve replacement deficit and thereby extend Applicant's reserve life index by approximately 2.4 years.

Applicant proposes to abandon and remove certain facilities located at the delivery points as follows:

1. Central Nebraska Public Power and Irrigation District, Canaday power plant, Lexington, Nebraska: one meter station consisting of dual 8-inch orifice meter runs complete with meters, regulators, valves and instruments all enclosed in a steel building.

2. City of Grand Island, Nebraska, power plant: three meter stations consisting of two dual 8-inch orifice meter runs and one single 6-inch orifice meter run, each of which is complete with meters, regulators, valves and instruments enclosed in separate steel buildings, together with approximately 4,000 feet of 6-inch line beginning at a point on Applicant's transmission line in section 14–T11N–R9W, of Hall County, and running to the aforementioned meter stations on the City of Grand Island power plant's property.

3. City of Hastings, Nebraska, power plant: one meter station consisting of a single 8-inch meter run complete with meters, valves and instruments and one regulator station including regulator, valves and gauges.

4. Nebraska Public Power District, Bluffs power plant, Scottsbluff, Nebraska: one meter station consisting of a dual 6-inch and 8-inch meter runs complete with meters, regulators, valves and instruments.

5. Central Kansas Power Company, Inc., Ross Beach power plant, Hill City, Kansas: one meter and regulating station consisting of a single 8-inch meter run complete with meters, regulators, valves and instruments.

Applicant states that the abandonment and removal of facilities herein will not result in the termination of natural gas service to any of Applicant's other customers.

Applicant further proposes, in response to a request by Central Nebraska Public Power and Irrigation District (CNPPID), to continue to provide a minor quantity of natural gas to CNPPID at its Canaday plant near Lexington, Nebraska. Applicant states that such gas is to be provided for emergency plant startup and the maximum requirement should not exceed 4,000 Mcf per year. Applicant states that such special service would be interruptible, would have a lower priority than Applicant's firm residential and commercial gas service, and would be provided under Applicant's general service rate existing at the time such gas is delivered. Applicant proposes to install a positive displacement meter with appropriate regulator valves and gauges all enclosed in a protective structure in order to provide the gas requested by CNPPID.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14231 Filed 6–20–74;8:45 am]

[Docket No. E–8750]

LOUISVILLE GAS & ELECTRIC CO.

Additional Delivery Point

JUNE 14, 1974.

Take notice that on April 29, 1974 Louisville Gas & Electric Company (Applicant) filed with the Federal Power Commission a letter agreement dated April 23, 1974, between itself and Kentucky Utilities Company confirming the establishment of a temporary additional delivery point under the Interconnection Agreement between those companies, dated July 22, 1966 and designated as Applicant's Rate Schedule FPC No. 20.

The temporary interconnection described in the letter agreement has been necessitated by the fact that a major effective interconnection was destroyed by tornado on April 3, 1974. The letter agreement states that temporary facilities were connected on April 11, 1974. Applicant requests, pursuant to § 35.11 of the Commission's regulations, that this rate schedule supplement become effective as of April 11, 1974, the date of connection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14232 Filed 6–20–74;8:45 am]

[Docket Nos. G–18314, CP66–121]

MIDWESTERN GAS TRANSMISSION CO.

Petition to Amend

JUNE 14, 1974.

Take notice that on June 5, 1974, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. G–18314 and CP66–121 a petition to amend the orders issued in said dockets pursuant to section 3 of the Natural Gas Act authorizing the importation of natural gas

from Canada to the United States by permitting Midwestern to pay 105 percent of such rate to TransCanada Pipelines Limited (TransCanada) as may be authorized after hearings scheduled to be held on June 4, 1974, on TransCanada's Manitoba Rate Zone CD–75 Rate Schedule before the National Energy Board of Canada (NEB), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By order issued on October 31, 1959, in Docket No. G–18314, Opinion No. 331 (22 FPC 775), the Commission authorized Midwestern to import 204,000 Mcf per day of natural gas from Canada at a point on the international boundary near Emerson, Manitoba. Said order was amended by Commission order in Opinion No. 469 (34 FPC 457) to allow maximum daily imports of 222,360 Mcf. In Docket No. CP66–121 Midwestern was authorized by Commission order issued on June 20, 1967, Opinion No. 521 (37 FPC 1070), to import an additional 116,332 Mcf per day. All the gas is purchased from TransCanada.

By order issued on March 29, 1974, the Commission amended the prior orders to authorize Midwestern to pay for the TransCanada gas at 105 percent of the price per Mcf paid by domestic Canadian customers, computed at a load factor of 100 percent. However, the March 29 order only provided for the 105 percent price under TransCanada's Manitoba Rate Zone CD–75 Rate Schedule as effective April 1, 1974, and further required Midwestern to apply to the Commission for additional amendments to the import authorizations should the price of Canadian gas increase.

Subsequently, Midwestern filed an application for rehearing[1] of the order of March 29, in order to bring to the Commission's attention a proceeding before the NEB on a price increase for TransCanada's gas. After the application for rehearing was filed, the NEB proceeding was adjourned *sine die*. The Commission, therefore, dismissed the application in its order of May 10, 1974, in Docket Nos. G–18314, *et al.*, and CP66–110, *et al.* In dismissing, however, the Commission clarified its position on the issue of the need to file for amendments to the import authorizations in the event of a price increase for Canadian natural gas. The Commission stated that the filing should be made, preferably, immediately after the institution of any proceeding before the NEB which might result ultimately in a request by Midwestern for an amended import authorization. Accordingly, Midwestern states, it submits the instant petition.

Midwestern has determined that the effect of the proposed rate increase scheduled for hearing on June 4, 1974, before the NEB will increase Midwestern's purchase gas cost from TransCanada by 1.14 cents per Mcf, with a total yearly increase, based on actual 1973 volumes received under the contracts in the instant dockets, of 1.3 million dollars.[2]

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14233 Filed 6–20–74;8:45 am]

[1] Great Lakes Transmission Company (Great Lakes) filed jointly with Midwestern said application for rehearing. Great Lakes has submitted a petition to amend its authorizations in Docket Nos. CP66–112, *et al.*, to reflect any increase that might result from TransCanada's June 4, 1974, proceeding before the NEB.

[2] Midwestern states that the rate proceeding scheduled before the NEB on June 4, 1974, is Phase I of TransCanada's proposed rate increase. Midwestern expects that TransCanada will apply for an additional rate increase, labelled Phase II, in the latter part of 1974, to be effective in early 1975. The Phase II rate increase is calculated by Midwestern to be 6.70 cents per Mcf, with a total yearly increase, based on actual 1973 volumes received under the contracts in the instant dockets, of 7.8 million dollars.

[Project 1967]

NEKOOSA EDWARDS PAPER CO., INC.

Issuance of Annual License

JUNE 14, 1974.

On May 21, 1969, Nekoosa Edwards Paper Company, Inc., Licensee for Lower Paper Mill Development Project No. 1967, located in Portage County, Wisconsin, on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on September 2, 1970.

The license for Project No. 1967 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Nekoosa Edwards Paper Company Inc., for continued operation and maintenance of Project No. 1967.

Take notice that an annual license is issued to Nekoosa Edwards Paper Company Inc., (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Lower Paper Mill Development Project No. 1967, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14234 Filed 6–20–74;8:45 am]

[Docket No. CP74–306]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JUNE 14, 1974.

Take notice that on May 30, 1974, Panhandle Eastern Pipe Line Company (Applicant), 3000 Bissonnet Avenue, Houston, Texas 77005, filed in Docket No. CP74–306 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing implementation of 1) a Gas Storage Agreement between Applicant and Michigan Consolidated Gas Company (Consolidated) and 2) Gas Storage and Transportation Agreements between Applicant and six of its existing customers,[1] all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to implement agreements with certain of its customers which provide that during the period June 1 through October 31, 1974, such customers will direct that a portion of their monthly gas entitlement be transported by Applicant for storage and that, during the 1974–75 winter heating season, specified portions of such stored volumes will be redelivered by Applicant to such customers for use in their respective service areas as outlined below:

[1] Resale customers—Ohio Gas Company; Citizens Gas and Coke Utility. Non-resale customers—Johns-Manville Fiber Glass, Inc.; Battle Creek Gas Company; City of Bushnell, Illinois; Village of Morton, Illinois.

STORAGE SCHEDULES [1]

Month, 1974	Monthly stored volumes		Average daily stored volumes	
	For resale customers	For non-resale customers	For resale customers	For non-resale customers
June (M ft [3])	75,000	60,000	2,500	2,000
July (M ft [3])	15,000	93,000	484	3,000
August (M ft [3])	30,000	93,000	968	3,000
September (M ft [3])	30,000	90,000	1,000	3,000
October (M ft [3])	0	0	0	0

REDELIVERY SCHEDULE

Month	Percentage of customer's total stored volumes
November 1974	[2]
December 1974	28
January 1975	20
February 1975	16
April 1975	[3]

[1] Subject to alteration by mutual agreement or if a gas supply deficiency curtailment is in effect on applicant's system pursuant to § 16.3 of applicant's FPC gas tariff, original volume No. 1.
[2] Not less than 18 percent nor more than 36 percent.
[3] Balance of percentage not taken in November.

For each Mcf of gas delivered into storage during any month in the summer period, each buyer shall pay to Applicant a storage and transportation charge of sixty cents plus: a) (in the case of resale customers) a commodity charge applicable to buyer under the terms of the contract. (Stored volumes shall not be utilized in the determination of the demand charge applicable to buyer's receipts of gas during said summer period), or b) (in the case of non-resale customers) the currently effective price for gas sold and delivered to buyer under the terms of the contract.

Applicant states that during the 1974 summer period, it will deliver to Consolidated, a total of 2,158,000 Mcf of natural gas (the Contract Quantity) at daily rates within the ability of Applicant to deliver and Consolidated to receive for storage. Consolidated anticipates that it will have the ability to receive a minimum daily summer period delivery volume of 15,000 Mcf and a maximum of 45,000 Mcf. Applicant states that such Contract Quantity may be augmented by up to 2,000,000 Mcf if Consolidated determines it has such additional storage capacity available to commit to Applicant for the 1974–75 winter period and if Applicant agrees to utilize it. The application indicates that such additional storage shall be delivered and received on a best efforts basis. The volumes of gas to be stored will be transported and delivered by Applicant to Consolidated at an existing measurement facility at the River Rouge Station in Melvindale, Michigan, for injection into Consolidated's underground storage fields.

Applicant further states that during the 1974–75 winter period Consolidated will redeliver either on a firm basis to Southeastern Michigan Gas Company (Southeastern) for the account of Applicant, at an existing interconnection which Consolidated maintains with Southeastern at Adair, Michigan, or by displacement at Consolidated's River Rouge Station, a volume of gas equivalent to the Contract Quantity. Applicant asserts that it will designate the daily rates of redelivery; provided, however, that Consolidated shall not be obligated to redeliver gas in any month in excess of the applicable daily quantity shown in the schedule set forth below:

Month	*Maximum Daily Quantity—Mcf*
November 1974	35,000
December 1974	30,000
January 1975	25,000
February 1975	20,000

Applicant states that in the event it designates less than one million Mcf of gas for redelivery in November 1974, Consolidated agrees to redeliver to Applicant in April 1975 a volume of gas equal to the difference between the volume designated by Applicant for delivery in November 1974 and one million Mcf; provided, however, that Consolidated shall not be obligated to redeliver to Applicant in April 1975 in excess of 0.6 million Mcf of gas during the month or 50,000 Mcf on any day. Applicant states that in the event Consolidated fails to redeliver during any month during the winter period the volume of gas which Applicant desires to take, Consolidated shall use its best efforts to make up all such deficiencies in redeliveries in accordance with Applicant's direction as to the delivery of such deficiency volumes, but in no event shall such deficiency volumes be delivered to Applicant later than April 30, 1975.

Applicant claims it will pay Consolidated 56 cents per Mcf for such storage service. However, Applicant states that gas taken in excess of 102 percent of the maximum daily quantity, or in excess of the Contract Quantity, without authorization from Consolidated, shall be considered unauthorized overrun gas subject to a penalty of $10.00 per Mcf.

Applicant states that no new facilities will be required to be installed to implement this storage project.

Applicant claims that because of the continuing decline in gas supply, which has not been offset by the addition of new supplies, the levels of curtailment on its system have deepened especially during the heating season. Applicant reasons, therefore, that approval and implementation of the services proposed herein will assist participating customers in meeting their winter season heating requirements at a minimum of cost to them.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14235 Filed 6-20-74;8:45 am]

[Project 1881]

PENNSYLVANIA POWER & LIGHT CO.

Issuance of Annual License

JUNE 14, 1974.

On June 27, 1969, Pennsylvania Power & Light Company, Licensee for Holtwood Project No. 1881, located in York and Lancaster Counties, Pennsylvania, on the Susquehanna River, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1881 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pennsylvania Power & Light Company for continued operation and maintenance of Project No. 1881.

Take notice that an annual license is issued to Pennsylvania Power & Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Holtwood Project No. 1881, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14236 Filed 6-20-74;8:45 am]

[Docket Nos. E-8586, E-8587]

PUBLIC SERVICE COMPANY OF INDIANA

Extension of Time and Postponement of Hearing

JUNE 14, 1974.

On May 24, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued March 7, 1974, in the above-designated matter. The motion states all of the parties concur in the motion. On May 30, 1974, the Indiana Municipal Electric Association, et al., filed a motion for a revision of Staff's request for an extension of the procedural dates. The motion states the parties have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, August 27, 1974.
Service of Intervenor's Testimony, September 24, 1974.
Service of Company's Rebuttal Testimony, October 15, 1974.
Hearing, October 22, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14237 Filed 6-20-74;8:45 am]

[Docket No. RP73-47]

SEA ROBIN PIPE LINE CO.

Further Extension of Time and Postponement of Hearing

JUNE 14, 1974.

On June 10, 1974, Staff Counsel filed a motion to extend the procedural dates and to allow addition of supplementary testimony as agreed upon at the conference before the Administrative Law Judge. The motion states that there is no opposition to the revision of the procedural dates.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Staff's Supplemental Testimony, June 18, 1974.
Service of Company's Rebuttal, July 2, 1974.
Hearing, July 16, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14238 Filed 6-20-74;8:45 am]

[Docket No. RI74-249]

SOHIO PETROLEUM CO.

Petition for Special Relief

JUNE 14, 1974.

Take notice that on June 10, 1974, Sohio Petroleum Company, (Petitioner), 1100 Penn Tower, Oklahoma City, Oklahoma 73118, filed a petition for special relief in Docket No. RI74-249, seeking a rate above the applicable area ceiling under Opinion No. 598. Petitioner seeks a price of 31.0 cents per Mcf, exclusive of tax reimbursement, for the sale of gas to Transcontinental Gas Pipe Line Corporation (Transco) under its FPC Gas Rate Schedule No. 60 from the West Kaplan Field, Vermilion Parish, Louisiana. The petition is based upon the drilling of a new well as a replacement for a well which has stopped producing due to water encroachment. Petitioner estimates that an additional 1.486 Bcf of remaining recoverable reserves can be produced.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any 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.

[FR Doc.74-14239 Filed 6-20-74;8:45 am]

[Docket No. RP74-73]

TENNESSEE GAS PIPELINE CO.

Filing of Proposed Research and Development Rate Adjustment Provision

JUNE 14, 1974.

Take notice that on June 7, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff, to be effective on April 11, 1974, consisting of the following tariff sheets:

Third Revised Sheet Nos. 12A and 12B
First Revised Sheet No. 213K
Original Sheet No. 213L
Second Substitute Original Sheet Nos. 213M and 213N

Tennessee states that the sole purpose of such revised tariff sheets is to include a research and development (R&D) rate adjustment provision in Tennessee's tariff applicable to jurisdictional gas sales and to make necessary conforming changes in the form of Tariff Sheet Nos. 12A and 12B. Tennessee further states that its proposed R&D rate adjustment provision is the same as that originally filed in this proceeding on March 11, 1974, except for the revisions necessary to conform to the Commission's order of April 10, 1974, rejecting the initial filing, and the order of May 30, 1974, denying Tennessee's application for rehearing. Tennessee further states the filing is made pursuant to the provision of the order of April 10, 1974, stating that the rejection of the initial filing is without prejudice to the resubmission by Tennessee of an R&D rate adjustment provision properly conforming to the requirements of § 154.38(d)(5)(b) of the Commission's regulations. Tennessee states that its instant filing is in full accord therewith.

Tennessee states that copies of its filing have been mailed to all of its affected customers and interested state commissions and all parties to this proceeding.

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, N.E., 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 June 28, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14240 Filed 6-20-74;8:45 am]

[Docket No. RP74-73]

TENNESSEE GAS PIPELINE CO.

Proposed Substitute R&D Rate Adjustment

JUNE 14, 1974.

Take notice that on June 7, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 1, 1974, consisting of Fourth Substitute Fourth Revised Sheet Nos. 12A and 12B.

Tennessee states that the sole purpose of Fourth Substitute Fourth Revised Sheet Nos. 12A and 12B is to re-

flect an R&D rate adjustment determined in accord with the revised R&D rate adjustment provision being filed simultaneously herewith to conform to the requirements of the Commission's orders of April 10, 1974 and May 30, 1974, in this proceeding. Such R&D rate adjustment is in lieu of that reflected on Second Substitute Fourth Revised Sheet Nos. 12A and 12B pursuant to the originally proposed R&D rate adjustment provision rejected by such order.

Tennessee requests a waiver of the Commission's Regulations and its R&D rate adjustment provision, in the interest of customer rate stability, to permit the refiled R&D rate adjustment to become effective on July 1, 1974, simultaneously with the other rate adjustments reflected in Tennessee's filing of May 16, 1974. Tennessee states that, alternatively, in the event that the Commission does not accept such R&D rate adjustment effective July 1, 1974, Tennessee relies on its alternative filing of Third Substitute Fourth Revised Sheet Nos. 12A and 12B in its filing of May 16 and 23, 1974, to become effective July 1, 1974, and requests that the Commission in that event accept Fourth Substitute Fourth Revised Sheet Nos. 12A and 12B with a designated effective date of August 1, 1974.

Tennessee states that copies of its filing have been mailed to all of its affected 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, N.E., 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 June 28, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14241 Filed 6-20-74;8:45 am]

[Docket No. CP74-303]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JUNE 14, 1974.

Take notice that on May 23, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-303 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas in interstate commerce to Lowell Gas Company (Lowell) for a term ending no later than March 31, 1975, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant relates that on October 12, 1973, it commenced the banking of daily volumes of natural gas released by Consolidated Edison Company of New York, Inc., for delivery to Lowell during the 1973–74 winter season, but that due to the mild winter experienced by Lowell approximately 267,213 Mcf of banked gas remains undelivered. Applicant states that on March 14, 1974, it commenced, pursuant to Lowell's request, the further banking of said 267,213 Mcf of gas and the banking of additional volumes up to 1,232,787 Mcf of gas (for a total of banked gas limited to 1,500,000 Mcf) for Lowell within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22) and/or 2.68 of the Commission's general policy and interpretations (18 CFR 2.68). Applicant states that such additional volumes will be made available by the reduction of interruptible sales which Lowell would otherwise make during the 1974 summer and the concomitant release to Applicant of the gas which Lowell purchases from Applicant. Applicant states that Lowell will pay Applicant the then effective Zone 6 commodity rate for each Mcf of gas accepted by Applicant for banking.

Applicant requests authorization to deliver the banked gas to Lowell in accordance with an agreement dated March 27, 1974, whereby Applicant will deliver to Lowell during the 1974–75 winter period, when in Applicant's sole opinion its operating conditions permit, daily volumes of gas as Lowell may request, not to exceed 30,000 Mcf per day. The application indicates that such daily volumes will be in excess of the maximum daily volumes that Lowell is otherwise entitled to receive from Applicant. Applicant states that Lowell will pay 95.61 cents per Mcf each month for the volumes of banked gas delivered by Applicant in that month; and in the event any banked gas remains undelivered as of April 1, 1975, Lowell will pay, during April 1975, 95.6 cents per Mcf for such remaining gas.

Applicant indicates that no additional facilities will be needed, nor will its ability to render presently authorized service to its other customers be affected by the service proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14242 Filed 6-20-74;8:45 am]

[Docket No. CP74-300]

TEXAS GAS TRANSMISSION CORP. AND TENNESSEE GAS PIPELINE CO.

Notice of Application

JUNE 13, 1974.

Take notice that on May 21, 1974, Texas Gas Transmission Corporation (Texas), P.O. Box 1160, Owensboro, Kentucky 42301, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-300 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization to exchange up to 25,000 Mcf of natural gas per day whereby Tennessee will deliver or cause to be delivered to Texas varying quantities of gas through the existing measurement facilities on Texas' Abbeyville 8-inch pipeline located in the vicinity of the Parcperdue Field, Vermilion and Lafayette Parishes, Louisiana, and at other existing delivery points mutually agreed upon by the parties. The application indicates that Texas will simultaneously redeliver or cause to be redelivered a total volume of natural gas equivalent to the total volume received from Tennessee. The application indicates said redeliveries will be made to Tennessee at the tailgate of the Shell Oil

Company gasoline plant near Chalky, Cameron Parish, Louisiana, and/or at the tailgate of the Atlantic Richfield Company gasoline plant in Bayou Sale, St. Mary Parish, Louisiana, and/or at other existing delivery points mutually agreed upon by the parties. Imbalances in deliveries would be corrected as soon as possible.

Applicants state that the purpose of the proposed exchange is to eliminate the necessity for the construction of duplicative gathering facilities by Tennessee, thus making available to Tennessee's customers additional supplies of natural gas without the costs of such additional gathering facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14243 Filed 6-20-74;8:45 am]

[Docket Nos. RP74-83, and RP74-20]

UNITED GAS PIPE LINE CO.

Order Accepting Proposed Tariff Sheets; Correction

JUNE 6, 1974.

In the Order Accepting Proposed Tariff Sheets For Filing, Suspending Rate Increase, Setting Matter For Hearing, Permitting Intervention And Consolidating Proceedings issued May 16, 1974 and published in the FEDERAL REGISTER on May 23, 1974 (39 FR 18157), Paragraph 5, lines 8 and 9 "Consolidated Natural Gas Service Company Inc." should be "Consolidated Gas Supply Corporation."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14244 Filed 6-20-74;8:45 am]

[Docket No. CP69-110]

UNITED GAS PIPE LINE CO.

Petition to Amend

JUNE 14, 1974.

Take notice that on May 30, 1974, United Gas Pipe Line Company (Petitioner), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP69-110 a petition to amend the order issued in the subject docket on April 15, 1969 (41 FPC 485), pursuant to section 7(c) of the Natural Gas Act authorizing the transportation of gas by Petitioner for Western Gas Corporation (Western), successor in interest to Southern Gas Company (Southern), by authorizing an extension of term, a new price, and an emergency delivery point in Gregg County, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is currently authorized in the subject docket to transport for Western, pursuant to an agreement between Petitioner and Southern dated August 21, 1968, volumes of natural gas from the outlet of Champlin Petroleum Corporation's gasoline plant located in Panola County, Texas, to a point at Petitioner's Longview Compressor Station located in Gregg County, Texas. Said agreement constitutes Rate Schedule X-25 of Petitioner's FPC Gas Tariff, Original Volume No. 2.

Petitioner seeks authorization to: (1) continue the transportation of gas under an extended term of the August 21, 1968, agreement (which expires by its own terms July 7, 1974) until July 1, 1975, and year to year thereafter; (2) establish a new price of 9.88 cents per Mcf of gas transported; (3) operate an emergency delivery point located at an existing tap at Station 171+55 on Petitioner's Carthage-Longview 20-inch line. Petitioner states that no new facilities are required to be constructed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14245 Filed 6-20-74;8:45 am]

[Docket No. RP74-85]

WESTERN GAS INTERSTATE CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Approving Proposed PGA Clause and Establishing Procedures

JUNE 14, 1974.

On April 24, 1974, Western Gas Interstate Company (Western) filed with the Commission a proposed change in rates for natural gas service rendered by its Southern Division System and its Northern Division Systems to customers served under Original Volume No. 1 of its FPC Gas Tariff. The proposed rate change would increase revenues from jurisdictional sales and service by $669,538 based for the twelve month period ended December 31, 1973, as adjusted.[1]

In support of its proposed rate increase, Western states that the major reason for the rate increase is due to increased purchased gas costs. Western requests an overall rate of return of 10.5 percent which would provide a 14.357 percent return on common equity; such common equity is 50.741 percent of total capitalization.

Western has also proposed to combine Rate Schedules G-1 and G-2 into Rate Schedule G-N, Northern Division. Consistent therewith, Western has filed revised tariff sheets which would cancel Rate Schedules I-1, I-2, I-3 and G-2.[2] Moreover, Western proposes to include a purchased gas adjustment clause (PGA clause) in its FPC Gas Tariff.[3]

Western proposes an effective date of June 15, 1974 for the proposed changes. Its proposed rate increase was noticed on May 7, 1974. No comments or petitions to intervene were received.

Our review of Western's filing indicates that the proposed rate increase may not be just and reasonable and may be unjust, unreasonable or unduly discriminatory. Accordingly, we shall suspend the revised tariff sheets which reflect the proposed increase for one day until June 16, 1974 and establish hearing procedures to determine the justness and reasonableness of the proposed changes in rates, terms and conditions contained therein.

Our review of Western's proposal to cancel Rate Schedules I-1, I-2, I-3 and G-7 and redesignate Rates Schedules G-1 and G-2 as Rate Schedule G-N and redesignate Rate Schedule G-3 as Rate Schedule G-S indicates that such proposal is reasonable and appropriate. Accordingly, we shall accept for filing the revised tariff sheets which would replace and cancel Rate Schedules I-1, I-2, I-3

[1] First Revised Sheets Nos. 1, 4, 5, 6, 14, 15, 16 and Original Sheet No. 3A.

[2] First Revised Sheets Nos. 7, 9, 12 and 17.

[3] First Revised Sheet No. 33 and Original Sheet Nos. 33A, 33B and 33C.

and G–2 and make them effective subject to refund as of June 16, 1974.

Our review of Western's proposed PGA clause indicates that it conforms with § 154.38(d)(4) of the regulations except that it does not require Western to file an updated cost of service within 3 years of the effective date of the PGA clause as required by § 154.38(d)(4)(vi) of the regulations. Accordingly, we shall approve Western's PGA clause to become effective June 15, 1974, as proposed, and order that Western shall be made subject to § 154.38(d)(4)(vi) of the regulations.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in rates and charges contained in the revised tariff sheets listed in Footnote 1 above and that such sheets be accepted for filing, suspend for one day and permitted to take effect June 16, 1974, subject to refund.

(2) Good cause exists to accept for filing the revised tariff sheets listed in Footnote 2 above which would replace and cancel Rate Schedules I–1, I–2, I–3 and G–2 to become effective June 16, 1974.

(3) Good cause exists to accept Western's PGA clause for filing and make it effective as hereinafter ordered and conditioned.

The Commission orders:

(A) Pending a hearing and a decision thereon, Western's proposed revised tariff sheets reflecting increased rates and charges and listed in Footnote 1 above are accepted for filing and suspended for one day and the use thereof deferred until June 16, 1974 or until such time as they are made effective in the manner provided by the Natural Gas Act.

(B) Pursuant to authority of the Natural Gas Act, particularly section 4 thereof, and the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on September 16, 1974 at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of Western's proposed rate increase, as reflected in the revised tariff sheets listed in Footnote 1 above.

(C) Western's proposed revised tariff sheets listed in Footnote 2 above which would replace and cancel Rate Schedules I–1, I–2, I–3, and G–2 are accepted for filing and made effective, subject to refund, June 16, 1974.

(D) The revised tariff sheets reflecting Western's proposed PGA clause are accepted for filing and made effective June 15, 1974, as proposed provided that Western shall be made subject to the requirements of § 154.38(d)(4)(vi) of the regulations.

(E) On or before August 1, 1974 the Commission staff shall serve its prepared testimony and exhibits concerning the proposed amendment. Any rebuttal evidence by the Company shall be served on or before August 30, 1974.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(G) 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.74–14246 Filed 6–20–74;8:45 am]

[Project 1889]

WESTERN MASSACHUSETTS ELECTRIC CO.

Issuance of Annual License

JUNE 14, 1974.

On June 19, 1969, Western Massachusetts Electric Company, Licensee for Turners Falls & Cabot Project No. 1889, located in Windham County, Vermont, Franklin County, Massachusetts, and Cheshire County, New Hampshire, on the Connecticut River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 18, 1970.

The license for Project No. 1889 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Western Massachusetts Electric Company for continued operation and maintenance of Project No. 1889.

Take notice that an annual license is issued to Western Massachusetts Electric Company (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Turners Falls & Cabot Project No. 1889, subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14247 Filed 6–20–74;8:45 am]

[Dockets Nos. RI74–245, RI74–246]

CHAMPLIN PETROLEUM CO. AND PHILLIPS PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Changes In Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 6, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-245..	Champlin Petroleum Co....	109	10	Mountain Fuel Supply Co. (Church Buttes Field, Sweetwater County, Wyo., Unita Green River Basin) (Rocky Mountain Area).	$42,826	5- 7-74	.....	12- 1-74	[4] 26.5433	[1] [2] [4] 27.6275	
RI74-246..	Phillips Petroleum Co.....	547	2	Colorado Interstate Gas Co. (South Patrick Draw Field, Sweetwater County, Wyo., Unita Green River Basin) (Rocky Mountain Area).	99,591	5- 8-74	.....	11- 8-74	23.1572	[1] [3] 41.60	

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Includes a double amount of contractually due tax reimbursement.
[2] Includes upward Btu adjustment from a base of 1,050 Btu.
[3] Subject to upward or downward Btu adjustment from a base of 1,000 Btu.
[4] The pressure base is 15.025 lb/in²a.

The proposed rate increases of Champlin Petroleum Company and Phillips Petroleum Company exceed the applicable area ceiling rate as set forth in Opinion No. 658 and Order No. 435, and they are suspended for five months.

Champlin and Phillips in these filings include a double amount of the contractually due tax reimbursement so as to collect tax reimbursement on past production as well as on future production. They shall file rate decreases reflecting only contractually due tax reimbursement for future production after tax reimbursement on past production has been recovered.

[FR Doc.74-14114 Filed 6-20-74;8:45 am]

[Dockets Nos. RI74-251, etc.]

RATE CHANGES

Order Providing for Hearing and Suspension and Allowing To Become Effective Subject to Refund [1]

JUNE 13, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI74-251	Aztec Oil & Gas Co.	7	[1] 5	Southern Union Gathering Co. (San Juan County, N. Mex., San Juan Basin Subarea) (Rocky Mountain Area).	$20,650	5-13-74		11-13-74	[2] 28.65	[3] 32.78	
	do		[4] 6	do	681,380	5-13-74		11-13-74	[5] 30.09	[6] 34.43	
	do	32	[1] 7	do	197,280	5-13-74		11-13-74	[3] 28.65	[3] 32.76	
	do		[4] 8	do	238,700	5-13-74		11-13-74	[5] 30.09	[6] 34.43	
RI74-252	Texaco, Inc.	324	[7] 11	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).		5-13-74	6-13-74	[19] Accepted			
	do		12	do	146,897	5-13-74	6-13-74	[19] Accepted	[8] [11] [13] 17.6314	[8] [11] [13] 30.0278	
					[10]					[9] [12] [14] 29.04	
	do		13	do	5,925	5-13-74		[20]	[8] [13] 30.0278	[8] [13] 30.5278	
					[10]	5-13-74		[20]	[9] [14] 29.04	[9] [13] [14] [16] 34.485	
	do		14	do	3,721	5-13-74		[20]	[8] [15] 30.5278	[8] [15] 30.8418	
					[10]	5-13-74		[20]	[9] [16] 34.485	[9] [16] 34.8622	
RI74-253	Mobil Oil Corp.	484	5	Northwest Pipeline Corp. (Papoose Canyon Field, Dolores County, Colo., San Juan Basin Sub Area) (Rocky Mountain Area).	4,099	5-15-74		7-27-74	25.5	26.0	RI74-76. RI73-303.
RI74-60	Shell Oil Co.	395	3	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	341	5-17-74		7-2-74	28.5	28.8117	RI74-60.

*Unless otherwise stated, the pressure base is 15.025 lb/in [2]a.
[1] Pictured Cliffs Formation.
[2] Includes upward Btu adjustment for 1,150 Btu gas from a base of 1,050 Btu/ft [3].
[3] Includes upward Btu adjustment for 1,150 Btu gas from a base of 1,000 Btu/ft [3].
[4] Mesa Verde and Dakota Formations.
[5] Includes upward Btu adjustment for 1,209 Btu gas from a base of 1,050 Btu/ft [3].
[6] Includes upward Btu adjustment for 1,208 Btu gas from a base of 1,000 Btu/ft [3].
[7] Contract amendment dated Apr. 2, 1974.
[8] Includes upward Btu adjustment for 1,210 Btu gas from a base of 1,050 Btu/ft [3].
[9] Includes upward Btu adjustment for 1,210 gas from a base of 1,000 Btu/ft [3].
[10] No production.
[11] Base rate of 24.48 cents plus tax and Btu adjustment.
[12] Base rate of 24 cents plus Btu adjustment.
[13] Applicable to gas from wells commenced prior to Jan. 1, 1973.
[14] Applicable to gas from wells commenced on or after Jan. 1, 1973.
[15] Applicable to gas from wells commenced prior to June 1, 1970.
[16] Applicable to gas from wells commenced on or after June 1, 1970.
[17] Date last filed rate becomes effective subject to refund.
[18] Subject to upward and downward Btu adjustment from a base of 1,000 Btu.
[19] Accepted for filing as of the date set forth in the "Effective Date Unless Suspended" column.
[20] The proposed rate increase is suspended until Nov. 13, 1974, insofar as the sales are covered by Opinion No. 658 and is suspended until July 14, 1974, insofar as the sales are covered by Order No. 435.

The proposed rate increases of Texaco Inc. under Supplement Nos. 13 and 14 to its FPC Gas Rate Schedule No. 324 are suspended for five months insofar as the sales are covered by Opinion No. 658 and suspended for one day insofar as they are covered by Order No. 435.

The proposed rate increase of Mobil Oil Corporation exceeds the applicable area ceiling rate in Order No. 435, and is suspended for one day.

The proposed tax reimbursement increase of Shell Oil Company is suspended for one day from the proposed July 1, 1974 effective date in the existing suspension proceeding in Docket No. RI74–60.

The remaining proposed rate increases are suspended for five months since the proposed rates exceed the applicable area ceiling rate in Opinion No. 658.

[FR Doc.74–14099 Filed 6–20–74;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 June 18, 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

ACTION

Decline/De facto Questionnaire, Form ____, Quarterly, Lowry, Individuals.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis: Survey of U.S. Business Investments Abroad—1973, Form BE 10, Single time, Hulett, Foreign Investors.

FEDERAL ENERGY OFFICE

Notification of Adjustment in Base Period Volume for Unusual Growth, Form FEO 15A, Single time, Weiner, Suppliers of petroleum products.

Supplier Certification of Unusual Growth Adjustment, Form FEO 15, Occasional, Weiner, Suppliers of petroleum products.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
Educating Future Health Care Administrators and Evaluation of Current Health Care Education Objectives, Form ____, Single time, Planchon, HCA programs, graduate students and alumni.

Social Security Administration:
Evaluation and Measurement System Supplemental Security Income Questionnaire, Form SSA 9750, Occasional, HRD/Sunderhauf, Individuals.

Departmental:
Instructions for Application for Federal Assistance, Form OS 24–74, Annual, Lowry, Indian tribal governments and private, non-profit agencies.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Hatchery and Broiler Chick Placement Survey, Form ____, Weekly, Lowry, Chicken Hatcheries.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Research Service:
Food Facility Survey Form, Form TF 31, Occasional, Lowry, Wholesale food distributors and processors.

Agricultural Stabilization and Conservation Service:
Certification of Flue-Cured Tobacco Varieties Planted, Form MQ 32, Annual, Evinger, Operators of flue-cured tobacco farms.
Uniform Rice Storage Agreement, Form CCC 26, Occasional, Evinger, Rice warehousemen.
Bean Storage Agreement, Form CCC 28, Occasional, Evinger, Bean warehousemen.
Food and Nutrition Service:
Requisition for Food Coupon Books, Forms FNS 260, 260-1, Occasional, Evinger, State agencies and project areas (shipping points).

DEPARTMENT OF LABOR

Manpower Administration:
Individual Termination/Transfer Report, Form MA 102, Occasional, Evinger (x).
Proposal and Contract for Federally Assisted On-the-Job Training, Form OJT 3 & 3A, Occasional, Evinger (x).
MDTA Handbook, Chapter VII, Current Job Status, Form MA 103, Occasional, Evinger (x).
BWTP Sponsors Activity Report, Form BWTP-9, Monthly, Evinger (x).
Reporting on the Operation of Apprenticeship Information Centers, Form ES 239, Monthly, Evinger (x).
OJT Progress and Compliance Report, Form OJT 4-MT4, Occasional, Evinger (x).
Annual Distribution of Claimants by Earnings, Form ES 206, Annual, Evinger (x).
ESARS Transition Activity Report, Form MA 5-20, Monthly, Evinger (x).
Annual Manpower Planning Report, Form ____, Annual, Evinger (x).
Monthly Status Report (PSC), Form MA 5-19, Monthly, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Office.

[FR Doc.74-14394 Filed 6-20-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

JUNE 17, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 18, 1974 through June 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-14278 Filed 6-20-74;8:45 am]

[812-3595]

DANMONT CORP.

Filing of Application for Order Declaring Company Not An Investment Company or Exempting Company

JUNE 17, 1974.

Notice is hereby given that Danmont Corporation, 110 Wynn Drive, NW., Huntsville, Alabama 35806 ("Applicant"), a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities and, therefore, is not an investment company within the meaning of the Act, or in the alternative, for an order under section 6(c) exempting it from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was incorporated on January 20, 1971, as a wholly owned subsidiary of Danmont Corporation (formerly known as Astro-Space Corporation), a Nevada corporation ("Danmont Nevada") and, pursuant to an Agreement of Merger, acquired the assets and business of Danmont Nevada effective April 26, 1972. Prior to the merger, Applicant had not engaged in any business. Applicant owns 96 percent of the outstanding stock of Astro-Space Laboratories, Inc. ("Laboratories"), and since August 1967, Applicant and/or its predecessor has operated Laboratories. In April and May of 1969, Applicant acquired, pursuant to a cash tender offer, 68.7 percent of the outstanding stock of MSN Industries Ltd., a Canada corporation ("MSN"), formerly known as Mussens Limited, which, therefore, became a majority-owned operating subsidiary. During 1972, pursuant to an exchange offer, Applicant acquired an additional 28.3 percent of MSN, and thereby increased its percentage of ownership to 97 percent. On December 12, 1973, Applicant sold its 97 percent interest in MSN. Applicant owns 95 percent of the outstanding stock of Royal Medical Corporation ("Royal"), a former division of Laboratories which Applicant operates.

On October 31, 1970, Applicant's predecessor acquired 200,000 shares of common stock of The Jaeger Machine Company ("Jaeger"). Applicant asserts that such purchase was made for the purpose of acquiring control, and that Applicant is the largest single shareholder of Jaeger. The present Jaeger Board of Directors consists of ten members, five of whom are nominees of the Applicant. The application states that the only case in which Applicant acquired stock in a company other than for the purpose of operating such company, has been its acquisition of common stock of Trustee Life Insurance Company ("Trustee Life"), which sells insurance in Alabama. In December 1972, Applicant acquired and presently holds 30,800 shares of Trustee Life, which represents approximately 5.9 percent of Trustee Life's outstanding stock. Applicant alleges that its Trustee Life interest is its only holding acquired for "investment". MSN is engaged in the business of selling, leasing and servicing construction and mining equipment throughout eastern Canada and distributing parts for such equipment. Laboratories is engaged in the business of designing and manufacturing electronic and manufacturing equipment and components primarily for use in the aerospace industry. Royal is involved in research and development projects relating to medical diagnostic measuring instruments. Jaeger is engaged primarily in the manufacture of construction equipment. Applicant represents that it is involved in operating all but one of the businesses in which it holds a stock interest, and that it has never maintained any trading or other type of investment department and does not engage in securities trading.

Applicant's pro forma total assets (exclusive of Government securities and cash items) were $2,062,513 on an unconsolidated basis, including the Jaeger shares which are valued in conformity with section 2(a)(41) of the Act.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

As a result of its disposition of the MSN shares, and depending on the value placed on Applicant's various assets, Applicant states that it inadvertently has come within the jurisdiction of the Act by being deemed to own investment securities (as defined in section 3(a)(3) of the Act), which may have a value exceeding 40 percent of Applicant's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. On the basis of values determined in conformity with section 2(a)(41) of the Act, Applicant's investment securities represent approximately 66.3 percent of Applicant's total assets as aforesaid.

Section 3(b)(2) of the Act, however, excepts from the definition of an investment company any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses.

Applicant contends that it is entitled to an order of the Commission under section 3(b)(2) of the Act, finding and declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities through majority-owned subsidiaries or

through controlled companies conducting similar types of businesses, and that Applicant is not an investment company.

Applicant asserts that its history of development and its public statements demonstrate that, since its organization, Applicant has consistently conducted and represented itself as a company engaged in operating a business or businesses through majority-owned subsidiaries or controlled companies or both, and Applicant's shareholders have invested in Applicant on such basis. The absence of securities trading by Applicant, the fact that Applicant's "investment securities" in all but one case in its eight-year history were not acquired as investments, and the direct involvement of Applicant's officers in operations and expansion of operations and their lack of involvement in trading or investment activity on behalf of Applicant, further substantiate that Applicant is not engaged in the business of investing, reinvesting, owning, holding, or trading in securities. The acquisition by Applicant of slightly over 25 percent of the outstanding common stock of Jaeger, for the purpose of obtaining control of Jaeger and with a view toward combining Jaeger with Applicant, is consistent with Applicant's historical expansion of its operating activities and is further confirmation of the status of Applicant and its subsidiaries as an operating enterprise.

Applicant further contends that, as an alternative to an order under section 3(b)(2) of the Act, exemption of Applicant from all the provisions of the Act pursuant to section 6(c) thereof is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 11, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-14280 Filed 6-20-74;8:45 am]

[812-3530]

INVERNESS GROWTH FUND, INC. AND INVERNESS FUND, INC.

Filing of Application for Exemption

JUNE 17, 1974.

Notice is hereby given that Inverness Growth Fund, Inc., 1880 Century Park East, Los Angeles, Calif. 90067 ("IGF") and Inverness Fund, Inc., 345 Park Avenue, New York, N.Y. 10022 ("IF"), ("Applicants"), both registered under the Investment Company Act of 1940 ("Act") as diversified, open-end management investment companies, have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed sale by IF of substantially all of its assets to IGF in exchange for shares of common stock of IGF and pursuant to Section 6(c) for an order of exemption from the provisions of Rule 22c-1 under the Act permitting Applicants to determine net asset values for purposes of the exchange on the business day preceding the closing date of the proposed transaction. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

IGF, a Delaware corporation, employs as its investment adviser Inverness Counsel, Inc. (California) ("ICC"), a wholly-owned subsidiary of Inverness Counsel, Inc. ("IC"). IC, a wholly-owned subsidiary of Inverness Management Corporation ("IMC"), served as investment adviser to IF, a Maryland corporation, until May 31, 1973 when IC terminated the investment advisory agreement after determining that it could not advise IF on a profitable basis. The officers of IF, particularly one officer who is also an officer of IGF, have been supervising the investment portfolio of IF subject to the direction and control of IF's board of directors. One director and one officer of IF are directors and officers of IC. Five individuals who are either officers or directors of IMC, IC, or IGF own approximately 20% of the shares of IF.

IF and IGF have entered into an agreement dated August 13, 1973 and amended December 28, 1973 (the "Articles"), providing for the purchase by IGF of substantially all of the assets of IF in exchange for shares of IGF and the liquidation and subsequent dissolution of IF. It is a condition precedent to the obligation of each of the Applicants to affect the proposed transaction that an opinion of counsel be obtained to the effect that the proposed transaction will constitute a tax-free reorganization and that no gain or loss will be recognized by either of the Applicants or their shareholders as a result of the transaction. On February 22, 1974, the shareholders of IF approved the proposed transaction by the requisite majority of outstanding voting securities.

Prior to the closing date of the transaction ("Closing Date"), IF will distribute to its shareholders dividends consisting of all its undistributed earned income and realized capital gains. The number of shares to be issued by IGF to IF will be determined by dividing the total net asset value of IF by the net asset value per share of IGF. The total net asset value of IF and the net asset value per share of IGF will be determined at the same point in time at the close of business on the business day immediately preceding the Closing Date. Both IF and IGF follow the same procedures for determining the value of securities for purposes of computing net asset value. All IF shareholders will receive their pro rata share of the IGF shares to be issued upon liquidation of IF.

As of February 28, 1974, IGF and IF had, respectively, net assets of $5,172,949 and $177,285 and had net unrealized depreciation on the securities in their portfolios in the amounts of $829,713 and $20,589, respectively. Both IF and IGF currently have net realized losses. In addition, IF has tax loss carry forwards in the amounts of $63,964, $30,686, and $40,368 which may be utilized in 1974, 1975, and 1976, respectively. Applicants assert that it is problematical whether IGF will be able to benefit by the acquisition of realized losses in view of the uncertainty that IGF will be able to generate gains in sufficient amounts to offset the tax-loss carry forwards of IF and the current unrealized depreciation of securities of both IF and IGF. Accordingly, no adjustment in the bases of exchange will be made as a result of such tax losses or net unrealized depreciation. If the proposed transaction had been consummated on February 28, 1974, the shareholders of IF would have received approximately 3.3 percent of the shares of IGF.

SECTION 17(a)

Applicants state that, in view of the close affiliation between the managements of the Applicants, IC, and ICC, Applicants might be deemed to be under "common control" and each of the Applicants might be deemed an "affiliated person" of the other under the definition of "affiliated person" set forth in section 2(a)(3) of the Act.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company or any affiliated person of such a person knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants represent that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. The shares of IGF will be issued to the shareholders of IF on the basis of the respective net asset values of each of the Applicants determined at the same point in time and in the same manner. It is stated that both IF and IGF have experienced substantial declines in aggregate net assets in recent years. IF currently has no investment adviser and its Board of Directors has determined that since IF can no longer operate economically as a registered investment company, the proposed transaction will be in the best interests of IF shareholders. The Board of Directors of IGF view the proposed transaction as a means of attaining new and additional investors which would allow IGF to function more economically. IMC has agreed to bear all the expenses of the proposed transaction which are estimated at $16,500.

Applicants submit that the proposed transaction is consistent with the policies of both IF and IGF and the general purposes of the Act. Applicants state that the investment policies and restrictions of IF and IGF are substantially similar. IF has an investment restriction on the purchase of restricted securities; IGF has no such restriction. It is stated in the February 28, 1974 prospectus of IGF that IGF has never held restricted securities in its portfolio and does not presently intend to purchase restricted securities. It is represented that the management of IGF will determine what securities, if any, in the IF portfolio are inconsistent with the investment policies of IGF and that these securities will be sold by IF prior to the Closing Date.

RULE 22c-1

Rule 22c-1 promulgated under section 22(c) of the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Applicants state that the literal requirements of Rule 22c-1 may not be met by the proposed transaction if such rule is deemed to apply to transactions involving the exchange of stock for assets because the net asset values of IF and IGF for purposes of the exchange are to be determined as of the close of business on the business day immediately preceding the Closing Date.

Applicants state that the function of Rule 22c-1 is to prescribe the time for pricing redeemable securities on typical daily purchase and redemption transactions by investment companies and is not designed to cover the type of transaction contemplated by the Articles.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or conditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 12, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 12, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-14281 Filed 6-20-74;8:45 am]

[70-5512]

MICHIGAN CONSOLIDATED GAS CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JUNE 14, 1974.

Notice is hereby given that Michigan Consolidated Gas Co., One Woodward Avenue, Detroit, Mich. 48226 ("Michigan Consolidated"), a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Michigan Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1999. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, (which will not be less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the competitive bidding. The bonds will be issued under an Indenture of Mortgage and Deed of Trust dated as of March 1, 1944, as heretofore supplemented and as to be further supplemented by a Twenty-second Supplemental Indenture to be dated as of July 15, 1974, between Michigan Consolidated and First National City Bank, as Trustee, and including a prohibition until August 1, 1979, against refunding the issue with funds borrowed at a lower cost of money.

It is stated that the net proceeds from the sale of the bonds will be used to retire all of Michigan Consolidated's then outstanding notes payable for interim financing, estimated to be $18,000,000, and to pay, in part, 1974 construction costs, estimated at $100,000,000. It is stated that additional funds required to finance Michigan Consolidated's 1974 construction will be obtained from its operations and from additional borrowings which will be the subject of a future application to the Commission.

The fees and expenses to be paid in connection with the proposed transaction are estimated at $177,000, including counsel fees of $32,500 and accounting fee of $10,500. The fee of counsel for the purchasers of the bonds is estimated at $15,000 and is to be paid by the successful bidders. It is stated that the issuance and sale of the bonds require authorization by the Michigan Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 12, 1974, request in writing that a hearing

be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant 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 application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14277 Filed 6-20-74;8:45 am]

[812-3612]

WCI COMMERCIAL CORP.

Filing of Application Pursuant for Order Exempting Company From All Provisions of the Act

JUNE 17, 1974.

Notice is hereby given that WCI Commercial Corp., c/o Warner Communication, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019 ("Applicant"), a Delaware corporation, has filed an application pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein which are summarized below.

The only securities of Applicant now outstanding are shares of its capital stock, all of which are owned by Warner Communications Inc. ("WCI"), a Delaware corporation, and a $30,000,000 note ("Note") held by Continental Illinois National Bank and Trust Co. of Chicago ("Continental"). The Note was issued on December 14, 1973, and will be repaid in three equal annual installments commencing December 31, 1980. Pursuant to the Loan Agreement with Continental, as amended, Applicant agreed to apply for exemption from all of the provisions of the Act.

WCI is primarily engaged directly or through wholly-owned subsidiaries in the entertainment/communications business (including the fields of recorded music and music publishing, motion pictures and television, cable television, and magazine and paperback publication and distribution). The investment securities owned by WCI and its subsidiaries, including Applicant, have a value substantially less than 40 percent of the value of WCI's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

The proceeds of the loans were intended to be used, and have been applied, for the purchase of outstanding securities of WCI, as well as for the repayment of short-term obligations of WCI (incurred, in part, for the purchase of other outstanding securities of WCI). WCI could have made the loan directly from Continental without any question arising under the Act. However, because of Continental's concern that Regulation U of the Board of Governors of the Federal Reserve System might apply to the proposed transaction, in view of certain covenants in the Loan Agreement, and in view of the intended use of proceeds, Applicant was organized as the legal vehicle for effecting the $30,000,000 loan, under the guaranty of WCI, and WCI contributed to Applicant a portfolio of marketable securities sufficient to satisfy the margin rules.

Under the Loan Agreement, Continental is regularly supplied with extensive financial information concerning both WCI and Applicant, sufficient to provide Continental with such information as it would reasonably require for an intimate knowledge of Applicant's financial and business status.

The Loan Agreement did not provide for subdivision of the Note into notes of smaller denomination transferable to third parties or for any registration of the Note, and, on December 12, 1973, the Commission staff advised that, on the basis of counsel's opinion that Applicant was excepted from the definition of investment company by section 3(b)(3) of the Act, the staff would not recommend any action to the Commission if the loan was effected and the Note issued, without registration of Applicant under the Act.

Continental is concerned that, unless exempted by the Commission under section 6(c) of the Act, Applicant may be considered to be an "investment company" as defined in section 3(a)(3) of the Act for the reasons that (i) Applicant is engaged in the business of owning or holding securities, and owns investment securities having a value exceeding 40 percent of the value of Applicant's total assets (exclusive of Government securities and cash items) on an unconsolidated basis; (ii) not all of its outstanding securities are owned by a "company excepted from the definition of investment company by paragraph (1) or (2) [Section 3(b)], i.e., a condition for an exception to investment company status contained in section 3(b)(3); and (iii) Continental wishes to be assured of its ability to transfer participations in the loan to a limited number of institutional investors, as described below, should Continental wish to make such a transfer in the future.

Applicant states that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting Applicant from all provisions of the Act for the following reasons:

(1) WCI, the parent of Applicant, is not an investment company within the meaning of the Act, and could have borrowed the $30,000,000 directly from Continental without invoking the Act;

(2) All equity securities of Applicant are and will continue to be owned by its parent WCI;

(3) Applicant does not and will not engage in any activity or business other than (i) the ownership, acquisition or holding of securities primarily intended to satisfy the requirements of Regulation U, and the ownership, acquisition and holding of securities of WCI or its subsidiaries, (ii) the servicing of the loan, (iii) the making of loans to WCI, and (iv) the payment of dividends to WCI;

(4) There is and has been no holding out by WCI or by Applicant to WCI shareholders or to the general public that Applicant is an investment company. Applicant does not and will not offer any of its debt or equity securities to the general public. Applicant has engaged in no transactions with any person other than WCI, except for the Loan Agreement, purchases of Common Stock through brokers used by WCI to effect such purchases, and the private purchases of certain convertible debt securities of WCI. All such purchases were made in accordance with the terms of an exemption granted to WCI, pursuant to Rule 10b-6 under the Securities Exchange Act of 1934.

(5) The income of Applicant from investment securities (other than WCI securities) is less than 1 percent of the total revenues of WCI; assuming no change in Applicant's present portfolio of securities, Applicant's annualized income for the year ending December 31, 1974, will be approximately $4,720,000, excluding $268,000 in dividends to be received by Applicant from WCI and excluding $1,628,000 in interest to be received from WCI (such intercompany payments are eliminated in consolidation). Such $4,720,000 is equivalent to less than 1 percent of the aggregate ($565,111,000) of WCI's operating revenues for 1973 ($549,619,000) and its dividend, interest and other income for 1973 ($15,492,000). Thus, WCI's shareholders are not relying on Applicant's business activities in any substantial sense.

(6) If the Application is approved by the Commission and Continental decides to transfer any participations in the loan, it will limit such participants to not more than 10, each of which shall be an established financial institution

(i.e., a major bank or insurance company) each of which shall have a participation of not less than $2,000,000. The participation of any such participant will not exceed 5 percent of its net worth, and the interest to be received in any fiscal year by any such participant on its participation will not exceed 2 percent of its total revenues for such fiscal year. Such participants would not further subdivide or issue participations in the loan.

(7) Continental receives, and any additional participants in the loan would be entitled to receive, all information necessary for an intimate knowledge of the financial and business status of Applicant and of WCI, and therefore do not need the protection of the Act.

Applicant has agreed, if the Commission grants the application, that the Commission's order may be issued subject to the following conditions:

(1) Applicant will

(a) Continue to be a wholly-owned subsidiary of WCI;

(b) file with the Commission, within 120 days after the close of each fiscal year of Applicant: (i) the material required by items 1.08 (except with respect to information relating to persons under common control with Applicant), 1.09, 1.10 and 1.11 of Form N–1R adopted by the Commission pursuant to Section 30 (a) of the Act; and (ii) an annual balance sheet, income and surplus statement and schedule of investments;

(c) file with the Commission within 30 days after the happening of the following events, information as to (i) any request to exchange any of its debt securities for smaller denominations, and (ii) any transfer of such securities, or securities issued in exchange therefor, and the name and address of each transferee, to the extent that such information shall be available to, or can reasonably be obtained by, Applicant; *provided, however,* that no filing shall be required if a request to exchange or a transfer is made by a bank, or its nominee, which holds such securities as trustee or agent, for the purpose of effecting transfers among the accounts of such bank and its nominee.

(2) Applicant will not sell or permit any transfer of any of its debt securities (other than the outstanding Note, or any subdivision or participation therein to the limited group of institutional investors as above set forth, and other than securities to WCI or its wholly-owned subsidiaries as defined in the Act) unless Applicant shall have first given written notice to the Commission describing the proposed issuance of such additional securities not less than 60 days prior to the date of such proposed issuance; subject, however, to the right of the Commission, upon request of Applicant, to decrease such number of days. Applicant further agrees that if the Commission shall, after receipt of such written notice, determine that a substantial question shall exist as to whether or not the exemption granted by the Order hereby requested shall continue and shall mail or otherwise give notice to that effect to Applicant at its address c/o Warner Communications Inc., 75 Rockefeller Plaza, New York, New York 10019 (or to such other address as Applicant may previously have specified in writing to the Commission), within 30 days after the receipt by the Commission of such written notice from Applicant, Applicant will not issue such additional debt securities except in accordance with appropriate Order of the Commission.

Notice is further given that any interested person may, not later than July 12, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 12, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. 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.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74–14279 Filed 6–20–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–74–34]

BUDD CO.

Notice of Application for Variance

Notice of application. Notice is hereby given that The Budd Co., 2155 West Big Beaver Rd., Troy, Mich., 48084, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.252(a)(2)(v)(c)(*1*) which states that, "fuel-gas cylinders shall be placed with valve end up whenever they are in use."

The address of the place of employment that will be affected by the application is as follows:

The Budd Co.,
2450 Huntington Park Avenue,
Philadelphia, Pa. 19132

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy of all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.252(a)(2)(v)(*c*)(*1*) which requires that fuel-gas cylinders be placed with the valve end vertically upright. The applicant states that it uses approximately 40 acetylene cylinders securely mounted on an angle of 30° to 45° above the horizontal.

The applicant contends that, unlike liquid gas cylinders which may need to be kept with the valve end upright in the interest of safety, using acetylene cylinders in a horizontal position does not make the acetylene less stable or less safe than if it were used in a vertical position. The applicant cites the Compressed Gas Association Pamphlet G–1–1966 (p–2) in support of its position.

The applicant stated that it originally adopted its present mounting of acetylene cylinders for reasons of safety. Prior to 1957, the applicant used carts with cylinders mounted in a vertical or nearly vertical position. The applicant, however, experienced a number of accidents in which the rigs were being knocked over by moving trucks or material handling. For this reason, in 1958, the acetylene cylinders were mounted in newly designed rigs at an angle of 30° to 45° above the horizontal. Since that time the applicant states it has not experienced any accidents involving rigs being knocked over and subsequently damaged. The applicant alleges that this fact is due to the unusual stability of the new type of rig. The applicant further alleges that no hazards or accidents have been attributed to the fact that the acetylene cylinders were mounted on a 30° to 45° angle as opposed to a vertical or upright position.

The applicant contends that the escape of acetone has not been proven to be a safety hazard. However, the applicant states that it is interested in preventing the escape of large quantities of acetone from the cylinders because that event would ruin the quality of the welding work. The applicant alleges that it has several methods of detecting the escape of acetone. One is the odor of acetylene. A second is the color of the flame. A third is the poor quality of welding work which is being done.

The applicant contends that the procedure described above is as safe as the procedure required by 29 CFR 1910.252(a)(2)(v)(*c*)(*1*) from which the applicant is seeking a variance.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor,
Occupational Safety and Health Administration,
15220 Gateway Center,
3535 Market Street,
Philadelphia, Pa. 19104

U.S. Department of Labor,
Occupational Safety and Health Administration,
300 South Wacker Drive, Room 1201,
Chicago, Ill. 60606

U.S. Department of Labor,
Occupational Safety and Health Administration,
William J. Green, Jr., Federal Bldg.,
600 Arch Street,
Philadelphia, Pa. 19106

U.S. Department of Labor,
Occupational Safety and Health Administration,
Michigan Theatre Bldg., Room 626,
220 Bagley Avenue, Detroit, Mich. 48226

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than July 22, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 22, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

Signed at Washington, D.C., this 13th day of June 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-14276 Filed 6-20-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 534]

ASSIGNMENT OF HEARINGS

JUNE 18, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

W-1273, Aiple Towing Co., Inc., now assigned July 8, 1974 will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-135833 Sub 13, B & C Specialized Carriers, Inc., now being assigned hearing July 22, 1974 (2 days), in Room 672, 536 South Clark Street, Chicago, Ill.

MC-112822 Sub 293, Bray Lines Inc., is continued to July 23, 1974, in Room 672, 536 South Clark Street, Chicago, Ill.

MC-124211 Sub 234, Hilt Truck Lines, Inc., now being assigned hearing July 25, 1974 (2 days), in Room 672, 536 S. Clark Street, Chicago, Ill.

MC-105269 Sub 56, Graff Trucking Company, Inc., now being assigned hearing July 29, 1974 (2 days), in Room 672, 536 South Clark Street, Chicago, Ill.

MC-F-12034, United Trucking Co—Purchase—Dearmin Transfer, Inc., now being assigned hearing July 31, 1974 (3 days), in Room 672, 536 South Clark Street, Chicago, Ill.

MC-C-8041, Garrett Freight Lines, Inc., Et Al. v Puget Sound Truck Lines, Inc., now assigned July 16, 1974, at Olympia, Wash., is postponed indefinitely.

MC 139122 Sub-1, Jack G. Roberts, DBA Jack's Trucking Co., now being assigned October 1, 1974, at Jacksonville, Fla., in a hearing room to be later designated.

MC 124078 Sub-568, Schwerman Trucking Co., now being assigned October 3, 1974, at Jacksonville, Fla., in a hearing room to be later designated.

MC 105813 Sub-193, Belford Trucking Co., Inc., now being assigned October 7, 1974, at Miami, Fla., in a hearing room to be later designated.

MC-139504, Shea/Rustin Transport Co., now assigned June 27, 1974 at Atlanta, Ga., is cancelled and the application is dismissed.

MC 43963 (Sub-No. 3), Chief Truck Lines, Inc., now assigned July 8, 1974, at Chicago, Ill., will be held in Room 905A, 536 S. Clark Street.

MC-107515 Sub 881, Refrigerated Transport Co., Inc., now being assigned hearing September 10, 1974, (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC-C-8299, Atlanta Motor Lines, Inc., Et Al-V-Hennis Freight Lines Inc., now being assigned hearing September 11, 1974 (1 day) at Atlanta, Ga., in a hearing room to be later designated.

MC-109891 Sub 22, Infinger Transportation Co., Inc., Extension—Savannah, Ga., now being assigned hearing September 12, 1974, (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC-100666 Sub 259, Melton Truck Lines, Inc., now being assigned hearing September 18, 1974 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

MC-C-8309, Atlanta Motor Lines, Inc., Et al-V-The Mason And Dixon Lines, now being assigned hearing September 17, 1974 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 83539 Sub 385, C & H Transportation Co., Inc., MC 83835 Sub 113, Wales Transportation, Inc., MC 106497 Sub 91, Parkhill Truck Company, now being assigned September 4, 1974 (3 days), at Dallas, Tex., in a hearing room to be later designated.

MC-C-8336, Holton Transfer & Storage Co., John F. Ivory Storage Co., Inc., Von Der Ahe Van Lines, Inc., and Engel Brothers, Inc.—Investigation of Operations, now being assigned hearing September 9, 1974 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 35320 Sub 137, T.I.M.E.-DC, Inc., Extension-Alternate Route Over Interstate Highway 30, now being assigned hearing September 10, 1974 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC-F-12167, Tex-Pack Cartage Company of Dallas, dba Tex-Pack Express, Film Transfer Company, Inc., News Film Agency, Inc., Liberty Express, Inc., O & A Express, Inc., R. G. Dudley and C. C. Westfall (Mrs. Jewell Frances Westfall, Executrix), dba Mistletoe Transit Company, Morgan Express, Inc., Mistletoe Express, Service, dba Mistletoe Express, and Texas Tex-Pack Express, Inc.—Investigation of Pooling, MC-F-12168, Tex-Pack Cartage Company of Houston, dba Tex-Pack Express, Blue Bonnet Express, Inc., Film Transfer Company, Inc., Texas Tex-Pack Express, Inc., and Tex-Pack Cartage Company of Dallas, dba Tex-Pack Express—Investigation of Pooling, now being assigned September 12, 1974 (2 days), at Dallas, Tex., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14301 Filed 6-20-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 18, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 5, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-13179 (Sub-No. E1) (Correction), filed April 22, 1974, published in the FEDERAL REGISTER June 6, 1974. Applicant: R. C. WILLIAMS INC., W. 40 Highway, Russell, Kans. 67665. Applicant's representative: R. C. Williams (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Machinery, equipment, materials, and supplies used in the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, between points in Texas on and north of U.S. Highway 66, on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, and Oklahoma.

The purpose of this filing is to eliminate the gateway of points in Stevens, Haskell, Grant, Seward, Morton, Stanton, Finney, Kearney, Meade and Hamilton Counties, Kans., and Cimarron, Texas and Beaver Counties, Okla. The purpose of this correction is to reflect the correct docket number—previously published as No. MC–131179 (Sub-No. E1).

No. MC–14702 (Sub-No. E17), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment, and except in bulk), (a) between points in Maine, New Hampshire, Massachusetts, Rhode Island, Vermont, and points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line, thence south along Interstate Highway 91 to its intersection with Connecticut Highway 9, thence along Connecticut Highway 9 to Long Island Sound, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, points in Iowa on and west of U.S. Highway 69; points in Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line, thence west over U.S. Highway 12 to its intersection with Minnesota Highway 15, thence along Minnesota Highway 15 to the Minnesota Iowa State line; points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence south along Kentucky Highway 69 to its intersection with Kentucky Highway 85, thence along Kentucky Highway 85 to its intersection with Kentucky Highway 62, thence along Kentucky Highway 62 to its intersection with U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line; points in Indiana on and south of a line beginning at the Indiana-Illinois State line, thence east along Indiana Highway 62 to its intersection with Indiana Highway 66, thence along Indiana Highway 66 to the Ohio River at Cannelton; points in Tennessee on and east of Interstate Highway 65; and (b) between points in Maine, New Hampshire, Vermont, and points in Massachusetts on and north of Massachusetts Highway 9, on the one hand, and, on the other, points in Alabama on and west of a line beginning at the Alabama-Tennessee State line, thence south along Interstate Highway 65 to its intersection with Alabama Highway 22, thence along Alabama Highway 22 to its intersection with Alabama Highway 41, thence along Alabama Highway 41 to its intersection with Interstate Highway 65, thence along Interstate Highway 65 to Mobile Bay. The purpose of this filing is to eliminate the gateways of (a) the plantsite and warehouses of Alcan Aluminum Corp. at Oswego, N.Y., and (b) the plantsite and warehouses of Alcan Aluminum Corp. at Fairmont, W. Va.

No. MC–14702 (Sub-No. E31), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, structural frame steel, iron or steel metal grading, mesh, panels, and partitions* (except commodities which because of size or weight require special equipment and commodities in bulk), between Buffalo and Rochester, N.Y., points in Erie, Crawford, Mercer, Venango, Lawrence, Beaver, Allegheny, Butler, Washington, and Greene Counties, Pa., on the one hand, and, on the other, points in Arizona, Colorado, Oklahoma, Texas, Kansas, Nebraska, Council Bluffs, Iowa, points in Minnesota located on and north of a line beginning at the Wisconsin-Minnesota State line, thence west and south along Minnesota Highway 97 to its intersection with Interstate Highway 35W, thence along Interstate Highway 35W to its intersection with U.S. Highway 10, thence along U.S. Highway 10 to its intersection with Minnesota Highway 25, thence along Minnesota Highway 25 to its intersection with U.S. Highway 12, thence along U.S. Highway 12 to to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the facilities of the Keene Corporation at or near Vienna, W. Va.

No. MC–14702 (Sub-No. E32), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), between points in New York on, east, and north of a line extending from the shore of Lake Ontario at Oswego, N.Y., south along New York Highway 104 to its intersection with New York Highway 38, thence along New York Highway 38 to its intersection with U.S. Highway 5, thence along U.S. Highway 5 to its intersection with U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, points in Tennessee, on and west of U.S. Highway 127, points in Indiana on and south of U.S. Highway 150, and points in Illinois on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va., and (b) the plantsite and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC–14903 (Sub-No. E1), filed May 17, 1974. Applicant: FRY'S HORSE TRANSPORTATION, INC., 3740 Elm Street, Grove City, Ohio 43123. Applicant's representative: Beale Fry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary horses, and in the same vehicle, therewith, *mascots, personal effects of attendants*, and *supplies and equipment* used in the care and exhibition of such horses, (1) between Vermont, on the one hand, and, on the other, points in Tennessee, Arkansas, Louisiana, Oklahoma, Texas, Nebraska, Florida, Indiana, and Illinois, (2) between points in Massachusetts, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Tennessee, and Florida, (3) between points in Delaware, on the one hand, and, on the other, points in New York, Connecticut, New Hampshire, West Virginia, Ohio, Michigan, Indiana, Illinois, Kentucky, Tennessee, Arkansas, Louisiana, Oklahoma, Texas, Nebraska, and Florida, (4) between points in Virginia, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Louisiana, Nebraska, Oklahoma, Texas, and Arkansas, (5) between points in North Carolina, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Nebraska, Arkansas, Oklahoma, and Texas, (6) between points in Georgia, on the one hand, and, on the other, points in West Virginia, Ohio, Indiana, Illinois, Nebraska, Michigan, Pennsylvania, Maryland, New Jersey, New York, New Hampshire, and Rhode Island.

The purpose of this filing is to eliminate the gateways of: points in Kentucky in proposal numbers 1, 4, and 6; points in Kentucky and Ohio in proposal number 2; points in Pennsylvania in proposal number 3; and points in Kentucky and Arkansas in proposal number 5.

No. MC–30446 (Sub-No. E2), filed May 13, 1974. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 125 E. Craighead Road, Charlotte, N.C. 28205. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, cement, commodities in bulk, and those requiring special equipment), between Charlotte, N.C., and points in North Carolina within 40 miles of Charlotte on the one hand, and, on the other, points in South Carolina east of U.S. Highway 1 (except Charleston). The purpose of this filing is to eliminate the gateways of York and Lancaster Counties, S.C.

No. MC-47171 (Sub-No. E1), filed April 26, 1974. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4255, Greenville, S.C. 29608. Applicant's representative: Harris G. Andrew (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, in bulk, and those requiring special equipment), between points in South Carolina, on the one hand, and, on the other, points in Salem and Cumberland Counties, N.J., and points in that part of Pennsylvania east of the Susquehanna River. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC-73165 (Sub-No. E4), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35203. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as descibed in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment), (1) between points in Louisiana (except points in West Feliciana Parish) on, west, or south of a line beginning at a point on the Mississippi-Louisiana State line and extending along U.S. Highway 61 to New Orleans, thence along U.S. Highway 90 to the Louisiana-Alabama State line, on the one hand, and, on the other, points in Mississippi, Tennessee, Alabama, Georgia, Florida, Maryland, Pennsylvania, New York, North Carolina, South Carolina, and points in Arkansas on or East of U.S. Highway 61, (2) between points in West Feliciana, Ascension, St. John the Baptist, and East Baton Rouge Parishes, Louisiana, and points in Livingston, Tangipahoa, and St. Tammany Parishes, on and south of a line beginning at a point on the Livingston Parish Line near Denham Springs, Louisiana, and extending along U.S. Highway 190 to Covington, thence along Louisiana Highway 36 to its junction with Louisiana Highway 41, thence along Louisiana Highway 41 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to the Louisiana-Mississippi State line, on the one hand, and, on the other, points in Georgia, Tennessee, Maryland, Pennsylvania, New York, North Carolina, South Carolina, Alabama, Arkansas, Florida, and points in Mississippi on and north of U.S. Highway 82.

(3) Between points in Livingston, Tangipahoa, and St. Tammany Parishes, La., north of a line beginning at a point on the Livingston Parish Line near Denham Springs, and extending along U.S. Highway 190 to Covington, thence along Louisiana Highway 36 to its junction with Louisiana Highway 41, thence along U.S. Highway 41 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to the Louisiana-Mississippi State line, and points in East Feliciana, St. Helena, and Washington Parishes, on the one hand, and, on the other, points in Georgia, Tennessee, Maryland, Pennsylvania, New York, North Carolina, South Carolina, Arkansas, Florida east of the Apalachicola River, and that part of Alabama on or east of a line beginning at the Alabama-Georgia State line thence extending along U.S. Highway 84 to Dothan, Ala., thence along U.S. Highway 431 to Abbeville, thence along Alabama Highway 10 to Clio, thence along Alabama Highway 51 to Midway, thence along U.S. Highway 82 to Union Springs, thence along U.S. Highway 29 to Tuskegee, thence along Alabama Highway 81 to Loachapoka, thence along Alabama Highway 14 to Wetumpka, thence along U.S. Highway 231 to Sylacauga, thence along U.S. Highway 280 to Birmingham, thence along U.S. Highway 31 to the Tennessee-Alabama State line.

(4) From points in Louisiana to points in Virginia, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, the Lower Peninsula of Michigan, that part of Ohio south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, and thence along U.S. Highway 22 to Cincinnati, the Upper Peninsula of Michigan on or east of U.S. Highway 45, that part of Kentucky (except Louisville) on or east of a line beginning at Hawesville, Ky., thence along Kentucky Highway 69 to Fordsville, thence along Kentucky Highway 54 to Short Creek, thence along Kentucky Highway 79 to Caneyville, thence along Kentucky Highway 185 to Bowling Green, thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and that part of Wisconsin on or east of a line beginning at Land O'Lakes, Wis., extending along U.S. Highway 45 to Monico, thence along Wisconsin Highway 32 to Gillett, thence along Wisconsin Highway 22 to Oconto, thence along U.S. Highway 41 to Pensaukee, (5) from points in Louisiana on or east of a line beginning at the Louisiana-Texas State line southwest of Many, and extending along Louisiana Highway 6 to Clarence, thence along U.S. Highway 84 to Joyce, thence along Louisiana Highway 34 to Monroe, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line to points in Kentucky (except Louisville) on or east of U.S. Highway 431, and that part of Wisconsin on or east of a line beginning at Port Wing, Wis., and extending along Bayfield County Highway A to Iron River, thence along U.S. Highway 2 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to Grandview, thence along Bayfield County Highway D to its junction with Bayfield County Highway M, thence along Bayfield County Highway M to Clam Lake, thence along Wisconsin Highway 77 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 13 to Ogema, thence along Wisconsin Highway 86 to Tomahawk, thence along U.S. Highway 51 to Wausau, thence along Wisconsin Highway 29 to its junction with Wisconsin Highway 49, thence along Wisconsin Highway 49 to its junction with Wisconsin Highway 175 near Lomira, thence along Wisconsin Highway 175 to Menomonee Falls, thence along Wisconsin Highway 100 to Bayside, and the Upper Peninsula of Michigan.

(6) From points in Louisiana on or east of a line beginning at the Louisiana-Texas State line near Burr Ferry, and extending along Louisiana Highway 8 to Sicily Island, thence along Louisiana Highway 15 to Clayton, thence along U.S. Highway 65 to Tallulah, thence along U.S. Highway 80 to Delta, to points in Kentucky (except Louisville), on or east of U.S. Highway 41, that part of Wisconsin on or east of a line beginning at Superior, Wisconsin, and extending along U.S. Highway 53 to Spooner, thence along U.S. Highway 63 to Turtle Lake, thence along Wisconsin Highway 79 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with Interstate Highway 94 near Memomonie, thence along Interstate Highway 94 to Osseo, thence along Wisconsin Highway 27 to Westby, thence along U.S. Highway 14 to its junction with Wisconsin Highway 23 near Helena, thence along Wisconsin Highway 23 to Darlington, thence along Wisconsin Highway 81 to Monroe, thence along Wisconsin Highway 69 to the Wisconsin-Illinois State line, and that part of Illinois on or within an area bounded by a line beginning at the Illinois-Wisconsin State line near Oneco, Ill., thence along Illinois Highway 26 to Dixon, thence along U.S. Highway 52 to Mendota, thence along U.S. Highway 51 to its junction with U.S. Highway 6 near La Salle, thence along U.S. Highway 6 to Joliet, thence along Alternate U.S. Highway 66 to junction with U.S. Highway 66, thence along U.S. Highway 66 to Chicago (except points on U.S. Highway 6, Alternate U.S. Highway 66, or U.S. Highway 66).

(7) From points in Louisiana in, south, or east of West Feliciana, Pointe Coupee, St. Landry, Acadia, Jefferson Davis, and Calcasieu Parishes, to points in Kentucky (except Louisville) on or east of a line beginning at the Kentucky-Illinois State line and extending south along Kentucky Highway 109 to Clay, thence along Kentucky Highway 132 to Shady Grove, thence along Kentucky Highway 139 to the Kentucky-Tennessee State line, that part of Wisconsin on or east of a line beginning at Danbury, and extending along Wisconsin Highway 35 to its junction with Wisconsin Highway 46 near Milltown, thence along Wisconsin Highway 46 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Wisconsin-Minnesota State line, that part of Iowa on or east of a line beginning at the Iowa-Minnesota State line near Burroak, and extending along U.S. Highway 52 to Luxemburg, thence along Iowa Highway 3 to Dubuque, and that part of Illinois on and

east of a line beginning at East Dubuque, and extending along U.S. Highway 20 to Stockton, thence along Illinois Highway 78 to Mount Carroll, thence along Illinois Highway 88 to Peoria, thence along Interstate Highway 74 to its junction with Illinois Highway 121 southeast of Peoria, thence along Illinois Highway 121 to Greenup, thence along Illinois Highway 130 to Olney, thence along U.S. Highway 50 to the Illinois-Indiana State line (except points on and within that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 36 to Decatur, thence north along U.S. Highway 51 to La Salle, thence east along U.S. Highway 6 to Joliet, thence north along Alternate U.S. Highway 66 to junction U.S. Highway 66, then along U.S. Highway 66 to Chicago, and thence south along the Illinois-Indiana State line to point of beginning).

(8) From points in Louisiana in or east of Iberia, Lafayette, St. Martin, Iberville, West Baton Rouge, East Baton Rouge, and East Feliciana Parishes, to points in Wisconsin, that part of Kentucky (except Louisville) in or east of Crittenden, Caldwell, and Trigg Counties, that part of Iowa on or east of U.S. Highway 218, and that part of Illinois on, north or east of a line beginning at Quincy, and extending along Illinois Highway 104 to its junction with Illinois Highway 29 near Taylorville, thence along Illinois Highway 29 to Pana, thence along U.S. Highway 51 to Centralia, thence along Illinois Highway 161 to junction with Illinois Highway 37, thence along Illinois Highway 37 to Mount Vernon, thence along Illinois Highway 15 to the Illinois-Indiana State line (except points on and within that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 36 to Decatur, thence north along U.S. Highway 51 to La Salle, thence east along U.S. Highway 6 to Joliet, thence north along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, and thence south along the Illinois-Indiana State line to point of origin), (9) from points in Louisiana in Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines, St. Bernard, Orleans, St. John the Baptist, and St. Tammany Parishes, to points in Kentucky (except Louisville), Iowa, Illinois (except points on and within that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 36 to Decatur, thence north along U.S. Highway 51 to La Salle, thence east along U.S. Highway 6 to Joliet, thence north along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, and thence south along the Illinois-Indiana State line to point of origin), and that part of Missouri on and north of a line beginning at a point on the Iowa-Missouri State line near Irema, Mo., thence along U.S. Highway 169 to Carmack, thence along U.S. Highway 136 to Bethany, thence along Missouri Highway 13 to Hamilton, thence along U.S. Highway 36 to Chillicothe, thence along U.S. Highway 65 to Marshall, thence along Missouri Highway 41 to junction U.S. Highway 40 near Boonville, thence along U.S. Highway 40 to Columbia, thence along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 50 to Beaufort, thence along Missouri Highway 155 to junction Missouri Highway 8 near Potosi, thence along Missouri Highway 8 to Leading Ton, thence along U.S. Highway 67 to junction Missouri Highway 72 near Fredericktown, thence along Missouri Highway 72 to junction with Missouri Highway 34 near Jackson, thence along Missouri Highway 34 to Cape Girardeau.

(10) Between points in Terrebonne, LaFourche, St. James, Ascension, St. John the Baptist, St. Charles, Jefferson, Plaquemines, St. Bernard, Orleans, St. Mary, Part of St. Martin, Assumption, Iberville, Pointe Coupee, Concordia, Tensas, East Carroll Parishes, La., and points in Madison Parish, on or east of U.S. Highway 65, on the one hand, and, on the other, points in Arkansas, (11) between points in Iberia, Vermilion, La Fayette, St. Martin, Acadia, St. Landry, Madison, and Avoyelles Parishes, La., on the one hand, and, on the other, points in Arkansas (except points in Polk, Sevier, Howard, Little River, Hempstead, Miller, Lafayette, and Columbia Counties), (12) between points in Cameron, Jefferson Davis, Calcasieu, Allen, Evangeline, Rapides, La Salle, Catahoula, Franklin, and West Carroll Parishes, La., on the one hand, and, on the other, points in Arkansas on or north of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 65 to Pine Bluff, thence along U.S. Highway 270 to Y City, thence along U.S. Highway 71 to Fort Smith, (13) between points in Beauregard, Vernon, Sabine, Natchitoches, Grant, Caldwell, Winn, Ouachita, Richland, and Morehouse Parishes, La., on the one hand, and, on the other, points in Arkansas in and north of Phillips, Desha, Chicot, Monroe, Woodruff, Jackson, Independence, Cleburne, Stone, Searcy, and Boone Counties, (14) between points in Jackson, Ouachita, and Morehouse Parishes, La., on the one hand, and, on the other, points in Benton, Carroll, Washington, Madison, and Newton Counties, Ark.

(15) Between points in Texas, on the one hand, and, on the other, points in Georgia, Florida, North Carolina, South Carolina, Alabama, New York on or east of a line beginning at the New York-Pennsylvania State line near Corbettsville, and extending along New York Highway 7 to Schenectady, thence along New York Highway 50 to Saratoga Springs, thence along U.S. Highway 9 to the Canada-United States boundary line, Pennsylvania on or easts of Interstate Highway 81, Maryland on or east of U.S. Highway 522, Tennessee on or east of a line beginning at the Tennessee-Kentucky State line near Static, and extending along Tennessee Highway 42 to Sparta, thence along U.S. Highway 70s to McMinnville, thence along Tennessee Highway 55 to junction with Tennessee Highway 50 near Lynchburg, thence along Tennessee Highway 50 to junction with U.S. Highway 64, thence along U.S. Highway 64 to Fayetteville, thence along U.S. Highway 231 to the Tennessee-Alabama State line, and Mississippi on or east of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 45 to Tupelo, thence along Mississippi Highway 6 to Pontotoc, thence along Mississippi Highway 9 to Calhoun City, thence along Mississippi Highway 8 to Grenada, thence along Mississippi Highway 7 to Greenwood, thence along U.S. Highway 82 to Greenville.

(16) Between points in Texas on or south of a line beginning at Glenrio, and extending along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to Decatur, thence along Texas Highway 24 to Greenville, thence along U.S. Highway 69 to Mineola, thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Mississippi, Tennessee, New York on or east of a line beginning at Alexandria Bay, and extending along New York Highway 12 to Watertown, thence along Interstate Highway 81 to Cortland, thence along New York Highway 13 to Horseheads, thence along New York Highway 14 to the New York-Pennsylvania State line, Pennsylvania on or east of a line beginning at Lawrenceville, and extending along U.S. Highway 15 to Williamsport, thence along U.S. 220 to the Pennsylvania-Maryland State line, and Maryland, (17) between points in Texas on or south of a line beginning at Farwell, and extending along U.S. Highway 70 to the Texas-Oklahoma State line east of Vernon, on the one hand, and, on the other, points in New York and Pennsylvania, (18) between points in Texas on or south of a line running from the New Mexico-Texas State line along U.S. Highway 180 to Weatherford, and thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Arkansas on or east of Interstate Highway 55, (19) between El Paso, Tex., and points in Texas on or south of a line beginning at Orange, and extending along Interstate Highway 10 to Houston, thence along U.S. Highway 59 to Laredo, on the one hand, and, on the other, points in Arkansas on or east of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 65 to Little Rock, and thence along U.S. Highway 67 to the Arkansas-Missouri State line,

(20) From points in Texas to points in Delaware, New Jersey, Connecticut, Vermont, Maine, Massachusetts, Rhode Island, New Hampshire, Virginia, points in West Virginia on or east of a line beginning at Williamson, and extending along U.S. Highway 119 to Logan, thence West Virginia Highway 10 to Pineville, thence along West Virginia Highway 16 to Beckley, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to Lewisburg,

thence along U.S. Highway 219 to the West Virginia-Maryland State Line, Kentucky on or east of a line beginning at the Kentucky-Tennessee State line near Albany and extending along U.S. Highway 127 to Albany, thence along Kentucky Highway 90 to Burnside, thence along U.S. Highway 27 to Somerset, thence along U.S. Highway 80 to Manchester, thence along U.S. Highway 421 to Tyner, thence along Kentucky Highway 30 to Salyersville, Kentucky, thence along U.S. Highway 460 to Paintsville, and thence along Kentucky Highway 40 to the Kentucky-West Virginia State line, (21) from points in Texas on or south of a line beginning at Glenrio, and extending along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to Decatur, thence along Texas Highway 24 to Greenville, thence along U.S. Highway 69 to Mineola, thence along U.S. Highway 80 to the Texas-Louisiana State line to points in West Virginia on, south, or east of a line beginning at Huntington, and extending along U.S. Highway 60 to Charleston, thence along U.S. Highway 119 to Weston, and thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line, Kentucky beginning at the Kentucky-Tennessee State line, and extending along U.S. Highway 31E to Glasgow, thence along U.S. Highway 68 to Lexington, thence along U.S. Highway 60 to Ashland, (22) from points in Texas on or south of a line beginning at Farwell, and extending along U.S. Highway 70 to the Texas-Oklahoma State line east of Vernon, to points in West Virginia, Ohio south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Columbus, thence along U.S. Highway 23 to Circleville, and thence along U.S. Highway 22 to Cincinnati, and Kentucky (except Louisville) on or east of U.S. Highway 431.

(23) From points in Texas on or south of a line beginning at El Paso, and extending along U.S. Highway 80 to Pecos, thence along U.S. Highway 285 to Fort Stockton, thence along U.S. Highway 67 to San Angelo, thence along U.S. Highway 87 to Brady, thence along U.S. Highway 190 to Temple, Texas, thence along U.S. Highway 81 to Waco, and thence along U.S. Highway 84 to the Texas-Louisiana State line to points in the Lower Peninsula of Michigan, and Kentucky east of the Tennessee River (except Louisville), (24) from points in Texas on or south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 176 to Big Spring, thence along U.S. Highway 80 to the Texas-Louisiana State line to points in Michigan on or east of a line beginning at the Canada-United States boundary line, and extending along Interstate Highway 75 to Topinabee, thence along U.S. Highway 27 to the Michigan-Indiana State line, (25) from points in Orange and Jefferson Counties, Tex., to points in Kentucky (except Louisville), Wisconsin on or east of a line extending from Superior, along U.S. Highway 53 to La Crosse, and thence along U.S. Highway 61 to the Wisconsin-Illinois State line, Illinois on or east of a line extending from East Dubuque, along U.S. 20 to Freeport, thence along Illinois Highway 26 to Dixon, thence along U.S. Highway 52 to Mendota, thence along U.S. Highway 51 to Sandovel, thence along U.S. Highway 50 to the Illinois-Indiana State line (except points on and within that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 36 to Decatur, thence north along U.S. Highway 51 to La Salle, thence east along U.S. Highway 6 to Joliet, thence north along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence south along the Illinois-Indiana State line to point of beginning).

(26) From points in Hidalgo, Cameron, Kenedy, Kleberg, Nueces, and San Patricio Counties, Texas to points in Kentucky, (except Louisville), Wisconsin on or east of U.S. Highway 51, and Illinois on or east of U.S. Highway 51 (except points on and within that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 36 to Decatur, thence north along U.S. Highway 51 to La Salle, thence east along U.S. Highway 6 to Joliet, thence north along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, and thence south along the Illinois-Indiana State line to point of origin).

The purpose of this filing is to eliminate the gateways of: In proposals number (1), (10), (11), (12), (13), (14), (18), and (19), points in Louisiana on the Mississippi River; in proposals number (2), (3), (4), (5), (6), (7), (8), and (9), points in Louisiana on the Mississippi River, or Pearl River, La., and Birmingham, Ala.; and in proposals number (15), (16), and (17) points in Louisiana on the Mississippi River and Birmingham, Ala.; and in proposals number (20), (21), (22), (23), (24), (25), and (26) points in Louisiana on the Mississippi River and Birmingham, Ala.

No. MC-73165 (Sub-No. E6), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles, (1) from points in Alabama on and northeast of a line beginning at the Tennessee-Alabama State line and thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia State line, to points in Mississippi on and south of U.S. Highway 80, (2) from points in Alabama on and east of U.S. Highway 431 from the Alabama-Tennessee State line to Phoenix City, Ala., to points in Mississippi on and north of U.S. Highway 80 and on and south of U.S. Highway 82, and on and west of U.S. Highway 45A and 45, (3) from points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Georgia State line, thence over U.S. Highway 231 to Montgomery, and U.S. Highway 31 to Birmingham, to points in Mississippi on and north of U.S. Highway 82, (4) from points in Alabama on and north of a line beginning at Alabama-Mississippi State line over U.S. Highway 82 to Birmingham and on and south of a line beginning at the Alabama-Mississippi State line over U.S. Highway 78 to Birmingham, to points in Georgia, (5) from points in Alabama on and west of a line beginning at the Alabama-Florida State line, thence over Alabama Highway 41 to Selma thence Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. 78 to Alabama-Mississippi State line, to points in Georgia on and north of U.S. Highway 78 and U.S. Highway 378.

(6) From points in Alabama on and north of a line beginning at the Alabama-Georgia State line thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi State line, to points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, (7) from points in Alabama on and south of U.S. Highway 80, to points in Tennessee on and east of the Hatchie River and on and west of U.S. Highway 27, (8) from points in Alabama on and north of a line beginning at the Mississippi-Alabama State line, thence U.S. Highway 82 to Tuscaloosa, thence U.S. Highway 11 to Birmingham, thence U.S. Highway 78 to intersection with Alabama Highway 21, thence Alabama Highway 21 to Piedmont, thence U.S. Highway 278 to the Alabama-Georgia State line, to points in Florida on and east of Florida Highway 85 and on and north of a line beginning at St. Petersburg Beach, and extending along Florida Highway 263 to St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean, (9) from points in Alabama on and north of U.S. Highway 78 to points in Florida on and north of a line beginning at St. Petersburg Beach, and extending along Florida Highway 263 to St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean, (10) from points in Alabama on and north of U.S. Highway 78 to points in Louisiana east of the Mississippi River.

The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-73165 (Sub-No. E12), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Iron and steel electrical conduit and fittings and attachments* therefore (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Alabama, Florida, Louisiana, Mississippi, Tennessee, and points in that part of Georgia south of a line beginning at a point east of Savannah, on the Atlantic Coast and extending along U.S. Highway 80 to junction U.S. Highway 280, and thence along U.S. Highway 280 to the Georgia-Alabama State line.

(2) *Iron and steel conduit and pipe and fittings and attachments* for conduit and pipe (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Arkansas, Oklahoma, and Texas.

(3) *Iron and steel conduit and pipe and fittings and attachments* therefor (except commodities which because of size or weight require the use of special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Arizona, and Utah.

(4) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Arkansas, Oklahoma, Tennessee (except points east of Tennessee Highway 70), Alabama, Louisiana, Texas, Florida, Georgia, and Mississippi, and that part of Missouri on or south of a line beginning at the Kansas-Missouri State line near Amoret, and extending along Missouri Highway 52 to Eldon, thence along U.S. Highway 54 to Jefferson City, thence along U.S. Highway 50 to junction with Missouri Highway 47 near Union, Missouri, thence along Missouri Highway 47 to junction U.S. Highway 67 near Bonne Terre, and thence along U.S. Highway 67 to Crystal City; from points in Pennsylvania on and west of U.S. Highway 219 on and south of a line beginning at the Pennsylvania-New York State line near Fentonville, and extending along U.S. Highway 62 to the Pennsylvania-Ohio State line to points in Missouri on or south of a line beginning at St. Joseph, and extending along U.S. Highway 36 to Chillicothe, thence along U.S. Highway 65 to junction U.S. Highway 40, and thence along U.S. Highway 40 to St. Louis (except St. Louis, and points in the St. Louis, commercial zone as defined by the Commission); (c) from points in Pennsylvania on and west of U.S. Highway 219 and on and south of a line beginning at West Liberty, and extending along U.S. Highway 119 to Home, thence along Pennsylvania Highway 85 to junction U.S. Highway 422 near Kittanning, thence along U.S. Highway 422 to Butler, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, and points in Beaver County, to points in Missouri on and south of U.S. Highway 36; (d) from points in Pennsylvania within an area on and west of U.S. Highway 219 and on and south of U.S. Highway 22 and points in Allegheny and Westmoreland Counties, to points in Missouri.

(5) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, consisting of contractors' equipment other than oil field equipment, structural steel, and iron or steel pipe which because of size or weight requires the use of special equipment (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 (except points west of U.S. Highway 62), to St. Louis and points in the St. Louis, commercial zone as defined by the Commission.

(6) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209, consisting of *equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *equipment, materials, and supplies* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal and other minerals and *commodities* the transportation of which by reason of their size or weight require the use of special equipment or special handling (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Kansas, within 300 miles of Joplin, Mo., on or south of a line beginning at the Kansas-Missouri State line near Frontenac, Kans., and extending along U.S. Highway 160 to junction with Kansas Highway 96 near Cherryvale, and thence along Kansas Highway 96 to Kansas-Colorado State line; (b) from points in Pennsylvania on and west of U.S. Highway 219 and on and south of a line beginning at West Liberty, Pa., and extending along U.S. Highway 119 to Home, thence along Pennsylvania Highway 85 to junction U.S. Highway 422 near Kittanning, thence along U.S. Highway 422 to Butler, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, and points in Beaver County, to points in Kansas, within 300 miles of Joplin, Mo., on or east of a line beginning at the Kansas-Nebraska State line near Norton, and extending along U.S. Highway 283 to Norton, thence along U.S. Highway 36 to Phillipsburg, thence along U.S. Highway 183 to junction Interstate Highway 70 near Hays, thence along Interstate Highway 70 to Salina, and thence along U.S. Highway 81 to the Kansas-Oklahoma State line; (c) from points in Pennsylvania within an area on and west of U.S. Highway 219 and on and south of U.S. Highway 22, and Allegheny and Westmoreland Counties, to points in Kansas on and east of a line beginning at the Kansas-Missouri State line near Fort Scott, and extending along U.S. Highway 54 to Iola, thence along U.S. Highway 169 to junction Kansas Highway 57 near Colony, thence along Kansas Highway 57 to junction Kansas Highway 18 near junction City, thence along Kansas Highway 18 to Luray, and thence along U.S. Highway 281 to the Kansas-Nebraska State line.

(7) *Reinforcing and structural steel*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring special equipment), (a) from points in Pennsylvania within an area on and west of U.S. Highway 219, and on and south of U.S. Highway 22, and Allegheny and Westmoreland Counties, Pa., to points in Kansas on or south of a line beginning on the Kansas-Oklahoma State line near Arkansas City, and extending along Kansas Highway 15 to Wichita, thence along the Arkansas River to Great Bend, and thence along Kansas Highway 96 to the Kansas-Colorado State line.

(8) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size, or weight require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines, and those requiring special equipment), (a) from points in Pennsylvania on U.S. Highway 219 and that part of Pennsylvania within an area west of U.S. Highway 219 and on or south of a line beginning at Sandy, and extending along U.S. Highway 119 to Greensburg, thence along Pennsylvania Highway 136 to Washington, and thence along U.S. Highway 40 to the Pennsylvania-Ohio State line to points in Kentucky west of the Tennessee River. The purpose of this filing is to eliminate the gateways of: Glendale, W. Va., in proposals number 1(a), 2(a), and 3(a); points in Cabell County, W. Va., in proposals number 4(a), 4(b), 4(c), 4(d), 5(a), 6(a), 6(b), and 6(c); points in Cabell County, W. Va., Joplin, Mo., and Sand Springs, Okla., in proposal number 7(a); and points in Cabell County, W. Va., and Cape Girardeau, Mo., in proposal number 8(a).

No. MC–73165 (Sub-No. E14), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* (except commodities which because of size or weight require special equipment), (1) from points in Mississippi on and south of a line beginning at the Mississippi-Arkansas State line,

thence over Mississippi Highway 6 to Tupelo, thence over U.S. Highway 78 to the Mississippi-Alabama State line, to points in West Virginia; (2) from points in Mississippi, and points in Tennessee on and south of the Hatchie River, to points in West Virginia on and east of U.S. Highway 219.

The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–95540 (Sub-No. E56), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products,* and *meat byproducts,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in South Carolina on, west, and north of a line beginning at North Augusta and extending along U.S. Highway 78 to its junction with South Carolina Highway 215, thence along South Carolina Highway 215 to Kitchings Mill, thence along South Carolina Highway 394 to North, thence along U.S. Highway 178 to its junction with South Carolina Highway 172, thence along South Carolina Highway 172 to its junction with South Carolina Highway 6, thence along South Carolina Highway 6 to St. Matthews, thence along U.S. Highway 601 to junction with U.S. Highway 76/378, thence along U.S. Highway 76/378 to its junction with U.S. Highway 521, thence along U.S. Highway 521 to Sumter, thence along U.S. Highway 76 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-North Carolina State line.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E81), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299, Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts,* as described in Sections A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on or south of a line beginning at Jenner and proceeding along California Highway 116 to Santa Rosa; thence along California Highway 12 to Glen Ellen; thence along unnumbered highway to Oakville; thence along California Highway 29 to Rutherford; thence along California Highway 128 to its junction with Interstate Highway 80; thence along Interstate Highway 80 to its junction with California Highway 16; thence along California Highway 16 to its junction with California Highway 49; thence along California Highway 49 to its junction with California Highway 120; thence along California Highway 120 to its junction with U.S. Highway 395; thence along U.S. Highway 395 to its junction with California Highway 168; thence along California Highway 168 to the California-Nevada State line, to points in Maryland on and east of U.S. Highway 11.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E82), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in California on and south of a line beginning at Jenner and Proceeding along California Highway 116 to Santa Rosa, thence along California Highway 12 to Schellville, thence along California Highway 121 to Napa, thence along California Highway 29 to its junction with California Highway 12, thence along California Highway 49 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168; thence along California Highway 168 to the California-Nevada State line, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E91), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in California on, west, and south of a line beginning at San Francisco and extending along Interstate Highway 80 to its junction with California Highway 17; thence along California Highway 17 to its junction with Interstate Highway 580; thence along Interstate Highway 580 to its junction with California Highway 132; thence along California Highway 132 to its junction with Highway 99; thence along California Highway 99 to its junction with California Highway 58; thence along California Highway 58 to its junction with U.S. Highway 66; thence along U.S. Highway 66 to the Arizona-California State line to points in New York on and east of a line beginning at the United States-Canada international boundary line, and extending south along Interstate Highway 87 to its junction with New York Highway 23, thence along New York 23 to its junction with New York Highway 7, thence along New York Highway 7 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E108), filed May 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 6. M.C.C. 209 and 766 (except commodities in bluk, in tank vehicles), from points in California on, west, and south of a line beginning at Eureka and proceeding along U.S. Highway 101 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California 49 to its junction with U.S. Highway 120, thence along California Highway 120 to its junction with California Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence along California Highway 168 to the California-Nevada State line, to points in New Jersey on east, and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 57 to its junction with U.S. Highway 46, thence along U.S. Highway 46 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E110), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in California on and south of a line beginning at Eureka and proceeding along U.S. Highway 301 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence on California Highway 168 to the

California-Nevada State line, to points in Connecticut.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E112), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on, west, and south of a line beginning at Eureka and proceeding along U.S. Highway 101 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence on California Highway 168 to the California-Nevada State line, to points in New Jersey on, east and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 57 to its junction with U.S. Highway 46, thence along U.S. Highway 49 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E114), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits* and *frozen vegetables*, from points in Florida on and east of U.S. Highway 319, to points in Tennessee.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E116), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on, west, and south of a line beginning at Jenner and proceeding along California Highway 116 to Santa Rosa, thence along California Highway 12 to Schellville, thence along California Highway 121 to Napa, thence along California Highway 29 to its junction with California Highway 12, thence along California Highway 12 to San Andreas, thence along California Highway 49 to its junction with California Highway 120; thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence along California Highway 168 to the California-Nevada State line, to points in Massachusetts.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E118), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of a line beginning at Jenner and proceeding along California State Highway 116 to Santa Rosa; thence along California Highway 12 to Glen Ellen; thence along unnumbered highway to Oakville; thence along California Highway 29 to Rutherford; thence along California Highway 128 to its junction with Interstate Highway 80; thence along Interstate Highway 80 to its junction with California Highway 16; thence along California Highway 16 to its junction with California Highway 49; thence along California Highway 49 to its junction with California Highway 120; thence along California Highway 120 to its junction with U.S. Highway 395; thence along U.S. Highway 395 to its junction with California Highway 168; thence along California Highway 168 to the California-Nevada State line, to points in Maryland on and east of U.S. Highway 11.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E133), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *meats, meat products*, and *meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Buffalo, N.Y., to points in Louisiana on and south of a line beginning at the Texas-Louisiana State line, and extending along Interstate Highway 10, to Baton Rouge, thence along U.S. Highway 190 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with Louisiana Highway 442, thence along Louisiana Highway 442 to its junction with Louisiana Highway 40, thence along Louisiana Highway 40 to its junction with Louisiana Highway 21, thence along Louisiana Highway 21 to Bogalusa, thence along Louisiana Highway 10 to the Louisiana-Mississippi State line.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E148), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida on and east of Florida Highway 85, to points in Colorado.

The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E155), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, and *frozen vegetables*, from points in Florida on and east of U.S. Highway 231, to points in Colorado.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No MC–95540 (Sub-No. E216), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of a line beginning at San Francisco and extending along Interstate Highway 80 to its junction with California Highway 17, thence along California Highway 17 to its junction with Interstate Highway 580, thence along Interstate Highway 580 to its junction with California Highway 132, thence along California Highway 132 to its junction with California Highway 99, thence along California Highway 99 to its junction with California Highway 58, thence along California Highway 58 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-California State line, to points in New York on and east of the line beginning at the United States-Canada international boundary line, and extending along Interstate 87 to its junction of New York Highway 23, thence along New York Highway 7 to the New York-Pennsylvania State line.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E282), filed May 10, 1974. Applicant: WATKINS

MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Minnesota.

The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E283), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from St. Louis, Mo., to Birmingham, Ala.

The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E290), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to points in Colorado on and south of a line beginning at the Colorado-Utah State line and proceeding east along Interstate Highway 40 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Kansas State line.

The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E291), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Minnesota.

The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E319), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania, to points in Oklahoma west on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to its junction with the Muskogee Turnpike, thence along the Muskogee Turnpike to Tulsa, thence along U.S. Highway 64 to Enid; thence along Oklahoma Highway 15 to Woodward; thence along U.S. Highway 183 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E325), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, and frozen vegetables*, from points in the Lower Peninsula of Michigan to points in California on and south of a line beginning at Santa Cruz, and proceeding along California Highway 1 to its junction with California Highway 152, thence along California Highway 152 to its junction with Interstate Highway 5, thence along Interstate Highway 5 to its junction with California Highway 140 to Merced, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to Barstow, thence along Interstate Highway 15 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E327), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Sea Pak Corporation on St. Simons Island, Ga., to points in Nevada. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E329), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania on and east of a line beginning at Erie, Pa., and extending south along Interstate Highway 79 to its junction with Pennsylvania Highway 285, thence along Pennsylvania Highway 285 to its junction with Pennsylvania Highway 322, thence along Pennsylvania Highway 322 to its junction with Pennsylvania Highway 38, thence along Pennsylvania Highway 38 to its junction with Pennsylvania Highway 268, thence along Pennsylvania Highway 268 to its junction with U.S. Highway 422, thence along U.S. Highway 422 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to its junction with Pennsylvania Highway 56 to its junction with U.S. Highway 219, thence along U.S. Highway 219, excluding Somerset, to the Pennsylvania-Maryland State line, to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC–95540 (Sub-No. E330), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania, to points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC–95540 (Sub-No. E331), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Erie and North East, Pa., to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC–95540 (Sub-No. E332), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Arkansas, to points in Rhode Island. The purpose of this filing is to eleminate the gateway of points in New York.

No. MC–105984 (Sub-No. E2), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Texas 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery and equipment*, incidental to, or used in, the construction, repairing or dismantling of gas, gasoline and oil, pipelines (except the stringing and picking up of pipe in connection with main pipe lines); and (2) earth drilling machinery, and equipment, and machinery, equipment, materials, supplies and pipe, incidental to, used in, or in connection with (a) the

transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Louisiana, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–110525 (Sub-No. E26), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, Transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties, Calif., to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Houston, Tex., Baltimore, Md., and Newark, N.J.

No. MC–110525 (Sub-No. E27), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties, to points in Vermont. The purpose of this filing is to eliminate the gateways of Houston, Tex., Pittsburgh, Pa., and Syracuse, N.Y.

No. MC–111812 (Sub-No. E1), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Sioux Falls, S. Dak., to points in Utah (except points in the counties of Rich, Summit, and Daggett). The purpose of this filing is to eliminate the gateway of Ocheyedan, Iowa, and points within 10 miles thereof.

No. MC–111812 (Sub-No. E2), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy* and *confections* (except in bulk), from the plantsites and warehouse facilities of R. M. Palmer Co., at or near West Reading, Pa., to Salt Lake City, Utah, and points in California and Arizona. The purpose of this filing is to eliminate the gateway of Sioux Falls, S. Dak.

No. MC–111812 (Sub-No. E3), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from points in Wisconsin to points in Utah, California, and Nevada. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC–111812 (Sub-No. E4), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Omaha, Nebr., to points in California and Nevada. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC–111812 (Sub-No. E5), filed May 8, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides, from Fargo and West Fargo, N. Dak., to points in California, Idaho, Montana (except points in Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, Valley, and Wibaux Counties), Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Flom, Minn.

No. MC–111812 (Sub-No. E6), filed May 8, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Frankfort, Mich., to points in Idaho, Oregon, Washington, California, Nevada, Utah, and Montana. The purpose of this filing is to eliminate the gateway of Fairmont, Minn.

No. MC–111812 (Sub-No. E7), filed May 13, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except commodities in bulk, in tank vehicles), as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC–111812 (Sub-No. E8), filed May 9, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo, Iowa, to Denver, Colo. The purpose of this filing is to eliminate the gateway of St. James, Minn.

No. MC–111812 (Sub-No. E9), filed May 13, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packinghouse products, dairy products, eggs, and poultry*, from points in that part of Kansas on and east of U.S. Highway 81 (except Kansas City), to points in Montana, Washington, and that part of Oregon on and west of Interstate Highway 5, restricted against the transportation of hides and commodities in bulk. The purpose of this filing is to eliminate the gateway of Sioux City, Iowa.

No. MC–114019 (Sub-No. E159), filed May 8, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends* thereof, in bulk, in tank vehicles, (1) from Chicago, Ill., and Madison, Wis., to points in Kentucky on and east of Kentucky Highway

81 from the Indiana-Kentucky State line to its junction with Kentucky Highway 85, thence Kentucky Highway 85 to its junction with U.S. Highway 41 to the Kentucky-Tennessee State line; points in Tennessee on and east of U.S. Highway 41 from the Kentucky-Tennessee State line to its junction with Tennessee Highway 13, thence Tennessee Highway 13 to the Tennessee-Mississippi State line; and those points in West Virginia on and south of U.S. Highway 33. (2) From Peoria, Ill., to points in Kentucky on and east of U.S. Highway 31W; those points in Tennessee on and east of U.S. Highways 31W and 31; and those points in West Virginia on and south of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E188), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). 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 in Mechanically refrigerated vehicles, from the plant site of Farmland Industries, Inc., near Garden City, Kans., to (1) points in Wisconsin, on and east of U.S. Highway 51 from the Wisconsin-Michigan State line to junction Wisconsin Highway 54, thence Wisconsin Highway 54 to junction Wisconsin Highway 13, thence Wisconsin Highway 13 to junction U.S. Highway 12, thence U.S. Highway 12 to junction U.S. Highway 14, thence U.S. Highway 14 to junction U.S. Highway 51, thence U.S. Highway 51 to the Wisconsin-Illinois State line, (2) Nashville, Tenn., (3) Louisville, Bellevue, and Covington, Ky., (4) points in Virginia, and (5) points in Kentucky on and east of U.S. Highway 127 from the Indiana-Kentucky State line to the junction of Kentucky Highway 70, thence Kentucky Highway 70 to the junction of U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line. The authority described in (1) through (5) above, restricted to the transportation of shipments moving from, to, or between warehouses or other facilities of wholesale and retail food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill., Evansville, Ind., Carbondale, Ill., or Union City, Ohio.

No. MC–114019 (Sub-No. E189), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides), in mechanically refrigerated vehicles, from Columbus Junction, Iowa, to (1) points in Milwaukee County and points east of U.S. Highway 45 in Kenosha and Racine Counties, Wis.; (2) Bowling Green and Louisville, Ky., and Nashville, Tenn.; and (3) points in that part of Kentucky on and east of a line beginning at the junction of the Indiana-Kentucky State line and Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, restricted in (1) through (3) above to the transportation of shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Peoria and Chicago, Ill., Jeffersonville, Ind., or Union City, Ohio.

No. MC–114019 (Sub-No. E197), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat and meat products not frozen*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from Fort Atkinson, Wis., to points in Pennsylvania, Nashville, Tenn., and Cleveland, Ohio, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Louisville, Ky., or Woodstock, Ill.

No. MC–114019 (Sub-No. E198), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and pelts, and commodities in bulk), from the plant sites and warehouse facilities of Swift and Company, located within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, to points in Wisconsin on and north of U.S. Highway 12, restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Hammond, Ind.

No. MC–114019 (Sub-No. E202), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk and commodities requiring special equipment), between points in West Virginia on and west of U.S. Highway 219 from the Maryland-West Virginia State line to its junction with West Virginia 32, thence West Virginia Highway 32 to its junction with U.S. Highway 33, thence U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, thence along New York Highway 17 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC–114019 (Sub-No. E203), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Louisville, Ky., to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateway of Lexington and Lafayette, Ind.

No. MC–114019 (Sub-No. E204), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment), between points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in West Virginia on and west of U.S. Highway 219 from the Maryland-West Virginia State line to junction West Virginia 32, thence West Virginia 32 to junction U.S. Highway 33, thence U.S. Highway 33

to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC–114019 (Sub-No. E205), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products, by-products and packinghouse supplies*, as dealt in by chain grocery stores, between Louisville, Ky., on the one hand, and, on the other, Des Moines and Sioux City, Iowa, and Omaha and South Omaha, Nebr., restricted to the transportation of shipments moving from, to, or between warehouses, and other facilities of retail food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E206), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, (1) from points on, east, and south of Ohio Highway 7, from Ohio-West Virginia State line to its junction with Interstate Highway 77, thence on Interstate Highway 77 to its junction with Ohio Highway 22, thence on Ohio Highway 22 to the Ohio-West Virginia State line to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and points in Wisconsin, on, west and north of Wisconsin Highway 69 from the Illinois-Wisconsin State line to its junction with U.S. Highway 151, thence on U.S. Highway 151 to its junction with Wisconsin Highway 28, thence on Wisconsin Highway 28 to Lake Michigan, (2) from points in Ohio on, east, and south of Ohio Highway 26 from the Ohio-West Virginia State line to its junction with Ohio Highway 78, thence on Ohio Highway 78 to the Ohio-West Virginia State line to points in Illinois and Indiana, (3) from points in Pennsylvania on and east of Pennsylvania Highway 50 from the West Virginia State line to its junction with U.S. Highway 19, thence on U.S. Highway 19 to its junction with Pennsylvania Highway 28, thence on Pennsylvania Highway 28 to its junction with Pennsylvania Highway 949, thence on Pennsylvania Highway 949 to its junction with U.S. Highway 219, thence on U.S. Highway 219 to the Pennsylvania-New York State line to points in Indiana on and south of Interstate Highway 70 from the Indiana-Ohio State line to its junction with Interstate Highway 74, thence on Interstate Highway 74 to the Indiana-Illinois State line, and points in Illinois on and south of U.S. Highway 34,

(4) From points in West Virginia on, east, and north on U.S. Highway 33 from the Virginia-West Virginia State line to its junction with U.S. Highway 119, thence on U.S. Highway 119 to its junction with U.S. Highway 50, thence on U.S. Highway 50 to its junction with Alternate U.S. Highway 50, thence on Alternate U.S. Highway 50 to the West Virginia-Ohio State line to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, (5) from points in that portion of New York bounded on the west by U.S. Highway 219 from Pennsylvania-New York State line to its junction with New York Highway 16, thence on New York Highway 16 to its junction with New York Highway 408, thence on New York Highway 408 to its junction with New York Highway 19, thence New York Highway 19 to Lake Ontario and bounded on the east by a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in Pennsylvania on and east of U.S. Highway 19 from the Pennsylvania-West Virginia State line to its junction with Pennsylvania Highway 8, thence on Pennsylvania Highway 8 to its junction with U.S. Highway 62, thence on U.S. Highway 62 to its junction with Pennsylvania Highway 59, thence on Pennsylvania Highway 59 to its junction with U.S. Highway 219, thence on U.S. Highway 219 to the New York-Pennsylvania State line, to points in Arkansas, Missouri, Kansas, and Nebraska, and points in Iowa on and south of U.S. Highway 34 from the Iowa-Illinois State line to its junction with U.S. Highway 63, thence on U.S. Highway 63 to the junction with Iowa Highway 163, thence on Iowa Highway 163 to its junction with Interstate Highway 80, thence on Interstate Highway 80 to its junction with U.S. Highway 59, thence on U.S. Highway 59 to its junction with Iowa Highway 141, thence on Iowa Highway 141 to its junction with Interstate Highway 29, thence on Interstate Highway 29 to the Iowa-South Dakota State line, and points in South Dakota on and west of U.S. Highway 77 from the Iowa-South Dakota State line to its junction with U.S. Highway 12, thence on U.S. Highway 12 to the North Dakota-South Dakota State line, and points in North Dakota on and west of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of St. Marys, W. Va.

No. MC–114019 (Sub-No. E207), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, roofing cement, building, roofing and sheathing paper, building and roofing felt, nails, fasteners, asphalt, pitch, tar, shingles, and sidings*, from South Bend, Ind., to points in Nebraska, points in that part of Missouri, on, west, and south of a line beginning at the Iowa-Missouri State line extending south along Missouri Highway 15 to junction Missouri Highway 22, thence east along Missouri Highway 22 to junction Missouri Highway 19, thence south along Missouri Highway 19 to junction Missouri Highway 8, thence east along Missouri Highway 8 to junction U.S. Highway 67, thence south along U.S. Highway 67 to junction Missouri Highway 32, thence east along Missouri Highway 32 to the Missouri-Illinois State line, points in that part of Iowa, on, north and west of a line beginning at the Iowa-Missouri State line, extending north along Iowa Highway 15 to junction Iowa Highway 2, thence east along Iowa Highway 2 to junction Iowa Highway 1, thence north along Iowa Highway 1 to junction Iowa Highway 78, thence east along Iowa Highway 78 to the Illinois-Iowa State line.

(2) *Roofing, roofing cement, building, roofing and sheathing paper, building and roofing felt, nails, asphalt, pitch, tar, shingles, and sidings*, from South Bend, Ind., to points in that part of Missouri on, south, and east of a line beginning at the Iowa-Missouri State line, and extending south along Missouri Highway 15 to junction Missouri Highway 22, thence east along Missouri Highway 22 to junction Missouri Highway 19, thence south along Missouri Highway 19 to junction Missouri Highway 8, thence east along Missouri Highway 8 to junction U.S. Highway 67, thence south along U.S. Highway 67 to junction Missouri Highway 32, thence east along Missouri Highway 32 to the Missouri-Illinois State line (except Hannibal, and points in St. Louis County). The purpose of this filing is to eliminate the gateway of Waukegan or Wilmington, Ill.

No. MC–114019 (Sub-No. E209), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, supplies, chemicals and machinery* as are used in the manufacture and distribution of heavy industrial chemicals (except drugs, medicine, and toilet preparations), from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway

15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania to Joliet, Ill., restricted to the transportation of shipments moving from, to, or between heavy industrial chemical manufacturing plants (except drug, medicine, and toilet preparation plants), or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway points in Ohio.

No. MC–114019 (Sub-No. E210), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., on the one hand, and, on the other, points in West Virginia in and west of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Clay, Kanawka, Raleigh, Wyoming, and Mingo Counties. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Lansing, Mich.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14306 Filed 6–20–74;8:45 am]

[Notice 107]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 22, 1974.

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), appears 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 July 22, 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–74330. By order of June 11, 1974, Division 3, acting as an Appellate Division, approved the transfer to J. E. Lammert Transfer, Inc., Grand Island, Nebr., of the operating rights in Certificate No. MC–23864 issued December 19, 1950, to Donald W. Clarke, doing business as Red Cloud Transfer, Hastings, Nebr., authorizing the transportation of general commodities, with exceptions over regular routes, between specified points in Kansas and Nebraska. Kenneth F. Dudley, 611 Church St., Ottumwa, Iowa, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14302 Filed 6–20–74;8:45 am]

[Notice 108]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 22, 1974.

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 July 12, 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–75136. By order of June 11, 1974, the Motor Carrier Board, on reconsideration, approved the transfer to Dawn F. Karcher, Buckingham Township, Wayne County, Pa., of Certificate No. MC–117026 issued November 2, 1964, to Harold O. Karcher, Scott Township, Wayne County, Pa., authorizing the transportation of: Passengers and their baggage, in seasonal operations, during July and August of each year between specified areas in Pennsylvania and New York. David M. Boyd, Attorney, 926 Court St., Honesdale, Pa. 18431.

No. MC–FC–75145. By order of June 17, 1974, the Motor Carrier Board approved the transfer to Murrell's Welding Works, Inc., Levelland, Tex., of Certificate of Registration No. MC–96801 (Sub-No. 1) issued April 17, 1964, to J. W. Thrasher, doing business as Thrasher Trucking Company, Monahans, Tex., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 5264, Docket No. 5264, dated August 15, 1957, issued by the Railroad Commission of Texas. John C. Sims, 1607 Broadway, Lubbock, Tex. 79401.

No. MC–FC–75194. By order entered June 17, 1974, the Motor Carrier Board approved the transfer to I.B.H. Transportation, Inc., Windham, N.H., of the operating rights set forth in Certificate No. MC–11698, issued July 24, 1962, as corrected September 7, 1962, to William F. Broderick, doing business as John W. Broderick Company, Allston, Mass., authorizing the transportation of accoustical tile, from Portsmouth, N.H., to Boston, Mass.; various specified commodities, from Boston, Mass., and points within 10 miles thereof, to points in Rhode Island, Connecticut, and specified points in New Hampshire; and household goods, between Boston, Mass., and points within 20 miles of Boston, on the one hand, and, on the other, points in New York, Rhode Island, New Hampshire, Connecticut, and New Jersey. John F. O'Donnell, Barrett and Barrett, 60 Adams St., P.O. Box 238, Milton, Mass. 02187, attorney for transferee, and George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for transferor.

No. MC–FC–75202. By order entered June 17, 1974, the Motor Carrier Board approved the transfer to Joseph F. Hughes, doing business as Mt. Ephraim Storage, Camden, N.J., of the operating rights set forth in Certificates Nos. MC–65398 (Sub-No. 1), MC–65398 (Sub-No. 2), and MC–65398 (Sub-No. 3), issued by the Commission January 18, 1966, January 18, 1966, and February 27, 1973, respectively, to Miller Brothers Moving & Storage, Inc., Riverside, N.J., authorizing the transportation of household goods as defined by the Commission, between Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, on the one hand, and, on the other, points in New York, New Jersey, and Delaware; household goods, between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Maryland, Delaware, Pennsylvania, and the District of Columbia; and between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, and Delaware. Francis P. Desmond, 115 East Fifth St., Chester, Pa. 19013, attorney for applicants.

No. MC–FC–75205. By order of June 14, 1974, the Motor Carrier Board approved the transfer to Thomas O. Mattingly, doing business as Kootenai Motor Freight, Kalispell, Mont., of Certificate of Registration No. MC–120694 (Sub-No. 1) and MC–120694 (Sub-No. 2) issued August 13, 1964, and December 27, 1967, respectively to Dale A. Hudson, doing business as Kootenai Motor Freight, Eureka, Mont., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Public Convenience and Necessity No. 2391 dated September 23, 1960, and September 11, 1967, issued by the Public Service Commission of the State of

Montana. Charles L. Hash, P.O. Box 1178, Kalispell, Mont. 59901, attorney for applicants.

No. MC-FC-75207. By order of June 14, 1974, the Motor Carrier Board approved the transfer to Volunteer Express, Inc., Nashville, Tenn., of Certificate of Registration No. MC-121699 issued August 31, 1973, to Ned R. McWherter, doing business as Volunteer Trucking Company, Dresden, Tenn., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Convenience and Necessity No. 3436 issued by the Tennessee Public Service Commission. Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14304 Filed 6-20-74;8:45 am]

R. D. PFAHLER AND LEWIS R. TEEPLE

Specification of Type of Rerouting Cases in Respect of Which Determinations May Be Made

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 22nd day of January 1974.

It appearing, that Item 4.4(z) of the Organization Minutes of the Commission (36 FR 6468), April 3, 1971, assigns to Division 3 the responsibilities pertaining to the use by the National Railroad Passenger Corporation (AMTRAK) of the tracks and other facilities of other railroads, including the power to deal with emergency requirements, as set forth in section 402(c) of the Rail Passenger Service Act of 1970, 45 U.S.C. 562 (c); and

It further appearing, that the exigencies of the situation may be such as to require determination and action by a single official and preclude the convening of the Division to receive and act on the application of AMTRAK, and good cause appearing therefor:

It is ordered, That R. D. Pfahler and/or Lewis R. Teeple, Agents, shall be delegated authority to make the determination as to whether an emergency requiring such action exists and to require a railroad immediately to make available tracks and other facilities to facilitate operations by AMTRAK for the duration of such emergency; and

It is further ordered, That this order shall be effective as of the date hereof.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14305 Filed 6-20-74;8:45 am]

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FRIDAY, JUNE 21, 1974
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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

FOLLOW-THROUGH PROGRAM

Title 45—Public Welfare

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

PART 158—FOLLOW THROUGH PROGRAM

Notice of proposed rule making was published in the FEDERAL REGISTER on March 5, 1974 (39 FR 8341), setting forth regulations for the Follow Through Program established by the section 222 (a)(2) of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2809(a)(2). Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on March 28, 1974 in Washington, D.C. on the proposed regulations. In addition, approximately 800 written comments was received and considered.

In order that the Commissioner may timely award fiscal year 1974 grants for projects to be carried out in school year 1974–1975, the final regulation is not being published at this time pursuant to section 503 of the Education Amendments of 1972, but rather is being published as an interim final regulation applicable only to fiscal year 1974 grants for projects to be carried out in school year 1974–75. In the near future the Commissioner will in accordance with section 503 publish a document which will establish permanent final regulations for the Follow Through program.

A. EFFECT OF OFFICE OF EDUCATION GENERAL PROVISIONS REGULATION

The rules and standards set forth in these regulations are those which are unique to the Follow Through program. Other administrative requirements of a general nature which the Follow Through Program shares in common with other programs administered by the Commissioner of Education are covered in the overall Office of Education General Provisions Regulation, published in the FEDERAL REGISTER at 38 FR 30653 (November 6, 1973). (Reference is made in particular to the provisions of Parts 100a and 100c of Title 45 CFR, containing general provisions which are applicable to the Follow Through Program.)

B. SUMMARY OF COMMENTS; CHANGES IN THE REGULATIONS

The following comments were submitted to the Office of Education regarding the proposed regulations, either at the public hearing held on March 28, 1974, or in writing. After the summary of each comment, a response is set forth stating changes which have been made in the regulations, or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the interim final regulations. Where the section number in the interim final regulations differs from that in the proposed rule, the proposed section number is also identified.

1. Sections 158.1 and 158.13(a) *Phase out of Follow Through. Comment.* Virtually all the comments received expressed opposition to the characterization of Follow Through in § 158.1 of the proposed rule as "experimental," and expressed opposition to the contemplated phase-out of Follow Through as described in § 158.13(a) of the proposed rule. Some commenters urged that Follow Through be expanded to include higher grade levels and more projects.

Response. The language in § 158.13(a) requiring the phase-out of Follow Through has been deleted.

2. *Comment.* A commenter (referring particularly to §§ 158.1, 158.2, 158.11 and 158.13) questioned whether under the proposed regulations existing Subpart B grantees who are not local educational agencies could lose their grants to local educational agencies.

Response. The answer to this question is implicit in §§ 158.13(a) and 158.15 of the regulation, which provide that those applicants who have satisfactorily operated a Follow Through project during the current fiscal year, and demonstrate the capacity to continue to do so, will continue to receive grants. Those applicants who are not local educational agencies will, like all other applicants, continue to receive grants if they satisfy the criteria of § 158.15.

3. Section 158.22. *Comment*: A commenter suggested that the word "primary" in § 158.22(b)(3), and the word "all" in § 158.22(c) be emphasized for the purpose of stressing the importance of the type and extent of parental participation referred to in these sections.

Response. The commenter's suggestion has been adopted.

4. Section 158.51 *Comment*: A commenter suggested that a new subsection be added to § 158.51(a), separating and emphasizing the role of parents now contained in § 158.51(a)(2).

Response. The commenter's suggestion has been adopted.

C. OTHER CHANGES

1. Numerous typographical and technical corrections have been made.

2. Section 158.3(b) has been revised to clarify the requirement that sponsor grantees and local project grantees who are implementing the approaches of these respective sponsors are required to work together for the duration of the project grantee's participation in the program.

3. Section 158.13(b) of the proposed rule and the last sentence of § 158.13(c) of the proposed rule have been deleted as unnecessary; the subject matter covered by this material is contained in Part 100a of Title 45 CFR.

4. The form of § 158.15 has been generally revised so as to be more precise and so as to be more suitable for application to proposed projects which, as explained in § 158.13(a), will be solely continuations of former grants and will not be awarded on a competitive basis. Section 158.15(b)(2) of the notice of proposed rule making has been deleted because it is not suitable as a criterion for projects which are continuations of former grants. Section 158.15(b)(3)(iii) of the notice of proposed rule making has been deleted as being not susceptible of assessment based on an application. Section 158.15(c)(2) of the proposed rule has been deleted because it is covered by § 158.26(a) of the regulation. Sections 158.15(d)(3) and (g)(1) of the proposed rule have been consolidated into what is now § 158.15(n) of the regulation. Section 158.15(g)(2) of the proposed rule has been deleted because it is covered by § 158.64 of the regulation. The revision of § 158.15 imposes no requirements not contained in the notice of proposed rule making, nor is it considered to prejudice in any other way pending applications for grants.

5. The criterion in § 158.24(b)(4) of the proposed rule has been deleted because it deals with program operation rather than program effectiveness which is the subject of § 158.24(b). Sections 158.24(b)(6) and 158.24(b)(7) have been modified to state criteria which can be more readily assessed on the basis of a grant application, and which are within the scope of Follow Through.

6. The provision in § 158.28 concerning reduction of funds awarded to a local project grantee who is unable or unwilling to serve private school children has been revised. The previous requirement for pro rata reduction of a grant is considered unsatisfactory because experience in other education programs has shown that the cost of the Commissioner's arranging a separate grant or contract for private school children may cost more per private school child than if the same grantee or contractor serves both public and private school children.

7. Section 158.42(a) of the proposed rule has been deleted because the subject matter is covered by Part 100a of Title 45 CFR.

8. Section 158.51(c) of the proposed rule has been revised to make clear that the percent of funds appropriated for any fiscal year for the Follow Through program which are used for sponsor grants may vary, provided that the limitations of section 232(c) of the Economic Opportunity Act are observed.

9. Sections 158.52 (c) and (d) have been revised so as to delete certain criteria pertaining to sponsor grant applicants' organization and management. The deleted material is considered to be properly left to the discretion of the applicant.

10. Section 158.84 of the proposed rule has been deleted, because the subject matter of this section is covered by Part 100a of Title 45 CFR.

After consideration of all comments, Part 158 of Title 45 of the Code of Federal Regulations is revised as set forth below.

Effective date. Because this interim final regulation republishes without substantive change the notice of proposed rule making which was published in the FEDERAL REGISTER on March 5, 1974, it is in accordance with section 431(b) of the General Education Provisions Act (P.L. 91–230) effective immediately.

(Catalog of Federal Domestic Assistance No. 13.433, Follow Through Program)

Dated: May 23, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved June 17, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 158 of Title 45 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Purpose and Definitions

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158.1 Program purpose.
158.2 Definitions.
158.3 Planned variation.

Subpart B—Grants and Contracts for Local Follow Through Projects

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Subpart C—Grants and Contracts for Technical Assistance

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158.51 Eligible projects.
158.52 Funding criteria.

Subpart E—Federal Financial Participation

158.63 Federal share of expenditures.
158.64 Non-Federal share.
158.65 Waiver of non-Federal share.
158.66 Use of funds for sectarian purposes.
158.67 Maintenance of effort.
158.68 Salary and wage limitations and reporting requirements.

Subpart F—General Provisions

158.81 Certification of accounting system adequacy.
158.82 Preliminary audit survey.
158.83 Annual audit.
158.84 Suspension, termination, and refusal to refund.

AUTHORITY: Titles II and VI, P.L. 88-452, 78 Stat. 516, as amended by P.L. 90-222, 81 Stat. 690 (42 U.S.C. 2781 et seq., 2941 et seq.), except as otherwise noted.

Subpart A—Purpose and Definitions

§ 158.1 Program purpose.

The Follow Through Program implemented by these regulations is an experimental community action program designed to assist, in a research setting, the overall development of children enrolled in kindergarten through third grade from low-income families, and to amplify the educational gains made by such children in Head Start and other similar quality preschool programs by (a) implementing innovative educational approaches, (b) providing comprehensive services and special activities in the areas of physical and mental health, social services, nutrition, and such other areas which supplement basic services already available within the school system, (c) conducting the program in a context of effective community action and parental involvement, and (d) providing documentation on those models which are found to be effective.

(42 U.S.C. 2809(a)(2))

§ 158.2 Definitions.

As used in this part:

"Act" means the Economic Opportunity Act of 1964, P.L. 88-452, (42 U.S.C. 2701 et seq.) as amended.

"Early elementary grades" means kindergarten through grade 3 inclusive.

"Follow Through children" means all children in public or private school who have been enrolled in a Follow Through project in accordance with § 158.12.

"Follow Through parents" means all parents of children enrolled (or to be enrolled) in a Follow Through project, including the parents of private school children participating in the project.

"Head Start agency" means an organization funded in whole or in part by the Office of Child Development, DHEW, pursuant to section 222(a)(1) of the Act.

"Inservice training" means such specialized training as may be required or recommended for project staff during the course of employment in the Follow Through project.

"Local educational agency" means a public school board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Low-income children" or "low-income persons" means children or persons from families whose annual income falls at or below the official poverty line as defined by the Office of Management and Budget and as revised periodically by the Department of Health, Education, and Welfare pursuant to section 625 of the Act.

"Paraprofessional" means a person who does not have a baccalaureate or equivalent degree of certification, but who directly assists persons in the performance of educational, social service, medical, or other duties of a professional nature in a Follow Through project, (e.g., teacher's aide, nurse's aide, or social worker aide).

"Preservice training" means workshops, courses, seminars, and other forms of specialized training which precede, and are required or recommended for, employment as a member of a Follow Through project staff.

"Project sponsor" means a college, university, regional education laboratory, or other agency, organization or institution which receives a grant or contract to undertake some or all of the activities listed in § 158.51 and which maintains a contractual relationship with one or more local Follow Through projects for the purpose of conducting such activities in conjunction with such projects.

"Project area" means the local community or the smaller geographic area within such community (defined by school attendance zones or other similar neighborhood boundaries) in which a Follow Through project operates.

"Project staff" means all persons who work (full time or part time) directly in the Follow Through project, either on public or private school premises, whether or not such persons are paid with funds made available under the Act.

"Rural" as applied to a geographic area, means an area which is not included within a Standard Metropolitan Statistical Area (as defined by the U.S. Bureau of Census) and which is not within or coterminous with a city, town, borough, or village or other subcounty political unit, the population of which exceeds 2,500.

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or State law.

(42 U.S.C. 2809(a)(2))

§ 158.3 Planned variation.

(a) Follow Through grants are made to local educational agencies and other public or non-profit private agencies, organizations, or institutions in order to explore the effects of a number of promising approaches to the education of children from low-income families in the early elementary grades. Most grantees must agree to carry out the project in cooperation with project sponsors who have developed such approaches in affiliation with the U.S. Office of Education.

(b) In order to assess the effectiveness of each approach, evaluation data is being collected by the U.S. Office of Education. Because the collection of data will

continue for a number of years, project and sponsor grantees are required to work together in the development and implementation of the sponsor's approach for the period of their participation in the Follow Through program.

(42 U.S.C. 2809(a)(2), 2825, 2995(a), 2995d)

Subpart B—Grants and Contracts for Local Follow Through Projects

Eligibility Requirements and Procedures

§ 158.11 Eligible applicants.

(a) Except as provided in paragraph (b) of this section, the Commissioner will provide financial assistance under this subpart, in the form of grants, only to local educational agencies.

(b) Whenever the Commissioner determines that (1) a local educational agency receiving assistance under paragraph (a) of this section is unable or unwilling to serve private school children as required by § 158.28 or (2) it is otherwise necessary in order to best fulfill the purposes of Follow Through as set forth in § 158.1, he may provide financial assistance to be used for this purpose to a Head Start agency or other public or appropriate non-profit private agency, organization, or institution.

(42 U.S.C. 2809(a)(2), 2949(2))

§ 158.12 Eligible children.

(a) *Low-income children.* Subject to the provisions of paragraph (b) of this section, only low-income children enrolled in the early elementary grades may participate in projects funded under this subpart. At least 50 percent of the children in each entering class shall be children who have previously participated in a full-year Head Start or similar quality preschool program and who were low-income children at the time of enrollment in such preschool program; except that the Commissioner may reduce this percentage requirement in special cases where he determines that its enforcement would prevent the most effective use of Follow Through funds (e.g., where the grantee is implementing a racial desegregation plan).

(b) *Non-low-income children.* If the Commissioner determines (1) that participation in the project of children from diverse socio-economic backgrounds would enhance the development of the low-income children to be served and would benefit the community in which the project is located, or (2) that such socio-economic diversity in a particular project will produce evidence concerning how best to fulfill the purposes of Follow Through as set forth in § 158.1, he may require or permit the inclusion of a specified percentage of children other than low-income children in the project. The inclusion of such other children in a project shall not in any case dilute or interfere with the services designed for low-income children. In order to prevent such dilution, families of such other children may be required to pay, or have payment made in their behalf from some other source, e.g., by the grantee, for all or part of the identifiable costs of the services such children receive, to the extent that the family's financial situation makes payment appropriate.

(c) *Procedures for selection.* Agencies proposing to operate or continue projects under this subpart shall establish procedures for identification and selection of eligible children which comply with the requirements of this section and shall set forth such procedures in the project proposal. Such procedures shall assure that every reasonable effort will be made (1) to serve first the poorest children enrolled under paragraph (a) of this section, and (2) to determine an equitable basis on which payment shall be made with respect to children enrolled under paragraph (b) of this section.

(d) *Records.* Each project shall maintain records establishing that its identification and selection of eligible children complied with the requirements in this section.

(42 U.S.C. 2809(a)(2))

§ 158.13 Selection of grantees and application procedures.

(a) In order to provide the necessary continuity for evaluation of the planned variation approaches provided for in § 158.3, grants will be given only to applicants who are successfully conducting Follow Through projects during the current fiscal year and who demonstrate the capability to continue to so operate projects in accordance with the planned variation approach.

(b) Project proposals will be reviewed by the Commissioner pursuant to § 100a.26 of this chapter, and negotiated in a process of consultation with the applicant and low-income parents of Follow Through children as needed.

(42 U.S.C. 2809(a)(2))

§ 158.14 Geographic allocation of funds.

(a) Of the funds to be distributed under this subpart, a maximum of 2 percent shall be allotted among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to the relative numbers of low-income children between grades K–3 residing in each of these territories; the remainder shall be allotted among the States according to the relative numbers of low-income children in each State as compared to all States. In no event, however, may more than 12½ percent of the funds distributed under this subpart be used in any one State.

(b) Funds allocated under paragraph (a) of this section shall be distributed equitably between urban and rural areas in the United States and, to the extent practical, within each of the States. Such distribution shall be based upon a comparison of the number of low-income children living in urban areas to the number of such children living in rural areas.

(c) For the purposes of paragraph (a) of this section, the term "State" means a State, Puerto Rico, or the District of Columbia.

(42 U.S.C. 2812 (a), (b), 2833, (a)(b), 2949 (1), 2967)

§ 158.15 Criteria for refunding of projects.

The Commissioner shall, in accordance with the provisions of § 158.13(b), the allotments made under § 158.14, and the criteria set forth in § 100a.26(b) of this chapter, renew funding for projects under this subpart on the basis that the applicant has satisfactorily operated a federally-funded Follow Through project in the immediate prior year in accordance with the purposes of the program as set forth in § 158.1. In order to determine whether the applicant has satisfactorily operated a Follow Through project in the immediate prior year in accordance with the purposes of the program as set forth in § 158.1, the following criteria shall be used (each of the criteria shall be rated on the following scale: unsatisfactory, satisfactory, above average, outstanding):

(a) The proportion of children enrolled in the schools of the project who are low-income according to the official poverty line as defined by the Office of Management and Budget;

(b) The proportion of children enrolled in the schools of the project who are graduates of Head Start or similar preschool programs as required by § 158.12(a);

(c) The provision for parental and community involvement as required by § 158.26(b);

(d) The participation of Follow Through parents in the development and operation of the project as required by § 158.19 (a) and (b);

(e) The role of the Policy Advisory Committee in recommending the filling of staff positions as required by § 158.19 (d)(3);

(f) The extent to which the membership of the Policy Advisory Committee is composed of low-income parents elected by such parents as required by § 158.19(b);

(g) The extent to which the Policy Advisory Committee participates in the decision-making process in respect to important aspects of the project in accordance with § 158.19(d);

(h) The extent to which priority is given to low-income parents in the employment of nonprofessionals and paraprofessionals as required by § 158.20;

(i) If appropriate, the extent to which the supplementary training program is serving nonprofessional and paraprofessional staff of the project in accordance with § 158.26(g)(4);

(j) The role of the Career Development Committee as required by § 158.21(c);

(k) The provision for staff training as required by § 158.26(g);

(l) The extent to which the instructional component is implemented as required by § 158.26(a);

(m) The provision of comprehensive services as required by § 158.26:

(1) Nutrition;

(2) Medical and dental services;

(3) Social services;

(4) Psychological services;
(5) Career development;
(6) Coordination of comprehensive services.

(n) The utilization and/or the coordination of other resources and programs with the project in accordance with § 158.27; and

(o) The extent to which the evaluations conducted to date indicate program effectiveness as defined by the criteria described in § 158.24(b).

(42 U.S.C. 2809(a), 2942(n))

§ 158.16 Financial support of projects.

Project activities conducted under this subpart shall be supported through the following combination of resources: (a) the normal effort (in funds and services) which the grantee or contractor is required to maintain under § 158.67 and upon which the project builds, (b) the Federal funds appropriated under the Act and distributed under this subpart, and (c) the non-Federal contribution specified in § 158.64.

(42 U.S.C. 2809(a)(2), 2812 (c), (d)

PROJECT MANAGEMENT

§ 158.18 Project coordinator.

(a) *Position.* Each grantee or contractor receiving funds under this subpart shall, with the approval of the Policy Advisory Committee described in § 158.19, appoint a project coordinator to be responsible for overall project management. The position of project coordinator shall be a full-time position, unless the Commissioner, in individual cases, specifies otherwise.

(b) *Duties.* The project coordinator's duties shall include: (1) supervising all project staff; (2) serving as liaison between the project and Federal, regional, State, and local agencies involved in the Follow Through program; (3) working with the program sponsor to implement the program approach selected; (4) attending all relevant Follow Through meetings, workshops, and training sessions sponsored by the Commissioner or by the project's program sponsor; (5) ensuring that project components and activities are interrelated so that children are not served in a fragmented manner; and (6) maintaining communication and cooperation among the program sponsor, Follow Through parents, Policy Advisory Committee members, project staff, administrative and other school staff, and the various community agencies and organizations which serve low-income persons.

(42 U.S.C. 2809 (a) (2))

§ 158.19 Policy Advisory Committee.

(a) *Purpose.* Each grantee or contractor shall, upon the identification of Follow Through project children, establish a Policy Advisory Committee, selected in accordance with paragraphs (b) and (c) of this section, to assist with the planning and operation of project activities and to actively participate in the decisionmaking process concerning such activities.

(b) *Membership.* (1) More than one-half of the Policy Advisory Committee members shall be low-income Follow Through parents who are elected (or re-elected) by such parents in elections held at least annually.

(2) The remaining members shall be chosen by the parent members, elected under paragraph (b)(1) of this section, from among the various persons and representatives of agencies and organizations in the community who have manifested concern in the interests of low-income persons.

(3) In no case shall an officer of the Policy Advisory Committee serve for more than two consecutive years in the same office.

(c) *Advisors.* At the request of the Policy Advisory Committee, elected or appointed officials and employees of the local educational agency (including project staff) in whose jurisdiction the project is located and any group contracted to work for such agency may serve in an advisory capacity to the Committee, but shall in no case have the right to vote.

(d) *Duties.* The Policy Advisory Committee's duties shall include: (1) developing by-laws which define the purposes and procedures of the Committee; (2) helping to develop all components of the project proposal and approving them in their final form; (3) assisting in the development of criteria for selection of professional staff and recommending the selection of such staff; (4) assisting in the development of criteria for the selection of nonprofessional and paraprofessional staff and exercising primary responsibility in recommending the selection of such staff; (5) exercising the primary role in developing criteria for selection and recruiting of eligible children which are required by § 158.12; (6) contributing to the continued effectiveness of the project coordinator; (7) establishing and operating a procedure of petition and discussion under which complaints of parents and other interested persons can be promptly and fairly considered; (8) mobilizing community resources and securing the active participation of Follow Through parents in the project.

(e) *Funding.* (1) In order to facilitate the functioning of the Policy Advisory Committee, (i) the committee shall at the beginning of each grant period submit a proposed budget of its projected operational costs to the grantee or contractor, and (ii) the grantee or contractor on the basis of such budget and the negotiations held pursuant to § 158.13 (b), and in accordance with local laws and regulations, shall at the beginning of each grant period allocate to the Committee a sum sufficient to allow it effectively to fulfill its responsibilities under paragraph (d) of this section.

(2) Funds allocated to the Policy Advisory Committee under paragraph (e) (1) of this section shall not be used for: (i) the purchase of classroom equipment, (ii) classroom instructional purposes, (iii) personal loans or expenditures.

(3) Policy Advisory Committee members may be compensated for attending a negotiation workshop, special conference or board of education meeting directly related to the Follow Through project at a rate not less than the Federal minimum wage nor more than the wages he would otherwise earn during such time, but in no event shall payments be made to members if no wages are actually lost.

(20 U.S.C. 1231d; 42 U.S.C. 2781(a)(4), 2809 (a)(2))

§ 158.20 Employment of low-income persons.

Whenever an opening exists in project staff positions for nonprofessionals or paraprofessionals, the grantee shall actively solicit applications from low-income persons and give preference to such persons in hiring. The highest priority shall be accorded to low-income persons who are parents of Follow Through children. The grantee shall establish hiring procedures which assure that the Policy Advisory Committee will be primarily responsible for recommending the filling of nonprofessional and paraprofessional positions in accordance with § 158.19 (d)(3).

(42 U.S.C. 2810)

§ 158.21 Career Development Committee.

(a) *Establishment.* Each grantee utilizing a significant number of low-income paraprofessional or nonprofessional employees or volunteers in the project shall establish a Career Development Committee to provide direction and initiative for the project training and career development program required under § 158.26(g). This committee shall operate under the general supervision of the Policy Committee.

(b) *Membership.* The members of the Career Development Committee shall be appointed by the Policy Advisory Committee from among the following groups in numbers adequate to assure their effective representation: (1) the low-income Follow Through parents, including low-income parent members of the Policy Advisory Committee, (2) paraprofessional and nonprofessionals working in the project, and (3) the professional members of the project staff.

(c) *Duties.* The Career Development Committee's duties shall include: (1) devising a career development plan which includes academic training that is responsive to the expressed needs of project paraprofessionals and nonprofessionals; (2) assisting the Policy Advisory Committee to fulfill its responsibilities under § 158.19(d)(3) for selecting paraprofessional and nonprofessional project staff; and (3) selecting paraprofessionals and nonprofessionals to participate in supplementary training programs

which the Commissioner may from time to time sponsor.

(42 U.S.C. 2781(a)(4), 2810)

§ 158.22 Parent-implemented projects.

(a) *Eligible projects.* The Commissioner may designate certain of the projects funded under this subpart as parent-implemented projects. Both projects operated directly by nonprofit, private agencies or organizations constituted by parent groups to whom grants are awarded under § 158.11(b)(2) and projects operated by other grantees or contractors who delegate significant operating authority to a parent group are eligible for such a designation.

(b) *Functions of parents.* In a parent-implemented project, the parents (as defined in paragraph (c) of this section) shall assume at least the following functions in regard to project management: (1) All functions of the Policy Advisory Committee set forth in § 158.19(c); (2) all functions of the Career Development Committee set forth in § 158.21(c); (3) primary responsibility and authority for selecting the project coordinator and other project staff.

(c) *Definition.* For purposes of this section, "parents" means all parents of children enrolled or to be enrolled in the project or their duly elected representatives, except that, where the grantee is itself a parent group, it may choose to define "parents" to include the entire body of parents which it represents. In the latter case, the Follow Through parents shall be equitably represented on all boards or committees performing the functions specified in paragraph (b) of this section.

(42 U.S.C. 2781 (a)(4), 2809 (a)(2))

§ 158.23 Nepotism and conflict of interest.

(a) No person shall hold a Follow Through staff position supported in whole or in part with funds made available under the Act during any period of time in which:

(1) A member of his immediate family exercises supervisory authority over the Follow Through project or any portion thereof;

(2) He or a member of his immediate family serves on a board or committee of the grantee or contractor which has authority to order personnel actions affecting his job;

(3) He or a member of his immediate family serves on a board or committee which, either by rule or practice, regularly nominates, recommends, or screens candidates for staff positions in the Follow Through projects.

(b) For purposes of this section, the term "immediate family" means husband, wife, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law, son, son-in-law, daughter, and daughter-in-law.

(42 U.S.C. 2809(a)(2))

§ 158.24 Evaluation of program effectiveness.

(a) *General.* Grantees shall participate to the extent requested by the Commissioner in periodic evaluations of the Follow Through Program. Grantees shall comply with all evaluation procedures that the Commissioner from time to time may require unless, after consultation with a particular grantee, he determines that compliance with one or more such procedures would not be in the best interest of the project. Such procedures shall include making available upon request any records or other information which may be reasonably necessary to the conduct of evaluation activities. General program evaluation data may be collected through testing of children, interviews, and questionnaires.

(b) *Evaluation criteria.* In the evaluations referred to in the preceding paragraph, program effectiveness will be evaluated on the basis of criteria established by the Commissioner, such as:

(1) Comparisons of cognitive and affective development of the children served with non-Follow Through children;

(2) Comparison of the cognitive and affective development of Follow Through children, who participated in Head Start and other quality preschool programs with the cognitive and affective development of Follow Through children who did not;

(3) Extent of parent involvement in the project, including participation in the decision-making process and participation in the classroom as paid employees or volunteers, and the effect of the project upon parental attitudes concerning the school and education in general;

(4) Extent of medical and dental care, of psychological services, and of social services available to low-income Follow Through children;

(5) Evidence of changes in school programs and in institutional rules and practices which increase the responsiveness of the educational system to low-income children and their parents;

(6) Evidence of positive changes in attitudes of program participants towards themselves and the community; and

(7) Evidence of coordination of community services (e.g., medical services) with the participating schools and their responsiveness to the needs of low-income persons.

(42 U.S.C. 2809(a)(2), 2826 (a), (b))

PROJECT IMPLEMENTATION

§ 158.25 Project design and development.

(a) *Services and activities.* Each Follow Through project assisted under this subpart shall be designed to fulfill the special purposes of Follow Through set forth in § 158.1 by providing services and activities which focus upon all aspects of child learning and development. The services and activities incorporated into the project proposal shall include all of the program components set forth in § 158.26.

(42 U.S.C. 2809(a)(2))

(b) *Coordination.* In designing and developing the project, the grantee (or contractor) shall provide for coordination among the various program components set forth in § 158.26 to prevent fragmentation of services, and for coordination of each such program component with related community agencies and resources to prevent duplication of existing services. Each program component shall be developed with the participation of (1) the Policy Advisory Committee established under § 158.19; (2) interested community agencies and organizations, including the Head Start agency; and (3) to the extent appropriate, the project's program sponsor.

(c) *Policy Advisory Committee approval.* No program proposal shall be approved or funded by the Commissioner without the prior approval of all program components by the Policy Advisory Committee, unless the Commissioner determines that the basis of the Committee's refusal to approve the proposal is inconsistent with these regulations.

(20 U.S.C. 1231d; 42 U.S.C. 2809(a)(2))

§ 158.26 Program components.

Unless the Commissioner in particular cases specifies otherwise, each Follow Through project shall include at least the following program components:

(a) An instructional component which, generally through association with a program sponsor, implements a particular innovative approach to the education and development of low-income children;

(b) A parent and community involvement component which actively involves parents and other interested persons in the community in all aspects of the project through such activities as (1) participation in the work of the Policy Advisory Committee and other parent groups; (2) participation in the classroom as observers or volunteers, or as paid employees under § 158.20; (3) regular home visits and other contacts initiated by project staff; and (4) participation in educational and community activities developed through other program components;

(c) A health component, developed with the direct assistance of health professionals, which responds to both short- and long-range needs by providing (1) screening, referral, and corrective treatment services for all low-income Follow Through children; (2) preventive activities such as health education for Follow Through children and their families; and (3) activities designed to encourage and improve related community health services and maximum opportunities for their continuation even after conclusion of the Follow Through project;

(d) A social services component designed to aid families of low-income Follow Through children in identifying and solving family problems and to assist in the development of more effective community social services for low-income families.

(e) A guidance and psychological services component which (to the extent consistent with the program approach of the project's program sponsor) utilizes trained psychological personnel to assist the psychological development of low-income Follow Through children through

(1) classroom observation followed by consultation with teachers, teacher aides, and other staff members; (2) staff development of pertinent Follow Through personnel; (3) work with Follow Through parents; and (4) testing and appropriate follow-up for Follow Through children where necessary.

(f) A nutrition component which provides for (1) a daily type-A lunch (as defined by the U.S. Department of Agriculture); (2) breakfast and snack where necessary; (3) nutrition education and counseling for Follow Through children and their parents; and (4) training in nutrition for Follow Through staff members;

(g) A training and career development component, developed with the assistance of the program sponsor, which includes (1) pre-service and in-service training for Follow Through staff members (including parent coordinators, social service aides, and other ancillary personnel); (2) appropriate orientation activities for non-Follow Through personnel with responsibilities relating to the Follow Through project; (3) establishment of a career development plan which provides for increases in both salary and job responsibility on the basis of job experience, academic background, and other relevant factors, and which is coordinated with education and supplementary training opportunities leading to career advancement; and (4) adult education and supplementary training (leading in general to college level degrees particularly in the field of early childhood education) for nonprofessional and paraprofessional project employees and, where possible, for classroom volunteers and observers. Participation in such programs shall not be made a condition of employment in a Follow Through project.

(20 U.S.C. 1231d; 42 U.S.C. 2809 (a)(2), 2810)

§ 158.27 Relation to other programs and projects.

Each grantee or contractor shall make a maximum effort to utilize the resources of, and coordinate the project with, other public and private programs and projects providing benefits which are or may be made available to the children to be served.

(42 U.S.C. 2976)

Participation of Private School Children

§ 158.28 Numbers of private school children to be served.

(a) Local educational agencies receiving assistance under this subpart, and other agencies, organizations, and institutions receiving such assistance for projects in which one or more local educational agencies participate, shall serve public and private school children in equitable proportions. Such proportions shall approximate the relative proportions of low-income children enrolled at the entering grade level served by the project in the public and private schools in the local education agency's school district who are graduates of a full-year Head Start or similar quality pre-school program.

(b) If a grantee or contractor is unwilling or unable to serve public and private school children in equitable proportions as required by paragraph (a) of this section, the Commissioner may appropriately reduce the funds to which such grantee or contractor would otherwise be entitled and award another contract or grant under § 158.11(b) for the purpose of serving that proportion of private school children which such grantee or contractor would otherwise have served. In determining the amount to be withheld from the latter grantee or contractor, the Commissioner will take into account (1) the number of private school children who are excluded from effective participation in the Follow Through project, and who, except for such exclusion, might reasonably have been expected to participate; (2) the number of staff that would reasonably have been required to serve such children, and (3) the nature and extent of services being provided to public school children by the project from which private school children are excluded.

(42 U.S.C. 2809(a), 2809 (a)(2); 113 Cong. Rec. S1438-39, daily ed., October 4, 1967)

§ 158.29 Manner of service.

(a) Private school children may be served pursuant to § 158.28: (1) on public school premises through dual enrollment or shared-time programs; (2) on private school premises, in accordance with § 158.30, or (3) on a neutral site donated or rented for use in the project. If private school children are served under items (2) or (3) of this paragraph, they shall be concentrated in as few sites as possible, and such sites shall be located, to the extent practical, in a public school project area or in reasonable proximity thereto.

(b) The grantee or contractor shall involve private school officials and the parents of private school children in planning all phases of the project, including the selection of the method for serving private school children under paragraph (a) of this section and the selection of the program sponsor.

(c) Private school children shall participate to the maximum feasible extent in all phases of the project, and services provided for such children shall be comparable to those provided for public school children in terms of quality, scope, and opportunity.

(d) Any project to be carried out in public facilities and involving a joint participation of children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid classes which are separated by school enrollment or religious affiliation of the children.

(e) The applicant shall be required to inform the Commissioner of the number of private school children to be served and the manner in which and places at which they will be served. If the services differ in type or extent from those to be provided for public school children, the project application shall indicate how and why such services will differ. Letters from private school officials describing their participation in the planning of the project shall be attached to the project proposal.

(42 U.S.C. 2809(a), 2809(a)(2) 113 Cong. Rec. S14138-39 (daily ed, Oct. 4, 1967))

§ 158.30 Provision of services.

(a) Services shall be provided to private school children by the grantee or contractor, directly or through a third party contractor (other than the private school whose children are served). In providing such services, the grantee or contractor shall: (1) maintain custody of funds and exercise control over their expenditure, (2) retain title to equipment, textbooks, and other materials acquired with project funds or donated (by other than the private school) as a non-Federal contribution to the project, (3) ensure that project funds are not used to provide services for private school children which would, in the absence of the project, have been provided by the private school in which such children are enrolled and (4) ensure that none of the Follow Through services received by private school children in any way involve religious worship or instruction or religious proselytization.

(b) In complying with paragraph (a)(4) of this section, the grantee or contractor shall establish procedures for insuring compliance with the following requirements:

(1) Facilities renovated or rented for use in the project shall be devoid of sectarian or religious symbols, decoration, or other identification. Other facilities used primarily for the project shall, to the maximum feasible extent, also be devoid of sectarian or religious symbols, decoration, or other identification;

(2) Textbooks and other instructional materials used in the project shall be only those which are used in, or approved by an appropriate State or local educational agency or authority for use in, the public schools, or which have been specifically recommended by the program sponsor; and

(3) Project funds shall not be used to pay the salaries of teachers or other employees of a private sectarian school.

(c) The grantee or contractor shall describe in the project proposal the method by which it will provide services to private school children in compliance with the requirements of this section.

(42 U.S.C. 2809(a), 2809(a)(2); 113 Cong. Rec. S14138-39 (daily ed. Oct. 4, 1967))

Subpart C—Grants and Contracts for Technical Assistance

§ 158.41 Grants and contracts with State educational agencies for technical assistance and leadership.

The Commissioner may provide financial assistance, in the form of grants, to State educational agencies to enable them to provide technical assistance to

local Follow Through projects and otherwise exercise leadership in regard to Follow Through activities in the State. Activities undertaken with such assistance may include, but need not be limited to, familarizing State educational agency personnel with the Follow Through program and with the projects in their States through on-site visits and other means; promoting the coordination of Follow Through with other State and local programs having similar objectives; assisting local projects to identify and make maximum use of available public and private resources which can contribute to the development of comprehensive projects; assisting local projects to improve school-community relationships; assisting local projects to evaluate project activities and to disseminate information regarding project activities and their evaluation; and assisting local projects with staff training and development programs.

(42 U.S.C. 2823, 2824)

§ 158.42 Criteria for approval and funding of grants.

(a) *Level of funding.* The applications from State educational agencies under this section to enable them to provide technical assistance to local Follow Through projects and otherwise exercise leadership in regard to Follow Through activities in their States shall be for an amount not to exceed an amount of funds representing a total of (1) $4,000; which is the base rate; (2) $2,000 for each Follow Through project expected to be in operation during the period for which the application is being made; and (3) an amount arrived at by the application of the OMB–poverty index to each State.

(b) *Application approval criteria.* The Commissioner will select and fund projects eligible for assistance under this section (subject to the provisions of paragraphs (a) and (b) of this section in accordance with the following criteria:

(1) *Programmatic* (Unsatisfactory, satisfactory, above average, outstanding)

(i) The extent to which the State educational agency has shown or will show familiarity with the Follow Through program and the projects in its State through site visits and other means;

(ii) the extent to which the State educational agency will promote coordination of Follow Through with other State and local programs having similar objectives;

(iii) the extent to which the State educational agency will assist local projects in identifying and making the maximum use of available public and private resources which can contribute to the development of comprehensive projects;

(iv) the extent to which the State educational agency will assist local projects in improving parent-school-community relationships;

(v) the extent to which the State educational agency will assist local projects in evaluating project activities and dissemination information regarding project activities and their evaluation;

(vi) the extent to which the State educational agency will assist local projects with staff training and development programs.

(2) *Organizational.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the staffing for administering the grant is adequate to carry out the objectives.

(3) *Management.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the State educational agency will seek information from the local project sites to meet their project needs for technical assistance.

(42 U.S.C. 2823, 2824)

§ 158.43 Joint applications for technical assistance grants and contracts.

In order to more effectively carry out the purpose of this subpart, applicants which are eligible to receive a technical assistance grant under § 158.41 may submit applications which either in whole or in part envision a joint technical assistance program undertaken in cooperation with other eligible agencies pursuant to § 100a.19 of this chapter. Such joint applications shall clearly delineate the responsibilities of each separate agency in administering the program, and a separate grant will be awarded to each agency to administer its portion of the joint program. No agency receiving funds under this section may be the fiscal or administrative agent for a technical assistance grant or contract for another such agency.

(42 U.S.C. 2823, 2824)

Subpart D—Grants and Contracts for Research and Demonstration

§ 158.51 Eligible projects.

(a) *Activities.* The Commissioner may provide financial assistance, in the form of grants or contracts, to public and private agencies, organizations, and institutions for the purpose of developing and implementing approaches to the education and development of disadvantaged children, which approaches can serve as models for use in Follow Through and similar programs. Activities undertaken with such assistance may include:

(1) the implementation of classroom instructional techniques and approaches;

(2) the implementation of methods for enlisting and utilizing the parents of disadvantaged children in the educational process;

(3) the implementation of methods for enlisting and utilizing members of the community (other than the parents referred to in paragraph (a)(2) of this section) in the educational process;

(4) the development and application of methods for the evaluation of educational programs designed for disadvantaged children, and for the use and dissemination of information derived from such evaluation; and

(5) the development of techniques for, and the provision of, specialized training for teachers and other personnel (both professional and nonprofessional) involved in the education of low-income children.

(42 U.S.C. 2825(a), 2942)

(b) *Special problems.* In addition to the assistance provided under paragraph (a) of this section, the Commissioner may also, where he has determined that projects of the type funded under paragraph (a) of this section can benefit therefrom, make grants or contracts for research pertaining to special problems encountered in the education of disadvantaged children.

(42 U.S.C. 2825(a))

(c) *Priorities.* (1) The Commissioner in agreement with the Director of the Office of Economic Opportunity shall determine at the beginning of each fiscal year what per centum of the amount appropriated for Follow Through for such fiscal year shall be used for the purpose of this subpart. Such determination shall conform to the requirements of section 232(c) of the Act.

(2) Priority for funding under paragraph (a) of this section will be given to applicants that are or will be serving, pursuant to § 158.26, as program sponsors for one or more local projects funded under Subpart B of this part.

(3) Pilot or demonstration projects being commenced for the first time will be considered by the Commissioner only if submitted for approval of the appropriate local agency or governing body serving the area in which the project is to be conducted, in accordance with section 232(d) of the Act.

(42 U.S.C. 2825(c), 2825(d))

§ 158.52 Funding criteria.

The Commissioner shall select and fund sponsors from among those eligible for assistance under paragraphs (a) or (b) of § 158.51 in accordance with the following criteria (subject to the priorities established by paragraph (c) of § 158.51; each of the criteria shall be rated on the following scale: unsatisfactory, satisfactory, above average, outstanding):

(a) the extent to which the proposal utilizes knowledge gained from relevant educational research, including that funded under § 158.51(b);

(b) the educational significance of the approach in terms of its potential impact upon the education of low-income children and the potential of the sponsor's educational approach and methodologies for general adaptability to other programs;

(c) the extent to which the evaluations conducted to date indicate program effectiveness as defined by § 158.24(b);

(d) the extent to which the objectives of the educational approach are clearly stated;

(e) the extent to which the strategies for achieving the objectives are clearly delineated in the following areas:

(1) Physical facilities and equipment
(2) staffing requirements
(3) classroom management
(4) instructional techniques
(5) instructional materials;

(f) the extent to which parents are involved in activities directed toward the achievement of sponsor goals;

(g) the extent to which the sponsor provides for the training of:

(1) administrators
(2) teachers

(3) teacher aides and other paraprofessionals
(4) parents
(5) others;
(h) the extent to which the sponsor provides for the evaluation of the effectiveness of the educational approach;
(i) staffing pattern and percent of time allocated;
(j) qualifications of key personnel;
(k) the extent to which indicators of effective management are present including:
(1) Internal reporting system
(2) Methods of dissemination of information;
(l) the extent to which the sponsor provides for the monitoring of projects.

(42 U.S.C. 2825(a), 2942(n))

Subpart E—Federal Financial Participation

§ 158.63 Federal share of expenditures.

The Federal share of expenditures incurred under Follow Through grants and contracts made pursuant to this part, up to the total specified in the award document, shall be:
(a) for local projects under Subpart B of this part, the difference between the non-Federal share required by § 158.64 and total expenditures;
(b) for technical assistance and training under Subparts B, C and D of this part, 100 percent of expenditures; and
(c) for research and demonstration programs under Subpart D of this part, 100 percent of expenditures.

(42 U.S.C. 2809(a)(2), 2812(c), 2823, 2824, 2825)

§ 158.64 Non-Federal share.

Subject to the provisions of § 158.63 the grantee or contractor shall share part of the costs of a Follow Through project funded under Subpart B of this part. Such share (hereinafter, "non-Federal share") shall be an amount equal to not more than: (a) 25 percent of the approved cost of the project if the project comprises one grade level; (b) 20 per centum of such cost if the project comprises two grade levels, (c) 16 per centum of such cost if the project comprises three grade levels, and (d) 14 per centum of such cost if the project comprises four or more grade levels. Once the project has reached its highest grade level (at least four grades, unless no kindergarten is in operation in the school district) and has operated at that level for a period of two project years, the non-Federal share shall increase again up to the maximum 25 per centum, rising in the same increments (one per year) in which it decreased to its lowest point. Criteria and procedures for the allowability and evaluation of cash and in-kind contributions in satisfying the non-Federal share are set forth in Subpart H of Part 100a of this chapter.

(42 U.S.C. 2812(c))

§ 158.65 Waiver of non-Federal share.

(a) *Eligibility.* (1) The Commissioner may reduce the non-Federal share required of a grantee or contractor by § 158.64 under any of the following circumstances:
(i) if the annual per capita income of the county in which the Follow Through project is located is less than $1,000, by an amount up to 100 per centum of the required non-Federal share;
(ii) if the annual per capita income of the county in which the project is located is $1,000 or more but less than $1,250, by an amount not in excess of the 50 per centum of the required non-Federal share;
(iii) if the grantee or contractor can demonstrate, using the most reliable available data, that the annual per capita income of the political subdivision of the county in which the project is located, or of the project area, is less than the annual per capita income of the county and that the annual per capita income of the political subdivision or project area is within the dollar limitations in either paragraph (a)(1)(i) or (1)(ii) of this section, by the amount specified therein;
(iv) if, in the case of a project serving migratory children or Indian children residing on reservations, the annual per capita income of the group or groups served is within the dollar limitations in either paragraph (a)(1)(i) or (1)(ii) of this section, by the amount specified therein.
(2) The Commissioner may also make an appropriate reduction in the non-Federal share required of a grantee or contractor if it is demonstrated to his satisfaction that:
(i) there has occurred a simultaneous increase in both the percentage of non-Federal share and the overall costs of the Follow Through project, such as occasioned by a rise in per capita income beyond the limits prescribed in paragraphs (a)(1)(i) and (a)(1)(ii) of this section during a period in which there has been a significant increase in the number of children served; or
(ii) the financial or human resources which would otherwise be available for use in the Follow Through project have been significantly reduced by natural disaster or other unusual circumstances affecting the project area or the larger community in which it is located.
(b) *Application for waiver.* A grantee or contractor that is unable to contribute the full amount of its required non-Federal share, after having made every reasonable effort to do so, may request a reduction of its non-Federal share pursuant to paragraph (a) of this section. Such request shall be submitted in writing with the project proposal or such time thereafter as the grantee or contractor determines that it is unable to provide the entire non-Federal share, and shall describe:
(1) the circumstances which justify a reduction of the non-Federal share under paragraph (a) of this section;
(2) the source or sources of the information on per capita income (if such information is relied upon in the request);
(3) the effort which the grantee or contractor has made to provide its non-Federal share; and
(4) the amount of the non-Federal share which the grantee or contractor is able to provide and the extent to which this contribution is in kind.
(c) *Period of waiver.* The Commissioner shall not approve the reduction of non-Federal share for any period in excess of one year, but may renew such approval upon resubmission of a written request that complies with paragraph (b) of this section.

(42 U.S.C. 2812(c))

§ 158.66 Use of funds for sectarian purposes.

Funds appropriated under the Act and distributed under this part shall not be used for any purpose which involves religious worship or instruction or religious proselytization.

(42 U.S.C. 2809(a))

§ 158.67 Maintenance of effort.

Services and activities provided with funds made available under Subpart B of these regulations shall be in addition to, and not in substitution for, services and activities previously provided without Federal assistance. Funds or other resources devoted to programs designed to meet the needs of the poor within the community may not be diminished in order to provide any contribution required by § 158.64.

(42 U.S.C. 2812(d), 2836(5))

§ 158.68 Salary and wage limitations and reporting requirements.

(a) *Limitations.* To the extent paid from Federal funds or matching non-Federal funds, salaries and wages of persons engaged in activities funded under this part shall be subject to the following limitations:
(1) The rate of compensation shall not be less than the prevailing Federal minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, nor more than the average rate paid to a substantial number of the persons providing substantially comparable services in the community where the project is located or, if higher, the average rate paid for such services in the area of the employee's immediately preceding employment.
(2) The rate of compensation shall not exceed $15,000 per year (and no non-Federal funds paid to a person at a rate in excess of $15,000 per year shall be considered as non-Federal share under § 158.64) unless the grantee or contractor obtains a specific exception from this requirement upon application to the Commissioner. Such an exception may be granted only where application of the limitation would greatly impair the recruitment of qualified project personnel either because (i) the prevailing local salary level for persons whose skills are required exceeds $15,000, or (ii) the local scarcity of persons with professional and other highly specialized skills required for the project makes it necessary to recruit such persons from other communities where the relevant salary levels are above $15,000.

(3) Unless otherwise specifically approved by the Commissioner, the rate of compensation of any person being paid more than $6,000 per year shall not exceed by more than 20 per centum that person's rate of compensation in his immediately preceding employment.

(42 U.S.C. 2836(2), 2951(a), (c))

(b) *Records.* The grantee or contractor shall (1) maintain records adequate to demonstrate compliance with the limitations in paragraph (a) of this section, and (2) submit to the Commissioner on or before July 15 of each year the names of all persons covered by paragraph (a) of this section who, as of June 30 of that year, were receiving a salary of $10,000 or more per year, together with the total annual salary paid to each such person and the amount of that salary provided from funds made available under the Act.

(42 U.S.C. 2951)

Subpart F—General Provisions

§ 158.81 Certification of accounting system adequacy.

The requirements of this subpart, as they pertain to the Follow Through program, supersede and are in lieu of the requirements of Subpart O of Part 100a of this chapter.

(a) *Requirements.* Each grantee or contractor receiving funds under this part, and each subcontractor performing services for such grantee or contractor, shall utilize an accounting system with internal controls adequate to (1) safeguard its assets, (2) check the accuracy and reliability of the accounting data, (3) promote operating efficiency, and (4) encourage compliance with prescribed management policies and any additional fiscal responsibility or accounting requirements which the Commissioner may establish.

(b) *Certification.* Prior to receiving funds under this part for any fiscal year, each grantee or contractor shall submit to the Commissioner a statement certifying that it, and any intended subcontractor, has established an accounting system which fulfills the requirements of paragraph (a) of this section. Such statement shall be submitted by a certified public financial officer responsible for providing required financial services to the agency.

(42 U.S.C. 2835(a))

§ 158.82 Preliminary audit survey.

(a) *When required.* Each grantee or contractor that (1) is receiving financial assistance under this part for the first time, (2) has made significant changes in its accounting system since it last received financial assistance under the Act or this part, or (3) is otherwise directed to do so by the Commissioner, shall arrange for a preliminary audit survey and submit a report of such survey to the Commissioner within three months following the effective date of the grant or contract. The survey shall be conducted by, and the report signed by a certified public acountant or other duly licensed public accountant, or if the grantee or contractor is a local educational agency or other public agency, by the appropriate public financial officer who accepts responsibility for providing audit services to such grantee or contractor.

(b) *Scope of survey.* The preliminary audit survey shall be a review and evaluation of the adequacy, under the standards set forth in § 158.81(a), of the grantee's or contractor's accounting system and the accounting sytem of any subcontractor performing services for such grantee or contractor. In addition to the investigations normally required under generally accepted audit standards, the survey shall include examination of (1) the training and experience of the grantee's or contractor's acounting personnel, (2) the procedures adopted to identify and control the use of equipment purchased with funds provided under this part, and (3) the procedures for evaluation and recording of the non-Federal share contributions required by § 158.64.

(c) *Appraisal of accounting system.* The report of the preliminary audit survey shall contain the auditor's appraisal of the grantee's or contractor's accounting system based upon a review conducted in accordance with paragraph (b) of this section, a specification of the reasons for all weaknesses uncovered, and recommendations for corrective action. The Commissioner will review each report in accordance with the provisions of section 243(b) of the Act.

(42 U.S.C. 2835(b))

§ 158.83 Annual audit.

(a) Each grantee and contractor shall arrange for an annual financial audit of its grant or contract to be performed by one of same types of persons authorized under § 158.82 to conduct the preliminary audit survey. Where the grantee or contractor regularly schedules an annual audit of other activities which it conducts, the audit required by this section may be conducted simultaneously with such regular audit. A copy of the audit report (or section of the report relevant to Follow Through) shall be submitted to the Commissioner by September 30 of each year for which funds are received under this part or within 60 days of the audit's completion, whichever is earlier.

(b) The annual audit shall be a complete examination of all accounts and supporting documents (of the grantee or contractor as well as any subcontractor) pertaining to the receipt and disbursement of funds under these regulations. Such audit shall be conducted in accordance with generally accepted audit standards and with specific reference to the regulations contained in this part, the project proposal and budget, and other laws and documents governing the use of Follow Through funds. In addition to verifying that Follow Through funds were properly expended and accounted for, the audit shall also verify that the non-Federal share required by § 158.64 was contributed to the project and that all in-kind contributions were fairly evaluated.

(c) The audit report shall be certified by the auditor and shall include the auditor's statement concerning receipts and disbursements of both Follow Through funds and non-Federal share contributions, as well as a summary of audit findings and explanation of all items questioned by the auditor. The Commissioner will review each report in accordance with the provisions of section 243(c) of the Act.

(42 U.S.C. 2835(c))

§ 158.84 Suspension, termination, and refusal to refund.

(a) (1) Assistance under the program may be terminated in whole or in part if the Commissioner determines after affording the recipient reasonable notice and an opportunity for a full and fair hearing, that the recipient has failed to carry out its approved project proposal in accordance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term or condition applicable to the program. Assistance under this program may be suspended during the pendency of a termination proceeding initiated pursuant to this paragraph but only in emergency situations, e.g., where there is evidence of flagrant misuse of funds by the recipient, or evidence of unauthorized activity by the recipient which poses a threat of harm to children participating in the program.

(2) Proceedings with respect to the termination of a grant shall be initiated by the mailing to the recipient of a notice by certified mail, return receipt requested, informing the recipient of the Government's request for termination and the specific grounds therefor, together with information regarding the time, place, and nature of the hearing to be held and such other information with respect to the conduct of such proceedings as the Commissioner may determine. If the Commissioner determines for the reason specified in subparagraph (1) that suspension of assistance during the pendency of such proceedings is necessary, he shall afford the recipient reasonable notice of such determination. Such notice shall: (i) inform the recipient of such determination, (ii) advise the recipient of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) offer the recipient an opportnity to show cause why such action should not be taken.

(3) A notice of suspension of assistance shall advise the recipient, in addition to the matters described in paragraph (a)(2) of this section, that any new expenditures or obligations made or incurred in connection with the program during the period of the suspension will not be recognized by the Government in the event the assistance is ultimately terminated. Expenditures to fulfill legally enforceable commitment

made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, shall not be considered new expenditures.

(4) Termination of assistance shall be effected by the delivery to the recipient of a final order of termination, signed by the Commissioner or his designee, or where the recipient invokes the procedures available under paragraph (b)(2) of this section, upon an initial decision of a hearing examiner becoming final without appeal to or review by the Commissioner. If an initial decision of the hearing examiner is appealed to or reviewed by the Commissioner pursuant to paragraph (b)(2) of this section, then termination of assistance shall be effective upon a decision by the Commissioner holding that such termination is appropriate.

(5) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended pursuant to paragraph (a)(1) of this section and no obligations incurred in anticipation of suspension or termination will be allowed. Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any amounts found due.

(b)(1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a)(1) of this section should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for such purpose.

(2) Hearings respecting the termination of assistance pursuant to this section shall be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 554–557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within 20 days of the conclusion of the hearing.

(3) The initial decision of a hearing examiner regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt by the party requesting such appeal or review of the decision of the hearing examiner. A request for appeal or review under this section shall be accompanied by exception to the hearing examiner's decision, proposed findings, supporting reasons and briefs. The adverse party shall submit its reply no later than 15 days after the submission of such request for appeal or review. The Commissioner shall issue a final decision in the case of such appeal or review no later than 30 days after the final submission of the above materials by the parties. The Commissioner may delegate his functions under this subparagraph to an appellate review council established and appointed by him.

(c) The procedures established by this section shall not preclude the Commissioner from pursuing any other remedies authorized by law. Proceedings pursuant to Part 80 of this title with respect to the eligibility of an applicant for assistance under Title VI of the Civil Rights Act (42 U.S.C. 2000d) shall be governed by the regulations in that part and Part 81.

(d) The Commissioner will not refuse to renew funding of projects pursuant to § 158.15(i), unless the grantee or contractor has been given reasonable notice and opportunity to show cause why such action should not be taken.

(42 U.S.C. 2944(2), (3))

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■

REFINERS' BUY-SELL LIST

Crude Oil Allocation; Correction

FEDERAL ENERGY OFFICE

REFINERS BUY-SELL LIST

Crude Oil Allocation; Correction

On June 5, 1974, the Federal Energy Office issued a crude oil allocation notice setting forth the list of refiner-sellers and refiner-buyers in accordance with the provisions of 10 CFR 211.65(e) (39 FR 20276, June 7, 1974). Subsequent to the issuance of that notice, errors which primarily resulted from insufficient information having been requested of refiners by the FEO were discovered in the computation of the buy-sell list. Such errors were of sufficient magnitude to warrant a complete recalculation and reissuance of a corrected buy-sell list. This notice hereby publishes as an Appendix the corrected amounts of the obligations of refiner-sellers and of the purchase opportunities of refiner-buyers, which supersede such amounts as set forth in the buy-sell list issued on June 5, 1974.

Due to the republication of the buy-sell list, the FEO is also extending the date by which transactions made to comply with the crude oil allocation program must be reported to the FEO. Although § 211.65(f) requires that each transaction must be reported within fifteen days of the publication of the buy-sell list, this date is being extended an additional fifteen days for the June 1 to August 31, 1974 allocation quarter so that a refiner will be allowed to complete whatever additional transactions are necessary under the revised list. Therefore, refiners will now have 30 days from June 7, 1974 to report transactions made to comply with the program.

The corrected buy-sell list is applicable for the period June 1 to August 31, 1974. The provisions of 10 CFR 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), refiner-sellers are required to offer the amount of crude oil listed by their names for sale to refiner-buyers. Pursuant to § 211.65(a), refiner-buyers have the opportunity to purchase crude oil up to the amounts listed by their names.

If a sale is not agreed upon within 30 days after June 7, 1974, under the procedures of 10 CFR Part 211, Subpart C, applicable to transactions under the buy-sell list, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEO to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made within 45 days after June 7, 1974. Upon such request, FEO may direct one or more refiner-sellers which have not sold their allocation quarter quantity to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEO, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, provided that the refiner-seller or refiner-sellers in question have fully complied with the provisions of Subpart C. Refiner-buyers making such request must provide the FEO with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.

3. Names and locations of all refiner-sellers from whom crude oil has been sought under this program and the volume and specification of the crude oil sought from each.

4. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchasing crude oil, with particular respect to manner or time of deliveries and price.

5. The response of each refiner-seller to whom a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEO may request. When a refiner-seller is directed by FEO to sell crude oil to a refiner-buyer, it is expected that every reasonable effort will be made to consummate a transaction. Upon either termination of negotiations or consummation of a transaction, FEO shall be advised of the outcome by both parties.

Each refiner-buyer and refiner-seller will report the details of each transaction under this program to FEO on Form 903 (rev.).

Refiners wishing to include new refining capacity, as defined in 10 CFR 211.62, in the allocation quarter commencing September 1, 1974, must apply to the FEO for certification of that capacity no later than July 3, 1974.

All reports and applications made under this notice should be addressed to:

Fuel Manager (Crude Oil, Refinery Mix and Petrochemical Feedstocks), P.O. Box 2885, Washington, D.C. 20013.

Issued in Washington, D.C., June 18, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period June 1, 1974 through August 31, 1974, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller or refiner-buyer is either obligated to offer for sale or is eligible to purchase, as the case may be.

FEDERAL ENERGY OFFICE

CRUDE OIL ALLOCATION PROGRAM FOR THE PERIOD JUNE–AUGUST 1974

Sales

	Share	*Barrels*
Amoco Oil Co	0.099	7,684,923
Atlantic Richfield	.072	5,286,360
Cities Service Oil	.023	2,453,865
Continental Oil Co	.034	3,689,454
Exxon Corp	.112	8,712,975
Getty Oil-Eastern OP	.020	2,738,171
Gulf Oil Corp	.086	9,406,298
Marathon Oil Co	.022	1,153,062
Mobil Oil Corp	.089	6,533,389
Phillips Petroleum	.039	2,351,168
Shell Oil Co	.107	9,714,977
Socal/Chevron	.096	6,313,765
Sun Oil Co	.052	5,084,665
Texaco, Inc	.107	6,907,846
Union Oil Co. of California	.043	5,362,325
Total sales	----	83,393,243

PURCHASES

	Barrels
Allied Materials Co	136,102
Amerada Hess Corp	7,278,902
American Petrofina	1,988,625
Apco Oil Corp	0
Arizona Fuels Corp	966,250
Ashland Oil Inc	5,357,625
Bay Refining	12,860
Bayou State Oil Corp	32,000
Beacon Oil Co	0
C & H Refining	27,100
Calumet Industries	10,850
Canal Refining Co	0
Caribou Four Corners	0
Champlin Petroleum	1,758,812
Charter Oil Co	965,000
Claiborne Gas Co	0
Clark Oil & Refining	192,849
Coastal States Gas	5,905,750
Commonwealth Oil Refining	3,786,750
CRA-Farmland Industries, Inc	1,711,750
Cross Oil and Refining-Arkansas	0
Crown Central Petro	1,276,000
Crown Refining Co	792,500
Crystal Oil Refining	512,900
Crystal Refining Co	295,958
Delta Refining Co	1,481,822
Diamond Shamrock Corp	0
Dingman Oil and Refining Co	0
Dorchester Gas	0
Eddy Refining Co	0
Edgington Oil Co	416,325
Edgington Oxnard Refining	9,000
Evangeline Refining	80,000
Famariss Oil Corp	943,514
Farmers Union Exchange	1,203,971
Fletcher Oil and Refining	203,658
Flint Chemical Corp	0
Gary Operating Co	270,013
Gladieux Refinery	52,000
Golden Eagle Refining Co	587,250
Good Hope Refineries	179,000
Guam Oil and Refining	24,500
Hiri	861,716
Howell Corp	1,299,875
Hunt Oil Co	0
Husky Oil Co	1,734,000
Indiana Farm Bureau	367,600
J & W Refining Inc	479,500
Kentucky Oil-Refining Co	0
Kerr McGee Corp	1,715,766
Koch Refining Co	471,284
La Gloria Oil-Gas Co	587,000
Lakeside Refining Co	53,000
Laketon Asphalt Refining	82,000
Little America Refining	403,500
Lunday Thagard Oil	4,507
Macmillan Refining Oil Co	0
Marion Corp	0
Mid America Refining	7,361
Mid-Tex Refinery	244,022
Midland Coop Inc	602,775
Mohawk Petroleum Co	229,378
Monsanto Co	327,200
Morrison Petroleum	0
Mountaineer Refinery	3,700
Murphy Oil Corp	2,701,867

	Barrels
National Coop Refining	947,401
National Oil Recovery	238,847
Navajo Refining Co	267,963
Newhall Refining Co	373,486
North American Petro	92,493
Northland Oil and Refining	398,078
Oil Shale Corp	1,177,208
OKC Corp	0
Oriental Refining Co	0
Pasco Inc	0
Pennzoil Co	108,000
Pioneer Refining	35,000
Plateau Inc	0
Powerine Oil Co	1,014,589
Pride Refining Inc	807,527
Quaker State Oil Refining	0
Road Oil Sales Inc	9,655
Rock Island Refining	151,875
Sage Creek Refining Co	32,700
San Joaquin Refining	788,983
Seminole Asphalt Refining	259,500
Somerset Refinery	0
Sound Refining Inc	14,625
South Hampton	151,000
Southland Oil Co	250,247
Southwestern Refining Co	0
Standard Oil of Ohio	13,984,915
Sunland Refining Co	624,750
Tenneco Oil Co	1,836,882
Tesoro Petroleum Co	667,723
Texas Asphalt and Refining	261,694
Texas City Refining	3,662,125
Texas Fuel and Asphalt	91,595
The Refinery Corp	388,610
Thriftway Co	0
Thunderbird Resource	252,016
Tonkawa Refining Co	52,992
Total Leonard Inc	336,500
Union Texas Petro	0
United Refining Co	806,497
U.S. Oil Refining Co	371,214
Vickers Petroleum Co	621,500
Vulcan Asphalt Refining	231,250
Warrior Asphalt Corp	132,750
West Coast Oil Co	105,750
Winston Refining Co	0
Wireback Oil Co	7,788
Witco Chemical Corp	905,362
Wood County Refining	31,767
Yetter Oil Co	1,000
Young Refining Corp	263,698
Total purchases	83,393,242

[FR Doc.74-14309 Filed 6-19-74;8:45 am]

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WASHINGTON, D.C.

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determinations, Modifications, and Supersedeas Decisions

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 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 determinations 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 an 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 hertby 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:

Kentucky	AQ–4126.
Texas	AQ–112, AQ–113, AQ–114, AQ–115.

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.

Florida:	
AQ–4055	Jan. 25, 1974
AQ–4071	Feb. 15, 1974
Georgia:	
AQ–4106	May 3, 1974
Idaho:	
AQ–1110	May 31, 1974
Maryland:	
AQ–2100; AQ–2101	April 19, 1974
Nebraska:	
AQ–65	Dec. 14, 1973
Nevada:	
AQ–1080	Feb. 8, 1974
AQ–1081; AQ–1082; AQ–1083	Feb. 15, 1974
New York:	
AQ–2112	May 3, 1974
Pennsylvania:	
AP–489	Mar. 9, 1973
AQ–2011	Aug. 17, 1973
AQ–2058	Mar. 8, 1974
AQ–2059	Feb. 15, 1974
AQ–2060	Mar. 8, 1974
AQ–2061; AQ–2062	Feb. 15, 1974
Washington, D.C.:	
AQ–2110; AQ–2111	May 3, 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.

Colorado:	
AQ–1104(AQ–1116); AQ–1105(AQ–1115); AQ–1106 (AQ–1117); AQ–1107 (AQ–118)	May 10, 1974
Louisiana:	
AP–317(AQ–116)	Aug. 25, 1972
Nebraska:	
AQ–80(AQ–119)	Feb. 15, 1974
Texas:	
AM–11,423(AQ–117)	June 9, 1972
AQ–100(AQ–118)	Apr. 5, 1974

Signed at Washington, D.C., this 14th day of June 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Kentucky COUNTY: Bell
DECISION NUMBER: AQ-4126 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

7-KY-1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$6.50					
Carpenters	4.23					
Cement Masons	6.50					
Electricians	8.20	.35	1%		½ of 1%	
Glaziers	4.70					
Laborers:						
Laborers	2.50					
Air Tool Operators	3.25					
Mason Tenders	3.00					
Plasterers' Tenders	3.00					
Painters, Brush	4.99					
Pipefitters	8.70	.25	.35		.02	
Plasterers	6.43					
Plumbers	8.70	.25	.35		.02	
Roofers:						
Roofers	5.24					
Kettlemen	4.45					
Sheet Metal Workers	8.83	.45	.25		.05	
Soft Floor Layers	4.75					
Terrazzo Workers	5.00					
Tile Setters	5.00					
Truck Drivers	2.75					
Backhoe Operator	5.47					

NEW DECISION

STATE: Texas COUNTY: Gregg
DECISION NO.: AQ-112 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$6.70				
CARPENTERS:					
Carpenters	6.05				1/4%
Millwrights	7.55				1/4%
CEMENT MASONS	5.04				
ELECTRICIANS	7.10		1%		1/4%
IRONWORKERS	4.50				
LABORERS	3.02				
PAINTERS, BRUSH	5.50				
PLUMBERS & PIPEFITTERS	7.60				.06
ROOFERS	4.56				
SHEET METAL WORKERS	7.245	.35	.25		.03
TILE SETTERS	4.79				
TRUCK DRIVERS	3.125				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.00				
Bulldozers	4.25				
Cherry pickers	4.50				
Cranes	4.00				
Graders	4.50				
Loaders	3.95				
Rollers	3.75				
Scrapers	4.28				
Tractors	3.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

NEW DECISION

STATE: Texas
DECISION NO.: AQ-113
COUNTY: Webb
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.
AIR CONDITIONING MECHANIC	$4.45				
BRICKLAYERS	4.85				
CARPENTERS	3.70				
CEMENT MASONS	3.20				
ELECTRICIANS	4.20				
GLAZIERS	3.14				
IRONWORKERS	2.60				
LABORERS:					
Laborers	2.00				
Asphalt rakers	2.25				
Mason tenders	2.70				
PAINTERS, BRUSH	4.30				
PLUMBERS & PIPEFITTERS	4.35				
ROOFERS:					
Roofers	4.00				
Kettlemen	2.90				
SHEET METAL WORKERS	4.33				
SOFT FLOOR LAYERS	4.30				
TRUCK DRIVERS	2.00				
POWER EQUIPMENT OPERATORS:					
Asphalt finishers	2.50				
Backhoes	2.50				
Bulldozers	2.50				
Cranes	2.70				
Front end loaders	2.50				
Motor graders	2.75				
Rollers	2.40				
Scrapers	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

NEW DECISION

STATE: Texas COUNTY: Wichita
DECISION NO.: AQ-114 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	5.65				
CEMENT MASONS	4.50				
ELECTRICIANS	5.55				
LABORERS:					
Laborers	3.00				
Mason tenders	3.55				
PAINTERS, BRUSH	4.32				
PLUMBERS & PIPEFITTERS	5.53				
ROOFERS	4.00				
SHEET METAL WORKERS	5.30				
SOFT FLOOR LAYERS	5.00				

DECISION NO. AQ-114

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Heaterman	$3.35				
Asphalt Raker	3.70				
Batching Plant Scaleman	4.00				
Carpenter	3.95				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.25				
Concrete Finisher Helper (Paving)	3.45				
Concrete Finisher (Structures)	4.30				
Electrician	6.35				
Form Builder (Structures)	4.45				
Form Builder Helper (Structures)	3.45				
Form Liner (Paving and Curb)	3.85				
Form Setter (Paving and Curb)	3.80				
Form Setter (Structures)	4.55				
Form Setter Helper (Structures)	3.50				
Laborer, Common	2.50				
Laborer, Utility Man	2.95				
Manhole Builder, Brick	3.25				
Mechanic	3.75				
Mechanic Helper	3.60				
Oiler	3.55				
Serviceman	3.45				
Pipelayer	2.80				
Powderman	3.75				
Reinforcing Steel Setter (Structures)	4.00				
Sign Erector	3.60				
Sign Erector Helper	2.50				
Spreader Box Man	3.55				
Swamper	2.60				
Power Equipment Operators:					
Asphalt Distributor	3.80				
Asphalt Paving Machine	4.20				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 15 HP	3.95				
Concrete Paving Finishing Machine	3.10				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.55				
Crusher or Screening Plant Operator	3.75				

DECISION NO. AQ-114

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Front End Loader (2½ CY and Less)	$3.55				
Front End Loader (Over 2½ CY)	4.05				
Motor Grader Operator, Fine Grade	4.55				
Motor Grader Operator	4.20				
Roller, Steel Wheel (Plant-Mix Pavements)	3.40				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.95				
Scrapers (17 CY and Less)	3.40				
Scrapers (Over 17 CY)	3.95				
Tractor (Crawler Type) 150 HP and Less	2.90				
Tractor (Crawler Type) over 150 HP	3.50				
Tractor (Pneumatic) 80 HP and Less	2.85				
Tractor (Pneumatic) over 80 HP	3.00				
Traveling Mixer	3.70				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.15				
Truck Drivers:					
Single Axle, Light	2.85				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	2.50				
Weighman (Truck Scales)	2.65				
Welder	4.55				

NEW DECISION

STATE: Texas COUNTY: Wichita
DECISION NO.: AQ-115 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.98	.30	.51		.025
BOILERMAKERS	7.00	.30	.76		.02
BRICKLAYERS-STONEMASONS	7.65		.20		.05
CARPENTERS:					
Carpenters	6.85	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS	6.20				
ELECTRICIANS:					
Electricians	7.325	.20	1%		1/4%
Cable splicers	7.575	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	7.20	.345	.23	2%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	4.00				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	6.38	.40	.50		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	6.505	.40	.50		.10
LABORERS:					
General laborers	3.875	.275	.10		
Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.00	.275	.10		
Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer	4.125	.275	.10		
Gunnite over 1½" thick; Nozzleman & machine operator	4.125	.275	.10		
Powderman, blaster	4.375	.275	.10		
LATHERS	7.25				.01
MARBLE SETTERS	3.90				
PAINTERS:					
Brush	3.50				
Spray	4.00				

DECISION NO. AQ-115

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$7.25				.01
PLUMBERS-PIPEFITTERS:					
Zone 1 - Within 25 miles of Wichita Falls city limits	7.05	.25	.35		.02
Zone 2 - Between 25 and 40 miles of Wichita Falls city limits	7.30	.25	.35		.02
Zone 3 - Between 40 and 70 miles of Wichita Falls city limits	7.45	.25	.35		.02
Zone 4 - Between 70 and 100 miles of Wichita Falls city limits	7.60	.25	.35		.02
Zone 5 - Over 100 miles of Wichita Falls city limits	7.75	.25	.35		.02
ROOFERS	4.00				
SHEET METAL WORKERS	7.19				.01
TERRAZZO WORKERS	4.10				
TILE SETTERS	3.50				
TRUCK DRIVERS	2.25				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION:				
Lineman	8.53	1%		1/2%
Cable splicer	9.38	1%		1/2%
Lineman operator	8.53	1%		1/2%
Groundman, 1st 6 months	5.12	1%		1/2%
Groundman, 2nd 6 months	5.54	1%		1/2%
Groundman, 1 year & over	5.97	1%		1/2%

DECISION NO. AQ-115

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$5.18	.30	.50		.10
Group 2	6.08	.30	.50		.10
Group 3	6.48	.30	.50		.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - Power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air compressors, Pumps, Welding Machines and Light Plants; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4055 - Mod. #2 (39 FR 3388 - January 25, 1974) Escambia, Okaloosa, Santa Rosa, and Walton Counties, Florida.					
Change:					
Electricians:					
Electricians	7.15	.25	1%		½ of 1%
Cable Splicers	7.40	.25	1%		½ of 1%
Line Construction:					
Linemen; Heavy Equipment Operator	7.15	.25	1%		½ of 1%
DECISION #AQ-4071 - Mod. #1 (39 FR 5973 - February 15, 1974) Duval County, Florida					
Change:					
Asbestos Workers	7.88	.30	.30		.02
Ironworkers:					
Structural	7.75	.47	.50		
Ornamental	7.75	.47	.50		
Reinforcing	7.75	.47	.50		
Plasterers	6.81	.25	.30		.02
Plumbers:					
Plumbers	8.30	.40	.45		.06
Steamfitters	8.30	.40	.45		.06
Sheet metal workers	7.33	.35	.25	.70	.025
DECISION #AQ-4106 - Mod. #2 (39 FR 15601 - May 3, 1974) Richmond County, Georgia					
CHANGE:					
Electricians	6.96	.30	.07		¼ of 1%

DECISION NO. AQ-1110 - Mod. #1 (39 FR 19414 - May 31, 1974) Statewide, Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Ironworkers (Ornamental-Structural-Reinforcing) Adams (North of the Weiser-Gibbonsville line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville line), Lewis, Nez Perce, Shoshone, Valley (North of the Weiser-Gibbonsville line), Washington (North of the Weiser-Gibbonsville line) Counties	$7.95	.48	.80		.05
Remaining Counties and Adams, Lemhi, Valley and Washington Counties South of the Weiser-Gibbonsville line	7.34	.50	.65		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2100 - Mod. #2 (39 FR 14148 - April 19, 1974) Baltimore City and Baltimore County, Maryland					
CHANGE:					
Abestos workers	$7.65	.60	.75		.02
Lead Burners	9.25	.35		c	.01
Sprinkler Fitters:					
Excluding Baltimore City	9.25	.50	.70		.08
Roofers:					
Roofers, damp & waterproof workers	6.40	.35	.40		.05
Slate & tile; asbestos and asphalt shingle	6.85	.35	.40		.05
Precast slab & wood block layer	7.40	.35	.40		.05
OMIT:					
Roofers:					
Mopmen	6.00	.35	.30		
Sheeter	6.35	.35	.30		
DECISION #AQ-2101 - Mod. #2 (39 FR 14150 - April 19, 1974) Anne Arundel County, Maryland					
CHANGE: Building & Heavy Construction!					
Abestos workers	7.65	.60	.75		.02
Cement Masons:					
The D.C. Training School	9.90	.335	.35		.07
Lead burners	9.25	.35		c	.01
Roofers:					
Roofers, damp & waterproof workers	6.40	.35	.40		.05
Slate & tile; abestos and asphalt shingle	6.85	.35	.40		.05
Precast slab and wood block layers	7.40	.35	.40		.05
Sprinkler fitters	9.25	.50	.70		.08
Truck Drivers:					
Goose-necks, drop frame trailers	7.35	.50	.30	d+e	
All "A" Frames, winch trucks, fork lift and trilers	7.15	.50	.30	d+e	
Flat-beds and pick-ups	6.70	.50	.30	d+e	
Helpers	6.40	.50	.30	d+e	
Mixers with agitator of 12 yds. capacity	5.05	.50	.30	d+e	
Mixers with agitator over 12 yds. capacity	5.48	.50	.30	d+e	
Euclid wagons and dumpsters	5.97	.50	.30	d+e	
Dump trucks	5.66	.50	.30	d+e	
OMIT:					
Roofers:					
Mopmen	6.00	.35	.30		
Sheeter	6.35	.35	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-65 - MOD. #1 (38 FR 34597 - December 14, 1973) Lancaster County, Nebraska					
CHANGE:					
BUILDING CONSTRUCTION					
Bricklayers; Stonemasons	$7.70	.30	.20		
CEMENT MASONS:					
Cement masons	7.125	.30	.20		
Swing stage	7.375	.30	.20		
Plasterers	7.475	.30	.20		
ROOFERS:					
Composition	6.15				
Slate and tile	6.40				
OMIT:					
SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING SCHEDULE					
ADD:					
SITE PREPARATION, EXCAVATING AND INDICENTAL PAVING SCHEDULE (BELOW)					
SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING					
Carpenter	4.60				
Carpenter Helper	3.65				
Cement Finisher	4.30				
Concrete Saw Operator	3.50				
Form Setter (road)	4.40				
Form Setter (structures)	3.50				
Laborer	3.10				
Manhole Builder	3.45				
Painter	3.30				
Pile Driver Leadsman	3.25				
Power Equipment Operators:					
All Purpose Spreader	3.80				
Asphalt Distributor	3.80				
Asphalt Distributor Helper	3.25				
Asphalt Heaterman	3.50				
Asphalt Paving Machine	4.45				
Asphalt Paving Machine Screedman	3.60				

MODIFICATIONS P. 5

Decision #AQ-65

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING CONT'D					
POWER EQUIPMENT OPERATORS CONT'D					
Stationary Pl.(base or stabilization)	$3.80				
Stationary Pl.(asphalt or concrete)	4.40				
Beginner Operator	3.80				
Bulldozer:					
Less than 115 Drawbar H.P.	4.25				
115 Drawbar H.P. and over	4.55				
Cement Handler	3.35				
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	4.70				
Concrete Mixer	3.30				
Concrete Paver	4.15				
Slip Form Paver	4.55				
Conveyor	3.30				
Crusher (incl. those with integral screening plant)	4.35				
Dredge Pump Under 10"	3.65				
Dredge Pump 10" and over	4.15				
Fireman (boiler)	3.50				
Front End Loader:					
3½ cu. yds. or less	4.10				
Over 3½ cu. yds.	4.30				
Mechanic	4.70				
Mechanic Helper	4.00				
Motor Grader	4.55				
Oiler or Greaser	3.80				
Roller, Self-Propelled (hot mix)	4.10				
Roller or Compactor, Self-Propelled (other)	4.00				
Scraper Under 16 cu. yds.	4.30				
Scraper 16 cu. yds. and over	4.55				
Power Grade Machine (trimmer)	4.50				
Tractor:					
Farm Type (towing)	3.50				
Farm Type (with attachments)	3.80				
Less than 115 Drawbar H.P.	4.25				
115 Drawbar H.P. and over	4.35				
Traveling Plant (stabilization)	4.30				
Traveling Plant Helper (stabilization)	3.65				
Concrete Finishing Machine and Spreader	4.50				

MODIFICATIONS P. 6

Decision #AQ-65

Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING CONT'D					
POWER EQUIPMENT OPERATORS CONT'D					
Trenching Machine	$3.85				
Truck Driver:					
Single Axle	3.20				
Tandem Axle	3.45				
Semi-Trailer	3.75				
Transit Mix	3.75				
Lowboy	3.75				
Welder	4.50				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1080 - Mod. #1					
(39 FR 5131 - February 8, 1974)					
Statewide, Nevada					
Change:					
Painters:					
(Remaining portion of Nye County and all the remaining Counties except Lake Tahoe Area):					
Brush	$8.30	.50	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	8.55	.50	.20		
Lake Tahoe Area:					
Brush	8.30	.50	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters, Tapers	8.55	.50	.20		
Soft Floor Layers	8.45	.50	.20		
DECISION #AQ-1081 - Mod. #1					
(39 FR 5992 - February 15, 1974)					
Clark (excluding the Nevada Test Site) County, Nevada					
Change:					
Carpenters:					
Carpenters	7.46	.45	.60	.80	.10
Hardwood floor layers; Patent Scaffold Erectors; Power Saw Operators	7.61	.45	.60	.80	.10
Piledrivermen	7.66	.45	.60	.80	.10
Millwrights	7.76	.45	.60	.80	.10
DECISION #AQ-1082 - Mod. #1					
(39 FR 5996 - February 15, 1974)					
Washoe County, Nevada					
Change:					
Painters:					
Brush	8.30	.50	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	8.55	.50	.20		
Soft Floor Layers	8.45	.50	.20		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1083 - Mod. #1					
(39 FR 6001 - February 15, 1974)					
Clark and Southern Half of Nye (The Nevada Test Site including The Tonopah Test Range) Counties, Nevada					
Change:					
Cement Masons:					
Cement Masons	$6.90	.50		1.60	.08
Floor Finishing Machine	7.15	.50		1.60	.08
DECISION NO. AQ-2,112 Mod. #1					
(39 FR 15673 - May 3, 1974)					
Suffolk County, New York					
Change:					
Remainder of County:					
Cement masons	8.50	1.005	1.005+j		.04

FOOTNOTE:
j. Employer contributes $.50 per hour to an annuity fund.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Decision #AP-489 - Mod. #5 (38 FR - 6622 - March 9, 1973) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniate, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania						
Change: Power Equipment Operators: Heavy Construction						
Group I	$10.19	4.6%	9.5%	a	1.2%	
Group II	9.90	4.6%	9.5%	a	1.2%	
Group III	9.02	4.6%	9.5%	a	1.2%	
Group IV	8.25	4.6%	9.5%	a	1.2%	
Group V	7.77	4.6%	9.5%	a	1.2%	
Group VI	6.85	4.6%	9.5%	a	1.2%	
Truck Drivers:						
Class I	6.57					
Class II	6.64					
Class III	7.13					
Decision #AQ-2058 - Mod. #1 (39 FR - 9410 - March 8, 1974) Armstrong, Blair, Crawford, Indiana, Venango, Warren, & McKean Counties, Pennsylvania						
Change: Power Equipment Operators Schedule (See Below)						
Decision #AQ-2059 - Mod. # 1 (39 FR - 6004 - February 15, 1974) Allegheny & Beaver Counties, Pennsylvania						
Change: Power Equipment Operators Schedule (See Below)						
Add: Plumbers: Allegheny County	9.11	.60	.625		.125	

PA-2-PEO-2-3- J (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$8.88	.50	.50		.09
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

PA-2-PEO-2-3- J (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$8.62	.50	.50		.09
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	6.26	.50	.50		.09
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.81	.50	.50		.09
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	5.66	.50	.50		.09

Decision # AQ-2011 - Mod. #2
(22341 - August 17, 1973)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators: Heavy Construction						
Group I	$10.50	4.6%	9.5%	a	1.2%	
Group II	10.24	4.6%	9.5%	a	1.2%	
Group III	9.37	4.6%	9.5%	a	1.2%	
Group IV	9.15	4.6%	9.5%	a	1.2%	
Group V	8.85	4.6%	9.5%	a	1.2%	
Group VI	8.67	4.6%	9.5%	a	1.2%	
Group VII	8.15	4.6%	9.5%	a	1.2%	
Group VIII	7.41	4.6%	9.5%	a	1.2%	
Power Equipment Operators: Highway Construction						
Group I	10.25	4.6%	9.5%	a	1.2%	
Group II	10.03	4.6%	9.5%	a	1.2%	
Group III	9.40	4.6%	9.5%	a	1.2%	
Group IV	8.88	4.6%	9.5%	a	1.2%	
Group V	8.51	4.6%	9.5%	a	1.2%	
Group VI	8.15	4.6%	9.5%	a	1.2%	
Group VII	7.41	4.6%	9.5%	a	1.2%	

Decision #AQ-2060 - Mod. # 1
(39 FR 9410 - March 8, 1974)
Bedford, Cameron, Clarion, Clinton, Elk, Franklin, Forest, Fulton, Huntingdon, Mifflin & Potter Counties, Pennsylvania

MODIFICATIONS P. 13

Change:

PA-5-PEO-2-3-G (1-2)

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Austin-Western or similar (25 ton & over) Austin-Western or similar (under 25 ton) autograder (C.M.I. & similar) backfiller, backhoe - 360° swing, cableway, caisson drill (similar to Hugh Williams) central mix plant, cooling plant, concrete paving mixer, cranes, cranes (tower-stationary-climbing tower crane) derrick, derrick boat, dragline, dredge, dredge hydraulic (1 leverman - 1 oiler - 1 apprentice) elevating grader, franki pile machine, gradall (remote control or otherwise) grader (power - fine grade) guard rail post driver (truck Mtd.) guard rail post driver (skid type) (self-propelled-Arrow or similar) helicopter (over 1500-lb. lift) Helicopter (under 1500 lb. lift) hi-lift (4 cy. and over) hoist 2 drums or more (in one unit) kocal, koering skooper, lead mechanic, locomotive (std. guage) mix mobile, mix mobile (with self-loading attachment) mucking machine (tunnel) pile driver machine, pipe extrusion machine, presplitter drill (self-contained) quad nine, refrigeration plant (soil stabilization) scraper (multi-bowl) shovel - power, slip form paver (C.M.I. and similar) trenching machine (30,000 lbs. and over) trenching machine (under 30,000 lbs.) tunnel machine (Mark XXI Jarva or similar) Whirley	$8.59	.50	.50		.09	
Asphalt paving Machine (Spreader) asphalt plant op., athey loader auger (tractor Mtd.) auger (truck Mtd.) backhoe (rear pivotal swing) (180° swing) boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized) concrete belt placer (C.M.I. and similar) concrete mixer (over 1 cy.) concrete pump, core drill (truck or skid Mtd. - similar to Penn drill) dozer, euclid loader, grader-power, grease unit operator (head) hi-lift (under 4 cy.) job work boat (powered), jumbo operator, locomotive (narrow guage) mechanic, minor equipment operator (accumulative four units) mucking machine, over-head crane, roller - power - asphalt ross carrier scraper side boom or tractor mounted boom stone crusher (screening - washing plants) stone spreader (self-propelled) truck mounted drill (Davey or similar) welder and repairman, well point pump operator	8.31	.50	.50		.09	
Compactors/Rollers (static or vibratory) (self-Propelled) minor equipment operator (two to three units) soil stabilizer machine, tire repairman, tube finisher (C.M.I. or similar) well driller and horizontal	5.97	.50	.50		.09	
Ballast regulator, compressor, concrete finishing machine and spreader, concrete mixer (1 cy. and under with skip) Concrete saw (ridden or self-propelled) elevator (material hauling only) forklift (ridden or self-propelled) form line machine, generator, crout pump, heater (mechanical) hoist (single drum) ladavator, light plant, mulching machine, pavement breaker (self-propelled or ridden) personnel boat (powered) pulverizer, pumps, seeding machine, spray cure machine (power driven) subgrader tie puller, tie tamper (multi-head) tractor - sanking and hauling, tugger welding machine (gas or diesel) winch or hydraulic boom truck (when hoisting and placing)	5.48	.50	.50		.09	
Deck hand, farm tractor, fireman on boiler, mechanic's helper, oiler, power broom, side delivery shoulder spreader	5.37	.50	.50		.09	

Decision AQ-2060 (Mod. #1, Cont'd)

MODIFICATIONS P. 14

PA-5-PEO-2-3-G (2-2)

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

Decision #AQ-2061 - Mod. #3
(39 FR 6008 - February 15, 1974)
Centre, Clearfield, Jefferson and Greene Counties, Pennsylvania

Change:
Power Equipment Operators Schedule (See Below)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

Decision # AQ-2062 - Mod. # 2
(39 FR - 6011 - February 15, 1974)
Butler, Cambria, Erie, Fayette, Lawrence, Mercer, Washington, Westmoreland & Somerset Counties, Pennsylvania

Change:
Power Equipment Operators Schedule (See Below)

PA-2-PEO-2-3- J (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	App. Tr.
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$8.88	.50	.50		.09
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

DECISION NOS. AQ-2061 (Mod. #3, Cont'd); AQ-2062 (Mod. #2, Cont'd)

PA-2-PEO-2-3- J (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$8.62	.50	.50		.09	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	6.26	.50	.50		.09	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.81	.50	.50		.09	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	5.66	.50	.50		.09	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2110 - Mod. #3 (39 FR 15689 - May 3, 1974) Washington, D. C.						
Change:						
Lead Burners	$9.25	.35		c	.01	
Carpet Layers	6.07	.30			.05	
Ironworkers, reinforcing (building construction & sewer & water lines)	8.35	.35	.35		.03	
DECISION #AQ-2111 - Mod. #3 (39 FR 15641 - May 3, 1974) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia						
Change:						
Lead Burners	9.25	.35		c	.01	
Carpet Layers	6.07	.30			.05	
Ironworkers, reinforcing	8.35	.35	.35		.03	

SUPERSEDEAS DECISION

STATE: Colorado
COUNTY: Statewide
DECISION NUMBER: AQ-1115
DATE: Date of Publication
Supersedes Decision No. AQ-1105 dated May 10, 1974, in 39 FR 16997
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.57	.45	.45	.30	.04
CEMENT MASONS:					
Denver Metropolitan Area	6.32	.42	1.10	.30	.07
Outside Denver Metropolitan Area	6.22	.42	1.10	.30	.07
ELECTRICIANS:					
Adams, Araphaoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties					
Electricians	9.04	.65	1%+.25		
Cable Splicers	9.29	.65	1%+.25		
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	8.15	.32	1%		3/10%
Cable Splicers	8.40	.32	1%		3/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (within 12 miles of Pueblo Main P. O.)					
Electricians	8.50	.32	1%+.25		1/10%
Cable Splicers	9.30	.32	1%+.25		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City)					
Electricians	8.90	.32	1%+.25		1/10%
Cable Splicers	9.70	.32	1%+.25		1/10%
Zone 3 (20 to 40 miles from Pueblo Main P. O.)					
Electricians	9.25	.32	1%+.25		1/10%
Cable Splicers	10.05	.32	1%+.25		1/10%
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	$ 10.00	.32	1% + .25		1/10%
Cable Splicers	10.80	.32	1% + .25		1/10%
Electricians on electrical contracts less than $5,000 in Zones 3 and 4	6.16	.32	1% + .25		1/10%
ELECTRICIANS:					
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	8.32	.32	1% + .25		.01
IRONWORKERS	8.40	.55	.80		.06
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington and Weld Counties					
Brush	7.76	.45	.30		.03
Spray, Swing Stage	8.25	.45	.30		.03
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Cos.					
Brush	5.53	.30			.02
Structural Steel; Spray	6.03	.30			.02
Spray Steel	6.53	.30			.02
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Gunnison, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	6.50	.45	.20		.02
Spray, Structural Steel	7.05	.45	.20		.02
Steel Spray	7.50	.45	.20		.02
PILEDRIVERMEN	6.82	.45	.45	.30	.04

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

Line Construction - Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicer	$ 8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

LABORERS

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: AQ-1116 DATE: Date of Publication
Supersedes Decision No. AQ-1104 dated May 10, 1974, in 39 FR 16991
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.12	.30	.50		.02
CARPENTERS:					
Zone I (0-30 miles from nearest basing point)	6.87	.45	.45	.30	.04
Zone II (30-60 miles from nearest basing point)	7.12	.45	.45	.30	.04
Zone III (60 miles and over from nearest basing point)	7.37	.45	.45	.30	.04
Millwrights	7.24	.45	.40	.40	.04
CEMENT MASONS:					
Cement masons	6.75	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	7.15	.30	.50	.60	.03
ELECTRICIANS	8.32	.32	1% + .25		.01
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS	8.40	.55	.80		.06
MARBLE SETTERS	7.14	.30	.50		
PAINTERS:					
Brush and roller; Tapers; Texture	6.50	.45	.20		.02
Paperhangers; Spray; Steel	7.05	.45	.20		.02
PLASTERERS	8.19			.50	.01
PLUMBERS; Pipefitters	7.33	.50	.50	1.17	.05
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	7.60	.53	.40	.25	
TILE SETTERS	7.14	.30	.50		

FOOTNOTE:

a/ Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
General laborers	$ 4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05
HEAVY CONSTRUCTION					
CARPENTERS	$ 6.57	.45	.45	.30	.04
UNDERGROUND CARPENTERS	6.72	.45	.45	.30	.04
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1 1/2 HP saws at jobsite	6.82	.45	.45	.30	.04
CEMENT MASONS: (Construction - outside Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
CEMENT MASONS: (Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Heavy Construction)					
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

Line Construction - Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicer	$ 8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1' 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Las Animas and Pueblo
DECISION NUMBER: AQ-1117 DATE: Date of Publication
Supersedes Decision No. AQ-1106 dated May 10, 1974 in 39 FR 17003
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	8.67	.30	.50		.04
CARPENTERS	6.87	.45	.45	.30	.04
CEMENT MASONS	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Zone I (0-12 miles from Post Office)					
Electricians	8.50	.32	1% + .25		1/10%
Cable splicers	9.35	.32	1% + .25		1/10%
Zone II (12-20 miles from Post Office)					
Electricians	8.90	.32	1% + .25		1/10%
Cable splicers	9.75	.32	1% + .25		1/10%
Zone III (20-40 miles from Post Office)					
Electricians	9.25	.32	1% + .25		1/10%
Cable splicers	10.10	.32	1% + .25		1/10%
Zone IV (Over 40 miles from Post Office)					
Electricians	10.00	.32	1% + .25		1/10%
Cable splicers	10.85	.32	1% + .25		1/10%
Electrical contracts less than $5,000 in Zones III and IV	6.16	.32	1% + .25		1/10%
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MARBLE & TILE SETTERS, Terrazzo Workers	7.60	.53	.40	.25	
PAINTERS:					
Brush	5.53	.30			.02
Structural steel; Spray	6.03	.30			.02
Spray steel	6.53	.30			.02
PLASTERERS	8.69				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	8.50	.50	.50		.05
Zone II (15-20 miles from P. O.)	9.07	.50	.50		.05
Zone III (20-40 miles from P. O.)	9.25	.50	.50		.05
Zone IV (Over 40 miles from P. O.)	9.875	.50	.50		.05
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS (Las Animas Co.)	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
SOFT FLOOR LAYERS (Pueblo Co.)	6.40		.30		

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION - COLORADO					
Cable Splicer	8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
General laborers	$ 4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers;	5.03	.37	.40		.05
Gunnite nozzlemen and sandblasters	5.05	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.30	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.35	.37	.40		.05
Mason tenders, brick and plaster					
HEAVY AND HIGHWAY CONSTRUCTION					
CARPENTERS	$ 6.57	.45	.45	.30	.04
UNDERGROUND CARPENTERS	6.72	.45	.45	.30	.04
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1 1/2 HP saws at jobsite	6.82	.45	.45	.30	.04
CEMENT MASONS: (Construction - outside Denver Metropolitan Area)	6.22	.42	1.20	.30	.07
CEMENT MASONS: (Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Heavy Construction)					
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a boa'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: AQ-1118

DATE: Date of Publication

Supersedes Decision No. AQ-1107 dated May 10, 1974, in 39 FR 17009

DESCTIPTION OF WORK: Building Construction (excluding single faimly homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
ASBESTOS WORKERS	$8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Mesa, Montrose, Garfield, Gunnison Counties	7.45	.45	.60	.25	.05
Pitkin County	7.45	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	6.87	.45	.45	.30	.04
Zone II (30-60 miles from nearest basing point)	7.12	.45	.45	.30	.04
Zone III (60 miles and over from nearest basing point)	7.37	.45	.45	.30	.04
CEMENT MASONS:					
Cement Masons	6.65	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.90	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians	8.15	.32	1%		3/10%
Cable Splicers	8.40	.32	1%		3/10%
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MILLWRIGHTS	7.24	.45	.40	.40	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
PAINTERS:					
Brush and roller	$7.76	.45	.30		.03
Drywall finisher; Paperhangers	7.96	.45	.30		.03
Spray; Swing stage	8.24	.45	.30		.03
PLUMBERS	7.55	.50	.45	1.00	.10
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION- Colorado

Cable Splicer	$8.98	.35	1%	3/4%
Lineman Cableman	8.43	.35	1%	3/4%
Journeyman Lineman	8.37	.35	1%	3/4%
Line Equipment Operator	7.12	.35	1%	3/4%
Line Equipment Maintenance Man	7.12	.35	1%	3/4%
Groundmen	5.87	.35	1%	3/4%

BUILDING CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
General laborers	$4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechancial, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05
HEAVY CONSTRUCTION					
Carpenters	6.57	.45	.45	.30	.04
Underground Carpenters Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	6.72	.45	.45	.30	.04
Cement Masons: (Construction - outside Denver Metropolitan Area)	6.82	.45	.45	.30	.04
Cement Masons: (Construction- Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
	6.32	.42	1.10	.30	.07

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar: Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Heavy Construction)					
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamsheli, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Louisiana PARISH: Ouachita
DECISION NO.: AQ-116 DATE: Date of Publication
Supersedes Decision No. AP-317, dated August 25, 1972 in 37 FR 17305.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$6.32				
CARPENTERS	5.28				
CEMENT MASONS	6.00				
ELECTRICIANS	6.27				
IRONWORKERS	5.50				
LABORERS	2.50				
PAINTERS, BRUSH	4.00				
PLUMBERS & PIPEFITTERS	5.70				
ROOFERS	6.00				
SHEET METAL WORKERS	3.50				
AIR CONDITIONING MECHANICS	4.00				
TRUCK DRIVERS	2.75				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.00				
Tractors	4.00				

SUPERSEDEAS DECISION

STATE: Nebraska COUNTIES: Statewide (Except Douglas and Sarpy)

DECISION NUMBER: AQ-119 DATE: Date of Publication

Supersedes Decision No. AQ-80 dated February 15, 1974 in 39 FR 5990

DESCRIPTION OF WORK: Construction, alteration and repair of streets, roads, highways (excluding bridges across navigable waterways), runways, and water and sewer utilities.

2-NEB-2-3F

Statewide (except Cass, Douglas, Sarpy, Washington, and that portion of Saunders County, East of highway 109)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenter	$4.60				
Carpenter Helper	3.65				
Cement Finisher	4.30				
Concrete Saw Operator	3.50				
Form Setter (road)	4.40				
Form Setter (structures)	3.50				
Laborer	3.10				
Manhole Builder	3.45				
Painter	3.30				
Pile Driver Leadsman	3.25				
Power Equipment Operators:					
All Purpose Spreader	3.80				
Asphalt Distributor	3.80				
Asphalt Distributor Helper	3.25				
Asphalt Heaterman	3.50				
Asphalt Paving Machine	4.45				
Asphalt Paving Machine Screedman	3.60				
Stationary Pl.(base or stabilization)	3.80				
Stationary Pl.(asphalt or concrete)	4.40				
Beginner Operator	3.80				
Bulldozer:					
Less than 115 Drawbar H.P.	4.25				
115 Drawbar H.P. and over	4.55				
Cement Handler	3.35				
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	4.70				
Concrete Mixer	3.30				
Concrete Paver	4.15				
Slip Form Paver	4.55				
Concrete Finishing Machine and Spreader	4.50				
Conveyor	3.30				
Crusher (incl. those with integral screening plant)	4.35				
Dredge Pump Under 10"	3.65				
Dredge Pump 10" and over	4.15				
Fireman (boiler)	3.50				
Front End Loader:					
3½ cu. yds. or less	4.10				
Over 3½ cu. yds.	4.30				
Mechanic	4.70				
Mechanic Helper	4.00				
Motor Grader	4.55				
Oiler or Greaser	3.80				
Roller, Self-Propelled (hot mix)	4.10				
Roller or Compactor, Self-Propelled (other)	4.00				

2-NEB-2-3F

Statewide (except Cass, Douglas, Sarpy, Washington, and that portion of Saunders County, East of Highway 109)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd)					
Scraper Under 16 cu. yds.	$4.30				
Scraper 16 cu. yds. and over	4.55				
Power Grade Machine (trimmer)	4.50				
Tractor:					
Farm Type (towing)	3.50				
Farm Type (with attachments)	3.80				
Less than 115 Drawbar H.P.	4.25				
115 Drawbar H.P. and over	4.35				
Traveling Plant (stabilization)	4.30				
Traveling Plant Helper (stabilization)	3.65				
Trenching Machine	3.85				
Truck Driver:					
Single Axle	3.20				
Tandem Axle	3.45				
Semi-Trailer	3.75				
Transit Mix	3.75				
Lowboy	3.75				
Welder	4.50				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cass, Washington, and that portion of Saunders County, East of Highway 109						
CARPENTERS:						
Carpenters	7.01	.25	.25	.20	.02	
Piledrivermen	7.135	.25	.25	.20	.02	
CEMENT FINISHER	7.03	.25	.25			
IRONWORKERS: Reinforcing and Structural	6.78	.20	.20			
LABORERS:						
Common Laborer	5.25	.25	.25	.10	.03	
Towboat & Dredge Deckhands	5.35	.25	.25	.10	.03	
Form Setter Helpers	5.45	.25	.25	.10	.03	
Rakers & Screedmen on Asphalt Work; Mortar Mixers; Chain Saw Operator	5.43	.25	.25	.10	.03	
Pipelayers; Concrete Saw Operator	5.50	.25	.25	.10	.03	
Form Setters & Precast Manhole Setters Inlet Builders & Manhole Setters	5.88	.25	.25	.10	.03	
POWER EQUIPMENT OPERATORS:						
Oiler; Greaser; Mechanic's Helper; Spread Oiler (less than one year's experience)	5.18	.25	.20			
Oiler Driver	5.23	.25	.20			
Tractor under 35 HP; Welding Machine; Spray Machine; Form Trencher; Belt Machine; Air Compressors; Pumps	5.88	.25	.20			
Spread Oiler (after one year's experience in classification)	5.88	.25	.20			
Concrete Mixer; Concrete Pump; Hydro-Hammer	5.78	.25	.20			
Concrete Spreader; Concrete Finishing Machine; Bulldozer; Traxcavator; Roller; Fork Lift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller	6.08	.25	.20			
Blade (Patrol); Scraper over 35 HP; Tournapull over 35 HP; DW-21 over 35 HP; DW-10	6.23	.25	.20			
Two Drum Hoist; Trenching Machine; Paving Mixer; Pile Driver; Heavy Duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Fireman (on boilers); Laydown Machine; Two-Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plat; Leverman on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane Operator; Cleveland-type back Filler Operator; Self-propelled Spreader Vibrator Operator; Slip Form Power Operator; Engineer on Dredge	6.38	.25	.20			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cass, Washington, and that portion of Saunders County, East of Highway 109						
TRUCK DRIVERS:						
Single Axle Trucks	$5.96	.25	.25			
Tandem Axle Trucks; Power Lift Form Trucks; Euclid Trucks & Spreader Trucks	6.02	.25	.25			
Lowboys & Tractor-Trailers	6.15	.25	.25			
Lumber Carrier	6.32	.25	.25			

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Tarrant
DECISION NO.: AQ-117 DATE: Date of Publication
Supersedes Decision No. AM-11,423, dated June 9, 1972, in 37 FR 11617.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING & HEATING MECHANIC	$4.68				
BRICKLAYERS	6.00				
CARPENTERS	4.50				
CEMENT MASONS	4.50				
ELECTRICIANS	4.50				
IRONWORKERS, REINFORCING	3.00				
LABORERS:					
Laborers	2.50				
Mason tenders	4.13				
Plasterers' tenders	5.30				
LATHERS	8.06	.25			.04
PAINTERS, BRUSH	4.68				
PLASTERERS	8.335				.01
PLUMBERS & PIPEFITTERS	4.75				
ROOFERS	3.50				
SHEET METAL WORKERS	3.00				
SOFT FLOOR LAYERS	4.50				
TILE SETTERS	5.00				
TILE SETTERS' HELPERS	3.50				
TRUCK DRIVERS	2.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	3.50				
Fork lifts	3.50				
Loaders	3.66				
Motor graders	3.60				

SUPERSEDEAS DECISION

STATE: Texas

COUNTY: Statewide (excluding Dallas-Fort Worth Regional Airport)

DECISION NO.: AQ-118

DATE: Date of Publication

Supersedes Decision No. AQ-100, dated April 5, 1974, in 39 FR 12663.

DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$2.60	$2.50	$2.75	$2.25
Asphalt Heaterman	3.35	2.75	2.95	2.50	2.75
Asphalt Raker	3.70	3.10	3.25	2.60	2.75
Asphalt Shoveler	-	2.25	2.50	2.25	-
Batching Plant Scaleman	4.00	2.95	3.35	3.35	3.25
Batterboard Setter	-	-	-	-	3.50
Carpenter	3.95	3.25	3.50	3.65	3.45
Carpenter Helper	3.75	2.85	2.90	2.10	2.50
Concrete Finisher (Paving)	4.25	-	3.50	3.55	3.75
Concrete Finisher Helper (Paving)	3.45	-	-	3.15	2.75
Concrete Finisher (Structures)	4.30	3.50	3.50	2.95	3.00
Concrete Finisher Helper (Structures)	-	3.25	3.00	2.50	2.70
Concrete Rubber	-	-	-	3.00	2.50
Electrician	6.35	6.15	-	5.25	6.35
Electrician Helper	-	3.20	-	3.50	-
Fireman	-	-	-	-	2.85
Flagman	-	-	-	-	-
Form Builder (Structures)	4.45	3.25	3.60	2.90	3.75
Form Builder Helper (Structures)	3.45	2.80	2.90	2.25	2.80
Form Liner (Paving and Curb)	3.85	-	-	-	-
Form Setter (Paving and Curb)	3.80	-	2.90	3.00	-
Form Setter Helper (Paving and Curb)	-	-	2.75	2.50	-
Form Setter (Structures)	4.55	3.50	3.60	3.00	3.00
Form Setter Helper (Structures)	3.50	2.65	2.75	2.50	2.75
Laborer, Common	2.50	2.25	2.00	2.00	2.00
Laborer, Utility Man	2.95	2.50	2.75	2.15	2.50
Manhole Builder, Brick	3.25	-	-	2.75	2.75
Mechanic	3.75	3.75	3.25	3.35	3.55
Mechanic Helper	3.60	3.00	3.00	2.40	2.75
Oiler	3.55	3.00	2.75	3.00	2.60
Serviceman	3.45	3.00	3.00	2.90	2.70
Painter (Structures)	-	-	-	3.00	-
Painter Helper (Structures)	-	-	-	-	-
Piledrivermen	-	-	-	-	-
Pipelayer	2.80	-	2.95	2.85	2.75
Pipelayer Helper	-	-	-	2.00	2.35
Powderman	3.75	4.00	3.50	3.25	3.00
Powderman Helper	-	-	2.50	3.00	2.50
Reinforcing Steel Setter (Paving)	$ -	$ -	$ -	$ -	$ -
Reinforcing Steel Setter (Structures)	4.00	3.80	3.65	2.60	3.25
Reinforcing Steel Setter Helper	-	-	2.75	2.25	2.25
Steel Worker (Structural)	-	-	-	-	3.25
Steel Worker Helper (Structural)	-	-	-	-	2.75
Sign Erector	3.60	3.25	-	-	-
Sign Erector Helper	2.50	-	-	-	-
Spreader Box Man	3.55	3.00	2.60	-	2.75
Swamper	2.60	2.60	-	2.00	-
Power Equipment Operators:					
Asphalt Distributor	3.80	3.10	2.75	3.00	3.00
Asphalt Paving Machine	4.20	3.25	3.25	3.00	3.15
Broom or Sweeper Operator	-	2.50	2.50	-	2.40
Bulldozer, 150 HP and Less	3.75	3.00	3.00	3.00	3.25
Bulldozer, over 150 HP	3.95	3.50	3.50	3.25	3.50
Concrete Paving Curing Machine	-	-	-	-	-
Concrete Paving Finishing Machine	3.10	-	-	3.75	-
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Mixer	-	-	-	-	-
Concrete Paving Saw	-	-	-	-	-
Concrete Paving Spreader	-	-	-	-	-
Crane, Clamshell, backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00	3.50	3.50	3.30	3.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.55	4.00	4.00	3.75	3.85
Crusher or Screening Plant Operator	3.75	3.40	3.00	3.00	3.15
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	4.00
Foundation Drill Operator (Truck Mounted)	-	4.75	4.05	-	4.25
Foundation Drill Operator Helper	-	3.25	3.20	-	3.10
Front End Loader (2½ CY and Less)	3.55	3.00	3.00	3.00	3.00
Front End Loader (Over 2½ CY)	4.05	3.50	3.25	3.40	3.25
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF and Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	4.55	4.10	3.75	3.75	4.00
Motor Grader Operator	4.20	3.65	3.50	3.50	3.50
Roller, Steel Wheel (Plant-Mix Pavements)	3.40	2.75	3.00	2.75	2.55
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00	2.85	2.50	2.25	2.50

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Roller, Pneumatic (Self-Propelled)	$2.95	$2.65	$2.50	$2.25	$2.50
Scrapers (17 CY and Less)	3.40	3.00	3.00	3.00	3.00
Scrapers (Over 17 CY)	3.95	3.50	3.25	3.25	3.25
Side Boom	-	-	-	3.10	-
Tractor (Crawler Type) 150 HP and Less	2.90	2.75	2.75	-	2.50
Tractor (Crawler Type) over 150 HP	3.50	3.40	3.50	2.75	2.90
Tractor (Pneumatic) 80 HP and Less	2.85	2.65	2.50	2.25	2.25
Tractor (Pneumatic) over 80 HP	3.00	3.00	3.00	2.50	2.50
Traveling Mixer	3.70	3.80	2.30	-	-
Trenching Machine, Light	-	-	-	-	3.25
Trenching Machine, Heavy	-	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.15	3.35	3.00	3.00	2.75
Truck Drivers:					
Single Axle, Light	2.85	2.50	2.50	2.25	2.25
Single Axle, Heavy	3.00	2.75	2.50	2.50	2.50
Tandem Axle or Semitrailer	2.50	2.25	2.50	2.25	2.50
Lowboy-Float	-	-	3.00	3.00	-
Transit-Mix	-	-	2.50	2.50	-
Winch	-	2.50	-	-	-
Vibrator Man (Hand Type)	-	-	-	-	-
Weighman (Truck Scales)	2.65	2.30	2.25	3.20	-
Welder	4.55	3.80	3.40	3.35	4.00
Welder Helper	-	-	-	2.50	3.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$2.50	$2.70	$2.80	$ -
Asphalt Heaterman	3.00	2.85	2.60	2.75	-
Asphalt Raker	2.80	3.00	3.00	3.20	3.60
Asphalt Shoveler	-	2.50	-	-	2.65
Batching Plant Scaleman	-	3.35	3.33	-	3.75
Batterboard Setter	-	2.70	-	-	-
Carpenter	2.75	3.50	3.50	3.55	4.00
Carpenter Helper	2.25	2.50	2.35	2.60	2.75

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Concrete Finisher (Paving)	$2.55	$4.15	$4.00	$3.85	$4.00
Concrete Finisher Helper (Paving)	-	-	-	2.90	3.25
Concrete Finisher (Structures)	3.10	3.30	3.50	3.60	4.00
Concrete Finisher Helper (Structures)	2.25	2.75	2.50	2.50	2.75
Concrete Rubber	-	-	2.75	3.10	2.90
Electrician	6.15	6.35	6.35	5.00	6.35
Electrician Helper	3.25	-	-	-	5.00
Fireman	-	-	-	-	-
Flagman	-	-	3.00	-	-
Form Builder (Structures)	3.50	3.50	3.50	3.85	3.75
Form Builder Helper (Structures)	2.30	2.75	2.50	3.00	2.50
Form Liner (Paving and Curb)	3.00	3.70	-	-	4.15
Form Setter (Paving and Curb)	3.25	2.80	-	3.20	3.75
Form Setter Helper (Paving and Curb)	2.75	2.25	-	-	3.00
Form Setter (Structures)	3.50	3.40	3.35	3.50	3.70
Form Setter Helper (Structures)	2.75	2.50	2.75	2.50	3.00
Laborer, Common	2.10	2.00	2.00	2.25	2.50
Laborer, Utility Man	2.65	2.65	2.25	2.50	2.60
Manhole Builder, Brick	3.00	-	-	-	-
Mechanic	3.55	3.75	3.50	4.00	3.90
Mechanic Helper	3.00	3.10	2.50	3.00	3.50
Oiler	2.50	2.50	2.50	3.25	3.15
Serviceman	-	-	3.00	3.25	-
Painter (Structures)	-	-	5.00	-	-
Painter Helper (Structures)	-	-	-	-	-
Piledriverman	3.60	-	-	-	-
Pipelayer	2.50	2.40	2.90	3.25	3.75
Pipelayer Helper	-	-	2.30	2.50	-
Powderman	-	-	3.10	3.25	3.80
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	-	3.15	-	3.75	2.50
Reinforcing Steel Setter (Structures)	3.00	3.30	3.50	3.65	4.00
Reinforcing Steel Setter Helper	2.50	2.75	2.75	2.50	2.50
Steel Worker (Structural)	-	-	-	3.75	-
Steel Worker Helper (Structural)	-	-	-	2.75	-
Sign Erector	-	-	-	3.00	3.50
Sign Erector Helper	-	-	-	2.75	2.75
Spreader Box Man	3.00	2.75	3.00	3.25	3.25
Swamper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.00	3.00	3.10	3.50	3.50
Asphalt Paving Machine	3.50	3.50	3.25	-	3.55
Broom or Sweeper Operator	-	-	-	-	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Bulldozer, 150 HP and Less	$3.00	$3.00	$3.00	$3.50	$3.50
Bulldozer, over 150 HP	3.25	3.50	3.25	3.70	3.75
Concrete Paving Curing Machine	-	-	-	-	4.00
Concrete Paving Finishing Machine	-	-	-	-	4.00
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	4.15
Concrete Paving Mixer	-	-	-	-	4.50
Concrete Paving Saw	-	2.50	2.75	2.75	-
Concrete Paving Spreader	-	3.95	-	-	4.15
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	3.00	3.00	3.50	3.50	3.75
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	3.75	4.00	4.00	4.10	4.00
Crusher or Screening Plant Operator	-	-	3.00	3.50	-
Form Loader	-	-	-	-	3.75
Foundation Drill Operator (Crawler Mounted)	-	-	3.50	-	-
Foundation Drill Operator (Truck Mounted)	-	3.25	4.75	3.75	4.35
Foundation Drill Operator Helper	-	-	-	-	-
Front End Loader (2½ CY and Less)	3.00	2.80	3.00	3.25	3.25
Front End Loader (Over 2½ CY)	3.50	3.50	3.45	3.50	3.75
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF and Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	3.75	4.00	4.00	4.00	4.00
Motor Grader Operator	3.00	3.50	3.50	3.75	3.75
Roller, Steel Wheel (Plant-Mix Pavements)	2.50	3.00	2.70	2.90	3.60
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.55	2.45	2.50	2.50	3.20
Roller, Pneumatic (Self-Propelled)	2.40	2.35	2.50	2.50	2.70
Scrapers (17 CY and Less)	3.00	2.90	3.00	3.25	3.50
Scrapers (Over 17 CY)	3.25	3.25	3.50	3.50	3.75
Side Boom	-	-	-	4.00	-
Tractor (Crawler Type) 150 HP and Less)	2.60	2.50	2.50	3.00	3.25
Tractor (Crawler Type) over 150 HP	2.75	2.85	3.00	3.25	3.50
Tractor (Pneumatic) 80 HP and Less	-	2.25	2.25	2.60	-
Tractor (Pneumatic) over 80 HP	2.85	2.50	2.75	3.10	3.50
Traveling Mixer	3.00	2.45	2.75	-	3.35
Trenching Machine, Light	3.90	-	3.25	3.10	-
Trenching Machine, Heavy	-	-	-	-	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Wagon Drill, Boring Machine or Post Hole Driller Operator	$ -	$ -	$3.00	$3.00	$3.20
Truck Drivers:					
Single Axle, Light	2.15	2.20	2.00	2.50	2.75
Single Axle, Heavy	2.00	2.45	2.50	2.50	2.75
Tandem Axle or Semitrailer	2.00	2.50	2.50	2.50	3.00
Lowboy-Float	-	-	-	-	-
Transit-Mix	-	-	-	-	-
Winch	-	3.25	-	-	3.25
Vibrator Man (Hand Type)	-	-	-	-	-
Weighman (Truck Scales)	2.85	-	2.00	2.25	-
Welder	3.50	-	4.25	3.50	-
Welder Helper	-	-	-	-	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$2.75	$2.85	$ -	$ -	$ -
Asphalt Heaterman	-	2.75	3.10	3.00	-
Asphalt Raker	3.45	3.40	3.25	3.00	3.00
Asphalt Shoveler	-	2.40	2.75	-	-
Batching Plant Scaleman	3.25	2.70	2.35	2.65	3.50
Batterboard Setter	3.25	3.10	3.10	-	3.25
Carpenter	4.00	3.50	3.50	3.65	4.00
Carpenter Helper	3.00	3.25	2.25	2.95	3.25
Concrete Finisher (Paving)	4.00	4.00	-	-	4.25
Concrete Finisher Helper (Paving)	3.25	3.25	-	-	3.00
Concrete Finisher (Structures)	4.00	3.50	3.55	3.55	4.00
Concrete Finisher Helper (Structures)	3.00	3.00	2.75	2.75	3.00
Concrete Rubber	-	-	-	-	3.50
Electrician	5.80	5.75	5.25	-	6.35
Electrician Helper	-	-	-	-	-
Fireman	-	-	-	3.00	-
Flagman	-	-	-	-	-
Form Builder (Structures)	4.00	3.50	3.50	4.00	3.75
Form Builder Helper (Structures)	3.25	-	2.25	2.75	2.75
Form Liner (Paving and Curb)	4.00	4.00	-	3.55	4.25

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Form Setter (Paving and Curb)	$3.60	$3.75	$ -	$ -	$3.80
Form Setter Helper (Paving and Curb)	3.00	-	-	-	3.00
Form Setter (Structures)	3.50	3.75	3.60	3.35	4.00
Form Setter Helper (Structures)	3.00	3.25	2.25	2.85	3.00
Laborer, Common	2.25	2.35	2.25	2.35	2.50
Laborer, Utility Man	2.50	2.85	2.50	2.80	2.75
Manhole Builder, Brick	-	-	-	-	3.90
Mechanic	3.90	3.75	4.00	3.50	4.30
Mechanic Helper	3.00	2.90	3.00	2.50	3.75
Oiler	3.00	2.75	2.90	2.80	3.00
Serviceman	3.50	2.75	-	-	3.25
Painter (Structures)	3.75	-	-	-	4.85
Painter Helper (Structures)	-	-	-	-	3.00
Piledriverman	-	-	-	-	4.65
Pipelayer	3.40	3.00	-	-	3.60
Pipelayer Helper	-	2.50	-	-	2.75
Powderman	3.85	-	-	-	-
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	2.90	3.25	-	-	3.40
Reinforcing Steel Setter (Structures)	3.75	3.00	3.50	-	3.75
Reinforcing Steel Setter Helper	2.90	-	2.25	-	2.60
Steel Worker (Structural)	-	-	4.10	-	4.00
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	3.25	-	-	-	-
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	-	2.75	3.00	3.25	3.65
Swamper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.25	3.00	3.25	2.75	3.25
Asphalt Paving Machine	3.55	3.45	3.50	3.00	4.00
Broom or Sweeper Operator	-	-	2.50	2.35	3.10
Bulldozer, 150 HP and Less	3.25	3.25	3.50	3.00	3.75
Bulldozer, over 150 HP	4.00	3.50	3.75	3.50	4.00
Concrete Paving Curing Machine	-	-	-	-	3.50
Concrete Paving Finishing Machine	3.50	4.00	-	-	3.25
Concrete Paving Form Grader	-	-	-	-	3.00
Concrete Paving Gang Vibrator	-	-	-	-	3.00
Concrete Paving Mixer	-	-	-	-	4.25
Concrete Paving Saw	3.00	3.50	-	-	-
Concrete Paving Spreader	3.90	4.00	-	-	3.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.50	3.50	3.75	3.50	3.75

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	$4.00	$4.00	$4.00	$4.00	$4.50
Crusher or Screening Plant Operator	3.25	-	-	3.50	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	4.00
Foundation Drill Operator (Truck Mounted)	4.50	4.50	4.25	5.00	-
Foundation Drill Operator Helper	3.50	3.20	3.00	3.75	-
Front End Loader (2½ CY and Less)	3.25	3.00	3.00	3.00	3.50
Front End Loader (Over 2½ CY)	3.75	3.50	3.70	3.50	4.00
Mixer (Over 16 CF)	3.75	-	-	-	-
Mixer (16 CF and Less)	-	-	-	-	2.60
Motor Grader Operator, Fine Grade	4.00	4.00	4.00	4.00	4.25
Motor Grader Operator	3.75	3.50	3.75	3.50	3.75
Roller, Steel Wheel (Plant-Mix Pavements)	3.25	3.25	3.00	3.00	3.50
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.80	2.50	2.80	2.50	3.50
Roller, Pneumatic (Self-Propelled)	3.00	2.50	2.75	2.50	3.00
Scrapers (17 CY and Less)	3.50	3.25	3.00	3.00	3.25
Scrapers (Over 17 CY)	3.70	3.50	3.50	3.50	3.75
Side Boom	-	-	-	-	3.75
Tractor (Crawler Type) 150 HP and Less	3.15	3.00	2.95	-	3.00
Tractor (Crawler Type) over 150 HP	3.90	3.25	4.00	3.50	3.50
Tractor (Pneumatic) 80 HP and Less	2.75	2.60	2.75	2.50	2.95
Tractor (Pneumatic) over 80 HP	3.00	3.00	3.50	2.85	3.00
Traveling Mixer	3.50	3.00	3.00	2.50	2.75
Trenching Machine, Light	3.50	-	-	-	4.50
Trenching Machine, Heavy	4.00	-	-	-	4.50
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.35	-	-	3.25	-
Truck Drivers:					
Single Axle, Light	2.95	2.50	2.25	2.50	2.50
Single Axle, Heavy	3.00	2.50	2.50	2.35	2.75
Tandem Axle or Semitrailer	3.00	3.00	2.65	2.65	2.75
Lowboy-Float	-	-	4.10	2.35	3.75
Transit-Mix	-	-	-	-	-
Winch	-	-	-	-	3.15
Vibrator Man (Hand Type)	-	-	2.25	-	-
Weighman (Truck Scales)	-	2.45	-	-	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Welder	$3.85	$3.50	$4.10	$ -	$4.15
Welder Helper	-	2.50	-	-	3.50

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$2.75				
Asphalt Heaterman	-				
Asphalt Raker	3.35				
Asphalt Shoveler	-				
Batching Plant Scaleman	-				
Batterboard Setter	-				
Carpenter	4.50				
Carpenter Helper	3.25				
Concrete Finisher (Paving)	4.00				
Concrete Finisher Helper (Paving)	-				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	-				
Concrete Rubber	-				
Electrician	6.25				
Electrician Helper	--				
Fireman	-				
Flagman	2.50				
Form Builder (Structures)	-				
Form Builder Helper (Structures)	-				
Form Liner (Paving and Curb)	3.75				
Form Setter (Paving and Curb)	3.75				
Form Setter Helper (Paving and Curb)	-				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.40				
Laborer, Common	2.60				
Laborer, Utility Man	3.25				
Manhole Builder, Brick	-				
Mechanic	4.00				
Mechanic Helper	-				
Oiler	3.50				
Serviceman	3.75				
Painter (Structures)	4.50				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Painter Helper (Structures)	$ -				
Piledriverman	3.50				
Pipelayer	3.50				
Pipelayer Helper	-				
Powderman	-				
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	-				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	-				
Steel Worker (Structural)	-				
Steel Worker Helper (Structural)	-				
Sign Erector	-				
Sign Erector Helper	-				
Spreader Box Man	3.25				
Swamper	-				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	2.75				
Bulldozer, 150 HP and Less	3.85				
Bulldozer, over 150 HP	4.25				
Concrete Paving Curing Machine	-				
Concrete Paving Finishing Machine	-				
Concrete Paving Form Grader	-				
Concrete Paving Gang Vibrator	-				
Concrete Paving Mixer	-				
Concrete Paving Saw	-				
Concrete Paving Spreader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Operator	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY and Less)	3.40				
Front End Loader (Over 2½ CY)	4.00				
Mixer (Over 16 CF)	-				
Mixer (16 CF and Less)	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Motor Grader Operator, Fine Grade	$4.75				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.70				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.00				
Roller, Pneumatic (Self-Propelled)	3.25				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.75				
Side Boom	-				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	-				
Tractor (Pneumatic) 80 HP and Less	3.00				
Tractor (Pneumatic) over 80 HP	-				
Traveling Mixer	-				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Drivers:					
Single Axle, Light	2.75				
Single Axle, Heavy	-				
Tandem Axle or Semitrailer	2.50				
Lowboy-Float	4.25				
Transit-Mix	-				
Winch	-				
Vibrator Man (Hand Type)	-				
Weighman (Truck Scales)	-				
Welder	4.00				
Welder Helper	-				

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 4 - Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Paving Incidental to General Building Construction and Utilities Incidental to General Building Construction (excluding El Paso County)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*El Paso County for the exclusion of Utilities Incidental to General Building Construction only

ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction (excluding Bell & Coryell Counties)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Bell & Coryell Counties for the exclusion of Paving & Utilities Incidental to General Building Construction only

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant & Wise Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines (excluding work performed on the site of water or sewage treatment facilities), Floodwater Retarding Structures, Paving Incidental to General Building Construction and Utilities Incidental to General Building Construction (excluding Tarrant County)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Tarrant County for the exclusion of Utilities Incidental to General Building Construction only

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines (excluding work performed on the site of water or sewage treatment facilities), Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction (excluding Galveston Island)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Galveston Island for the exclusion of Paving & Utilities Incidental to General Building Construction

ZONE 16 - Chambers, Hardin, Jefferson, Liberty & Orange Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines (excluding Jefferson & Orange Counties)*, Floodwater Retarding Structures (excluding Jefferson & Orange Counties)*, Incidental Shore Work (excluding Jefferson & Orange Counties)* and Paving & Utilities Incidental to General Building Construction (excluding Jefferson & Orange Counties)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Jefferson & Orange Counties for the exclusion of Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction only

[FR Doc.74-14038 Filed 6-20-74;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1974)

Title 21—Food and Drugs (Parts 1–9)	$1.95
Title 21—Food and Drugs (Part 1300–End)	1.55
Title 26—Internal Revenue Part 1 (§§ 1.0–1—1.169)	4.85
Title 26—Internal Revenue Part 1 (§§ 1.401–1.500)	2.90

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