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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

### Department of the Treasury

Section 213.3305 is amended to show that one additional position of Special Assistant to the Assistant Secretary (Legislative Affairs) is excepted under Schedule C.

Effective on publication in the Federal Register, § 213.3305(a) (51) is amended as set out below.

#### § 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* \* \* \*  
(51) Two Special Assistants to the Assistant Secretary (Legislative Affairs).

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.74-27518 Filed 11-21-74;8:45 am]

## PART 511—CLASSIFICATION UNDER THE GENERAL SCHEDULE

### Implementation of Effective Date of Classification Decisions; Suspension

Part 511 of Title 5 of the Code of Federal Regulations is amended by clarifying the authority of Commission personnel who are authorized to make such decisions, to suspend for cause, the implementation of the effective date of either a classification decision (§ 511.701 (b)), or a classification appeal decision (§ 511.702). This change clearly specifies the discretionary authority of: (1) The regional director or his designee to suspend the implementation of the effective date of his own or an agency's decisions; (2) the Director, Bureau of Personnel Management Evaluation or his designee to suspend the implementation of the effective date of his own decision or that of a regional director or an agency and (3) the Commissioners to suspend the implementation of the effective date of any classification decision or classification appeal decision.

Sections 511.701(b) and 511.702 are amended as set out below.

#### § 511.701 Effective dates generally.

(b) *Commission's classification decision.* The effective date of a classification

decision made by means of a certificate issued by the Commission is not earlier than the date of receipt of the certificate in the agency and not later than the beginning of the fourth pay period following the receipt of the certificate in the agency, unless a subsequent date is specifically stated in the certificate. Except as otherwise provided by this paragraph, the filing of an appeal from such a decision does not delay its effective date. The implementation of the classification decision may be suspended when for good cause shown it is determined before its effective date that a review of the classification decision is warranted. The determination to suspend implementation may be made by (1) a regional director or his designee when the decision is made by the regional office or by an agency under the classification jurisdiction of the regional office, (2) the Director, Bureau of Personnel Management Evaluation, or his designee when the decision is made within the bureau, by a region or by an agency, and (3) the Commissioners with respect to any classification decision. Suspending the implementation does not change the effective date of the classification decision being reviewed except when that decision requires that the grade of the position be reduced or results in the reduction in the pay of the incumbent of the position. When the original decision requires that the grade of the position be reduced or results in the reduction in the pay of the incumbent of the position, the reviewing authority shall issue a new certificate and the effective date of the new certificate shall be not earlier than the date the agency receives the certificate and not later than the beginning of the fourth pay period after the date the agency receives the certificate unless a subsequent date is specifically stated in the certificate.

#### § 511.702 Agency's or Commission's classification decision on appeal.

Subject to § 511.703, the effective date of a change in the classification of a position resulting from an appeal to either an agency or the Commission is not earlier than the date of decision on the appeal and not later than the beginning of the fourth pay period following the date of the decision, except that a subsequent date may be specifically provided in a decision by the Commission. The implementation of the appeal decision may be suspended by the Commission when for good cause shown the Commission determines before its effective date that a review of the appeal

decision is warranted. The determination to suspend implementation may be made by (a) the regional director or his designee when the decision is made by the regional office or by an agency under the classification jurisdiction of the regional office, (b) the Director, Bureau of Personnel Management Evaluation, or his designee when the decision is made within the Bureau, by a region or by an agency, and (c) the Commissioners with respect to any appeal decision. Suspending the implementation does not change the effective date of the appeal decision being reviewed except when that decision requires that the grade of the position be reduced or results in the reduction in the pay of the incumbent of the position. When the original appeal decision requires that the grade of the position be reduced or results in the reduction in the pay of the incumbent of the position, the reviewing authority shall issue a new appeal decision and the effective date of the new decision shall be not earlier than the date of the new appeal decision and not later than the beginning of the fourth pay period following the date of decision unless a subsequent date is specifically stated in the new decision.

(5 U.S.C. 5115, 5338, 5351)

Effective date: November 22, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.74-27313 Filed 11-21-74;8:45 am]

## PART 831—RETIREMENT

### Special Provisions Applicable to Law Enforcement Officers and Firefighters

Pub. L. 93-350, enacted July 12, 1974, amends title 5, United States Code, to, among other things, liberalize annuity computations applicable to law enforcement officers and firefighters, and to increase withholding and contribution rates for these employees and their agencies. To implement the changes made by Pub. L. 93-350 and pursuant to section 553(b) (A) and 8347 (a) and (b) of title 5, United States Code, authorizing the Civil Service Commission to prescribe rules and regulations, require certifications in support of applications, and adjudicate claims, Part 831 is amended effective immediately to change the

analysis and to add a new Subpart I, as follows:

**Subpart I—Law Enforcement Officers and Firefighters**

Sec.	
831.901	Special provisions applicable
831.902	Determination of applicability
831.903	Law enforcement officer
831.904	Firefighter
831.905	Creditability-of-service determinations

**AUTHORITY:** Sec. 553(b) (A), 8347 (a) and (b), title 5, U.S.C.

**Subpart I—Law Enforcement Officers and Firefighters**

**§ 831.901 Special provisions applicable.**

"Law enforcement officer" and "firefighter," as defined in section 8331(20)-(21) of title 5, United States Code, are subject to the following special provisions of subchapter III of chapter 83 of title 5, United States Code:

- (a) Section 8331(3) (C) and (D), pertaining to basic pay;
- (b) Section 8334(a) (1) and (c), pertaining to deductions, contributions, and deposits;
- (c) Section 8335(g), pertaining to mandatory separation;
- (d) Section 8336(c), pertaining to immediate retirement; and
- (e) Section 8339(d), pertaining to computation of annuity.

**§ 831.902 Determination of applicability.**

Subject to §§ 831.903-831.904, and after concurrence of the Commission with respect to positions not approved by the Commission prior to the effective date of Pub. L. 93-350 (July 12, 1974), the appropriate administrative authority of an agency shall determine the applicability of the definitions in section 8331(20)-(21) of title 5, United States Code, and of the special provisions mentioned in § 831.901 to employees in positions, including supervisory or administrative positions, in that agency.

**§ 831.903 Law enforcement officer.**

(a) "Law enforcement officer" includes an employee whose primary duties, as set forth in the official position description, require the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States. Law enforcement officer does not include an employee in a position the primary and regular duties of which involve maintaining law and order, protecting life and property, guarding against or inspecting for violations of law, or investigating persons other than persons who are suspected of violating the criminal laws of the United States, or whose duties only occasionally or incidentally require the investigation, apprehension, or detention of persons suspected or convicted of violating the criminal laws of the United States.

(b) If the Commission concurs with the appropriate administrative authority of an agency that the detention duties of a position in a penal or related insti-

tution as defined in section 8331(20) (A)-(D) of title 5, United States Code, require frequent direct contact with prisoners, an employee in such position shall be included within the meaning of the term "law enforcement officer". Concurrence of the Commission obtained prior to July 12, 1974, remains in effect.

(c) "Law enforcement officer" also includes an employee who is transferred to a position the primary duties of which are not the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States, or from such a position to another such position, if—

(1) Service in the position transferred to follow service in a law enforcement position without—

(i) A break in service of more than three days; or

(ii) Intervening employment that was not as a law enforcement officer;

(2) The duties of the position transferred to are in the law enforcement line of work in an organization with responsibility for the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States; and

(3) The position transferred to is—

(i) Supervisory—one which requires a duty of supervising subordinate employees who are directly engaged in the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States; or

(ii) Administrative—one which includes an executive or managerial position and may include a clerical, technical, semiprofessional, or professional position of a type also found in organizations with no law enforcement responsibilities: *Provided*, That experience as a law enforcement officer is a basic qualification for the administrative position.

**§ 831.904 Firefighter.**

(a) "Firefighter" includes an employee whose primary duties, as set forth in the official position description, require the performance of work directly connected with the control and extinguishment of fires, or the maintenance and use of firefighting apparatus and equipment.

(b) "Firefighter" also includes an employee who is transferred to a position the primary duties of which are not the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, or from such a position to another such position, if—

(1) Service in the position transferred to follows service in a firefighter position without—

(i) A break in service of more than three days; or

(ii) Intervening employment that was not as a firefighter;

(2) The duties of the position transferred to are in the firefighting line of work in an organization with firefighting responsibilities; and

(3) The position transferred to is—

(i) Supervisory—one which requires a duty of supervising subordinate employees who are directly engaged in firefighting and/or in the maintenance and use of firefighting apparatus and equipment; or

(ii) Administrative—one which includes an executive or managerial position and may include a clerical, technical, semiprofessional, or professional position of a type also found in organizations with no firefighting responsibilities: *Provided*, That experience as a firefighter is a basic qualification for the administrative position.

**§ 831.905 Creditability-of-service determinations.**

(a) The Commission shall determine whether service prior to July 12, 1974, was as a law enforcement officer or firefighter.

(b) Service on and after July 12, 1974, shall be deemed to have been performed as a law enforcement officer or firefighter if—

(1) (i) The position in which the service was performed was approved by the Commission under paragraph (a) of this section as being subject to section 8336 (c) of title 5, United States Code; or

(ii) The appropriate administrative authority of the employee's agency determined, with the concurrence of the Commission, that the definitions in section 8331(20)-(21) of title 5, United States Code, applied to the employee; and

(2) Retirement deductions and contributions were made at the rate specified in section 8334(a) (1) of title 5, United States Code.

(c) In the event an employee is separated mandatorily under section 8335(g) of title 5, United States Code, or is separated for optional retirement under section 8336(c) of title 5, United States Code, and the Commission finds that all or part of the minimum service required for entitlement to immediate annuity was in a position in which the employee was not a law enforcement officer or firefighter, such separation shall be considered erroneous. For service held by the Commission to have been in a position in which the employee was not a law enforcement officer or firefighter, the employee may, upon proper application, be paid a refund, without interest, of—

(1) The excess of his retirement withholdings during such service at the rate specified in section 8334(a) (1) of title 5, United States Code, for law enforcement officers and firefighters over the rate specified for employees generally; and

(2) Withholdings during such service attributable to premium pay.

(5 U.S.C. 8347)

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

[FR Doc. 74-27318 Filed 11-21-74; 8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations<sup>1</sup>

ADMINISTRATION

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.<sup>2</sup> Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee to cover the cost of rendering the service.

Statement of considerations leading to amendment of regulations. It is the Department's policy that there be no discrimination in the conduct of services or in the hiring and licensing of inspection personnel. This amendment sets forth that policy.

Section 51.1 is amended to read as follows:

§ 51.1 Administration of regulations.

(a) The Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, is charged with the administration of the regulations in this part, except at his discretion, he may delegate any or all such functions to any other officer or employee of the Agricultural Marketing Service of the Department.

(b) The conduct of all services and the hiring and licensing of inspection, grading and sampling personnel under these regulations shall be accomplished without discrimination as to race, color, religion, sex or national origin.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622, 1624))

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action beyond the date of publication in the FEDERAL REGISTER are unnecessary and contrary to the public interest, inasmuch as the amendment merely embodies a general statement of Department policy, as to which the requirements of section 553, Title 5, U.S.C. are expressly inapplicable.

Accordingly this amendment shall become effective on November 22, 1974.

Dated: November 19, 1974.

E. L. PETERSON,  
Administrator,  
Agricultural Marketing Services.

[FR Doc.74-27413 Filed 11-21-74; 8:45 am]

<sup>1</sup> None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

<sup>2</sup> Among such other products are the following: Raw nuts; Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

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

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, July 26, 1974 (39 FR 27299), and October 7, 1974 (39 FR 35999), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

Location covered	Served from	Commuted traveltime allowances	
		[In hours]	
		Metropolitan area	Outside
		Within	
Add:			
Connecticut:			
Bridgeport.....	Groton.....		3
Do.....	Warwick, R.I.....		6
New Haven.....	do.....		6
Massachusetts:			
Westover AFB, Chitopee.....	Hadley.....		1
Ohio:			
Columbus.....	Maryville.....		2
Pennsylvania:			
Erie.....	Meadville.....		3

(64 Stat. 561; (7 U.S.C. 2260))

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 15th day of November 1974.

LEO G. K. IVERSON,  
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74-27248 Filed 11-21-74; 8:45 am]

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

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of \$115,500 for the California-Arizona Grapefruit Administrative Committee, under Marketing Order No. 909, for the 1974-75 fiscal period and fixes a rate of assessment of three cents (\$0.03) per carton of grapefruit handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On October 31, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 38386) regarding proposed expenses, the proposed rate of assessment, and the proposed carryover of unexpended assessment funds, for the fiscal period September 1, 1974, through August 31, 1975, pursuant to Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Said notice invited interested persons to file written data, views, or arguments in connection with said proposals not later than November 15. None were filed. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to the said amended marketing order), it is hereby found and determined that:

§ 909.213 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses. The expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1974, through August 31, 1975, will amount to \$115,500.

(b) Rate of assessment. The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at three cents (\$0.03) per carton, or equivalent quantity of grapefruit.

(c) Operating reserve. Unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of grapefruit grown in the designated production area are now being made; (2) the relevant provisions of said marketing order require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period; and (3) such period began on September 1, 1974, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

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

Dated: November 18, 1974.

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

[FR Doc. 74-27350 Filed 11-21-74; 8:45 am]

[Lemon Reg. 667]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

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

##### § 910.967 Lemon Regulation 667.

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

(2) The need for this section to limit the quantity of lemons that may be mar-

keted 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 to ease, with order business this week off 20 to 25 percent. Auction market supplies are considered more than adequate, since major markets will be selling only two days next week because of the Thanksgiving Holiday. Average f.o.b. price was \$4.92 per carton the week ended November 16, 1974, compared to \$5.09 per carton the previous week. Track and rolling supplies at 161 cars were up 8 cars from last week.

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

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

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which

may be handled during the period November 24, 1974, through November 30, 1974, is hereby fixed at 175,000 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: November 20, 1974.

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

[FR Doc. 74-27572 Filed 11-21-74; 11:35 am]

#### Title 12—Banks and Banking

#### CHAPTER II—FEDERAL RESERVE SYSTEM SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

#### PART 204—RESERVES OF MEMBER BANKS

##### Reserve Percentages; Revision

The Board of Governors has amended Regulation D (12 CFR Part 204) to modify the reserve balances that member banks are required to maintain. The amendments approved by the Board are in the nature of a restructuring of the present reserve requirement schedule and should encourage member banks to lengthen maturities on time deposits, thereby strengthening the liquidity position of those banks. The effect of these amendments will be to release approximately \$750 million in reserve balances, thereby helping to meet the seasonal need for bank reserves.

The amendments eliminate the marginal reserve equipment which was imposed on certain types of time deposits on May 16, 1973, was modified from time to time, and was partially removed by the Board effective September 4, 1974. The amendments also reduce the percentage of reserves required to be held against net demand deposits in excess of \$400 million from 18 percent to 17½ percent and simplify the manner in which time deposits are classified for reserve purposes. Time deposits with initial maturities of 180 days or more will be subject to a 3 percent reserve requirement. Time deposits with initial maturities of less than 180 days will be subject to a 6 percent reserve requirement, except that such deposits under \$5 million will be subject to a 3 percent requirement.

This action was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks. The amendments to Regulation D are effective on deposits outstanding in the week beginning November 23, 1974, and affect reserves held by member banks in the week beginning December 12, 1974. There was no notice or public participation with respect to this amendment since such procedure would result in delay that would be contrary to the public interest

and serve no useful purpose. The effective date was deferred for less than the 30 day period referred to in section 553(d) of Title 5, United States Code, because the Board found that the public interest compelled it to make the action effective no later than the date adopted. (See § 262.2(e) of the Board's rules of procedure, 12 CFR 262.2(e)).

Effective November 28, 1974, § 204.5 (a) (1) (ii) and (2) (ii) and (iii) of Regulation D are amended to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve percentage.* Pursuant to the provisions of Section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances that each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district.

(1) If not in a reserve city—

(ii) 3 per cent of its time deposits outstanding on November 28, 1974, which have an initial maturity of 180 days or more, or are issued on or after November 28, 1974 with an initial maturity of 180 days or more, 3 per cent of its time deposits up to \$5 million, outstanding on November 28, 1974, which have an initial maturity of less than 180 days, or are issued on or after November 28, 1974 with an initial maturity of less than 180 days, plus 6 per cent of such deposits in excess of \$5 million.<sup>1</sup>

(2) If in a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a) (2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

(ii) 3 per cent of its time deposits outstanding on November 28, 1974, which have an initial maturity of 180 days or more, or are issued on or after November 28, 1974 with an initial maturity of 180 days or more, 3 per cent of its time deposits up to \$5 million, outstanding on November 28, 1974, which have an initial maturity of less than 180 days, or are issued on or after November 28, 1974 with an initial maturity of less than 180 days, plus 6 per cent of such deposits in excess of \$5 million.<sup>1</sup>

(iii) \$52,750,000 plus 17½ percent of its net demand deposits in excess of \$400 million.

By order of the Board of Governors, November 18, 1974.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.74-27307 Filed 11-21-74;8:45 am]

<sup>1</sup> Time deposits issued in the period November 14, 1974 through November 18, 1974, with maturities of between 120 and 179 days, may be treated as if they had initial maturities of 180 days or more.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-47-AD, Amdt. 39-2022]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model GTCP30-92 Auxiliary Power Units (APU)

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an Airworthiness Directive was adopted November 7, 1974, and distributed by airmail letter, dated November 8, 1974, to all known United States operators or owners of aircraft incorporating AiResearch Model GTCP30-92 Auxiliary Power Units (APU).

The directive was required because possible improper assembly and/or thermal fatigue of the turbine rotor hub can result in hub separation after which fragments may not be contained within the APU. The airmail letter requires a one time inspection of the turbine rotor to air seal clearance for correct dimension indicating proper assembly, an initial and recurring inspection of the turbine rotor hub for presence of thermal fatigue cracks and replacement as necessary.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of AiResearch Model GTCP30-92 APU's, installed in, but not limited to, Hawker Siddeley HS and DH-125, Beech Hawker BH-125, Lockheed Model 1329, AMD-BA Falcon 20 and Jet Commander 1121 aircraft, certificated in all categories by individual airmail letters dated November 8, 1974. 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:

AI RESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model GTCP30-92 Auxiliary Power Units (APU's), installed in, but not limited to Hawker Siddeley HS and DH-125, Beech Hawker BH-125, Lockheed Model 1329, AMD-BA Falcon 20 and Jet Commander 1121 Aircraft, certificated in all categories

Compliance required as indicated. To detect, correct and prevent turbine wheel hub separation, accomplish the following:

(A) APU Serial Numbers Prior to 29046: Within the next 25 hours of APU operating time in service after receipt of this airmail letter, unless previously accomplished, inspect the clearance between the turbine wheel and the stationary seal at a minimum of six (6) approximately equally spaced circumferential positions using a tool and procedures described in Paragraph 2.B and C. of AiResearch Service Bulletin GTCP30-49-3649, dated October 17, 1974, or later FAA approved revisions. The clearance must be a minimum of 0.075 inch at each measured position. If clearance is less than minimum, the condition must be corrected before further operation.

(B) All serial number APU's: Before exceeding 500 APU operating hours time in service, or, 50 hours of additional APU operating time in service after receipt of this airmail letter, whichever occurs later, and at intervals not to exceed 500 hours of APU operating time in service thereafter, inspect the turbine wheel hub "Saddle Area" for presence of fatigue cracks. If cracks are detected, replace turbine wheel with a serviceable part before further operation. AiResearch Service Bulletin GTCP30-49-3649, dated October 17, 1974, or later FAA approved revisions, describes an acceptable method of performing this inspection.

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

This amendment becomes effective November 29, 1974, for all persons except those to whom it was made effective by airmail letter dated November 8, 1974.

(Secs. 313(a), 601, 603, 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, Calif., November 15, 1974.

ROBERT C. BLANCHARD,  
Acting Director,  
FAA Western Region.

[FR Doc.74-27308 Filed 11-21-74;8:45 am]

[Docket No. 14129, Amdt. 39-2021]

PART 39—AIRWORTHINESS DIRECTIVES

Chromalloy Model RLB -6(B), -6(C) and -6(D) Rescue Locator Beacons Installed in Emergency Equipment

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive (AD) was adopted on November 9, 1974, and made effective immediately as to the known U.S. operators of aircraft equipped with life rafts or slide-raft combinations incorporating Chromalloy Model RLD -6(B), -6(C), and -6(D) rescue locator beacons because of a fire in an air carrier life raft incorporating such a rescue locator beacon. The FAA determined that the fire originated in the rescue locator beacon and that the conditions which caused the fire were likely to exist in other beacons of this type that are incorporated in emergency equipment such as life rafts and slide-rafts installed in other aircraft and could cause in-flight fires with catastrophic results. The AD requires that certain Chromalloy Model RLB -6(B), -6(C), and -6(D) rescue locator beacons be removed from service on or before December 2, 1974.

The FAA also determined that there would be insufficient replacement units available during the period of time permitted by the AD for removal of the beacons from service to permit operators required to comply with §§ 121.339, 121.353 and 135.163 of the Federal Aviation Regulations to make the required replacements. The FAA is continuing its investigation and pending a determination as to whether there exists corrective action that will permit the return to service of the affected battery packs, the

AD provides that Part 121 and 135 certificate holders may operate without a rescue locator beacon or battery pack, if an approved portable emergency locator transmitter is installed in the aircraft so as to be accessible to the flight crew.

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 AD effective immediately as to all known U.S. operators of aircraft equipped with emergency equipment such as life rafts and slide-raft combinations incorporating Chromalloy Model RLB-6(B), -6(C), and -6(D) rescue locator beacons by individual telegrams dated November 9, 1974. These conditions still exist and the AD, with certain editorial and clarifying revisions, 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.

(Secs. 313(a), 601, 603, 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)))

**CHROMALLOY.** Applies to Chromalloy Model RLB-6(B), -6(C), and -6(D) rescue locator beacons installed in emergency equipment (including, but not limited to, slide-raft combinations and life rafts).

**Compliance required as indicated:**

(a) On or before December 2, 1974, remove all Chromalloy Model RLB-6(B), -6(C), and -6(D) rescue locator beacons or the battery packs incorporated in those units, covered by this AD, from service.

(b) Contrary provisions of §§ 121.339, 121.353, and 135.163 of the Federal Aviation Regulations notwithstanding, Part 121 and 135 operators of aircraft, equipped with life rafts or slide-raft combinations incorporating Chromalloy Models RLB-6(b), -6(C), and -6(D) rescue locator beacons may, after removal of such beacons or their battery packs pursuant to paragraph (a), continue to operate those aircraft after either—

(1) Replacing the affected beacons or batteries with FAA approved replacement beacons or batteries or

(2) Installing in the aircraft an FAA approved portable type emergency locator transmitter that is accessible to the flight crew.

This amendment is effective November 22, 1974, as to all persons except those persons to whom it was made immediately effective by the telegram, dated November 9, 1974, which contained this amendment.

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

C. R. MELUGIN,  
Acting Director,  
Flight Standards Service.

[FR Doc. 74-27309 Filed 11-21-74; 8:45 am]

[Docket No. 74-SO-106; Amdt. 39-2020]

**PART 39—AIRWORTHINESS DIRECTIVES**  
**Lockheed Model 382 Series Airplanes**

There have been failures of the throttle cables on the Lockheed Model 382 se-

ries airplanes that could result in loss of engine throttle control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the throttle cables at fuselage station 245 upper and lower pulleys and at each engine horsecollar pulley on the front wing beam.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures 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:

**LOCKHEED-GEORGIA COMPANY:** Applies to all Lockheed Models 382, 382B, 382E, 382F, and 382G airplanes certificated in all categories.

Compliance required as indicated below for aircraft with serial numbers below 4559 unless already accomplished.

A. For aircraft with 2000 hours or more time in service: This inspection is to be accomplished at the first convenient maintenance period, but not to exceed 200 hours time in service after effective date of this airworthiness directive.

B. On aircraft with less than 2000 hours time in service, this inspection is to be accomplished prior to the accumulation of 2000 hours or 200 hours time in service after the effective date of this airworthiness directive, whichever is greater.

Accomplish the following: Inspect and replace as required the engine throttle cables located at P.S. 245 upper and lower pulleys and at all engine horsecollar pulleys on the front wing beam as defined and in accordance with Lockheed Service Bulletin A382-175 or later approved revision or an equivalent inspection procedure approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

This amendment is effective November 27, 1974.

(Secs. 313(a), 601, 603, 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 East Point, Ga., on November 13, 1974.

PHILIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 74-27310 Filed 11-21-74; 8:45 am]

**CHAPTER II—CIVIL AERONAUTICS BOARD**

**SUBCHAPTER F—POLICY STATEMENTS**

[Reg. PS-59, Amdt. 38]

**PART 399—STATEMENTS OF GENERAL POLICY**

**Minimum Rates for Military Passengers**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., November 18, 1974.

By PSDR-42, (Docket 27113), October 22, 1974, the Board gave notice that

it had under consideration proposed amendments to Part 399 of its statements of general policy (14 CFR Part 399) providing prospectively for a 5.63 percent increase in the minimum rates considered fair and reasonable for the transportation of Category Z individually ticketed military passengers, and an adjustment of the commercial fuel surcharge applicable to the Category Z rate. The proposed increase was based upon a corresponding increase in the minimum rate for one-way military passenger charters (Category B rates) adopted by ER-879, October 22, 1974. Since the Board has for some time based the minimum charge considered fair and reasonable for Category Z transportation on the one-way Category B rate,<sup>1</sup> an increase in the Category B minimum was considered to require a corresponding increase in the Category Z minimum. The proposed adjustment in the commercial fuel surcharge was to conform to the rate to that applied to the revised interim Category B rate after a review of reported fuel price changes as of October 1, 1974.<sup>2</sup>

No comments were received in response to the notice. Upon consideration, we have determined for the reasons set forth in the notice and in ER-879 to adopt the amendments as proposed. The carriers may file tariffs reflecting these increased rates for effectiveness November 29, 1974, on not less than one day's notice.

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendment effective on less than thirty (30) days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 of its Statements of General Policy (14 CFR Part 399) effective November 29, 1974, as follows:

Amend § 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 air transportation and in air transportation between the 48 contiguous states, on the one hand, and Hawaii or Alaska, on the other hand, effective November 29, 1974, will be 4.366 cents per passenger-mile, plus a fuel surcharge of 5.73 percent, applied to the shortest mileage between commercial air carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares.

<sup>1</sup> However, since ER-861, June 11, 1974, commercial fuel surcharges at different levels have applied to Category B and Category A MAC rates than to the Category Z rate. The reason for the difference is that whereas the Board reviews and retroactively adjusts the Categories A and B surcharge rates monthly, such a review of the Category Z rate is impractical since tariffs may not be amended retroactively.

<sup>2</sup> ER-881, October 30, 1974, established a Category B rate surcharge of 5.73 percent effective October 29, 1974. This is the rate we will adopt for Category Z services.

(Sec. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; (49 U.S.C. 1324, 1373, 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-27388 Filed 11-21-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11097]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Appeals Procedures Established for Consolidated Tape Plan

The Commission today announced the adoption of an amendment to Rule 17a-15 (17 CFR 240.17a-15) (the "Rule") under the Securities Exchange Act of 1934.<sup>1</sup> The rule provides for reporting of prices and volume of completed transactions with respect to securities registered on exchanges. The purpose of the amendment, which adds a new paragraph (i) to the rule, is to establish procedures for appeal to the Commission from certain actions which may be taken pursuant to any consolidated tape plan declared effective by the Commission under the Rule. In this connection, the Commission on May 10, 1974 announced that it had declared effective as of May 17, 1974 the consolidated tape plan jointly filed on April 22, 1974 by the New York, American, Midwest, Pacific and PEW Stock Exchanges and the National Association of Securities Dealers, Inc.<sup>2</sup> Although various provisions of this plan state that decisions of the Consolidated Tape Association with respect to certain matters will be subject to an appeal to the Commission, the Commission presently has no applicable rules and regulations for any such petitions of appeal.

The amendment as adopted differs in several respects from the form in which it was proposed.<sup>3</sup> First, it has been revised to be comparable to the appeal provisions contained in proposed Rule 17a-14 (17 CFR 240.17a-14), governing the composite reporting of quotations in listed securities.<sup>4</sup> In proposing the adoption of Rule 17a-14, the Commission already had reviewed the comments on the proposed amendment to Rule 17a-15. Thus, the Commission has coordinated its consideration of the substantive appeal provisions

for both rules. The major change deals with the question of a stay pending consideration of an appeal or pending review by the Commission on its own motion. The Commission has determined to delete the automatic stay provision to avoid impeding the ability of the Rule 17a-15 plan sponsors to take prompt action as may be appropriate, and also to be consistent with those provisions of pending legislation which deal with the Commission's review of disciplinary action of self-regulatory organizations.

*Commission action.* The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 10(b), 15(c), 17(a) and 23(a) thereof, hereby amends effective December 13, 1974 § 240.17a-15 of Chapter II of Title 17 of the Code of Federal Regulations by adding paragraph (i) to read as follows:

§ 240.17a-15 Reporting of market information on transactions in listed securities.

(i) The Commission may entertain appeals in connection with the operation of any effective plan as follows:

(1) Any action taken or any failure to act by any person in connection with an effective plan (including but not limited to denial, limitation or termination of access to last sale reports) shall be subject to review by the Commission on its own motion, or upon application by any person aggrieved thereby (including but not limited to exchanges, associations, brokers, dealers, issuers, vendors and other users of last sale reports), filed within 30 days after such action or failure to act or within such longer period as the Commission may determine.

(2) Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of any such action, unless the Commission determines otherwise, after notice and opportunity for hearing on the question of a stay (which hearing may consist only of affidavits or oral arguments).

(3) In any proceeding for review, if the Commission, after appropriate notice and opportunity for hearing, and upon consideration of any proceedings conducted in connection with such action or failure to act and such other evidence as it deems relevant, determines that the action or failure to act is in accord with the applicable provisions of such plan and is consistent with the maintenance of fair and orderly markets, the public interest, and the protection of investors, the Commission shall dismiss the proceeding. Otherwise, the Commission shall require such action with respect to the matter reviewed as the Commission deems appropriate in accordance with the public interest and consistent with such plan.

(Secs. 10(b), 15(c), 17(a), 23(a), 48 Stat. 891, 895, 897, 901, 49 Stat. 1377, 1379, 52 Stat.

1075, 1076, 78 Stat. 570, 84 Stat. 1653 (15 U.S.C. 78j(b), 78o(c), 78q, 78w))

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

NOVEMBER 13, 1974.

[FR Doc.74-27396 Filed 11-21-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-8; Order No. 518]

APPLICATION PROCEDURES

Miscellaneous Amendments

NOVEMBER 15, 1974.

On September 5, 1974, the Commission issued a notice of proposed rulemaking in this proceeding (39 FR 32763, September 11, 1974), wherein it proposed to amend §§ 1.32, 3.114, 4.32, 5.1, and 16.6 of the rules and regulations under the Federal Power Act, relating to specific changes in procedure concerning certain applications under Part I of the Federal Power Act.

Six responses have been received to the Commission's notice<sup>1</sup> commenting on and suggesting modifications of the proposed rules and regulations. Two of these suggestions, as hereinafter discussed, will result in clarification of the rulemaking. Those not accepted were considered to be unnecessary or lacking in merit.

A concern expressed in two of the responses dealt with a perceived requirement of a full public hearing before an administrative law judge in all instances covered by the rulemaking. Such a condition is not intended, as evidenced by the availability of the shortened procedure set out in § 1.32(b).

Another response suggested "definite time limitations for public participation in order that proceedings not be delayed." While the goal of expeditious proceedings is important, it must be remembered that notices of applications covered by the rulemaking do set time limits by which interventions must be noticed or requested, but beyond this it would be improper to limit arbitrarily the time needed to fully deal with those issues properly a part of any proceeding.

A concern related to those discussed immediately above involves what is seen by one respondent as "needless expense" in terms of time and cost to be born by

<sup>1</sup>Timely responses were received from Wisconsin River Power Company, Public Service Electric and Gas Company, Le Boeuf, Lamb, Leiby & MacRae, and Southern California Edison Company. Responses not filed within the time prescribed but nevertheless considered were received from Pacific Gas & Electric Company and Wisconsin Public Service Corporation. In a letter dated September 23, 1974, received September 27, 1974, the U.S. Environmental Protection Agency's director of its Office of Federal Activities stated that it planned to comment on the rulemaking, but no such response has been received.

<sup>1</sup>Rule 17a-15 was adopted on November 8, 1972 (effective December 15, 1972) and was published in Securities Exchange Act Release No. 9850 (November 8, 1972) and in the FEDERAL REGISTER for November 15, 1972 at 37 FR 24172.

<sup>2</sup>Securities Exchange Act Release No. 10787 (May 10, 1974).

<sup>3</sup>Securities Exchange Act Release No. 10788 (May 10, 1974).

<sup>4</sup>Securities Exchange Act Release No. 10969 (August 14, 1974).

all parties in meeting the requirements of the rulemaking. Such a concern would seem to be based on a misunderstanding of what the rulemaking would do. Because of the shortened procedure set out in § 1.32(b), it is probable that there will be little, if any, increase in the expense of meeting the procedural requirements of the rules and regulations. Most contested proceedings will continue to involve full hearings before administrative law judges, with attendant cross examination, briefing and initial decision. Noncontested proceedings, however, may be disposed of by the Commission merely upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record. Any additional expense which might result is felt to be justified as an aid to the Commission's decision making function.

One response to the notice of proposed rulemaking questioned its prospective application and suggested that its terms apply also "to those parties with pending applications who request a hearing under the revised regulations" so that the requirements of procedural due process might be more fully met. The Commission does not feel that the prospective effect of the rulemaking raises any problems of procedural due process. The provisions of the Administrative Procedure Act (5 U.S.C. 551 et seq.) and specifically section 308 of the Federal Power Act (16 U.S.C. 825g) do not require that the Commission automatically order hearings as to those applications covered by the rulemaking. In addition, many hearings are presently ordered by the Commission either upon its own motion or upon the motion of any party in interest.

A concern expressed by two respondents dealt with what they perceived to be an expansion of the scope of hearings caused by the terms of the rulemaking. It is not the intention of the Commission that such an expansion necessarily take place, for it is intended that all hearings shall continue to be set by specific order and shall be limited to issues listed therein. So that this will be clear, the following sentence is being added at the end of § 4.32(a): "The hearing shall be limited to the issues specified by order or orders of the Commission." There is no need to delete that part of § 16.6(f) which reads: "Each such hearing need not be limited to the issues raised by the application." This is so, for it is the Commission and not the applicant which has the responsibility of determining the issues within each proceeding.

*The Commission finds.* (1) The revision made herein to the amendments proposed in the notice of proposed rulemaking does not impose a further burden on persons subject to these rules and regulations and does not amount to a substantial departure from the original proposal; therefore no further notice or hearing prior to adoption is necessary.

(2) The adoption of the amendments to the general rules and regulations under the Federal Power Act, hereinafter

set forth, are necessary and appropriate for carrying out the provisions of the Federal Power Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 308 and 309 (49 Stat. 858, 859; 16 U.S.C. 825g, 825h), orders:

#### PART 1—RULES OF PRACTICE AND PROCEDURE

(A) Section 1.32 of Part 1, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is revised in part as follows:

##### § 1.32 Shortened procedures.

(b) *Noncontested proceedings.* In any proceeding required by statute or the Commission's rules and regulations to be set for hearing, the Commission when it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may after a hearing during which no opposition or contest develops, forthwith dispose of the proceedings upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record: *Provided*, (1) The applicant or initial pleader requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission; and (2) no issue of substance is raised by any request to be heard, protest or petition filed subsequent to publication in the FEDERAL REGISTER of the notice of the filing of an initial pleading and notice or order fixing date of hearing, which notice or order shall state that the Commission considers the proceeding a proper one for disposition under the provisions of this section and shall otherwise conform with the requirements of § 1.19. Requests for the procedure provided by this section may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission in such proceeding after noncontested hearing, will be final, subject to reconsideration by the Commission upon application for rehearing as provided by statute.

#### PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHANGES; ETHICAL STANDARDS

(B) Section 3.114 of Part 3, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is revised in part as follows:

##### § 3.114 Licenses.

(b) Applications under the Federal Power Act for license authorizing construction of major projects; for license for constructed major projects; and for renewal of licenses for major projects are processed in the manner stated in § 3.113, except that those for substantial

alteration or surrender of licenses pursuant to section 6 of the Act may be acted on by the Commission after thirty (30) days' public notice by publication once in local newspapers and in the FEDERAL REGISTER, and except that a hearing will be held on applications for license authorizing construction of major projects; for license for constructed major projects; for renewal of licenses for major projects; and for substantial alteration to licenses for major projects.

(c) Except for the notice requirements, all other applications under this Act are processed similarly to the manner stated in § 3.113. In certain cases Special Use Permits may be issued by the U.S. Forest Service covering projects of less than 2,000 horsepower.

#### PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

(C) Section 4.32 of Part 4, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations is revised in part to read as follows:

##### § 4.32 Hearings on application.

(a) A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, except that in regard to those applications so designated in § 3.114(b) of this chapter, the Commission will schedule each application for hearing at the earliest possible date giving due consideration of statutory requirements and other matters pending, with notice thereof as provided by § 1.19(b) of this chapter. The hearing shall be limited to the issues specified by order or orders of the Commission.

(b) When it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the application and to omit briefing and the intermediate decision, the Commission may in accordance with the provisions of § 1.32(b) of this chapter dispose of the proceeding upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record, provided that no issue of substance is raised by any request to be heard, protest or petition.

(c) In the event of interventions raising an issue of substance, an order providing a hearing will be issued in accordance with the Commission's rules and regulations. However, if the formal parties including staff counsel can agree on a statement of facts, such factual statement shall be submitted together with other necessary exhibits for incorporation into the record and the parties shall proceed with the briefing schedule.

#### PART 5—APPLICATION FOR AMENDMENT OF LICENSE

(D) Section 5.1 of Part 5, Subchapter B, Chapter I of Title 18 of the Code of

Federal Regulations is revised in part to read as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. Furthermore, the provisions of § 2.81(a) of this chapter shall apply to all applications for amendment of license as defined therein. If it is determined that approval of the application would represent a substantial alteration to a major project under § 3.114, a hearing will be held and the provisions and requirements of § 4.32 of this chapter shall apply. The application for amendment of license shall be verified, shall conform to § 131.30 of this chapter and shall be filed in accordance with § 4.31 of this chapter.

**PART 16—PROCEDURE RELATING TO TAKEOVER AND RELICENSING OF LICENSED PROJECTS**

(E) Section 16.6 of Part 16, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations is revised in part as follows:

§ 16.6 Applications for new license for projects subject to sections 14 and 15 of the Federal Power Act and all other major projects.

(f) As concerns each application for a new major license hereunder, a hearing will be held and the provisions and requirements of § 4.32 of this chapter shall apply. Each such hearing need not be limited to the issues raised by the application.

(F) The amendments adopted herein shall be effective upon issuance of this order.

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

By the Commission.

[SEAL]

MARY B. KIDD,  
Acting Secretary.

[FR Doc.74-27383 Filed 11-21-74;8:45 am]

**Title 20—Employees' Benefits**

**CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR**

**SUBCHAPTER B—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED**

**BLACK LUNG BENEFITS**

Pursuant to authority contained in Title I of Pub. L. 93-192, 87 Stat. 748 and section 422(a) of Part C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, it has been determined by the Secretary of Labor that hearing examiners appointed

under 5 U.S.C. 3105 need not be employed to conduct formal proceedings under section 415 and Part C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. It has been further determined by the Secretary of Labor that the use of qualified hearing officers other than hearing examiners appointed under 5 U.S.C. 3105, for the purpose of conducting formal hearings in respect of claims for benefits under the said section 415 and Part C will, in certain cases, promote the efficient administration of the Department of Labor's Black Lung Benefits Program.

It is, therefore, necessary at this time to amend Parts 715, 720, and 725 (38 FR 16962-16965, 16966-16981, and 26042-26068) in order that the decision described herein be properly reflected in the rules and regulations governing the operation of the Department of Labor's Black Lung Benefits Program. In addition, certain technical oversights contained in the Department of Labor's Black Lung Program regulations are corrected in this document.

Because these amendments are technical in nature and do not materially affect any member of the public, it is not necessary to provide for notice, public participation, and delayed effective date in accordance with 5 U.S.C. 553. The amendments to 20 CFR Parts 715, 720, and 725 contained in this document are, therefore, effective immediately, and are applicable to all claims for black lung benefits which are filed under the aforesaid section 415 or Part C subsequent to June 30, 1973.

**PART 715—BLACK LUNG BENEFITS PROGRAM UNDER TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT: GENERAL PROVISIONS**

1. Section 715.101, paragraph (a) (27) is revised as follows:

§ 715.101 General definitions and use of terms.

(a) \* \* \*

(27) "Hearing officer" means a hearing officer appointed by the Secretary of Labor to conduct formal hearings in respect of claims for benefits under section 415 and Part C of the Act. Wherever the term "administrative law judge" appears in this part or Parts 718, 720 or 725 of this chapter, such term shall have the same meaning as the term "hearing officer." Such hearing officers may or may not meet the requirements for hearing examiners appointed under 5 U.S.C. 3105 but shall, in the opinion of the Secretary, be qualified to carry out the responsibilities and follow the procedures prescribed for administrative law judges by this part and Parts 718, 720, and 725 of this chapter. Hearing officers shall to the extent possible conduct all formal proceedings over which they preside in accordance with the applicable provisions of the Administrative Procedures Act, 5 U.S.C. 554, et seq. as such provisions are interpreted by Parts 720 and 725 of this chapter. Hearing officers shall be organizationally placed in the Office of Administrative Law Judges and shall be under

the direct supervision of the Chief Administrative Law Judge of the Department of Labor, Washington, D.C. 20210.

2. Paragraph (a) (4) (ii) of § 715.207 is revised as follows:

§ 715.207 Conditions of entitlement; widow or surviving divorced wife.

(a) An individual is eligible for benefits if such individual:

(4) The deceased miner either:

(i) \* \* \*

(ii) Is determined to have been totally disabled due to pneumoconiosis at the time of his death, or that his death was due to pneumoconiosis. (See Part 718 of this chapter.)

**PART 720—DETERMINATION OF BLACK LUNG BENEFITS CLAIMS UNDER SECTION 415 OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT AND PAYMENT OF BENEFITS TO CLAIMANTS**

3. Paragraph (d) of § 720.102 is revised as follows:

§ 720.102 Applicability of other parts in this subchapter.

(d) Part 725 of this chapter contains the rules and regulations by which the Department of Labor shall accept, process, and adjudicate all claims for black lung benefits filed pursuant to Part C of Title IV of the Act after December 31, 1973. All new claims filed after December 31, 1973, shall be filed pursuant to the provisions of Part 725 of this chapter. The provisions of Subpart C of Part 725 relating to "relationship and dependency" and Subpart D of Part 725 of this chapter relating to the identification and responsibilities of coal mine operators are applicable to this Part 720 as appropriate.

4. Paragraph (c) of § 720.201 is revised as follows:

§ 720.201 Adjudication officers.

(c) *Hearing officer.* The hearing officer is that official of the Department of Labor empowered by the Secretary to conduct formal hearings whenever necessary in respect of any claim for black lung benefits filed under this part. Wherever the terms "administrative law judge" or "administrative law judges" appear in this part such terms shall have the same meaning as the terms "hearing officer" or "hearing officers."

**PART 725—CLAIMS FOR BLACK LUNG BENEFITS PAYABLE UNDER PART C OF TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT, AS AMENDED**

5. Paragraph (c) of § 725.402 is revised as follows:

§ 725.402 Adjudication officers.

(c) *Hearing officers.* The hearing officer is that official of the Department of

Labor empowered by the Secretary to conduct formal hearings whenever necessary, in respect of any claim for black lung benefits filed under this part. Wherever the terms "administrative law judge" or "administrative law judges" appear in this part such terms shall have the same meaning as the terms "hearing officer" or "hearing officers."

Signed at Washington, D.C., this 15th day of November 1974.

BERNARD E. DELURY,  
Assistant Secretary  
for Employment Standards.

[FR Doc. 74-27321 Filed 11-21-74; 8:45 am]

#### Title 21—Food and Drugs

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

#### Subpart D—Food Additives Permitted in Food for Human Consumption

#### MODIFIED HOP EXTRACT

The Commissioner of Food and Drugs, having evaluated data submitted in a petition (FAP 3A2880) filed by Kalamazoo Spice Extraction Co., PO. Box 511, Kalamazoo, MI 49005, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of additional modified hop extracts as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1082(b) (21 CFR 121.1082(b)) is amended by adding new paragraph (b)(5) through (8) to read as follows:

#### § 121.1082 Modified hop extract.

(b) \* \* \*

(5) The additive is manufactured from hops by an initial extraction and fractionation using one or more of the following solvents: Ethylene dichloride, hexane, isopropyl alcohol, methyl alcohol, methylene chloride, trichloroethylene, and water; followed by isomerization by calcium chloride or magnesium chloride treatment in ethylene dichloride, methylene chloride, or trichloroethylene and a further sequence of extractions and fractionations using one or more of the solvents set forth in this paragraph. Residues of the solvents in the modified hop extract shall not exceed 125 parts per million of hexane; 150 parts per million of ethylene dichloride, methylene chloride, or trichloroethylene; or 250 parts per million of isopropyl alcohol or methyl alcohol.

(6) The additive is manufactured from hops by an initial extraction and fractionation using one or more of the solvents listed in paragraph (b)(5) of this section followed by: Hydrogenation using palladium as a catalyst in methyl

alcohol, ethyl alcohol, or isopropyl alcohol acidified with hydrochloric or sulfuric acid; oxidation with peracetic acid; isomerization by calcium chloride or magnesium chloride treatment in ethylene dichloride, methylene chloride, or trichloroethylene (alternatively, the hydrogenation and isomerization steps may be performed in reverse order); and a further sequence of extractions and fractionations using one or more of the solvents listed in paragraph (b)(5) of this section. The additive shall meet the residue limitations as prescribed in paragraph (b)(5) of this section.

(7) The additive is manufactured from hops as set forth in paragraph (b)(6) of this section followed by reduction with sodium borohydride in aqueous alkaline methyl alcohol, and a sequence of extractions and fractionations using one or more of the solvents listed in paragraph (b)(5) of this section. The additive shall meet the residue limitations as prescribed in paragraph (b)(5) of this section, and a boron content level not in excess of 300 parts per million (0.0300 percent), calculated as boron.

(8) The additive is manufactured from hops as a nonisomerizable nonvolatile hop resin by an initial extraction and fractionation using one or more of the solvents listed in paragraph (b)(5) of this section followed by a sequence of aqueous extractions and removal of non-aqueous solvents to less than 0.5 percent. The additive is added to the wort before or during cooking in the manufacture of beer.

Any person who will be adversely affected by the foregoing order may at any time on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This order shall become effective November 22, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 14, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-27330 Filed 11-21-74; 8:45 am]

#### PART 121—FOOD ADDITIVES

#### Subpart D—Food Additives Permitted in Food for Human Consumption

#### ION-EXCHANGE RESINS

Section 121.1148 *Ion-exchange resins* (21 CFR 121.1148) currently prescribes safe use of methyl acrylate-divinylbenzene copolymer and methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer, identified in § 121.1148 (a) (13) and (16), respectively, as ion-exchange resins in treating water having a pH of 5 or higher. Each resin is aminolyzed with dimethylaminopropylamine. The regulation prescribes that the water be first subjected to one of the resins cited above in the bicarbonate form and subsequently subjected to treatment through a second ion-exchange resin bed; the water passing through each resin bed being maintained at a specified temperature and flow rate. The post-treatment of the water by the second resin bed reduces the level of dimethylaminopropylamine which may be present in the effluent.

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2A2764) filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, and other relevant material, concludes that § 121.1148 should be amended as set forth below to broaden the use of the ion-exchange resins identified in paragraph (a) (13) and (16) in treating food, and to relax the conditions under which they may be used.

Accordingly, § 121.1148 is being amended (1) in paragraph (b) (2) by broadening the use of the ion-exchange resins identified in paragraph (a) (13) and (16) to treat aqueous food, including water at all pH values; (2) by deleting paragraph (b) (2) (i) which prescribes that the resins identified in paragraph (a) (13) and (16) be in the bicarbonate form and that the water be subjected to treatment through a second prescribed resin bed; (3) in paragraph (b) (2) (ii) to increase the maximum prescribed temperature of the food passing through the resin beds from 30° C to 50° C; and (4) by incorporating amended paragraph (b) (2) (ii) into paragraph (b) (2).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1148 is amended by revising paragraph (b) (2) to read as follows:

#### § 121.1148 Ion-exchange resins.

(b) \* \* \*

(2) The ion-exchange resins identified in paragraph (a) (13) and (16) of this section are used to treat water and aqueous food only of the types identified under categories I, II, and VI-B in table 1 of § 121.2526(c): *Provided*, That the temperature of the water or food passing through the resin beds is maintained at 50° C or less and the flow rate of the water or food passing through the beds

is not less than 0.5 gallon per cubic foot per minute.

Any person who will be adversely affected by the foregoing order may at any time on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This order shall become effective November 22, 1974.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: November 14, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-27329 Filed 11-21-74; 8:45 am]

**PART 121—FOOD ADDITIVES**

**Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food**

**INDUSTRIAL STARCH-MODIFIED**

Notice was given, published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19799), that a petition had been filed by General Mills Chemicals, Inc., 2010 East Hennepin Ave., Minneapolis, MN 55413, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for safe use of starch-g-poly (acrylamide-co-β-methacryloyloxyethyl - trimethylammonium monomethyl sulfate) prepared by radiation induced graft polymerization using either a cobalt source or an electron beam accelerator. The additive is to be used as a component of paper and paperboard intended to contact dry food.

The Commissioner of Food and Drugs, having evaluated data in the petition, and other relevant material, concludes that it is preferable to amend § 121.2506 *Industrial starch-modified* (21 CFR 121.2506), to provide for safe use the petitioned additive, listing the reactants by Chemical Abstracts nomenclature.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21

U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2506 is amended by revising paragraph (a) to read as follows:

**§ 121.2506 Industrial starch-modified.**

(a) Industrial starch-modified is identified as follows:

**List of reactants:**

Ammonium persulfate, not to exceed 0.3 percent or in alkaline starch not to exceed 0.6 percent.

(4 - Chlorobutene - 2) trimethylammonium chloride, not to exceed 5 percent.

β-Diethylaminoethyl chloride hydrochloride, not to exceed 4 percent.

Dimethylaminoethyl methacrylate, not to exceed 3 percent.

Dimethylol ethylene urea, not to exceed 0.375 percent.

2,3-Epoxypropyltrimethylammonium chloride, not to exceed 5 percent.

Ethylene oxide, not to exceed 3 percent of reacted ethylene oxide in finished product.

Phosphoric acid, not to exceed 6 percent, and urea, not to exceed 20 percent.

(2) A starch irradiated under one of the following conditions to produce free radicals for subsequent graft polymerization with the reactants listed in this paragraph (a) (2):

(i) Radiation from a sealed cobalt 60 source, maximum absorbed dose not to exceed 5.0 megarads.

(ii) An electron beam source at a maximum energy of 7 million electron volts of ionizing radiation, maximum absorbed dose not to exceed 5.0 megarads.

**List of reactants:**

Acrylamide and [2-(methacryloyloxy) ethyl]trimethylammonium methyl sulfate, such that the finished industrial starch-modified shall contain:

1. Not more than 60 weight percent vinyl copolymer (of which not more than 32 weight percent is [2-(methacryloyloxy) ethyl] trimethylammonium methyl sulfate).

2. Not more than 0.20 percent residual acrylamide.

3. A minimum nitrogen content of 9.0 percent.

Any person who will be adversely affected by the foregoing order may at any time on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be sup-

(1) A food starch-modified or starch or any combination thereof that has been modified by treatment with one of the reactants hereinafter specified, in an amount reasonably required to achieve the desired functional effect but in no event in excess of any limitation prescribed, with or without subsequent treatment as authorized in § 121.1031.

**Limitations**

Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging.

Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging.

Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging and as surface sizing and coating for paper and paperboard that contact food only of types IV-A, V, VII, VIII, and IX described in table 1 of § 121.2526(c).

**Limitations**

For use only as a retention aid and dry strength agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended to contact only dry food of the type identified in § 121.2526(c), table 1, under type VIII, and used at a level not to exceed 0.40 percent by weight of the finished dry paper and paperboard fibers.

ported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This order shall become effective November 22, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

Dated: November 14, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-27327 Filed 11-21-74; 8:45 am]

**SUBCHAPTER D—DRUGS FOR HUMAN USE**  
**PART 440—PENICILLIN ANTIBIOTIC DRUGS**

**Benzylpenicilloyl-Polylysine**

*Correction*

In FR Doc. 74-22610 appearing at page 35346 in the issue of Tuesday, October 1, 1974, and corrected on page 39871 in the issue of Tuesday, November 12, 1974, the third line of §440.10(b)(1)(i)(c) of the correction on page 39871 should read "(standard lysine solution (2.5 x 10<sup>-4</sup>M)):".

**PART 440—PENICILLIN ANTIBIOTIC DRUGS**

**Benzathine Phenoxymethyl Penicillin**

*Correction*

In FR Doc. 74-26449 appearing at page 39871 in the issue of Tuesday, November 12, 1974, make the following changes in § 440.57(b):

1. Delete the last line of subparagraph (5) and insert in lieu thereof, the following:

"penicillin content as follows:".

2. Subparagraph (6) was inadvertently omitted and should be inserted immediately before subdivision (i) in the second column on page 39871. Subparagraph (6) reads as follows:

"(6) *Crystallinity*. Proceed as directed in § 436.203 of this chapter."

**Title 23—Highways**

**CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

**SUBCHAPTER E—PLANNING**

**PART 420—PROGRAM MANAGEMENT AND COORDINATION**

**Subpart B—Highway Planning and Research and Development—Contracts**

The Federal Highway Administration is amending Chapter I, Title 23, Code of Federal Regulations, by adding a new Subpart B—Highway Planning and Research and Development—Contracts to Part 420—Program Management and Coordination. Subpart B of Part 420 codifies procedures formerly contained in Federal Highway Administration Policy and Procedures Memorandum 50-1.2.

General notice of proposed rulemaking is not required inasmuch as the material published relates to benefits, grants, or contracts pursuant to 5 U.S.C. 553(a)(2).

The regulations will take effect on the date of issuance.

**Subpart B—Highway Planning and Research and Development—Contracts**

Sec.

420.201 Purpose and Application.

420.202 Definitions.

420.203 Procedures.

420.204 Compensation.

420.205 Contract provisions.

420.206 Alternate procedure.

Appendix 1 Certification of contractor; certification of State Highway agency.

Appendix 2 Notice to contractor—compliance with Title VI of the Civil Rights Act of 1964 for Federal-aid contracts.

**AUTHORITY:** 23 U.S.C. 104(f), 302(a), 307(c), 315; 49 CFR 1.48(b).

**Subpart B—Highway Planning and Research and Development—Contracts**

**§ 420.201 Purpose and application.**

(a) The purpose of this subpart is to set forth policies and procedures regarding basic items to be included, as appropriate, in contracts between a State highway agency (SHA) and consultants, educational and other nonprofit organizations, other public agencies, quasi-governmental groups, and individuals to carry out research and development or planning studies financed in whole or in part with Federal-aid highway planning and research funds, as made available under 23 U.S.C. 104(f) and 307(c).

(b) These provisions also apply to contracts for planning or research and development studies between county, city, and regional quasi-governmental planning groups and any other party when Federal-aid highway planning and research funds administered by the SHA are to be utilized. Nothing herein shall relieve the SHA of its responsibilities under the Federal-aid laws and regulations for the work to be performed under contracts entered into by said parties.

**§ 420.202 Definitions.**

The following definitions apply for the purpose of this subpart.

(a) *Contract*. The legal instrument defining the rights and obligations of the signatory parties.

(b) *Statement of work*. A brief description of the work or services to be performed by the contractor, describing the limits to which the work or services will be carried, and the methods to be employed. This statement should also specify functions to be performed by the SHA, local agency, or any other party bound under the contract.

**§ 420.203 Procedures.**

(a) These procedures apply to highway planning, research and development contracts except those with Metropolitan Planning Organization (MPO) covering work to carry out the requirements of 23 U.S.C. 134.

(1) Proposed contracts shall be submitted for Federal Highway Administration (FHWA) approval prior to execution in accordance with the following:

(i) When the estimated contract amount of \$50,000 or less, the SHA may, upon FHWA approval of the statement of

work, execute a contract to perform the required work without further FHWA approval.

(ii) When the estimated contract amount is greater than \$50,000 but less than \$500,000, and the SHA elects to follow the alternate procedure outlined in § 420.206, the SHA may, upon FHWA approval of the statement of work, execute a contract to perform the required work without further FHWA approval.

(iii) When the estimated contract amount is greater than \$50,000, and the SHA elects not to use the alternate procedure, or if the estimated contract cost is \$500,000 or greater, the statement of work and the contract shall be approved by the FHWA prior to execution.

(2) SHA requests for approval of the statement of work under paragraph (a)(1) of this § 420.203 shall be adequately supported. Among items to be included are:

(i) The need for the study;

(ii) The status of previous study in the field of the proposed study;

(iii) Objective of the proposed work;

(iv) Areas to be investigated under the proposed study;

(v) Estimated schedule and costs of major phases of work; and

(vi) Anticipated products of the work.

(3) SHA requests for FHWA approval of contracts under paragraph (a)(1)(iii) of this § 420.203 shall include:

(i) A copy of the proposed contract including the statement of work;

(ii) A determination that the prospective contractor's qualifications are adequate for the specific services to be performed;

(iii) A determination that the method of payment is appropriate and that the amount of compensation proposed is reasonable; and

(iv) A determination that the selection of the contractor is in accordance with paragraph (a)(5) of this § 420.203.

(4) The SHA shall submit an audit evaluation, in accordance with Part 170 of this chapter, for any proposed contract exceeding \$50,000.

(5) The selection of a contractor shall be based on comparative evaluations of the professional or other specific qualifications necessary for the satisfactory performance of the services required. The consideration of available contractors so qualified shall be deemed to satisfy requirements for competition. Selection of a contractor may also be made on the basis of competitive negotiation or bidding.

(6) To be eligible for Federal participation in the cost of the study, the final report, when required under paragraph (a)(3) of § 420.205 must be reviewed and accepted by the SHA and FHWA as fulfilling the objectives of the study.

(7) For planning, research, and development studies, a general review of draft reports of interim and final results is required to insure compliance with contract objectives. Correction of deficiencies found in this review is a requirement for FHWA acceptance of a

report as partial or final fulfillment of contract objectives.

(b) These procedures apply to contracts with MPO for carrying out the provisions of 23 U.S.C. 134.

(1) Contracts shall be required where Federal funds are to participate either in items of work included in an approved planning work program, or in preparation of a planning work program.

(2) For purposes of these contracts, the approved planning work program may be considered the statement of work.

(3) Contracts shall be subject to FHWA approval in accordance with the following:

(i) When the estimated contract cost is \$50,000 or less, the SHA may execute a contract for items included in an approved planning work program, or for preparation of a planning work program without further FHWA approval.

(ii) When the estimated contract cost is greater than \$50,000, the contract shall be approved by the FHWA prior to execution.

(4) Contract amendments may take the form of letter agreements meeting the legal requirements of the SHA. After the first year, the SHA may elect to extend the contract time and to provide allocated funds for subsequent contract periods by amendment.

(5) For these contracts, the provisions of Part 170 of this chapter, as they regard preaward audit evaluations, may be applied as follows:

(i) The provisions of paragraph (a) of § 170.105 of this chapter which generally relate to professional qualifications and contract negotiations, are satisfied by the designation of a Metropolitan Planning Organization in accordance with 23 U.S.C. 104(f) (3).

(ii) The preaward audit evaluations described in paragraphs (b) and (c) of § 170.105 of this chapter shall be satisfied:

(A) If the State has audit assurance as to the adequacy of the prospective contractor's system to segregate and accumulate reasonable, allocable and allowable costs for the proposed contract; and

(B) If the contract is on an actual cost basis.

(iii) When these conditions do not exist, the audit evaluation requirements of paragraphs (b) and (c) of § 170.105 of this chapter shall apply. Such audit evaluations should normally precede contract award, but in all cases shall be accomplished within 60 days after contract award.

§ 420.204 Compensation.

(a) Compensation to the contractor should represent a just and equitable payment for the work or services performed. The method of payment to compensate the contractor for all work required shall be set forth in the contract and, where appropriate, in all modifications thereto.

(b) The type of contract used should be appropriate for the particular work or services being sought; however, a "cost-plus-a-percentage-of-cost" contract shall not be used in any case.

(c) The consultant's actual direct and indirect costs eligible for Federal reimbursement shall be those allowable under the provisions of Part 1-15, Contract costs, indirect costs, and proposed fee Procurement Regulations, or SHA procurement regulations acceptable to FHWA.

(d) All contracts shall set forth a maximum limiting amount, to include direct costs, indirect costs, and proposed fee where appropriate, which cannot be exceeded without a modification of the contract. The items to be included in the indirect costs, as well as the basis for their determination shall be documented. Where applicable such documentation shall include a determination of reasonableness of the proposed fee, indicating the considerations and factors that entered into its establishment.

(e) The contract shall specify the terms and conditions of payment to the contractor. The contract should establish a method for payment as the work progresses; however, except for cost reimbursement contracts, at no time may the total of such progress payments exceed the percentage of the total work completed.

§ 420.205 Contract provisions.

The contract shall contain appropriate provisions to address the following items as applicable:

(a) For contracts financed in accordance with paragraph (a) of § 420.203.

(1) Parties—The parties to the contract shall be identified.

(2) Statement of work—The statement of work shall be included or attached and made a part of the contract by reference.

(3) Reports—The contract shall provide that the contractor prepare a final report satisfactory to the SHA of the findings and results of the study. When the contract is for work or services not normally expected to result in a final report, such as contracts for computer services, this provision will not apply.

(4) Time.

(5) Disputes.

(6) Responsibility for claims and liability.

(7) Subcontracting and specialized services

(i) Specialized services and subcontract work shall be itemized in the contract.

(ii) After the contract is executed, additional subcontracting of specialized services shall have the written approval of the SHA and, for contracts approved under paragraph (a) (1) (iii) of § 420.203, the FHWA.

(8) Termination or abandonment—The contract shall set forth the conditions under which the contract may be terminated prior to completion to include the manner by which it will be effected and the basis for settlement.

(9) Inspection of work.

(10) Records—The contract shall provide that the contractor and his subcontractors are to maintain all books, documents, papers, accounting records, and other evidence pertaining to costs

incurred, and to make such materials available at their respective offices at all reasonable times during the contract period and for 3 years from the date of final payment to the contractor. Such materials are to be available for inspection by authorized representatives of the SHA or the Federal Government and copies thereof shall be furnished if requested.

(11) Changes in work—Supplemental agreements shall be required for any modification in the terms of the original contract to provide for changed or extra work. Such agreements shall not provide for a "cost-plus-a-percentage-of-cost" basis of payment in any case.

(12) Equipment and instrumentation.

(i) Major items of equipment or instrumentation required for contract performance shall be included in the contract.

(ii) The SHA shall require certification that items of equipment included in direct costs have been excluded from the indirect costs.

(13) Publication provisions.

(i) General—(A) Copyright. The contractor shall be free to copyright material developed under the contract with the provision that the SHA and FHWA reserve a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

(B) Acknowledgment and disclaimer statements. Where appropriate, all reports published by the SHA and/or the contractor shall contain the following:

(1) An acknowledgment such as "prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration."

(2) A disclaimer statement similar to the following:

The contents of this report reflect the views of the author who is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the (SHA or the) Federal Highway Administration. This report does not constitute a standard, specification, or regulation.

(ii) Research and development studies. Reports on studies which were expected to produce an implementable product in the form of a device, procedure or the like must be written in a manner understandable to the user and in sufficient detail to permit the practicing engineer to implement the items. Interim or final reports resulting from contracts with nonprofit organizations shall not be published until the report has been accepted by the SHA and FHWA in accordance with paragraph (a) (7) of § 420.203.

(14) Covenant against contingent fees.

(i) All contracts financed with Federal-aid highway and research funds except those to be entered into with an educational institution or other nonprofit organization shall contain the following clause:

The consultant warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the consultant, to solicit or

secure this contract, and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the consultant, any fee, commission, percentage, brokerage fee, gifts, or other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the SHA shall have the right to annul this contract without liability, or at its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

(ii) Each contract, except those to be entered into with an educational institution or other nonprofit organization, shall be accompanied by a "Certification of Contractor" and a "Certification of State Highway Agency" in the form shown in Appendix 1 to this part, the first to be executed by a principal officer of the firm and the second to be executed by the principal administrative officer of the State highway agency.

(15) Patent rights—Patent rights provisions shall be included in contracts to assure an equitable allocation of rights in inventions resulting from HP&R sponsored research and development contracts, to promote their expeditious development so that the U.S. public can benefit from early use of the inventions and to assure their continued availability. The following provisions shall be included in research and development contracts, since they are considered the minimum necessary to protect the States' and U.S. Government's interest in inventions resulting from the HP&R program.

(i) *Invention identification and disclosure.* The contractor shall establish and maintain effective procedures to assure that Subject Inventions are promptly identified.

(ii) *Disposition of principal rights.* The contractor agrees to assign to the SHA and U.S. Government the entire right, title and interest throughout the world in and to each Subject Invention; except to the extent that rights are obtained by the contractor under paragraph 6a(15)(b)2 of Federal-Aid Highway Program Manual, Volume 4, Chapter 1, Section 2, Subsection 2.<sup>1</sup>

(iii) *Filing of domestic patent applications.* With respect to each Subject Invention in which the contractor elects to retain rights pursuant to paragraph 6a(15)(b) of Federal-Aid Highway Program Manual, Volume 4, Chapter 1, Section 2, Subsection 2, the contractor shall have a domestic patent filed within 6 months after submission of the invention disclosure. With respect to Subject Inventions, the contractor shall promptly notify the SHA of any decision not to file. For each Subject Invention on which a patent is filed, the contractor shall:

(A) Within 2 months after each filing, deliver to the SHA and FHWA a copy

of the application as filed, including the filing date and serial number.

(B) Include the following statement in the second paragraph of the specification of the application and any patents issued on a Subject Invention:

The United States Government has rights in this invention pursuant to the contract between (identify the contractor) and (identify the State highway agency) dated (date).

(C) Within 6 months after filing the application, deliver to the SHA and FHWA a duly approved, executed and recorded legal instrument in a form specified by FHWA fully confirmatory of all rights to which the United States Government is entitled, and provide FHWA an irrevocable power to inspect and make copies of the patent application.

(D) Provide the SHA and FHWA with copies of the patent within 2 months after a patent is issued on the application.

(iv) Forfeiture of rights in unreported Subject Invention the contractor shall forfeit to the SHA and the United States Government all rights in any Subject Invention which he fails to report at or prior to the time he files a patent application thereon or submits the statement required in 6a(15)(a)2b, of Federal-Aid Highway Program Manual, Volume 4, Chapter 1, Section 2, Subsection 2.

(16) Civil Rights.

(i) The contract and all subcontracts shall provide for compliance with Title 49 CFR Part 21, promulgated to effectuate Title VI of the Civil Rights Act of 1964.

(ii) In keeping with the requirements of Federal regulations, the clauses contained in Appendix 2 to this part shall be included in planning and research contracts financed in whole or in part with Federal-aid highway funds.

(17) Travel.

(18) Timeliness.

(b) For contracts financed in accordance with paragraph (b) of § 420.203.

(1) Parties.

(2) Statement of work.

(3) Time.

(4) Responsibility for claims and liability.

(5) Subcontracting. Subcontracting, with the exception of contract for services incidental to the study operations such as printing, aerial photograph coverage, and computer services must be approved by the SHA and FHWA. All subcontracts entered into by MPO's shall be subject to the applicable provisions of paragraph (a) of § 420.205.

(6) Termination or abandonment. The contract shall set forth the conditions under which the contract may be terminated prior to completion to include the manner by which it will be effected and the basis for settlement.

(7) Inspection of work.

(8) Records. The contract shall provide that the contractor and his subcontractors are to maintain all books,

documents, papers, accounting records, and other evidence pertaining to costs incurred, and to make such materials available at their respective offices at all reasonable times during the contract period and for 3 years from the date of final payment to the contractor. Such materials are to be available for inspection by authorized representatives of the SHA or the Federal Government and copies thereof shall be furnished if requested.

(9) Equipment. The SHA shall require certification that items of equipment included in direct costs have been excluded from the indirect costs.

(10) Publication provisions.

(i) *Copyright.* The contractor shall be free to copyright material developed under the contract with the provisions that the SHA and FHWA reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, the work for Government purposes.

(ii) *Acknowledgment.* All reports published by the SHA and/or the contractor shall contain a credit reference to FHWA such as "prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration."

(11) Civil Rights.

(i) The contract and all subcontracts shall provide for compliance with 49 CFR Part 21, promulgated to effectuate Title VI of the Civil Rights Act of 1964.

(ii) In keeping with the requirements of Federal regulations, the clauses contained in Appendix 2 to this part shall be included in planning and research contracts financed in whole or in part with Federal-aid highway funds.

(12) Travel.

§ 420.206 Alternate procedure.

(a) This procedure is not applicable to contracts described in paragraph (b) of § 420.203.

(b) As an alternative to the procedures otherwise set forth elsewhere in this subpart:

(1) The SHA at its option may obtain approval by FHWA of an administrative plan under which the SHA would certify the procedures by which contractors would be utilized to provide services under planning and research contracts to be financed in whole or in part with Federal-aid highway planning and research funds.

(2) To the extent an SHA's administrative plan is found acceptable by the Regional Federal Highway Administrator (RFHWA), FHWA approval of individual contracts, costing less than \$500,000 or supplements thereto, would not be required. This would not, however, relieve the SHA of requirements for approval of the statements of work as specified under § 420.203. This alternative procedure may be approved for use by any SHA desiring to adopt it when requirements in paragraph (c) of this § 420.206 are found by the RFHWA to be satisfied. Until the administrative plan has been approved by

<sup>1</sup> The Federal-Aid Highway Program Manual may be examined at the Federal Highway Administration; 400 7th St. SW., Washington, D.C. 20590.

the FHWA, the procedures set forth elsewhere in this subpart are to be used.

(c) Should the SHA desire to implement the alternate plan it shall file a formal application with the FHWA which application, as a minimum, shall include:

- (1) The SHA's written procedures for:
  - (i) Soliciting and evaluating proposals for planning and research and development work or services;
  - (ii) Selecting a qualified consultant to perform the work or services;
  - (iii) Determining that the contract provisions are satisfactory;
  - (iv) Determining that the type of contract is appropriate, and that the amount of proposed compensation is reasonable;
  - (v) Documentation of the file for compliance with provisions of the above paragraphs (c)(1)(i)-(iv) of this § 420.206 for each procurement action.

(2) A statement signed by the chief administrative officer of the State highway agency certifying that there shall be conformance with the provisions of this Subpart and all applicable Federal and State laws and administrative requirements.

Issued on: November 14, 1974.

NORBERT T. TIEMANN,  
Federal Highway Administrator.

APPENDIX 1

State Contract No. \_\_\_\_\_  
Federal-aid Project \_\_\_\_\_  
State \_\_\_\_\_

CERTIFICATION OF CONTRACTOR

I hereby certify that I am the \_\_\_\_\_  
(title)

and duly authorized representative of the firm of \_\_\_\_\_, whose address is \_\_\_\_\_, and that neither I nor the above firm I here represent has:

(a) Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above contractor) to solicit or secure this contract,

(b) Agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract,

or  
(c) Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above contractor) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract;

except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished to the State highway agency and the Federal Highway Administration, U.S. Department of Transportation, in connection with this contract involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

(Date) \_\_\_\_\_ Signature \_\_\_\_\_

CERTIFICATION OF STATE HIGHWAY AGENCY

I hereby certify that I am the \_\_\_\_\_  
(title)

of the highway agency of the State of \_\_\_\_\_, and that the above contractor or his representative has not been required, di-

rectly or indirectly as an express or implied condition in connection with obtaining or carrying out this contract to:

- (a) employ or retain, or agree to employ or retain, any firm or person, or
- (b) pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind; except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished to the Federal Highway Administration, U.S. Department of Transportation, in connection with this contract involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

(Date) \_\_\_\_\_ Signature \_\_\_\_\_

APPENDIX 2

NOTICE TO CONTRACTORS: COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

(1) *Compliance with regulations.* The contractor will comply with the Regulations of the Department of Transportation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the regulations), which are herein incorporated by reference and made a part of this contract.

(2) *Nondiscrimination.* The contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the ground of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by § 21.5 of the regulations, including employment practices when the contract covers a program set forth in Appendix B of the regulations.

(3) *Solicitations for subcontracts, including procurements of materials and equipment.* In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the regulations relative to nondiscrimination on the ground of race, color or national origin.

(4) *Information and reports.* The contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State highway agency or the Federal Highway Administration to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway agency or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) *Sanctions for noncompliance.* In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State highway agency shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,

(a) Withholding of payments to the contractor under the contract until the contractor complies, and/or

(b) Cancellation, termination or suspension of the contract, in whole or in part.

(6) *Incorporation of provisions.* The contractor will include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations, order, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract or procurement as the State highway agency or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

[FR Doc.74-27316 Filed 11-21-74;8:45 am]

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

PART 1204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

Temporary Waiver

The purpose of this notice is to announce a partial temporary waiver of Highway Safety Program Standard No. 5, Driver Licensing, 23 CFR 1204.4, to permit the State of North Carolina to conduct a pilot program pursuant to section 402(a) of the Highway Safety Act of 1966, 23 U.S.C. 402(a).

It is important to develop incentives for drivers to remain current on safe driving practices and rules of the road throughout their driving career. Periodic reexamination programs have been developed in most States as a means of achieving this end. Because of this central role given to periodic reexamination in driver licensing programs, and the large amount of funds expended in the effort, these programs should be continuously evaluated and reviewed. Establishment of a pilot program comparing driver behavior of groups subject to different licensing procedures can be an effective method of evaluation. The program proposed by the State of North Carolina is designed to reward good driving and create an incentive for continued good driving by establishing a special program for drivers with perfect records. Under this program violation-free drivers will be exempt from the knowledge reexamination requirements. The goal of the program is a statistically significant reduction in the incidence of violation and accident involvement of drivers of the State of North Carolina as a result of more selective and intensive examination of certain drivers. It has been determined that the public interest will be served by temporarily waiving the driver licensing standard to permit adoption of this pilot program.

In consideration of the foregoing, paragraph III(B) of Highway Safety Program Standard 5, 23 CFR 204.4 is hereby waived, but only to the extent that the State of North Carolina may, for the period beginning immediately and ending June 30, 1977, waive the required reexamination for those North Carolina drivers with perfect records renewing their license during the period of this waiver, for the purpose of conducting a pilot study of a safe driving incentive program in accordance with North Carolina House Bill No. 1900, dated March 29, 1974. The National Highway Traffic Safety Administration is not by this waiver approving or authorizing any of the programs, activities, procedures, or methodologies planned or to be engaged in by the State of North Carolina in connection with this waiver, or agreeing beforehand to adopt results. The Administration only agrees not to apply the periodic reexamination requirement of Standard No. 5 to the State of North Carolina should it undertake to carry out the program described above.

The State has submitted to the National Highway Traffic Safety Administration a detailed plan including program design, operational methodologies, evaluation methods, and intended results of the activities to be conducted in connection with this waiver. Pursuant to its plan, the State will submit a final report explaining the results of the program and conclusions reached.

(Sec. 402(a), Highway Safety Act of 1966, (23 U.S.C. 402(a)); delegations of authority at 49 CFR 1.5, 501.8)

Issued on November 19, 1974.

CHARLES F. LIVINGSTON,  
Acting Associate Administrator,  
Traffic Safety Programs.

[FR Doc.74-27357 Filed 11-21-74;8:45 am]

#### Title 30—Mineral Resources

#### CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

#### SUBCHAPTER B—RESPIRATORY PROTECTIVE APPARATUS; TESTS FOR PERMISSIBILITY; FEES

#### PART 11—RESPIRATORY PROTECTIVE DEVICES; TESTS FOR PERMISSIBILITY; FEES

##### Deadline Extension

The Secretary of the Interior, through the Mining Enforcement and Safety Administration (MESA) and the Secretary of Health, Education, and Welfare, through the National Institute for Occupational Safety and Health, (NIOSH), conduct a testing and approval program for respirators used in hazardous atmospheres pursuant to the regulations contained in 30 CFR Part 11 issued jointly by the Secretaries (37 FR 6244).

On April 9, 1974, following a public hearing on the issue, Part 11 was amended (39 FR 12864) to provide that until September 30, 1974 respirators approved under Part 11 or a Bureau of Mines respirator schedule would be approved for use in hazardous atmospheres.

The amendments provided that after September 30, 1974, only respirators approved under Part 11 or manufactured pursuant to a quality control plan approved under Part 11 would be approved for such use except that if a respirator was purchased before September 30, 1974 and at the time of purchase was approved for use under a Bureau of Mines respirator schedule, it would be approved for use until the dates specified in the regulation. The amendment further provided that after March 31, 1975 only respirators approved under Part 11 would be approved for use except that if a respirator was purchased before March 31 and at that time was approved under a Bureau of Mines respirator schedule and manufactured pursuant to an approved quality control plan, it would be approved for use until the dates specified in the regulation.

Following adoption of the April 9 amendments, respirator manufacturers submitted quality control plans for NIOSH review and approval. While some plans were submitted in a timely manner, a number was not received until after July 1974, and a substantial number has not yet been received. Due to the complexity of the plans and the shortage of qualified manpower to review these detailed plans, there are devices for which a quality control plan has been submitted but not reviewed and approved. The result is that, unless the regulations are amended, after September 30 these devices will no longer be permitted to be sold as approved equipment. Moreover, it is anticipated that a similar situation will develop with respect to the March 31, 1975 deadline.

The purpose of these amendments is to eliminate September 30, 1974 as a deadline date and to extend the March 31, 1975 date described above to June 30, 1975. By that time NIOSH will have had an opportunity to review all of the quality control plans previously submitted as well as those anticipated to be received.

Respiratory equipment already in the possession of industrial users or acquired on or before June 30, 1975 and previously approved under Bureau of Mines respirator approval schedules will continue to be approved for use in accordance with the dates adopted in the April 9, 1974 amendments (39 FR 12864).

Finally, since the requirements for the approval and certification of gas masks are under revision, the deadline date for the approval of those devices has not been established and those devices have been excepted from the June 30, 1975 deadline date. A deadline date for approval and certification of gas masks under Part 11 will be adopted in the future.

Since it is essential that approved respiratory protective devices remain available to industrial users, the Departments find that good cause exists for omitting notice of proposed rulemaking and postponement of the effective date in the issuance of the amendments to Part 11. Accordingly, these amendments, as set forth below, will be effective on September 30, 1974.

Part 11 of Title 30, Code of Federal Regulations is amended and revised as set forth below.

Dated: November 12, 1974.

JACK W. CARLSON,  
Assistant Secretary of the Interior

Dated: November 18, 1974.

CASPAR W. WEINBERGER,  
Secretary of Health, Education,  
and Welfare.

In Part 11, a new § 11.2-1 is added and § 11.2 is revised to read as follows:

#### § 11.2 Approved respirators other than gas masks.

(a) Until June 30, 1975, respirators or combinations of respirators other than gas masks shall be approved for use in hazardous atmospheres where such respirators or combinations of respirators are maintained in an approved condition and are the same in all respects as those respirators:

(1) For which a certificate of approval has been issued under this part; or

(2) Fabricated, assembled or built under any approval or any modification thereof issued by the U.S. Bureau of Mines, Department of the Interior, in accordance with the schedules set forth in this paragraph:

(i) Self-contained Breathing Apparatus, Bureau of Mines Schedules 13, March 5, 1919; 13A, January 21, 1930; 13B, August 12, 1935; 13c, July 9, 1946; 13D, September 22, 1956, and 13E, July 19, 1968.

(ii) Supplied-air Respirators, Bureau of Mines Schedule 19B, April 19, 1955.

(iii) Filter-type Dust, Fume, and Mist Respirators, Bureau of Mines Schedule 21B, January 19, 1965.

(iv) Nonemergency Gas Respirators, Bureau of Mines Schedule 23B, August 4, 1959.

(b) After June 30, 1975, respirators or combinations of respirators other than gas masks shall be approved for use in hazardous atmospheres where such respirators or combinations of respirators are maintained in an approved condition and are the same in all respects as those respirators for which a certificate has been issued under this part: *Provided*, That if a respirator is purchased on or before June 30, 1975 and at the time of purchase was the same in all respects as a respirator approved under a Bureau of Mines Schedule, it shall be approved for use until the following dates:

Until March 31, 1979, for self-contained breathing apparatus approved under Bureau of Mines Schedules 13-13E.

Until March 31, 1980, for supplied-air respirators approved under Bureau of Mines Schedule 19B.

Until March 31, 1976, for filter-type dust, fume, and mist respirators approved under Bureau of Mines Schedule 21B and for non-emergency gas respirators approved under Bureau of Mines Schedule 23B.

#### § 11.2-1 Approved gas masks.

Gas masks shall be approved for use in hazardous atmospheres where such

gas masks are maintained in an approved condition and are the same in all respects as those gas masks:

(a) For which a certificate of approval has been issued under this part; or

(b) Fabricated, assembled or built under any approval or any modification thereof issued by the U.S. Bureau of Mines, Department of the Interior in accordance with Bureau of Mines Schedule 14F, April 23, 1955.

(Secs. 202(h), 204, 508, 83 Stat. 763, 764, 803 (30 U.S.C. 842(h), 844, 957); secs. 2, 3, 5, 36 Stat. 370, as amended 37 Stat. 681 (30 U.S.C. 3, 5, 7); sec. 8(g), 84 Stat. 1600 (29 U.S.C. 657(g)))

[FR Doc.74-27386 Filed 11-21-74; 8:45 am]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER C—AIR PROGRAMS**

[FRL 278-8]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Nebraska: Approval of Compliance Schedules**

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the State plans for implementation of the national ambient air quality standards.

The State of Nebraska submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Nebraska.

Accordingly, the Administrator proposed approval of these schedules on August 20, 1974, in the FEDERAL REGISTER, 39 FR 30049. The proposed approval of these schedules published in the August 20, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

These schedules are located in the Lincoln-Lancaster County Air Quality Control Region. The applicable regulations, which are part of the Nebraska Implementation Plan, provide for the granting of variances for a period of six months.

The variances can be reviewed for good cause shown. The Environmental Protection Agency's approval of each compliance schedule will be unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule would not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that had been federally approved, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation would again become federally enforceable.

Provisional approval of final compliance dates and extension of variances is justifiable only because of the six-month variance limitation in the applicable regulation. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedule, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Nebraska renews each variance. The schedules were immediately effective on the date of adoption. An Effective Date is not indicated on the table. The Variance Expiration Date is included instead.

Two schedules proposed in the August 20, 1974, FEDERAL REGISTER (39 FR 30049) have subsequently been revised. One revised schedule, Gould, Inc., Bers Metal Division, Omaha, will be re-proposed in a later publication. The other revised schedule, Omaha Public Power District, Omaha (a) North Omaha Station, Boilers Nos. 1, 2, 3, 4, and 5, contains a new final compliance date beyond the attainment date of July 31, 1975, and cannot be approved. The Agency will take further appropriate action in the future concerning this schedule.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Since the large numbers of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and compliance schedules are available for public inspection at the Environmental Protection Agency, 1735 Baltimore, Kansas City, Missouri 64108.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5).

Dated: November 15, 1974.

RUSSELL E. TRAIN,  
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart CC—Nebraska**

1. A new § 52.1425 is added as follows:  
**§ 52.1425 Compliance schedules.**

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

**NEBRASKA**

Source and location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Far-Mar-Co., Lincoln: Grain elevator "OLB"	4, 16, 13	May 2, 1973	July 31, 1974	July 31, 1974
Gooch Milling & Elevator Co., Lincoln:				
(a) Grain elevator "C"	4, 16, 13	Apr. 24, 1973	Aug. 15, 1974	July 1, 1974
(b) Grain elevator "D"	4, 16, 13	do	do	July 1, 1975
Decker Foundry, Inc., Cupola, Lincoln	4, 5	May 2, 1973	do	Dec. 31, 1974
Uncle Sam Breakfast Food Co., Lincoln: Grain elevator	4, 16, 13	do	June 1, 1974	June 1, 1974
Lincoln Grain, Inc., Lincoln: Grain elevator	4, 16, 13	do	Aug. 15, 1974	Dec. 31, 1974
Nebraska Public Power District, Halkam Station	4, 5, 13	do	do	Mar. 31, 1975
Omaha Public Power District, Omaha:				
Jones Street Station	45.04.130	Apr. 11, 1973	June 1, 1974	June 1, 1974
Boilers Nos. 20, 21, 22, 23, 24, and 25	45.04.190	do	do	do

[FR Doc.74-27189 Filed 11-21-74; 8:45 am]

**Title 41—Public Contracts and Property Management**

**CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS**

**SUBCHAPTER A—GENERAL**

[FPMR Amdt. A-21]

**PART 101-1—INTRODUCTION**

**Regulation System**

This amendment adds the notes (a) through (d) of Filing Instructions and Notes, included in all FPMR amendments, to Subchapter A. The notes will no longer be included with each amendment.

The table of contents for Part 101-1 is amended by the addition of the following new entries:

Sec.  
101-1.111 Retention of FPMR amendments.  
101-1.112 Change lines.

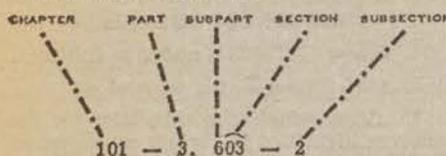
**Subpart 101-1.1—Regulation System**

1. Section 101-1.109(b) is redesignated § 101-1.109(d).

2. New §§ 101-1.109 (b) and (c) are added as follows:

§ 101-1.109 Numbering in FPMR System.

(b) In the numbering system, all FPMR material is preceded by digit 101-. This means that it is Chapter 101 in Title 41 of the Code of Federal Regulations. It has no other significance. The digit(s) before the decimal point indicates the part; the digits after the decimal point indicate, without separation, the subpart and section, respectively, the latter always in two digits; and the digit(s) after the dash indicates the subsection. For example:



(c) On each page appears the number and date (month and year) of the FPMR amendment which transmitted it.

3. Sections 101-1.111 and 101-1.112 are added as follows:

§ 101-1.111 Retention of FPMR amendments.

Retention of FPMR amendments and removed pages will provide a history of FPMR issuances and facilitate determining which regulations were in effect at particular times.

§ 101-1.112 Change lines.

Arrows printed in the margin of a page indicate material changed, deleted, or added by the FPMR amendment cited at the bottom of that page. Where insertion of new material results in shifting of unchanged material on following pages, no arrows will appear on such pages but the FPMR amendment transmitting such new pages will be cited at the bottom of each page.

↪ or ↩ Line on which change begins.  
↪ or ↩ Line on which change ends.  
↪ or ↩ Line on which change both begins and ends.  
↪ or ↩ Opposite a blank space, indicates deletion of a division of material (section, subsection, or paragraph).

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

**Effective date.** This regulation is effective on November 22, 1974.

Dated: November 14, 1974.

ARTHUR F. SAMPSON,  
*Administrator of General Services.*

[FR Doc.74-27272 Filed 11-21-74;8:45 am]

**Title 43—Public Lands: Interior**

**CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**

**APPENDIX—PUBLIC LAND ORDERS**

[Public Land Order 5445]

[Wyoming 29042]

**WYOMING**

**Partial Revocation of Reclamation Project Withdrawal**

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The order of the Bureau of Reclamation dated April 19, 1951, concurred in by the Bureau of Land Management on July 9, 1951, withdrawing lands for the Missouri River Basin Project, is hereby revoked so far as it affects the following described lands:

**SIXTH PRINCIPAL MERIDIAN**

T. 49 N., R. 91 W.,  
Sec. 10, lots 3, 6, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, lots 2 thru 5, W $\frac{1}{2}$ ;  
Sec. 23, lots 1 thru 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 24, lot 3;  
Sec. 25, lots 1 thru 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Tracts 37-A thru 37-C;  
Tracts 39-A, 39-B;  
Tracts 41-A thru 41-F;  
Tracts 47-A thru 47-D;  
Tracts 52, 53-K, 87-C.

The areas described contain 1,955.21 acres in Big Horn County.

The lands are located some 8 to 14 miles southeast of Manderson, Wyoming, adjacent to the Nowood River. Vegetative cover is saltbush, greasewood or sagebrush vegetative associations.

2. At 10 a.m. on December 21, 1974, the lands shall be open to operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 21, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyoming 82001.

JACK O. HORTON,  
*Assistant Secretary  
of the Interior.*

NOVEMBER 15, 1974.

[FR Doc.74-27323 Filed 11-21-74;8:45 am]

[Public Land Order 5446]

[Oregon 11297]

**OREGON**

**Powersite Restoration No. 731; Partial Revocation of Powersite Reserve I.O. 661, and Waterpower Designation No. 14**

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and pursuant to the determination of the Federal Power Commission docketed as DA-550-Oregon, it is ordered as follows:

1. The Executive Order of December 12, 1917, creating Powersite Reserve No. 661, and the Secretary's Order of December 12, 1917, creating Waterpower Designation No. 14, are hereby revoked so far as they affect the following described land:

**WILLAMETTE MERIDIAN**

T. 7 S., R. 1 E.,  
Sec. 7, lots 1, 5, 7.

The areas described aggregate 36.72 acres of land in Marion County.

2. The above described lands will not be opened to entry for the reason that title is no longer vested in the United States.

JACK O. HORTON,  
*Assistant Secretary  
of the Interior.*

NOVEMBER 15, 1974.

[FR Doc.74-27322 Filed 11-21-74;8:45 am]

[Public Land Order 5447]

[Idaho 6480]

**IDAHO**

**Additions to National Forests and the Sawtooth National Recreation Area**

By virtue of the authority contained in the Act of August 22, 1972, 16 U.S.C. 460aa (1970), Supplement II, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described Federally owned lands are transferred to the jurisdiction of the Secretary of Agriculture; and are added to the Sawtooth and Challis National Forests as indicated, and reserved

as part of the Sawtooth National Recreation Area, subject to all laws and regulations applicable thereto:

SAWTOOTH NATIONAL FOREST

BOISE MERIDIAN

Public Lands

- T. 7 N., R. 14 E.,
- Sec. 2, lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;
- Sec. 3, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
- Sec. 4, lots 3, 4, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
- Sec. 11, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
- Sec. 14, E $\frac{1}{2}$ ;
- Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 24, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;
- Sec. 25, E $\frac{1}{2}$ E $\frac{1}{2}$ ;
- Sec. 26, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 8 N., R. 14 E.,
- Sec. 5;
- Sec. 6, lots 1, 2, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 8, E $\frac{1}{2}$ ;
- Sec. 17, W $\frac{1}{2}$ NE $\frac{1}{4}$ ;
- Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
- Sec. 26, NE $\frac{1}{4}$ ;
- Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$ ;
- Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 35, lots 5, 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 9 N., R. 14 E.,
- Sec. 7, E $\frac{1}{2}$ ;
- Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;
- Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 29, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 31, E $\frac{1}{2}$ ;
- Sec. 32, W $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Acquired Lands

- T. 8 N., R. 14 E.,
- Sec. 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ .

The areas described for addition to the Sawtooth National Forest aggregate approximately 7,035.60 acres of public lands, and 80 acres of acquired lands; 5,677.95 acres in Custer County and 1,437.65 acres in Blaine County.

CHALLIS NATIONAL FOREST

BOISE MERIDIAN

Public Lands

- T. 10 N., R. 13 E.,
- Sec. 3, lot 9, lot 2, except that part of Block 3, 4, 5, and Tract 8, 9, and 10 of Stanley townsite survey within said lot, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 4, lots 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 5, lots 3, 4;
- Sec. 6, lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
- Sec. 8, lots 1 thru 62, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 10, lot 7, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 11, W $\frac{1}{2}$ ;
- Sec. 15, lots 2 thru 5, 7, 8, E $\frac{1}{2}$ ;
- Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Sec. 21, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;
- Sec. 22;
- Sec. 27, lots 1 and 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 10 N., R. 17 E.,
- Sec. 14, W $\frac{1}{2}$ .
- T. 11 N., R. 13 E.,
- Sec. 34, lot 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , except that part of Block 1 thru 4, and Tract 1 thru 7, of Stanley townsite survey within said subdivisions.

The areas described for addition to the Challis National Forest aggregate 3,691.69 acres in Custer County.

The total acreage involved aggregates approximately 10,807.29 acres in Custer and Blaine Counties.

2. The above described lands, and any lands or minerals which may be acquired within the recreation area, are hereby withdrawn from entry or appropriation under the United States mining laws, 30 U.S.C. Ch. 2, and from disposition under all laws pertaining to mineral leasing and all amendments thereto. The use of subject lands shall be governed by the rules and regulations promulgated by the Secretary of Agriculture.

JACK O. HORTON,  
Assistant Secretary  
of the Interior.

NOVEMBER 15, 1974.

[FR Doc.74-27324 Filed 11-21-74; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-1219]

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

Airdrome Control Stations

*Order.* In the matter of amendment of Part 2 of the Commission's rules and regulations to delete footnote US16 pertaining to Airdrome Control Stations in the 290-325 kHz band.

1. Footnote US16 to the Table of Frequency Allocations, Section 2.106 of the Commission's rules and regulations, specifies conditions under which certain frequencies in the band, 290-325 kHz, may be authorized to Airdrome Control Stations. Since no Airdrome Control Stations are presently assigned under the provisions of this footnote and there is sufficient spectrum available in the 200-285 kHz, 325-405 kHz and 118-136 MHz bands to meet the existing and future requirements for this type of operation, the need to retain Footnote US16 no longer exists. Because the band 290-325 kHz is shared between government and non-government entities, the deletion of US16 was coordinated with the Interdepartment Radio Advisory Committee, and has received no objections.

2. Since the deletion of US16 will have no adverse effect on non-Government entities, we would consequently expect to receive no comments in this matter. Therefore the prior public notice and effective date provisions contained in the Administrative Procedure Act, 5 U.S.C. 553, are unnecessary and contrary to public interest.

3. Accordingly, it is ordered, That, effective November 26, 1974, § 2.106 of the rules is amended by deleting the footnote designator US16 from the band 285-325 kHz and the text of this footnote following the Table. Authority for this action is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

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

Adopted: November 12, 1974.

Released: November 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-27336 Filed 11-21-74; 8:45 am]

[Docket 20041; FCC 74-1218]

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

PART 87—AVIATION SERVICES

Designation of Discrete Frequency for Natural Resources Uses

Report and Order—Proceeding terminated. In the matter of amendment of Parts 2 and 87 of the Commission's rules to designate a discrete frequency for natural resources uses, Docket No. 20041, RM 2298.

1. On May 10, 1974, we released a notice of proposed rule making in this Docket,<sup>2</sup> to designate a discrete aeronautical frequency for natural resources uses. This action was in response to a Petition for rule making, filed by the International Association of Natural Resource Pilots and the National Association of State Foresters, and was supported by several Government agencies and private individuals named in our notice. In addition, the petition was supported in communications received too late for listing in our notice of proposed rulemaking, by the following:

- Billy Moore, State Chief Pilot  
State of North Carolina  
Department of Natural and Economic Resources;
- L. Edward Perry, Acting Regional Director  
Portland, Oregon Office  
U.S. Department of the Interior  
Fish and Wildlife Service;
- Michael B. Sayers, Chief Pilot  
Director's Office  
Ohio Department of Natural Resources; and
- L. A. Moran, State Forester  
Department of Conservation  
State of California.

The notice was published in the FEDERAL REGISTER on May 17, 1974 (39 FR 17566), and the time for filing comments and reply comments has expired.

2. Comments were filed in response to our notice of proposed rulemaking by J. L. Beggone, Commissioner, New York State Department of Environmental Conservation (State of New York) and A. H. Carver, Chief, California State Communications Division, on behalf of the California Department of Fish and Game and Division of Forestry (State of California).

3. The State of New York, in its comments, supported the proposed rule changes but expressed reservations that

<sup>1</sup> Commissioner Reid absent.  
<sup>2</sup> 39 FR 17566, May 17, 1974.

the proposed discrete frequency would be adequate for "on site field operations," and stated that most states will require considerable aircraft communications on the present assigned Forestry Conservation frequencies.

4. The State of California, in its comments, supported the proposed rule changes and the designation of 122.925 MHz as the discrete frequency for the use herein proposed, but stated that it would be several years before many Government or other radio users would have acquired the new 25 kHz equipment for use on that frequency. As a remedy, the State of California recommended that, in addition, a 50 kHz channel be made available on an interim basis for 3 to 5 years for the same natural resources uses.

5. With respect to the comment of the State of New York, concerning the adequacy of the proposed frequency for "on site" operations, we believe only time and experience will determine whether the action herein taken will be sufficient to meet the communication needs that prompted these rule changes. If additional action is later determined to be needed, necessary rule changes can be considered on our own motion or in response to petitions filed. Regarding the continued need for frequencies in other services, we point out that the rule changes in this Docket constitute no curtailment on the availability or use of any frequencies provided for elsewhere in our rules for the Aeronautical, or other, radio services.

6. With respect to the comment of the State of California concerning the interim need for a 50 kHz channel while users are acquiring 25 kHz equipment for operation on the designated frequency 122.925 MHz, we are aware that such action could provide some relief on a temporary basis for some radio users. It could encourage some licensees to delay the acquisition of new equipment, however, and we believe that in the best interests of the aviation community and to relieve the congestion on the 50 kHz channels, the conversion to the use of equipment capable of operation on the new 25 kHz channels should proceed as expeditiously as possible. We do not know of any underused 50 kHz channel that is available for use in the California area as a discrete natural resources frequency. For these reasons, we will not, in this proceeding, take the action requested by the State of California.

7. In view of the foregoing, we find that the rule changes are necessary and in the public interest as proposed, with one minor modification. It has been called to our attention by the Department of Interior that the words "and other related programs" at the end of the proposed rule §§ 87.201(e) and 87.271(c) and in Footnote US 213 in § 2.106, may generate misuse of the frequency for purposes too remote from the uses for which it is intended. We agree with the Department of Interior, and are editorially modifying the proposed sections to cope with this, as shown below, by deleting the subject

words, and to more clearly specify the stations with which natural resources communications may be exchanged.

8. Accordingly, it is ordered, That pursuant to authority contained in sections 4(i) and 303(b), (c), (g) and (r) of the Communications Act of 1934, as amended, Parts 2 and 87 of the Commission's rules are amended, as set forth below, effective December 27, 1974.

9. It is further ordered, That this proceeding is terminated.

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

Adopted: November 12, 1974.

Released: November 18, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 2.106, *Table of frequency allocations*, a new footnote indicator (US 213) is added in Column 5 for the frequency band 121.9625-123.0875 MHz, and a new US footnote (US 213) is added in proper sequence to the list of US footnotes as follows:

§ 2.106 *Table of frequency allocations.*

United States		
	Band (MHz)	
	5	
***	***	***
***	121.9625- 123.0875 (US29) (US30) (US31) (US80) (US85) (US102) (US213)	***

U.S. FOOTNOTES

US213 The frequency 122.925 MHz is for use only for communications with or between aircraft when coordinating natural resources programs of Federal or State natural resources agencies, including forestry management and fire suppression, fish and game management and protection, and environmental monitoring and protection.

2. In § 87.201(b), the frequency 122.925 MHz is deleted, the existing paragraphs (e) and (f) are redesignated (f) and (g) respectively, and a new paragraph (e) is added as follows:

§ 87.201 *Frequencies available.*

(e) 122.925 MHz, 6A3 emission: For use only for communicating between aircraft, or between aircraft and aeronautical stations, when coordinating programs of Federal or State natural resources agencies, including forestry management and fire suppression, fish and

<sup>2</sup> Commissioner Reid absent.

game management and protection, and environmental monitoring and protection.

3. In § 87.271 a new paragraph (c) is added as follows:

§ 87.271 *Frequencies available.*

(c) 122.925 MHz: This frequency is available for assignment for use only to communicate with aircraft when coordinating programs of Federal and State natural resources agencies, including forestry management and fire suppression, fish and game management and protection, and environmental monitoring and protection.

[FR Doc.74-27257 Filed 11-21-74; 8:45 am]

[Docket No. 19907; RM-2192; FCC 74-1234]

PART 73—RADIO BROADCAST SERVICES

Vertical Interval Reference Signal

*Report and order.* Proceeding terminated. In the matter of Amendment of §§ 73.682(a) (21), 73.676(f) (1) and 73.699 of Part 73 of the Commission's rules and regulations regarding special signals within the vertical blanking interval of the video television broadcast signal.

1. This proceeding, initiated by a notice of proposed rulemaking adopted on December 19, 1973 (44 F.C.C. 2d 483), primarily concerns the amendment of pertinent sections of the Commission's rules governing television broadcast stations, so that a scanning line, in both fields, in the vertical blanking interval of the television signal will be designated solely for the transmission of a Vertical Interval Reference Signal. This signal was developed by the Broadcast Television Systems Committee of the Electronic Industries Association (hereinafter EIA), as a tool for promoting greater uniformity in television color transmission. Its configuration was depicted in an appendix to that notice. As more fully described therein, the VIR signal is intended to be added to the program signal at the point where its color characteristics are established, and to accompany the program signal as it traverses all circuits to the output of the transmitter. The VIR signal is so structured that circuit distortions responsible for color deterioration will ordinarily cause measurable changes in the standardized relationships of the various components of the VIR signal. Adjustments made to restore the signal to its original configuration are expected to correct for the condition causing color deterioration.

2. EIA, the petitioner herein, proposed that line 19 of the vertical blanking interval, on which our existing rules permit the transmission of test, cue and control signals, be cleared for VIRS transmission. In furtherance of this end, it proposed that all line 17 be made available for test signal transmission (the present rules permit only the last 12 microseconds of line 17 to be used for this

purpose) and that the test signals specified for transmission on lines 18 and 19 by stations operated by remote control be moved, respectively, to lines 17 and 18. In addition to rule amendments designed to implement the foregoing, the Commission, at the request of the Ad Hoc Committee on Television Broadcast Ancillary Signals of the JCIC, which filed a document in support of the EIA petition, proposed to amend the general rules governing test signal transmissions in the vertical interval to permit chrominance subcarrier components of test signals to exceed the reference white level, the presently prescribed maximum amplitude for such signals, and to delete the present requirement of the rules that a half line guard interval be maintained between test signals and picture information.

3. The Commission further asked for comments on the possible assignment of the VIR signal, in lieu of line 19, to line 20, the scanning line for which it originally was developed, and on which all tests of the signal were conducted. It noted that if line 20 were adopted for VIRS transmission, a change in the line assignments for the remote control VITS would be unnecessary.

4. Deadlines for the filing of comments and reply comments, initially specified as March 1, 1974, and April 1, 1974, were extended by an Order adopted February 12, 1974, to April 15, 1974, for comments and May 15, 1974, for reply comments.

5. The following parties filed timely comments:

American Broadcasting Companies, Inc. (ABC)  
Columbia Broadcasting System, Inc. (CBS)  
Electronic Industries Association (EIA)  
Joint Committee on Intersociety Coordination Ad Hoc Committee on Television Broadcast Ancillary Signals (JCIC)  
Metromedia, Inc. (MM)  
National Association of Educational Broadcasters (NAEB)  
National Broadcasting Company, Inc. (NBC)  
Public Broadcasting Service (PBS)  
RCA Corporation (RCA)

Columbia Broadcasting System, Inc. filed a reply comment.

6. A late comment was filed by the General Electric Company. The disposition of this pleading will be dealt with in our subsequent discussion.

7. Complete unanimity exists among those filing comments that a line should be reserved in the vertical blanking interval for the transmission of a vertical interval reference signal. All parties (save General Electric) assume that the configuration of the signal will be that proposed by EIA, as depicted in Appendix B to the notice. The comments strongly urge that the VIR signal should be assigned to line 19 in both fields, for the following reasons. Regardless of the fact that the VIR signal was developed and tested on line 20, it is essential, if the VIRS is to be widely and consistently used, that the voluntary efforts of all facets of the industry be enlisted toward achieving this end. Such cooperation can

be obtained best by specifying a line assignment on which the industry can agree, namely, line 19. NBC points out it has been transmitting the VIR signal on this line over its network circuits and its owned television stations for almost a year, and its experience with such transmissions has been entirely satisfactory. The burdens imposed on television stations in modifying remote control VITS generators to operate on lines 17 and 18, in lieu of lines 18 and 19, are held to be relatively small, and insufficient to justify a denial of line 19 for VIR use.

8. A number of the parties (ABC, CBS, JCIC, PBS) have availed themselves of the opportunity to reiterate positions taken by them or others in the proceeding in Docket 18425, which resulted in the adoption of rules requiring the transmission of prescribed vertical interval test signals on lines 17 and 18 by television stations operated by remote control. They insist that the purposes to be served by such VITS transmissions can be accomplished by a signal on a single line, and that the present assignment of two lines for this purpose represents an extravagant use of valuable vertical interval space. These arguments were fully considered in the above mentioned proceeding, and were rejected for reasons set forth in the Second Report and Order of August 18, 1971, FCC 71-879, and the Memorandum Opinion and Order of December 8, 1971, FCC 71-1237. In the instant proceeding, we are concerned only with measures required to clear line 19 for VIR use, at the same time imposing the least possible hardship on licensees whose stations are presently transmitting the remote control VITS and will be required to vacate line 19. As we have indicated in the above mentioned Orders, the Commission will give consideration to a reduction in the portion of the vertical interval devoted to remote control VITS transmission at such time as it appears that the continued use of two lines for the VIT signal is impeding the development of the vertical interval for other useful purposes. We have no evidence that this is the case at the present time.

9. Even if we believed that action of the kind suggested were not clearly premature, the difficulty of accomplishing it in this proceeding is apparent. While several of the parties agree that the VITS signal should be transmitted on a single line, they disagree as to the line which should be used, and on the composition of the signal to be transmitted on that line. Any attempts to resolve these differences would prolong this proceeding indefinitely, a result which all agree would be undesirable.

10. Regardless of their individual positions with respect to remote control VITS signals, all parties agree it is technically feasible, and otherwise desirable to make available all of line 17 for test signal transmission. International test signals and presently planned network test signals of similar or identical configuration, will occupy this line. While the radiation of these signals by television stations is

not a necessary result of their intended use, the signals may be radiated inadvertently, or, at some stations, it may be inconvenient or uneconomical to delete them before radiation. Accordingly, whatever the reaction of the Commission to pleas for the adoption of a one line remote control VIT signal, it is maintained that authority for test signal transmission on all of line 17, in any event, should be contained in the rules.

11. General Electric proposes certain modifications in the structure of the vertical interval reference signal which, GE alleges, would make possible the employment of simpler and more efficient circuitry in receivers designed to use the VIR signal for automatic control of color. The GE pleading was filed on May 20, 1974, over a month after the deadline for filing comments in the instant proceeding, and five days after the last date for filing reply comments. While, therefore, GE's comments are not entitled to consideration here as a matter of right, we have decided not to reject them out of hand, but to discuss to some extent the procedural and practical problems presented by the nature of the comments and the manner in which they were filed. Initially, we should note that no party to the proceeding has had an opportunity to review and to reply to the proposal GE has advanced. This being the case, if we were disposed to consider the changes in the VIR signal which GE espouses, we would be obliged to continue this proceeding, and invite a further round of comments and reply comments before taking any final action.

12. However, we do not believe the burdens and delays involved in such action are justified. The VIR signal proposed in this proceeding was developed and tested over a four year period by an EIA committee on which both broadcasters and receiver manufacturers are represented, including General Electric, and was presented to the Commission as having general industry support. Whatever the theoretical advantages of the modified VIR signal which GE proposes, it has not undergone the extensive testing to which the signal proposed in this proceeding was subject. Under the circumstances, we are of the opinion that if any change is to be made in the structure of the VIR signal, it should not be attempted in this rule making proceeding; rather, GE's proposal, if it wishes to pursue it further, should be pressed in the EIA committee which developed the signal.

13. Metromedia suggests that the rules "clearly state that the use of the VIR signal be voluntary and that the use of the VIR signal should not become a part of the VIT signal now required for television transmitter remote control authorization."

14. We believe that we have made this point clear. In § 73.682(a)(21), as we propose to amend it, authority for the transmission of the VIR signal on line 19 is couched in the same permissive terms which apply in general to the test,

cue and control signals whose transmissions in the vertical interval are authorized by this rule. The only mandatory aspect of the rule is the technical and other limitations applying to the transmission and use of these signals, if the broadcaster elects to transmit them. The only test signals which a broadcaster is required to transmit are those intended for use in remote control operation. The rules governing their use are contained in § 73.676(f)(1).

15. Indeed, as CBS emphasizes, a rule which made mandatory the transmission of the VIR signal would frustrate its proper use. For the potentialities of VIR signal transmission and use to be fully exploited, the signal must be associated with each program at the earliest possible stage in the production/transmission chain—preferably at the point of production, when the proper color balance is determined. Except for program material produced by the station itself, the place where this is done is beyond the control of the station licensee, and hence beyond the usual reach of Commission authority. A requirement that the signal be radiated in many cases would necessitate that the station licensee itself generate and transmit the signal. While a signal employed under such circumstances might have limited usefulness for some purposes, it would contribute little to achievement of improved color transmission over the entire system—the intended result of proper VIR use.<sup>1</sup>

16. As to the other rule amendments contemplated herein, the proposed removal of the half line guard interval required by existing rules to be maintained between the end of test signal transmission and the beginning of the transmission of picture information is recognized as appropriate by all parties commenting on this aspect of the proceeding. The accuracy and stability of modern synchronizing generators and other equipment, it is held, is such as to make such a guard interval unnecessary.

17. RCA suggests that if the rules permit the amplitude of vertical interval test signals to exceed reference white, without other restriction than that carrier cut-off not be caused, certain difficulties may ensue, viz.:

(1) Limitations in the performance of station demodulators with signals of high amplitude may pose problems in the accurate interpretation of the test signals.

(2) If the test signal is not limited in amplitude or in duration, it may produce audible interference in the sound chan-

<sup>1</sup> We note that a number of stations are using a VIRS generator in conjunction with automatic correction apparatus in a closed loop about their transmitters to maintain the station transmitting plant in proper adjustment. This seems a profitable interim use of the signal—on the assumption that program associated VIR signals will be substituted for the locally generated signal when they are available.

nel, particularly in CATV distribution systems in which a relatively high ratio of video to sound amplitude may be maintained (RCA states the sound carrier level may be as much as 20 dB below the peak visual signal.)

RCA, therefore, proposes that chrominance excursion beyond reference white be limited to 5 microseconds in duration, with a maximum depth of modulation of 6.25 percent (110 IRE).

18. CBS observes that while adoption of the limitations on test signal amplitude and duration proposed by RCA would not restrict the employment of test signals of a configuration "currently under discussion within the industry", it believes the proposed limitations are unnecessary, and, if adopted, may impose an undesirable restriction on future test signal development and use. It suggests that since chrominance peaks in normal color programming regularly extend to zero carrier level, apparently with no adverse effect, transmitters adjusted to handle such programming satisfactorily should not produce undesirable effects with vertical interval test signals causing carrier excursions beyond reference white.

19. We, of course, have not proposed any revision in the vertical interval test signals required to be transmitted continuously by stations operated by remote control. These signals, whose conditions of use and whose configuration are set forth in §§ 73.676(f)(1) and 73.699 of our rules, are purposely limited in amplitude to minimize the effects of quadrature distortion on the accuracy of the demodulated signal, and to avoid possible adverse effects which might attend their radiation and off-the-air use.

20. We do not believe that such limitations are necessarily applicable to the permissible use of test signals pursuant to § 73.682(a)(21) of the rules. Presumably, test signals with high peak amplitudes will not be employed without regard to demodulator limitations. In any event, these limitations can be expected to become of less importance with its continued improvements in demodulator design.

21. Insofar as the possible effect of high amplitude test signals on the TV audio channel is concerned we would note that such effects depend both on the amplitude and duration of the test signal. For many years, § 73.682(a)(21) has permitted test signal amplitudes up to reference white level without a restriction on signal duration. RCA's presentation would indicate that the injudicious employment of test signals at even the presently permitted amplitudes occasionally has resulted in undesired side effects. If the possibility of this occurring under any circumstances is to be minimized it would appear that restrictions more stringent than those imposed in the present rule would be necessary, perhaps so severe as to seriously limit test signal usefulness.

22. A relaxation of the rule to the extent we have proposed will permit a

greater degree of flexibility in the employment of test signals designed to more accurately reflect the performance of the television system in color transmission. We do not believe the relaxation creates a substantially greater hazard of interference with the aural signal than exists under the present rule. In any event, vertical interval test signal transmission is subject to the restriction contained in § 73.682(a)(21)(ii), which states:

The use of test, cue and control signals shall not result in significant degradation of the program transmissions of the television broadcast station, nor produce emissions outside of the frequency band occupied by normal program transmissions.

This, of course, is an overriding requirement applying to all vertical interval transmissions. Persons originating test signals, and licensees of stations transmitting them accordingly are expected to exercise a reasonable degree of care to insure that test signals of such characteristics as to pose an undue hazard of interference to the television picture or sound signals will not be transmitted.

23. In the light of all of the above, we have decided to amend our rules in all the respects we had proposed.

24. For those stations which have been authorized to operate by remote control, which presently are transmitting the test signals required by § 73.676(f)(1) of lines 18 and 19, and will be required by these rule amendments, to transfer these transmissions to lines 17 and 18, we are providing a one year period during which this transition is to be accomplished. An appropriate note is being inserted in § 73.676, as amended, for this purpose.

25. Accordingly, it is ordered, That, effective December 27, 1974, Part 73 of the Commission's rules and regulations is amended as set forth in Appendices A and B below.

26. Authority for adoption of these rule amendments is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

27. It is further ordered, That this proceeding is terminated.  
(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303.))

Adopted: November 12, 1974.

Released: November 20, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>  
VINCENT J. MULLINS,  
Secretary.

#### APPENDIX A

1. Section 73.682(a)(21) is amended to read as follows:

§ 73.682 Transmission standards and changes.

(a) . . . .

(21) The interval beginning with line 17 and continuing through line 20 of the vertical blanking interval of each field may be used for the transmission of test

<sup>2</sup> Commissioner Reid absent.

signals and cue and control signals, subject to the conditions and restrictions set forth below. Test signals may include signals used to supply reference modulation levels so that variations in light intensity of the scene viewed by the camera will be faithfully transmitted, and signals designed to check the performance of the overall transmission system or its individual components. Cue and control signals shall be related to the operation of the television broadcast station. Figures 6 and 7 of § 73.699 identify the numbered lines referred to in this subparagraph.

(i) Modulation of the television transmitter by such signals shall be confined to the area between the reference white level and the blanking level, except where test signals include chrominance sub-carrier frequencies, in which case positive excursions of chrominance components may exceed reference white, and negative excursions may extend into the synchronizing area. In no case may the modulation excursions produced by test signals extend beyond peak-of-sync, or to zero carrier level.

(ii) The use of test, cue and control signals shall not result in significant degradation of the program transmissions of the television broadcast station, nor produce emissions outside of the frequency band occupied for normal program transmissions.

(iii) Test signals or cue and control signals may not be transmitted during that portion of each line devoted to horizontal blanking.

(iv) Regardless of other provisions of this subparagraph, line 19, in each field, may be used only for the transmission of the reference signal described in Figure 16 of § 73.699.

2. Section 73.676(f) (1), (f) (5) and the Note at the end of § 73.676(f) are amended to read as follows and the Note presently appearing at the end of § 73.676(g) is deleted:

§ 73.676 Remote control operation.

(f) . . . . .  
(1) The required test signals, and the place of insertion in the vertical interval shall be as follows:

(i) Multiburst, on field 1, line 17 (see Figure 13 of § 73.699).

(ii) Color bars, on field 2, line 17 (see Figure 14 of § 73.699). During monochrome transmission chrominance information shall not be included in this test signal.

(iii) Composite signal, on field 1, line 18 (see Figure 15 of § 73.699).

(iv) Generally, a composite signal of characteristic identical to those prescribed in subdivision (iii) of this subparagraph, shall be inserted on field 2, line 18, at the remote control point. However, to permit a separate determination to be made of the effects of the transmitter and the studio transmitter link on system performance, the composite signal on field 2, line 18 may be inserted

at the transmitter input. Alternatively, in lieu of the composite signal, a licensee may insert any suitable test signal on field 2 of line 18, either at the remote control point or at the transmitter. When such signals are transmitted at the same time as the program material and/or the required test signals, the characteristics of the licensee-selected signals shall be such as to minimize the possibility that their transmission will result in interference with the required test signals, or in degradation of the picture or sound signals.

Figures 6 and 7 of § 73.699 identify the numbered lines and fields referred to in this subparagraph.

(5) Any signals or noise already existing on lines 17 and 18 (e.g., network test signals), shall be erased prior to the insertion in the vertical interval of locally generated test signals.

NOTE: Stations authorized to operate by remote control, and which are transmitting test signals on lines 18 and 19 may continue to do so until November 15, 1975, after which date all test signal transmissions shall conform to the requirements of § 73.676(f).

§ 73.699 [Amended]

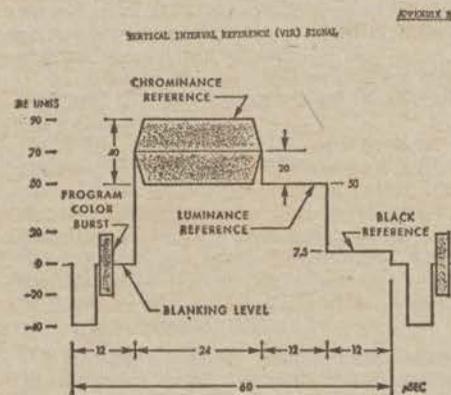
3. Section 73.699 is amended to read as follows:

Figure 13: The title is amended to read: Multiburst test signal (Field 1, line 17). Note 2 is amended to read: 2. To—Nominal start of active portion of line 17, field 1.

Figure 14: The title is amended to read: Color bar test signal (Field 2, line 17). Note 5 is amended to read: 5. To—Nominal start of active portion of line 17, field 2.

Figure 15: The title is amended to read: Composite test signal (Field 1, line 18). Note 3 is amended to read: To—Nominal start of active portion of line 18.

A new Figure 16 is added: Vertical Interval Reference (VIR) Signal. (See Appendix B.)



NOTE: THE CHROMINANCE REFERENCE AND THE PROGRAM COLOR BURST HAVE THE SAME PHASE.  
[FR Doc. 74-27258 Filed 11-21-74; 8:45 am]

[Docket No. 19958; FCC 74-1233]

PART 73—RADIO BROADCAST SERVICES  
FM Broadcast Stations in Jackson, Tenn.

Report and order—Proceeding terminated. In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations (Jackson, Tennessee), Docket No. 19958; RM-2128.

1. The Commission has before it a notice of proposed rulemaking adopted March 4, 1974, 39 FR 9675, inviting comments on a proposal to assign FM Channel 276A to Jackson, Tennessee and to reassign Channel 222 from Jackson to Milan, Tennessee, to reflect its use at that community rather than Jackson, which is currently the community of assignment. This proceeding was instituted on the basis of a petition filed by J. A. Baxter, Jr., and Gordon Bostic. There were no oppositions to the proposal. Supporting comments were filed by petitioner and Charles C. Allen.

2. Jackson has a population of 39,964,<sup>1</sup> is the seat of Madison County (population 65,727) and is located 69 miles northeast of Memphis and 123 miles west southwest of Nashville. Jackson has three AM stations (one daytime-only), and FM Station WTJS-FM operating on Channel 281. Channel 222, assigned to Jackson, is occupied by Station WKBJ-FM, at Milan about 20 miles to the north. Channel 276A can be assigned to Jackson without affecting any of the other FM assignments provided the transmitter site is 4 miles southeast of Jackson.

3. Petitioner describes Jackson as a trading center for west Tennessee. He points out that Jackson's local industry includes Proctor & Gamble, Owens-Corning Fiber Glass, Quaker Oats, Rockwell Manufacturing, various cotton mills, and dress manufacturers. He submitted information regarding the type of city government and municipal facilities, cultural, civic, and recreational facilities, and also stated that four colleges are located in Jackson.

4. In our notice we requested information as to whether any other FM channel is available at Henderson, Tennessee, where use of Channel 276A would be precluded if assigned to Jackson. Comments filed by petitioner indicate that Channel 288A is available for use at Henderson if the transmitter is located south of the community.<sup>2</sup> Petitioner states that so long as there is an existing station operating on Channel 222 at Milan, Tennessee, it believes it is more realistic to reassign the channel to that city. They reaffirm their plan to file an application for a permit to construct a station at Jackson and if the application is granted, will build same.

<sup>1</sup> All population data is from the 1970 U.S. Census unless otherwise indicated.

<sup>2</sup> To meet mileage separation requirements the site would have to be about 4.5 miles southwest of Henderson.

## RULES AND REGULATIONS

5. We note that such an assignment would intermix a Class A with a Class C channel at Jackson. However, it appears that petitioner was unable to find another Class C channel available for the community and is willing to operate on a Class A channel in competition with Station WTJS-FM which operates on Channel 281. Although in some circumstances we are hesitant to intermix channels, in others, such as this, we have done so.

6. We believe that by reassigning Channel 222 from Jackson (assigned under § 73.203(b)) to Milan, Tennessee, to reflect its use at that community from where it now operates, and assigning Channel 276A to Jackson, Jackson would more readily conform to our assignment criteria. Jackson which has a population of over 39,000, would warrant the assignment of two FM channels. Since it has been shown that another channel is available for Henderson, the community which would be precluded from using Channel 276A if assigned to Jackson, it would be in the public interest to make these assignments.

7. Authority for the adoption of the amendment contained herein appears in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. In view of the foregoing; *It is ordered*, That effective December 27, 1974, § 73.202(b) of the Commission's rules, the FM Table of Assignments is amended to read as follows:

City:	Channel No.
Jackson, Tenn.....	276A, 281
Milan, Tenn.....	222

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: November 12, 1974.

Released: November 18, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-27338 Filed 11-21-74;8:45 am]

## Title 50—Wildlife and Fisheries

## CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

## SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

## PART 20—MIGRATORY BIRD HUNTING

## Open Seasons, Bag Limits and Possession of Certain Migratory Game Birds; Corrections

Open seasons and daily bag and possession limits for certain migratory

<sup>3</sup> Commissioner Reid absent.

## Texas:

Ducks (except Mexican, fulvous tree, and black-bellied tree ducks):			
In High Plains area.....	Nov. 4 to Nov. 24; Dec. 7 to Jan. 19.....	(1)	(1)
In remainder of State.....	Nov. 9 to Nov. 24; Dec. 9 to Jan. 19.....	(1)	(1)
Mexican, fulvous tree and black-bellied tree ducks.....	Closed season.....		
Geese:			
East of Highway 81 (including no more than).....	Oct. 28 to Nov. 24; Dec. 7 to Jan. 19.....	5	5
Canada geese.....		1	2
White-fronted geese.....		1	1
Canada and white-fronted combined.....		1	2
Blue and snow geese.....		5	5
West of Highway 81.....	Oct. 19 to Jan. 19.....	2	4

<sup>1</sup> Point system.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

Effective: November 21, 1974.

NOVEMBER 18, 1974.

[FR Doc.74-27250 Filed 11-21-74;8:45 am]

game birds for the 1974-75 hunting season were published in the FEDERAL REGISTER of September 3, 1974 (39 FR 31883). Typographical errors in § 20.104(e) should be corrected as follows.

Restrictions on possession limits of Canada and white-fronted geese described under Flywaywide Restrictions for the Central Flyway are an unintentional error, since these restrictions apply only to a portion of the Central Flyway. Restrictions on daily bag and possession limits for these two species are described for each State elsewhere in the regulations. Therefore, to correct this error, the Canada and white-fronted goose restrictions described under Flywaywide Restrictions for the Central Flyway on page 31889 are deleted.

On page 31890, in the table under the Central Flyway, the limits for Texas are corrected to read as follows:

F. V. SCHMIDT,  
Acting Director, U.S. Fish  
and Wildlife Service.

# 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 rule making prior to the adoption of the final rules.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 135 ]

### NEW ANIMAL DRUGS

#### Proposal Regarding Maintenance of Approved Medicated Feed Applications

Regulations regarding procedures and requirements for applications for new animal drugs in animal feeds are promulgated under the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act. Such applications are submitted with a FD Form 1800 in accordance with the requirements of § 135.4b *Applications for animal feeds bearing or containing new animal drugs*. Section 135.11 *Approval of applications* provides that when the Commissioner of Food and Drugs determines that none of the grounds for denying approval specified in section 512(m)(3) of the act applies he shall notify the applicant that his application is approved by signing and mailing to the sponsor the original copy of his FD Form 1800. Many approvals so granted provide for the manufacture of a medicated feed at more than one facility; in which case, a copy of the approved application is usually maintained at the home office or other central facility. Because of this practice, it cannot be readily determined whether the animal feeds produced bearing or containing new animal drugs at each facility are produced in accordance with an approved FD Form 1800. It is of particular importance that each establishment maintain on its premises copies of each approved FD Form 1800 or appropriate identification of the approval and the approved labeling accompanying such application so that those employees of state feed regulatory agencies who are commissioned to act on behalf of the commissioner, as well as authorized employees of the Food and Drug Administration, can readily determine whether the establishment is producing animal feeds bearing or containing new animal drugs in accordance with approval granted by the Food and Drug Administration.

For these reasons, the Commissioner has concluded that under provisions of section 512(m)(5) of the act each applicant shall maintain on the premises of each establishment to which the approval applies, a copy of the approved FD Form 1800 or appropriate identification of the approval and the labeling which accompanied the approval. When

a supplemental application is approved, it shall also be the responsibility of the applicant to provide each establishment to which the supplemental application applies a copy of the approval or appropriate identification of the approval, including additional or revised labeling.

In addition, the Commissioner is proposing to amend §§ 135.4b and 135.13b by revising the reference "Form FD-1800" to reflect the revised FD Form 1800 in current use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512(m), 701(a), 52 Stat. 1055, 82 Stat. 348-350; 21 U.S.C. 360b(m), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 135 be amended in Subpart A as follows:

#### § 135.4b [Amended]

1. By revising the reference "Form FD-1800 6-68" in the introductory text of § 135.4b to read "FD Form 1800 (5/72)" and by revising the references "Form FD-1800" in paragraph (c), and "FD-1800" in paragraph (d), to read "FD Form 1800."

#### § 135.13b [Amended]

2. By revising the reference "Form FD-1800" in § 135.13b(c) to read "FD Form 1800."

3. By adding a new section to read as follows:

#### § 135.14d Maintenance of copies of approved applications for animal feed bearing or containing new animal drugs.

Each applicant shall maintain on the premises of each establishment to which an approved application or supplemental application applies either:

(a) A copy of the approved FD Form 1800 and the labeling which accompanied the approval; or

(b) Identification of the approved application including: The date and number of the approval; concentration of drug(s) contained in the premix(es); name(s) of the approved supplier(s) of the premix(es); batch formulation with the concentration of the drug(s) in the finished medicated feed; and a sample of the approved labeling.

Interested persons may, on or before January 21, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the

above office during working hours, Monday through Friday.

Dated: November 14, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR. Doc. 74-27328 Filed 11-21-74; 8:45 am]

## Social and Rehabilitation Service

[ 45 CFR Part 249 ]

### MEDICAL ASSISTANCE PROGRAM

#### Limits on Payment to Certified Facilities for the Treatment of End-Stage Renal Disease

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations set forth conditions under which Federal financial participation under title XIX, Social Security Act, will be available in State Medicaid payments to facilities for the treatment of end-stage renal disease.

The purpose of this regulation is to assure comparability and compatibility of Medicaid and Medicare policy on facilities with respect to treatment of this disease. Section 299I of Pub. L. 92-603 expanded coverage under title XVIII of the Social Security Act to individuals with end-stage renal disease and authorized the Secretary "to limit reimbursement under Medicare for kidney transplant and dialysis to kidney disease centers which meet such requirements as he may by regulation prescribe." The proposed regulation would limit Federal financial participation in payments under title XIX for end-stage renal disease to those facilities qualified to participate under title XVIII.

Prior to the adoption of the proposed regulations, 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, P.O. Box 2366, Washington, D.C. 20013, on or before December 23, 1974. Comments received will be available for public inspection in Room 5326 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).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: October 10, 1974.

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

Approved: November 19, 1974.

CASPAR W. WEINBERGER,  
Secretary.

Section 249.10, Part 249, Chapter II, Title 45 of the Code of Federal Regulations is amended to add paragraph (c) (4) as follows:

§ 249.10 Amount, duration and scope of medical assistance.

(c) Limitations. \* \* \*

(4) Federal financial participation in expenditures for medical and remedial care and services listed in paragraph (b) of this section is not available with respect to treatment of end-stage renal disease except in a facility qualified to participate in the end-stage renal disease program under title XVIII of the Social Security Act.

[FR Doc.74-27385 Filed 11-21-74;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 74-NE-40]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Frenchville, Maine.

A non-federal NDB is being installed at the Northern Aroostook Regional Airport, Frenchville, Maine. An Instrument Approach Procedure is being developed utilizing this non-directional radio beacon, and it is necessary to establish a transition area to provide controlled airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before December 23, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the transition area of Northern Aroostook Regional Airport, Frenchville, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 (38 FR 569) of Part 71 of the Federal Aviation Regulations so as to add the following transition area:

#### FRENCHVILLE, MAINE

That airspace extending upwards from 700 feet above the surface within a 6-mile radius of the center of the Northern Aroostook Regional Airport (latitude 47°17'15" N., longitude 68°19'00" W.) and within 5 miles each side of the 115° bearing of the Frenchville (FVE) NDB (latitude 47°16'05" N., longitude 68°15'26" W.) extending from the six-mile radius to 11.5 miles southeast of the NDB, excluding the airspace within Canada.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Mass., on October 31, 1974.

FERRIS J. HOWLAND,  
Director,  
New England Region.

[FR Doc.74-27311 Filed 11-21-74;8:45 am]

## ATOMIC ENERGY COMMISSION

[ 10 CFR Part 2 ]

### TREATMENT OF TRADE SECRETS AND CONFIDENTIAL OR PRIVILEGED COM- MERCIAL OR FINANCIAL INFORMATION

#### Proposed Criteria

The Atomic Energy Commission has under consideration an amendment of § 2.790, "Public inspections, exemptions, requests for withholding", of 10 CFR Part 2, rules of practice.

On November 14, 1973, the Commission noticed in the FEDERAL REGISTER (39 FR 31543) that it was considering whether changes in its policy and rules pertaining to disclosure of "proprietary information" in the area of licensing and regulation should be made. It indicated that the following alternatives were under consideration:

(1) Retention of the Commission's present rules pertaining to disclosure of "proprietary information."

(2) Amendment of Commission rules to specify additional criteria for deter-

mining whether information should be treated as "proprietary".

(3) Amendment of Commission rules to provide that "proprietary information" may not be included in a license application, and that each such application must be sufficiently complete, without such information, to meet Commission standards and requirements for the issuance of a license.

(4) Amendment of Commission rules to provide for treatment of "proprietary information" as presently provided in 10 CFR Part 2, but only for a specified period of time, after which the information would be made routinely available to the public.

(5) Amendment of Commission rules to limit further the kind of "proprietary information" that would be withheld from public disclosure, e.g., only that information whose disclosure would be demonstrably detrimental to the competitive position of the owner.

The Commission invited interested persons to submit comments and suggestions with respect to the foregoing alternatives or other alternatives, together with any other suggestions concerning this matter. The comment period ended on December 31, 1973, but was extended to February 15, 1974 (39 FR 2384). There follows a discussion of comments received and of the amendment to § 2.790 now under consideration.

Many persons who commented on the five alternatives expressed opposition to amending the Commission's rules to provide that "proprietary information" may not be included in a license application (Alternative 3). Certain commenters expressed concern that this alternative would create incentives to withhold relevant information from the Commission. Others predicted that such a measure would reduce incentives for conduct of research and development, decrease improvement of safety design, and impact upon free enterprise and the United States position as world leader in nuclear reactor technology.

Several commenters suggested that the Commission, rather than eliminating the present provision for protection of proprietary information, revise that provision in such fashion that the Commission would never withhold commercial information that concerns the development or efficacy of safety systems and their component parts. This suggestion was predicated upon the argument that the information should be made available on the public record so that members of the public will have full opportunity to review and understand all aspects of the design of nuclear facilities or that it will enhance public confidence by revealing the truly conservative approach that is taken by vendors in designing nuclear facilities.

These comments point up the basic problem of how the public's right to know the bases for decisions reached by the Commission should be reconciled with protection of competitive positions. The

Commission's present policy, expressed in 10 CFR 2.790, is that in determining whether to withhold proprietary information from public disclosure it will achieve "an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the bases for and effects of proposed licensing actions."

As an argument against retaining the present rule (Alternative 1), some commenters maintain that the balancing of public and private interests has been done by Congress in establishing a category for exemption under the Freedom of Information Act of confidential or privileged commercial or financial information, and that if the Commission determines that information submitted to it falls within this exemption, it must be withheld. The Commission does not share this conclusion and believes that the Atomic Energy Act of 1954, as amended, read in conjunction with the Freedom of Information Act, permits the Commission, on the basis of public interest considerations, to disclose confidential or privileged commercial or financial information not subject to restrictions against disclosure in other statutes.

Another alternative put forth by the Commission in its notice of November 14, 1973, would be to protect only that information whose disclosure would be "demonstrably detrimental" to the competitive position of the owner (Alternative 5). Section 2.790 presently requires that an application for withholding of proprietary information in connection with licensing and regulatory matters contain "a full statement of the reasons on the basis of which it is claimed that the data is proprietary", but does not explicitly require the applicant for withholding to demonstrate that his competitive position would be harmed nor does it prescribe the type of information which the application must include. Thus, the present regulation can be misconstrued as requiring acceptance of claims for withholding without examination of the basis of the claim. This ambiguity in the present rule would be clarified, by Alternative 5, by requiring a demonstration by the owner of the information that public disclosure of the information sought to be withheld would be detrimental to the competitive position of the owner.

Related to the issue of the information and justification that should be required from the applicant for withholding is the issue of decisional criteria to be used by the Commission in independently determining whether financial or commercial information submitted to it in its licensing and regulatory activities should be withheld from public disclosure. The present rule does not specify the factors that should be considered in making such a determination, although they do provide for a balancing between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the bases for and

effects of proposed licensing actions. Although many of the commenters on the five alternatives advocated retention of the present rule (Alternative 1) because it seemed to provide a workable framework for that balancing while permitting the Commission to obtain sufficient information to perform its statutory responsibilities, many of the same commenters stated that they would not be opposed to addition of decisional criteria to the present rule (Alternative 2).

Another alternative in the previous notice was the establishment of a set period of time for withholding information from public disclosure (Alternative 4), not presently provided for in the present rule. It was argued by many commenters that the duration of the proprietary values of specific items varies considerably and that unless a very lengthy protection period is established, no fixed period of time can be established for all types of such information. Nevertheless, periodic rejustification and review of all protected confidential commercial information may serve the public interest.

After consideration of the material received in response to the notice published on November 14, 1973, the Commission is now proposing an amendment to § 2.790 that combines certain features of Alternatives (2), (4) and (5), with certain other changes. Retention of the present regulation without change would mean that withholding determinations would continue to be made without reference to specific criteria, and with little guidance given to persons who submit applications for withholding as to what information should be supplied. The criteria set out in the proposed amendment that follows would remedy those defects.

While the suggested alternative (Alternative 3) that proprietary information be excluded from license applications would have the advantage of providing a completely open record for Commission decisionmaking, the Commission is concerned that it might also result in a withholding of information that is helpful to the Commission in its function of protecting the public health and safety and thus have an adverse effect that would outweigh the benefit of action on a completely open record.

Accordingly, the proposed amendment would continue to provide for the protection of certain information submitted in confidence, but would clarify the type of information that may be withheld. The requirement that the owner of the information show that release of the information to the public is likely to cause "substantial harm" to his competitive position would be substituted for the limitation on withholding suggested by Alternative 5 (withholding proprietary information only if its disclosure would be "demonstrably detrimental" to the competitive position of the owner). This approach is consistent with recent case law construing the Freedom of Information Act. However, it should be noted that—as stated

in the Commission's present rule—withholding from public inspection will not affect the right, if any, of persons properly and directly concerned to inspect the information withheld. This policy of inspection by concerned parties would be retained in the proposed rule.

Finally, it appears that the alternative of disclosure of proprietary information after a stated period of time of general application could result in arbitrary disclosure of legitimately exempt information in some cases. Accordingly, a rejustification and review after two years is being proposed instead.

In summary, the Commission is proposing changes to § 2.790 of 10 CFR Part 2 that would: (1) Require that the basis for claiming privilege or confidentiality and the procedures used for maintaining the privilege or confidentiality be specified in detail in an affidavit executed by the owner of the information sought to be protected; (2) establish criteria for AEC determination of whether such information should be withheld from public disclosure; and (3) require periodic rejustification by the owner of the information and review by the Commission of the information's exempt status.

Paragraph (a) of 10 CFR 2.790 would be amended to eliminate the term "proprietary data", and the exemption category "trade secrets and commercial or financial information obtained from a person and privileged or confidential" substituted.

Paragraph (b) of that section would continue the present policy of requiring specific application for exemption from public disclosure of information believed to be a trade secret or confidential or privileged commercial or financial information. Added would be a requirement for the application to be accompanied by an affidavit submitted by the owner of the information. The affidavit would contain a statement of reasons why it is claimed that public disclosure of the information sought to be withheld is likely to cause substantial harm to the owner's competitive position, including a demonstration of the cost and effort expended in developing such information and the value of the information to the owner and the methods used by the owner to maintain the confidentiality of the information, and that the information is not found in public sources and has been maintained in confidence. If the information is originated by a corporation or partnership, the affiant would be required to be an officer who has been specifically delegated the function of reviewing the information and authorized to apply for its withholding on behalf of the corporation or partnership.

The proposed rule would reiterate the statement in the present § 2.790 that is the Commission's policy to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the bases for and effects of licensing or proposed licensing actions. Criteria would be added that

would assist the Commission in determining whether the information constitutes a trade secret or privileged or confidential financial or commercial information.

The present rule's provision for an opportunity to withdraw the information after a decision by the Commission that it should not be exempt from public disclosure would be retained. However, information submitted or referred to in a rule making proceeding which forms the basis for the effective rule would not be exempted from public disclosure and would not be returned to the owner. The present rule would also be clarified to provide for disclosure of exempted information under protective agreements signed by officials from other government agencies and AEC contractors.

Under the proposed rule, if the Commission determined that the submitted information should be withheld from public disclosure, the owner of such information would be required to rejustify its exempt status every twenty-four (24) months. The Commission could determine after each twenty-four (24) month rejustification whether the information should continue to be protected. If the Commission determined that the information should not continue to be withheld, or the owner failed to rejustify its exempt status, the document would be placed in the Public Document Room without opportunity for withdrawal.

The proposed amendment would continue the Commission's present policy of excluding from the provisions of § 2.790 documents and records which identify a licensee's or applicant's procedures for safeguarding licensed special nuclear material or detailed security measures for the physical protection of a licensed facility or plant in which special nuclear material is used. The Commission has determined that such information should be exempted from disclosure under 10 CFR Part 2 and subject to disclosure only in accordance with 10 CFR Part 9.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section by January 21, 1975. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Section 2.790 of 10 CFR Part 2 is amended to read as follows:

**§ 2.790 Public inspections, exemptions, requests for withholding.**

(a) Subject to the provisions of paragraphs (b), (e), and (f) of this section,

final AEC records and documents<sup>20</sup>, including but not limited to correspondence to and from the AEC regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation or violation of a license permit, or order, or regarding a rulemaking proceeding subject to this part in the custody of organizational units which report to the Director of Regulation pursuant to Part 1 of this chapter shall not, in the absence of a compelling reason for nondisclosure after a balancing of the interests of the person or agency urging nondisclosure and the public interest in disclosure, be exempt from disclosure and will be made available for inspection and copying in the AEC Public Document Room, except for:

(1) Records and documents specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Records and documents specifically exempted from disclosure by statute;

(3) Intraagency or interagency documents or portions thereof containing opinions, advice, or recommendations;

(4) Records and documents related solely to the internal personnel rules and practices of the Commission;

(5) Identity of persons giving confidential information to the Commission and any part of the confidential information that would reveal the identity of such persons;

(6) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(7) Files containing the names of individuals who have received exposure to radiation and personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(8) Investigatory files compiled for law enforcement purposes, including, but not limited to, (i) correspondence received by the AEC relating to an alleged or possible violation of any statute, regulation, order, license, or permit and (ii) files and correspondence pertaining to the antitrust matters described in § 2.104(d)(2); or

(9) Intraagency or interagency memoranda or letters prepared for or by the Commissioners or the Advisory Committee on Reactor Safeguards (other than reports submitted by the Advisory Committee on Reactor Safeguards in compliance with section 182b of the Act).

(b) (1) A person who proposes that a document or a part be withheld in whole or in part from public disclosure on the ground that it contains trade secrets or privileged or confidential commercial or financial information shall submit an application for withholding accompanied by an affidavit which:

(i) Identifies the document or part sought to be withheld and the position

of the person making the affidavit, and (ii) contains a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. Such statement shall address with specificity the considerations listed in paragraph (b)(4) of this section.

In the case of a claim submitted by a company, the affidavit shall be executed by an officer who has been specifically delegated the function of reviewing the information sought to be withheld and authorized to apply for its withholding on behalf of the company. The affidavit shall be executed by the owner of the information, even though the information sought to be withheld is submitted to the Commission by another person. The application and affidavit shall be submitted at the time of filing the information sought to be withheld. The information sought to be withheld shall be incorporated, as far as possible, into a separate paper.

(2) A person who submits commercial or financial information believed to be privileged or confidential or a trade secret shall be on notice that it is the policy of the Commission to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the bases for and effects of licensing or rule making actions and that it is within the discretion of the Commission to withhold such information from public disclosure.

(3) The Commission shall determine whether information sought to be withheld from public disclosure pursuant to this paragraph (1) is a trade secret or confidential or privileged commercial or financial information; and (ii) if so, should be withheld from public disclosure.

(4) In making the determination required by paragraph (b)(3)(1) of this section, the Commission will consider:

(i) Whether the information has been held in confidence by its owner;

(ii) Whether the information is of a type customarily held in confidence by its owner and whether there is a rational basis therefor;

(iii) Whether the information was transmitted to and received by the Commission in confidence;

(iv) Whether the information is available in public sources;

(v) Whether public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the owner of the information, taking into account the value of the information to the owner; the amount of effort or money, if any, expended by the owner in developing the information; and the ease or difficulty with which the information could be properly acquired or duplicated by others.

(5) If the Commission determines, pursuant to paragraph (b)(4) of this section, that the record or document contains trade secrets or privileged or

<sup>20</sup> Such records and documents do not include handwritten notes and drafts.

confidential commercial or financial information, the Commission will then determine (i) whether the right of the public to be fully apprised as to the bases for and effects of the proposed action outweighs the demonstrated concern for protection of a competitive position and (ii) whether the information should be withheld from public disclosure pursuant to this paragraph.

(6) Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. The Commission may require information claimed to be a trade secret or privileged or confidential commercial or financial information to be subject to inspection: (i) Under a protective agreement, by contractor personnel or government officials other than AEC officials; (ii) by the presiding officer in a proceeding; and (iii) under protective order, by parties to a proceeding, pending a decision of the Commission on the matter of whether the information should be made publicly available or when a decision has been made that the information should be withheld from public disclosure. In camera sessions of hearings may be held when the information sought to be withheld is produced or offered in evidence. If the Commission subsequently determines that the information should be disclosed, the information and the transcript of such in camera session will be made publicly available.

(c) If a request for withholding pursuant to paragraph (b) of this section is denied, the Commission will notify an applicant for withholding of the denial with a statement of reasons. The notice of denial will specify a time, not less than thirty (30) days after the date of the notice, when the document will be placed in the Public Document Room. If, within the time specified in the notice, the applicant requests withdrawal of the docu-

ment, the document will not be placed in the Public Document Room and will be returned to the applicant: *Provided*, That information submitted in a rule-making proceeding which subsequently forms the basis for the final rule will not be withheld from public disclosure by the Commission and will not be returned to the applicant after denial of any application for withholding submitted in connection with that information. The Commission will notify an applicant under this section of its determination to withhold the information from public disclosure and of the requirement of paragraph (d) of this section for rejustification of its claim for withholding.

(d) The owner of the information which the Commission determines should be withheld from public disclosure pursuant to paragraph (b) of this section shall submit an affidavit at twenty-four (24) month intervals after such determination stating the reasons on the basis of which it is claimed that the information should continue to be withheld from public disclosure until the owner believes the information need no longer be withheld or the Commission determines the information should no longer be withheld from public disclosure. Upon submission of such affidavit, the Commission will determine whether the information should continue to be withheld from public disclosure on the basis of the considerations described in paragraphs (b) (4) and (5) of this section. The Commission will place the information withheld in the Public Document Room if the affidavit required by this paragraph is not submitted within the time prescribed or if the Commission determines that the information should no longer be withheld from public disclosure.

(e) Correspondence and reports to or from the AEC which identify a licensee's or applicant's procedures for safeguard-

ing licensed special nuclear material or detailed security measures for the physical protection of a licensed facility or plant in which licensed special nuclear material is used shall be deemed to be commercial or financial information within the meaning of § 9.5(a)(4) of this chapter and shall be subject to disclosure only in accordance with the provisions of § 9.10 of this chapter.

(f) The presiding officer, if any, or the Commission may, with reference to the AEC records and documents made available pursuant to this section, issue orders consistent with the provisions of this section and § 2.740(c).

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Germantown, Md., this 14th day of November 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,  
Secretary of the Commission.

[FR Doc. 74-27123 Filed 11-21-74; 8:45 am]

**CIVIL AERONAUTICS BOARD**

[ 14 CFR Parts 207, 208, 212, 214, 217, 241, 249 ]

[Docket No. 24908; EDR 237c]

**TERMINATION OF "PRIOR AFFINITY"  
CHARTER AUTHORITY**

**Notice of Proposed Rulemaking**

*Correction*

In FR Doc. 74-25807 appearing in the issue of Wednesday, November 6, 1974 make the following corrections:

1. The Docket Number should read as set forth above.
2. In the ninth line of the third paragraph on page 39289 the number "27136" should read "24908".
3. In footnote 16 on page 39290 the number "15" should read "14".

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### DEFENSE SCIENCE BOARD TASK FORCE ON "NET TECHNICAL ASSESSMENT"

##### Advisory Committee Meeting

A Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on December 5-6, 1974 at the Central Intelligence Agency, Washington, D.C. 20505.

The mission of the Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on US/USSR overall research and engineering technology programs and to provide guidance for U.S. technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining areas of technological exploitation and long range technological trends which will measurably help the Government regarding technology transfer issues as they relate to the Soviet Union and the rest of the world.

In accordance with Pub. L. 92-463, section 10, Paragraph (d), it has been determined that the Task Force meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly Subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of Subsections (a) (1) and (a) (3) of section 10, Pub. L. 92-463 are concerned.

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

NOVEMBER 18, 1974.

[FR Doc.74-27320 Filed 11-21-74; 8:45 am]

## DEPARTMENT OF JUSTICE

### Office of the Attorney General

[Order No. 582-74]

#### FEDERAL METROPOLITAN CORRECTIONAL CENTER AT SAN DIEGO, CALIFORNIA

##### Establishment and Designation

By virtue of the authority vested in me by Sections 4003, 4042, 4081 and 4082 of Title 18, United States Code, I hereby establish and designate the Metropolitan Correctional Center, San Diego, California, as a place of confinement for the detention of persons held under authority of any Act of Congress, and for persons charged with or convicted of offenses against the United States or

otherwise placed in the custody of the Attorney General of the United States.

Dated: November 13, 1974.

WILLIAM B. SAXBE,  
Attorney General.

[FR Doc.74-27325 Filed 11-21-74; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### COMMITTEE FOR THE RECOVERY OF ARCHAEOLOGICAL REMAINS

##### Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Committee for the Recovery of Archaeological Remains will be held at 9:00 a.m., e.s.t. on December 6, 1974, at 1100 L Street, NW., Washington, D.C. The Committee will meet in room 8100 for all sessions.

The purpose of the Committee for the Recovery of Archaeological Remains is to provide independent advice and assistance to Government agencies, through the Inter-Agency Archaeological Salvage Program administered by the National Park Service, in order to provide an effective program for the recovery of archeological remains threatened with loss by reason of Federal programs and activities.

The members of the Committee are as follows:

Dr. J. O. Brew  
Cambridge, Massachusetts  
Dr. Emil W. Haury  
Tucson, Arizona  
Dr. Charles R. McGimsey, III  
Fayetteville, Arkansas  
Dr. Douglas W. Schwartz  
Santa Fe, New Mexico  
Dr. Raymond H. Thompson [Chairman]  
Tucson, Arizona  
Dr. Fred Wendorf  
Dallas, Texas

The committee will meet in open session with members of the National Park Service on December 6, 1974. The matters to be discussed at this meeting include Federal responsibilities for identification, protection, and enhancement of historic and cultural properties, and proposed Department of the Interior procedures and guidelines for implementation of these responsibilities.

This meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the committee a written state-

ment concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or wish to submit written statements, may contact Mr. Rex L. Wilson, Departmental Consulting Archeologist, National Park Service, Department of the Interior, Washington, D.C., at 202-523-5293. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Departmental Consulting Archeologist, room 5121, 1100 L Street, NW., Department of the Interior, Washington, D.C. 20240.

Dated: November 19, 1974.

A. R. MORTENSEN,  
Director, Office of Archeology  
and Historic Preservation,  
National Park Service.

[FR Doc.74-27419 Filed 11-21-74; 8:45 am]

## ROCKY MOUNTAIN REGIONAL ADVISORY COMMITTEE

### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Rocky Mountain Regional Advisory Committee will be held at 9:00 a.m., Mountain Time, December 10 and 11, 1974, at the Rocky Mountain Regional Office, 655 Parfet Street, Denver, Colorado 80225.

The committee was established pursuant to Pub. L. 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Rocky Mountain Region of the National Park Service.

The members of the committee are as follows:

Dr. John D. Hunt, Logan, Utah, Acting-Chairman  
Ralph M. Clark, Denver, Colorado  
Mrs. Harold (Alice) Fryslie, Bozeman, Montana  
William W. Robinson, Denver, Colorado  
Hoadley Dean, Rapid City, South Dakota  
D. C. "Del" Shipman, Watford City, North Dakota  
Samuel J. Taylor, Moab, Utah  
Jack Rosenthal, Casper, Wyoming

The matters to be discussed at this meeting include:

1. Oath of Office—New Members.
2. Election of Officers—1975 calendar year.
3. NPS Fire Management Policy.
4. NPS Bear Management Policy.

5. Mining in Service areas.
6. Transpark Road, Bighorn Canyon NRA.
7. Status report on Legislative and Wilderness Proposals, Bicentennial Plans—Rocky Mountain Region.
8. Committee management items.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and persons will be accommodated on a first come, first serve basis. Any member of the public may file with the committee a written statement concerning the matter to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Committee Manager Forrest Benson, Rocky Mountain Regional Office, Phone 303-234-4943.

Minutes of this meeting will be available for public inspection four weeks after the meeting at the office of the Rocky Mountain Region, 655 Parfet Street, Denver, Colorado 80225.

Dated: November 13, 1974.

LYNN H. THOMPSON,  
Regional Director,  
Rocky Mountain Region.

[FR Doc. 74-27305 Filed 11-21-74; 8:45 am]

**SOUTHWEST REGIONAL ADVISORY COMMITTEE**

**Notice of Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., M.S.T., December 16 and 17, 1974, at the Conference Room at the Southwest Regional Office, Old Santa Fe Trail, Santa Fe, New Mexico.

The Southwest Regional Advisory Committee was established pursuant to Pub. L. 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

- Mr. Bob Burleson, Temple, Texas (Chairman)
- Mr. Charles T. Bernard, Earle, Arkansas
- Mr. Leslie Bowling, New Orleans, Louisiana
- Dr. Neil Compton, Bentonville, Arkansas
- Dr. Bertha P. Dutton, Santa Fe, New Mexico
- Mr. Sam R. Powell, Tulsa, Oklahoma
- Mr. J. R. Singleton, Austin, Texas
- Mr. David R. Strickland, Muskogee, Oklahoma

Designated Federal Officer to attend the meeting is Joseph C. Rumburg, Jr.,

Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. The Big Thicket National Preserve.
2. Southwestern Wilderness Proposals.
3. Gila Cliff Dwellings management considerations.
4. Arkansas Post management considerations.
5. Southwest Bicentennial programming.
6. Other items of special interest in management of the Southwest Region.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa Fe, New Mexico, 87501, telephone Area Code 505-983-6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Dated: November 11, 1974.

JOSEPH C. RUMBURG, JR.,  
Regional Director, Southwest  
Region, National Park Service.

[FR Doc. 74-27306 Filed 11-21-74; 8:45 am]

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS**

**Reevaluation of Biological Products**

**Correction**

In FR Doc 74-25868, appearing on page 39299, in the issue for Wednesday, November 6, 1974, in the second column, third paragraph, the date appearing in the eleventh and twelfth lines reading "Jan.-July 1, 1975" should read, "January 1, 1976".

**COMMISSION AND YARDAGE RATES**

Calves by the head.....	\$5 and under.....	\$0.50 per head.
Calves.....	\$5.01 to \$15.....	\$2 per head.
Do.....	\$15.01 and up to 299 lb.....	\$3.50 per head.
Cattle.....	300 to 499 lb.....	\$4 per head.
Do.....	500 to 699 lb.....	\$4.50 per head.
Do.....	700 lb and up.....	\$6 per head.
Cows by the head.....	\$100 and up.....	\$6 per head.
Do.....	\$99 and down.....	\$4.50 per head.
Cow and Calf pairs.....	\$100 and up.....	\$9.50 per pair.
Do.....	\$99 and down.....	\$6.50 per pair.
Hogs.....	\$10 and under.....	\$0.65 per head.
Do.....	\$10.1 and up 104 lb.....	\$0.85 per head.
Do.....	105 to 174 lb.....	\$1.25 per head.
Do.....	175 to 249 lb.....	\$1.75 per head.
Do.....	250 lb and up.....	\$2.75 per head.
Sheep and goats.....	.....	\$1 per head.
Horses and mules.....	.....	\$5.50 per head.
Yardage.....	All livestock.....	1 percent of sale price.

**Packers and Stockyards Administration**

[P. & S. Docket No. 5039]

**A. DOMINIQUE'S COW PALACE, INC.**

**Order Extending Period of Suspension of Modifications of Rates and Charges**

On October 17, 1974, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.):

A. Dominique's Cow Palace, Inc.  
Marksville, Louisiana,  
(39 FR 38265)

Such order, among other things, suspended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges to become effective October 21, 1974, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., November 19, 1974.

MARVIN L. McLAIN,  
Administrator, Packers and  
Stockyards Administration.

[FR Doc. 74-27351 Filed 11-21-74; 8:45 am]

[P. & S. Docket No. 5049]

**DIXIE STOCK YARD, INC., MERIDIAN, MISSISSIPPI**

**Complaint, Order of Suspension, and Hearing Regarding Schedule of Rates and Charges**

Notice is hereby given that on November 4, 1974, the respondent filed a proposed amendment to its current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.), to become effective on November 18, 1974. The proposed amended tariff reads as follows:

Notice is hereby given also that on November 15, 1974, the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, issued a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

"This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Dixie Stock Yard, Inc., Meridian, Mississippi, which is now, and at all times mentioned herein was a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III. On November 4, 1974, the respondent filed a tariff supplement No. 3 to tariff No. 5 to become effective on November 18, 1974, containing certain increases in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, United States Department of Agriculture, there is reason to believe that the charges are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff supplement filed on November 4, 1974, and that pending a hearing and decision in this proceeding, the operation of the modifications to the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

*It is therefore ordered,* That the operation and use by the respondent of the modifications to the current schedule of rates and charges filed on November 4, 1974, to become effective on November 18, 1974, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

*It is further ordered,* That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the

respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

*It is further ordered,* That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. on or before December 12, 1974.

*It is further ordered,* That a copy hereof be served upon the respondent.

Done at Washington, D.C., November 19, 1974.

MARVIN L. McLAIN,  
Administrator, Packers and  
Stockyards Administration.

[FR Doc.74-27352 Filed 11-21-74;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration SAFETY OF IODINE AND IODINE SALTS Public Hearing

In the FEDERAL REGISTER of September 23, 1974 (39 FR 34218), the Commissioner of Food and Drugs issued a notice advising the public that an opportunity would be provided for the oral presentation of data, information and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), with respect to the safety of the following four categories of food ingredients on a determination that they are safe (GRAS) or subject to a prior sanction:

Stannous chloride  
Ammonium ion  
Iodine and iodine salts  
Aconitic acid

No requests were received for a hearing on stannous chloride, ammonium ion, or aconitic acid. The opportunity therefor having been presented without response, no hearing will be held on these food ingredients.

The Select Committee received a request from the Salt Institute, 206 North Washington St., Alexandria, VA 22314, asking for an opportunity to appear at a public hearing on iodine and iodine salts to make an oral presentation. No other request for a hearing on iodine and iodine salts was received.

In accordance with the procedures set forth in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218), announcement is hereby made that a hearing on iodine and iodine salts will be held on December 16, 1974, at 10 a.m. in Rm. 102, Lee Building, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014.

The Salt Institute will be expected to complete its presentation in 30 minutes.

Dated: November 18, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.74-27331 Filed 11-21-74;8:45 am]

## National Institutes of Health BOARD OF SCIENCE COUNSELORS Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute, December 15, 16, 17, 1974, Building 31-C, Conference Room 6, National Institutes of Health. This meeting will be open to the public on December 16, 1974, from 9:00 a.m. to 2:00 p.m. and 4:00 p.m. to 5:00 p.m., (the Board will not be in session between 2:00 p.m. and 4:00 p.m.) and December 17, 1974, from 9:00 a.m. to noon to discuss the scientific research program of the Metabolism Branch, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 15, 1974, from 7:30 p.m. to adjournment and on December 17, 1974, from 1:00 p.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Nathaniel I. Berlin, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-4345) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: November 19, 1974.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.74-27342 Filed 11-21-74;8:45 am]

## CLINICAL CANCER EDUCATION COMMITTEE Establishment

The Director, National Institutes of Health, announces the establishment on October 10, 1974, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410 of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal

Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

**Name.** Clinical Cancer Education Committee.

**Purpose.** The Committee provides to the Director, NCI and the Director, Division of Cancer Research Resources and Centers, advice on the scientific merit of proposals for grants submitted to the Clinical Cancer Education Program. This committee will terminate October 10, 1976, unless renewed by appropriate action as authorized by law.

Dated: November 16, 1974.

ROBERT S. STONE,  
Director,

National Institutes of Health.

[FR Doc.74-27343 Filed 11-21-74; 8:45 am]

#### COMMITTEE ON CANCER IMMUNODIAGNOSIS

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunodiagnosis, National Cancer Institute, January 7, 1975, National Institutes of Health, Building 10, Room 4B14.

This meeting will be open to the public on January 7, 1975, from 1:00 p.m. to 1:30 p.m. to discuss general business and plans for future meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 7, 1975 from 1:30 p.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Barbara H. Sanford, Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: November 15, 1974.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.74-27347 Filed 11-21-74; 8:45 am]

#### COMMITTEE ON CANCER IMMUNOTHERAPY

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, February 27 and 28, 1975, National Institutes of Health, Landow Building, Room 418C.

This meeting will be open to the public on February 27, 1975, from 8:30 a.m. to 10:30 a.m. and on February 28, 1975, from 8:30 a.m. to 9:30 a.m. to discuss plans for future meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 27, 1975, from 10:30 a.m. to adjournment and on February 28, 1975, from 9:30 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: November 15, 1974.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.74-27344 Filed 11-21-74; 8:45 am]

#### COMMITTEE ON CANCER IMMUNOTHERAPY

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, January 9, 1975, National Institutes of Health, Building 10, Room 4B14.

This meeting will be open to the public on January 9, 1975, from 1:00 p.m. to 1:30 p.m. to discuss plans for future meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 9, 1975, from 1:30 p.m. to adjournment for the review, discussion

and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will furnish substantive program information.

Dated: November 15, 1974.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

[FR Doc.74-27346 Filed 11-21-74; 8:45 am]

#### MOLECULAR CONTROL WORKING GROUP

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the meeting of the Molecular Control Working Group, January 7, 1975, National Institutes of Health, Building 31, Conference Room 2.

The entire meeting will be open to the public from 9:00 a.m. until adjournment to discuss the considerations of the application of molecular biology to the program of the National Cancer Institute. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will provide summaries of the meeting and rosters of the committee members.

Dr. Timothy E. O'Connor, Executive Secretary, Building 41, Room A107, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301/496-3647) will provide substantive program information.

Dated: November 15, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health)

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.74-27349 Filed 11-21-74; 8:45 am]

#### PRESIDENT'S CANCER PANEL

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

President's Cancer Panel, National Cancer Institute, January 6, 1975, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: November 15, 1974.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.74-27348 Filed 11-21-74;8:45 am]

Office of Education  
NATIONAL ADVISORY COUNCIL ON  
VOCATIONAL EDUCATION  
Meeting

Notice of Public Meeting of the National Advisory Council on Vocational Education, Ad Hoc Committee on Accreditation.

Notice is hereby given, pursuant to Pub. L. 92-463, that the Ad Hoc Committee on Accreditation of the National Advisory Council on Vocational Education will hold a special meeting on November 25, 1974, from 2:00 p.m. to 6:00 p.m., Eastern Standard Time, at the National Advisory Council on Vocational Education office, 425 Thirteenth Street, NW., Room 412, Washington, D.C.

Pursuant to OMB Circular No. A-63, Revised March 27, 1974, page 5, item (3), this meeting shall be considered an "emergency situation." The National Advisory Council on Vocational Education was requested by the Federal Trade Commission to present testimony on proprietary vocational schools and home study, December 16, 1974. The Federal Trade Commission request was received after the National Advisory Council on Vocational Education meeting in October; therefore, the Ad Hoc Committee on Accreditation did not receive Council approval to prepare testimony recommendations until the November 13, 1974, meeting of the National Advisory Council on Vocational Education. Testimony recommendations made by the Ad Hoc Committee on Accreditation will be considered by the National Advisory Council on Vocational Education at the scheduled December 10 meeting.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluations of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C., on November 19, 1974.

CALVIN DELLEFIELD  
Executive Director.

[FR Doc.74-27340 Filed 11-21-74;8:45 am]

Office of the Secretary  
ADVISORY COMMITTEE ON  
POPULATION AFFAIRS

Notice of Meeting

The Research Task Force of the Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare, is scheduled to hold a meeting on December 9, 1974. The meeting will be held in the Department's north building located at 330 Independence Ave. SW., Washington, D.C., Room 4137. The meeting is scheduled to convene at 9 a.m. and adjourn at 4:30 p.m.

The Committee will discuss the World Population Conference and matters related to family planning and population research activities under the purview of the Department of Health, Education, and Welfare.

The meeting is open for public observation.

Dated: November 18, 1974.

LOUIS M. HELLMAN, M.D.,  
Chairman and Executive Secretary.

[FR Doc.74-27384 Filed 11-21-74;8:45 am]

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

Office of Assistant Secretary for Housing  
Production and Mortgage Credit—Federal  
Housing Commissioner (Federal  
Housing Administration)

[Docket No. N-74-218]

MORTGAGE AND LOAN INSURANCE  
PROGRAMS

Policy Statement on Thermal Insulation  
Requirements

On February 20, 1974, a notice of proposed change in thermal insulation requirements was published in the FEDERAL REGISTER (39 FR 6544) by the Department of Housing and Urban Development. Interested persons were invited to submit written comments or suggestions. Comments and suggestions were received from members of Congress, manufacturers, professional societies, supply companies, realty companies, trade associations and individuals. All comments were considered. Several were adopted and others were rejected or deferred for further study. The most significant responses are summarized below.

Numerous comments were received, primarily from trade associations representing one segment of the industry, objecting to (1) the discrepancy in U values between frame and masonry construction and (2) the lack of an adjustment factor to compensate for the varying conductive properties of framing materials in Tables 6-7.1 and 6-7.2. The intent of the revision is to provide the maximum possible conservation of energy, on a practical basis, without unduly restricting or eliminating currently accepted materials and methods of construction. The coefficient of heat transmission which this revision assigns to each construction type is attainable without undue hardship to any concerned trade group. The question of an adjustment factor for framing materials is deferred pending further study. Many of the same commenters criticized the lack of restriction on the ratio of glazing to exterior wall area. Such a limitation goes beyond the purview of this revision, which is thermal insulation, and is also deferred pending further study.

Many commenters from areas with relatively mild design temperatures objected to the requirement of floor insulation over unheated spaces in areas having 2500 to 4500 winter degree days. The stated objection was that the additional cost of insulation for this one component was not completely offset by reduced heating costs. It is of course desirable that the initial cost of increased insulation requirements will be off-set by lower operating and maintenance costs. However, this is not always possible due to varying utility rates and labor costs in different areas, and also because it would be difficult to design a relatively simple

standard which will uniformly achieve net cost savings in all of the many climatic conditions found in the United States. Where it can be demonstrated that the energy cost savings effected by this revision are significantly less than the amortized initial cost of the required building modifications, a proposal for a local acceptable standard may be submitted by the local HUD office.

Comments concerning thermal insulation requirements for existing properties indicated a need for further evaluation. This requirement will appear in a future notice.

Requirements for new properties are amended, indicating the change to the Minimum Property Standards for one and two living unit new construction.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)))

**Effective date.** This amendment is effective on November 22, 1974.

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

To holders of FHA publication "Minimum Property Standards for One and Two Family Dwellings," HUD 4900.1. This revision pertains to several paragraphs dealing with the insulation requirements which are applicable to all one and two-family living units regardless of the type of fuel used.

To realize the full benefit of these revised standards, it is imperative that close attention be paid to workmanship in the installation of materials. Insulation and vapor barriers must be applied in a manner to provide complete coverage, without gaps or voids which allow unrestricted transfer of heat or moisture. Cracks between windows and wall framing members are to be filled with insulation and covered by a vapor barrier. Air infiltration, one of the larger sources of heat loss or heat gain, can be reduced by proper weatherstripping of openings and by caulking around door and window frames and at points in exterior cladding materials. Proper ventilation of unheated attic and roof spaces will reduce summer cooling loads and remove moisture during the heating season. Although duct insulation is not a subject of this revision, the standards in 515-3.1 are also to be strictly enforced. Compliance with standards for vapor barriers, as prescribed in 607-2.4, is also mandatory.

Although the conditions of this revision may indicate that frame structures are less efficient in thermal protection, and require more insulation, to equal the thermal performance of residences of other materials such is not the case. In the midst of the severe energy problems

facing the nation, the need is to provide the most practical solution. The large majority of single family homes, under the Department's programs, are frame structures which present the greatest potential for reduction of energy consumption at the least additional first cost to the home buyer. This revision attempts to capitalize on that potential.

Several communities have objected that the revision is too stringent for locales of mild climatic conditions. Where it can be demonstrated that the energy cost savings effected by this revision are significantly less than the amortized initial cost of the required building modifications, a proposal for a local acceptable standard may be submitted by the local HUD office.

This revision is effective with respect to applications received after November 20, 1974.

#### 507-3 BUILDING INSULATION

507-3.1 Materials used for insulation shall be of proven effectiveness and adequate durability to assure that required design conditions concerning heat losses, sound control or fire rating are attained. Insulation in contact with the ground shall not be adversely affected by soil, vermin or water.

507-3.2 Labeling. Labeling of insulation shall be as follows:

a. *Batt or blanket.* Insulation type, manufacturer or distributor, R value of the fiber at the labeled thickness.

b. *Reflective.* Insulation type, manufacturer, R value for direction of heat flow, type of facing.

c. *Blowing or pouring type for use in open horizontal areas (Attics).* Name, manufacturer, recommended installation density, R value, marking on bag of conformance with F.S. HH-1-1030 or HH-1-515.

d. Labeling and marking of all other insulation materials shall comply with the appropriate standard listed in Appendix C.

507-3.3 Certification. Upon completion of the installation of insulation, a card giving

TABLE 6-7.1.—Maximum "U" values of ceilings, walls and openings

Winter degree days <sup>1</sup>	Flat roof <sup>2</sup> deck	Masonry wall construction		Frame wall construction		Doors and windows
		Ceilings	Walls	Ceilings	Walls	
8,500 or less.....	0.14	0.05	0.10	0.08	0.08	1.13
4,501 to 8,000.....	.09	.05	.10	.05	.08	.65
4,001 or more.....	.09	.04	.10	.04	.08	.65

<sup>1</sup> Winter degree days are based upon the difference between 65° F and the mean daily outdoor temperature.

<sup>2</sup> Indicates construction with rigid roof insulation and exposed structural system. When roof cavity is available use column for ceilings.

b. When blown or poured type of insulation is installed in attics, caution shall be exercised to assure complete and adequate application of insulation. When eave vents are installed, adequate baffling of the vent opening must be provided so as to deflect the incoming air above the surface of the installed blown or poured insulation. Baffles shall be installed prior to insulation, shall be of wood or other durable material and shall be installed at the soffit on a 60 degree angle from the horizontal.

607-3.4 Floor sections. a. For floors over unheated basements, unheated garages or ventilated crawl spaces with operable louvers, the "U" value of floor section shall not exceed the value shown in Table 6-7.2.

the data of 507-3.2 plus the date of installation, shall be completed and executed by the applicator and the builder and shall be posted at a conspicuous location within the dwelling.

507-3.4 Conditions of use. Insulation in walls of habitable and nonhabitable areas shall be covered and protected by an interior finish material.

#### 607-3 BUILDING INSULATION

607-3.1 General. a. Insulation of buildings shall be such as to assure conservation of energy, economy of operation and comfort to the occupants. A building which is both heated and cooled shall be insulated against the more severe climatic conditions for the location.

b. Insulation may be omitted from seasonal homes, not intended for year-round occupancy, at the discretion of the HUD office whose determination shall be based upon climatic conditions and the proposed season of Occupancy of the property.

607-3.2 Overall coefficient of heat transmission. a. All buildings which are heated or cooled mechanically shall be constructed to comply with the maximum U values shown in Tables 6-7.1, 6-7.2 and 6-7.3. U values shown do not include adjustments for framing in walls, ceilings or floors, nor for the sash frame in windows or glass doors.

b. Where the stated U value of any one component of roof deck, ceiling, wall or floor cannot be practically obtained, such U value may be increased to the minimum figure attainable and the U value for other components decreased until the overall heat gain or heat loss does not exceed the total resulting from conformance to the stated U values.

607-3.3 Roof decks, ceilings, walls and openings. a. For roof decks, ceilings, walls and door and window openings, U values shall not exceed those shown in Table 6-7.1. In areas of 4500 or less winter degree days and 400 or more summer cooling hours, buildings to be mechanically cooled shall be insulated as for areas of 4501 to 8000 winter degree days, except for glazing.

TABLE 6-7.2.—Maximum "U" value of floor sections over unheated basements, unheated garages or crawl spaces<sup>1</sup>

Winter degree days	Structural slab	Wood and metal framing
2,500 or less.....	( <sup>2</sup> )	( <sup>2</sup> )
2,501 to 4,500.....	0.15	0.10
4,501 or more.....	.12	.08

<sup>1</sup> A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50° F.

<sup>2</sup> No requirement.

607-3.5 Basement or crawl space foundation walls. Insulation may be omitted from floors over heated basement areas or heated crawl

spaces if foundation walls are insulated. Foundation walls of heated basements need not be insulated except where habitable rooms are provided or where 50 percent of the wall is exposed to outside air. The "U" value of foundation wall sections shall not exceed the value shown in Table 6-7.3.

TABLE 6-7.3—MAXIMUM "U" VALUES OF THE FOUNDATION WALL SECTIONS OF HEATED BASEMENT OR HEATED CRAWL SPACE.

Winter degree days:	Maximum "U" value
2500 or less	No requirement.
2501 to 4500	0.24.
4501 or more	0.17.

607-3.6 *Crawl space plenum walls.* When a crawl space is used as a supply or return plenum, the crawl space perimeter wall shall be insulated to provide a maximum heat loss

of 35 Btuh per lineal foot of perimeter wall assuming a crawl space air temperature of 70 F for return plenums and 110 F for supply plenums.

607-3.7 *Slab-on-ground floors.* Edge heat loss of concrete slabs around the perimeter of heated spaces shall not exceed a maximum value per lineal foot of exposed edge of 42 Btuh for unheated slabs and 50 Btuh for heated slabs. Calculations of heat loss through concrete slabs shall be made using the formula  $H = F \times P$ .

Where:

- H=Heat loss of the slab edge (Btuh)  
 F=Heat loss coefficient from Table 6-7.4 (Btuh per lineal foot of exposed edge).  
 P=Perimeter or exposed slab edge (linear feet).

TABLE 6-7.4.—Slab edge heat loss coefficients (Btuh per lineal foot)

[Insulation R-values shown are for thermal insulation resistance ( $R=1/C$ )]

Winter design temperature	Total width of insulation (inches)	F for unheated slab <sup>1</sup>			F for heated slab <sup>1</sup>		
		R=5.00	R=3.75	R=2.50	R=5.00	R=3.75	R=2.50
-30° F or colder	24	34	32	30	46	44	42
-25° F to -20° F	24	33	31	29	45	43	41
-20° F to -15° F	24	32	30	28	44	42	40
-15° F to -10° F	24	28	26	24	39	37	35
-10° F to -5° F	24	27	25	23	37	35	33
-5° F to 0° F	24	25	23	21	35	33	31
0 to +4° F	24	24	22	20	34	32	30
+5° F to +10° F	24	23	21	19	33	31	29
+10° F to +15° F	18	21	19	17	25	23	21
+15° F to +20° F	12	21	19	17	25	23	21

<sup>1</sup> Slab floor with heating pipes or ducts in or immediately under slab.

<sup>2</sup> Where winter design temperatures are warmer than +15° F, perimeter insulation is not required. If installed in these areas (edge only) use values shown for +15° F to +11° F above.

#### 608-2 EXTERIOR DOORS

608-2.1 *Installation.* Doors shall be installed to assure adequate structural strength, weathertightness and shall be capable of resisting extremes of moisture, wind and temperature. Doors shall be safe and assure reasonable economy with ease of maintenance. Caulk around frames with a nonhardening sealant.

608-2.2 *Weatherstripping.* All exterior doors shall be provided with a tight threshold and weatherstripping to reduce infiltration of undesirable outdoor elements.

#### 608-4 WINDOWS

608-4.1 *Installation.* Windows shall be installed in accordance with the recommendations of the manufacturer. Operating hardware shall be installed. Caulk around frames with a nonhardening sealant.

608-4.2 *Weatherstripping.* Weatherstrip windows to reduce infiltration of undesirable outdoor elements.

#### 507-3 BUILDING INSULATION (APPENDIX C)

Cork board	FS HH-I-525.
Cellular glass	FS HH-I-551.
Cellulose, vegetable or wood fiber	FS HH-I-515.
Expanded polystyrene insulation board	FS HH-I-524.
Fiberboard	FS LLL-I-535. Class C or E or ASTM C-208.
Insulation board (urethane)	FS HH-I-530.
Mineral fiber, board (roof)	FS HH-I-526.
Mineral fiber, insulation blanket	FS HH-I-521.
Mineral fiber, pneumatic or poured	FS HH-I-1030.
Perimeter insulation	FS HH-I-524. Type II, FS HH-I-558, form A, class 1 or 2.

Reflective, thermal	FS HH-I-1252.
Structural fiberboard insulating roof deck	AIMA IB, spec. No. 1.
Vermiculite	ASTM C-516.
Perlite	FS HH-I-574.

[FR Doc.74-27112 Filed 11-21-74; 8:45 am]

### ATOMIC ENERGY COMMISSION ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

#### Notice of Meeting

NOVEMBER 18, 1974.

The ACRS Regulatory Guides Subcommittee Meeting scheduled to be held in Washington, D.C. on December 3, 1974 notice of which was published at 39 FR 39902, November 12, 1974 is amended in its entirety as follows:

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 Regulatory Guides will hold a meeting on December 3, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C. This meeting is now scheduled to have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

*Tuesday, December 3, 1974, 9:30 a.m. until about 11:00 a.m.* The Subcommittee will hear presentations from the Regulatory Staff and will hold discussions with this group pertinent to its review of the draft Regulatory Guide on In-

strumentation for Light Water Cooled Nuclear Power Plant Conditions During and Following an Accident.

*NOTE:* The Subcommittee also intends to have a further review of this Regulatory Guide at some future Subcommittee meeting.

In connection with the above agenda items, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 9:00 a.m. and 11:00 a.m. on December 3 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.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed session with the AEC Regulatory Staff and any consultants at about 11:15 a.m. until the close of business to discuss the following working papers:

(1) Design of Main Steam Isolation Valve Leakage Control Systems for Direct Cycle Boiling Water Nuclear Power Plants.

(2) Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.

This portion of the meeting may include Executive Sessions both before and after the closed session with the Regulatory Staff.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the 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 other closed sessions will be held to discuss and exchange views on working papers which fall within exemption (5) 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 and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting concerning the draft Regulatory Guide on Instrumentation for Light Water Cooled Nuclear Power Plant Conditions During and Following An Accident, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the draft Regulatory Guide on Instrumentation for Light Water Cooled Nuclear Power Plant Conditions During and Following an Accident may do so by mailing 25 copies

thereof to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Written statements will be received up to the close of business, December 2, 1974 (the Subcommittee also intends to further review this particular Regulatory Guide at a future Subcommittee meeting). Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make an 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 9:30 a.m. and 10:30 a.m. on December 3.

(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 December 2, 1974 to the Advisory Committee on Reactor Safeguards (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., E.T.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 4, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Com-

mission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, after March 3, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-27304 Filed 11-21-74; 8:45 am]

[Docket No. 50-317]

#### BALTIMORE GAS AND ELECTRIC CO.

##### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-53 issued to Baltimore Gas and Electric Company for operation of the Calvert Cliffs Nuclear Power Plant, Unit 1, located in Calvert County, Maryland. The amendment is effective as of its date of issuance.

The amendment modifies the license to include permission to receive, possess and use 500 millicuries of byproduct material in the form of inspection and maintenance equipment that is radioactively contaminated with radioisotopes with atomic numbers within the range 3 to 83, in accordance with the licensee's letter-application for license amendment dated November 13, 1974, as amended by letter dated November 15, 1974.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment, dated November 13, 1974, and amendment thereto dated November 15, 1974, (2) Amendment No. 3 to License No. DPR-53, with any attachments, and (3) the related safety evaluation contained in the Commission's letter to Baltimore Gas and Electric Company. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Md., this 15th day of November 1974.

For the Atomic Energy Commission.

OLAN D. PARR,  
Chief, Light Water Reactors  
Branch 1-3, Directorate of  
Licensing.

[FR Doc.74-27303 Filed 11-21-74; 8:45 am]

[Docket No. 50-261]

#### CAROLINA POWER & LIGHT CO.

##### Issuance of Amendment to Provisional Operating License and Proposed Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 10 and is considering the issuance of a further amendment to Facility Operating License No. DPR-23, issued to Carolina Power & Light Company revising Technical Specifications for operation of the H. B. Robinson Steam Generating Plant Unit No. 2, located in Darlington County, Hartsville, South Carolina. The issued amendment is effective as of its date of issuance.

The issued amendment permits revisions concerning the removal of limitations on steam generator water chemistry.

The proposed amendment would establish inspection and reporting requirements for a program of inservice inspection of steam generator tubing during continued operation of the plant pending implementation as a Technical Specification of Regulatory Guide 1.83, "Inservice Inspection of Pressurized Water Reactor Steam Generator Tubes", following full review by the staff.

The application for the issued Amendment No. 10 complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

Prior to the issuance of the proposed amendment the Commission will have made the findings required by the Act and the Commission's regulations.

On or before December 23, 1974, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by December 23, 1974. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to George F. Trowbridge, Esquire, 910-17th Street,

NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see (1) the applications for amendments dated September 4 and 24, 1974, (2) Amendment No. 10 to License No. DPR-23 with Change No. 35, and (3) the Commission's related Safety Evaluation for Amendment No. 10. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenue, Hartsville, South Carolina. As they become available the (i) proposed license amendment and attachment, and (ii) the Commission's related Safety Evaluation for the proposed license amendment will also be available at the above locations. A copy of items (2) and (3) above, and, when available, of items (i) and (ii), may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Md., this 13th day of November 1974.

For the Atomic Energy Commission,

GEORGE LEAR,

Chief, Operating Reactors Branch  
No. 3, Directorate of Licensing.

[FR Doc. 74-27219 Filed 11-21-74; 8:45 am]

### CIVIL AERONAUTICS BOARD

[Docket No. 23161; Order 74-11-10]

### OVERSEAS NATIONAL AIRWAYS, INC.

Order of Tentative Approval

Correction

In FR Doc. 74-25963 appearing in the issue of Wednesday, November 6, 1974, the seventh line of numbered paragraph

3 in the second column on page 39313 reading "ture of services: *Provided*, The identity" should read "ture of services provided, the identity".

### TEXAS INTERNATIONAL AIRLINES, INC.

#### Meeting

Notice is hereby given that a presentation will be made by the above carrier on December 11, 1974, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., on the carrier's overall strategy for restoring economic viability to the company.

Dated at Washington, D.C., November 19, 1974.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 74-27357 Filed 11-21-74; 8:45 am]

[Docket Nos. 27185, etc.; Order 74-11-89]

### WESTERN AIR LINES, INC. AND HUGHES AIRWEST

#### Order Regarding Las Vegas-Calgary/Edmonton Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of November 1974.

On May 8, 1974, a new bilateral air transport agreement between the United States and Canada was signed. This agreement provides for a number of new routes for United States and Canadian carriers, including new nonstop authority between Las Vegas and Calgary/Edmonton which was effective for U.S. carriers upon the date the agreement was signed.<sup>1</sup>

Western Air Lines (Docket 26702) and Hughes Airwest (Docket 25911)<sup>2</sup> have filed applications for amendment of their certificates of public convenience and necessity to include Las Vegas-Calgary/Edmonton authority. They have both also filed motions for expedited hearing.<sup>3</sup> Western on September 26, 1974, and Airwest on October 8, 1974.<sup>4</sup>

Upon consideration of the foregoing and other pertinent matters, we have determined to institute an investigation

<sup>1</sup>The best current service between Las Vegas and Calgary is one-stop and between Las Vegas and Edmonton two-stop.

<sup>2</sup>Airwest's application also seeks new Spokane-Edmonton, Spokane-Vancouver, Los Angeles-Calgary/Edmonton and San Francisco-Calgary/Edmonton authority.

<sup>3</sup>Western's motion was supported by an answer of the Las Vegas parties. Airwest also filed a motion for consolidation of Dockets 25911 and 26702.

<sup>4</sup>The carriers base their requests for expedited hearing upon the prospective diversionary impact of the new San Francisco-Calgary/Edmonton and Los Angeles-Calgary/Edmonton routes provided for a Canadian carrier by the bilateral agreement and for which Air Canada has been designated and is presently seeking Board authorization.

to be set down for expedited hearing<sup>5</sup> for the purpose of determining whether the public convenience and necessity require U.S.-flag service between Las Vegas and Calgary/Edmonton. Accordingly, we are consolidating for hearing the applications of Western and Airwest, in Dockets 26702 and 25911, respectively, insofar as their applications conform to the scope of the proceeding instituted herein.

Further, we have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should nonstop service be authorized. In view of the size of the Las Vegas-Calgary and Las Vegas-Edmonton markets (respectively, 12,665 and 960 O&D passengers for calendar year 1973)<sup>6</sup> and the present level of existing services,<sup>7</sup> it is doubtful that there will be a significant increase in total frequencies under any candidate for the instant authority. This fact must be placed against the large overall level of traffic at Las Vegas. Las Vegas ranked twenty-fifth among U.S. airports in air carrier passenger enplanements for fiscal year 1972. In 1973 there were 230,000 aircraft operations at McCarran International Airport, with 235,000 projected for 1975 and 247,000 for 1976.<sup>8</sup> It can be assumed that the air traffic at Calgary and Edmonton is of a substantial order. Therefore, it is unreasonable to suppose on the face of the matter that authorization of new U.S. service in the Las Vegas-Calgary/Edmonton markets will lead to more than very minor environmental changes.

<sup>5</sup>Thus, the proceeding instituted herein will receive priority consideration in being set for hearing. We interpret the motions of Western and Airwest to solely request such priority and the term "expedited hearing" to solely encompass it. We do not mean to imply that any procedures apart from those normally utilized in Board proceedings shall be followed here.

<sup>6</sup>Joint Canada-U.S. O&D Survey.

<sup>7</sup>Calgary-Las Vegas is served by two daily Airwest one-stop round trips and Edmonton-Las Vegas by two daily Airwest two-stop round trips, in addition to connecting flights in both markets. OAG, October 15, 1974.

<sup>8</sup>Terminal Area Forecast, 1975-1985, Department of Transportation, FAA, Office of Aviation Economics, Aviation Forecast Division, July 1973, pages ix and WES1. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, it is ordered, That:

1. A proceeding to be known as the "Las Vegas-Calgary/Edmonton Route Proceeding," Docket 27185, be and it hereby is instituted and shall be set down for expedited hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. The proceeding instituted in paragraph 1, above, shall include consideration of the following issues:

a. Do the public convenience and necessity require, and should the Board authorize, the certification of an air carrier or air carriers to engage in foreign air transportation between Las Vegas, Nevada, on the one hand, and Calgary and Edmonton, Canada, on the other?

b. If the answer to (a) is in the affirmative, (i) which air carrier(s) should be authorized to engage in such service, and (ii) what conditions, if any, should be placed on the operations of such carrier(s)?

3. The motion of Hughes Airwest for consolidation be and it hereby is granted;

4. Insofar as they conform to the scope of the proceeding set forth in paragraph (2) above, the applications of Western Air Lines, Inc., in Docket 26702, and Hughes Airwest, in Docket 25911, be and they hereby are consolidated with the proceeding instituted in paragraph (1) above; to the extent not consolidated, the foregoing applications be and they hereby are dismissed without prejudice;

5. The motions of Western Air Lines, Inc. and Hughes Airwest for expedited hearing be and they hereby are granted;

6. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed 20 days from the service date of this order and answers thereto shall be filed five days thereafter; and

7. A copy of this order shall be served upon the following: The Departments of the Interior, Transportation, Commerce, Housing and Urban Development and Health, Education, and Welfare; the National Aeronautics and Space Administration; the Federal Aviation Administration; the General Services Administration; and the Environmental Protection Agency.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 74-27389 Filed 11-21-74; 8:45 am]

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1975

#### Notice of Establishment

##### Correction

In FR Doc. 74-26225, appearing at page 39964 in the issue of Tuesday, November 12, 1974, the second code entry in the table of "Assignment Codes", on page 39964 reading "RF" should be changed to read "RF".

### PROCUREMENT LIST 1975

#### Proposed Deletions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodities and service from Procurement List 1975, NOVEMBER 12, 1974 (39 FR, 39964).

#### COMMODITIES

##### CLASS 7210

Mattress (IB), Cotton-Felt, 7210-00-205-3574, 7210-00-205-3575, 7210-00-205-3576, 7210-00-205-3579, 7210-00-252-9628, 7210-00-274-3780, 7210-00-205-3581, 7210-00-531-6477, 7210-00-205-3906, 7210-00-205-3907, 7210-00-253-4649, 7210-00-253-4648, 7210-00-205-3904, 7210-00-205-3905, 7210-00-205-3902, 7210-00-205-3900, 7210-00-205-3893, 7210-00-680-0938, 7210-00-205-3894, 7210-00-205-3889, 7210-00-716-0500, 7210-00-274-7001, 7210-00-205-3485, 7210-00-531-6480, 7210-00-205-3532, 7210-00-205-3454, 7210-00-205-3455, 7210-00-269-9198, 7210-00-205-3915, 7210-00-205-3916, 7210-00-205-3913, 7210-00-205-3896.  
Innerspring, 7210-00-205-3535, 7210-00-551-5497, 7210-00-205-3488, 7210-00-205-3489, 7210-00-205-3490.

##### CLASS 8440

Neckerchief (IB), 8440-00-240-4922.

##### CLASS 8465

Bag, Sleeping (IB), 8465-00-338-5415.  
Bag, Soiled Clothes (IB), 8465-00-286-5455.

##### SERVICE

##### INDUSTRIAL CLASS 8231

Lending Library (CP), 50 States, Washington, D.C., and the Commonwealth of Puerto Rico (Domestic Portion Only).

Comments and views regarding these proposed deletions may be filed with the Committee not later than on or before December 23, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia.

By the Committee.

E. R. ALLEY, Jr.,  
Acting Executive Director.

[FR Doc. 74-27354 Filed 11-21-74; 8:45 am]

### PROCUREMENT LIST 1975

#### Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the follow-

ing commodities from Procurement List 1975, November 12, 1974 (39 FR 39964).

##### CLASS 6532

Cap, Operating, Surgical, 6532-00-250-5041, 6532-00-250-5042, 6532-00-122-0468.

Comments and views regarding these proposed deletions may be filed with the Committee on or before December 23, 1974. Communications should be addressed to the Executive Director, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 74-27355 Filed 11-21-74; 8:45 am]

### PROCUREMENT LIST 1975

#### Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following services to Procurement List 1975, November 12, 1974 (39 FR 39964).

Repacking and Remarketing  
General Services Administration  
Supply Depot  
Stockton, California

##### INDUSTRIAL CLASS 7374

Keypunch and Verification  
General Services Administration  
Region 9  
San Francisco, California

Comments and views regarding these proposed additions may be filed with the Committee not later than on or before December 23, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 74-27356 Filed 11-21-74; 8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### PRODUCT SAFETY ADVISORY COUNCIL

#### Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Monday, December 9, 1974 (8 am to 5 pm) and Tuesday, December 10, 1974 (9 am to 4:30 pm) in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C.

The Advisory Council has been established pursuant to section 28 of the Consumer Product Safety Act (PL 92-573, 86 Stat. 1230; 15 U.S.C. 2077). The Act provides that the Commission may consult the Council before prescribing a consumer product safety rule or taking other action under the Act.

The Advisory Council will meet in task groups on the morning of December 9, beginning at 8 am, through approximately 2:30 pm. The task groups of the

Advisory Council were established at a prior meeting to consider matters in the following areas: bans and recalls, standards, education/public information, enforcement and surveillance, and state relations. A portion of the afternoon session on December 9 will be devoted to a briefing by the task groups to the full Council of their discussions.

Specific agenda topics to be covered on December 10 have not yet been determined. The Commission plans to seek the Council's advice on several policy issues and these issues will form the basis for the agenda.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and agenda topics may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone, (202) 634-7700.

Dated: November 19, 1974.

SADYE E. DUNN  
Secretary, Consumer Product  
Safety Commission.

[FR Doc. 74-27358 Filed 11-21-74; 8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from November 11 through November 15, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (January 6, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

#### DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20205, 202-447-3965.

#### FOREST SERVICE

#### Draft

Upper Trinity Planning Unit, Shasta-Trinity N.F., Trinity County, Calif., November 14: The statement refers to a proposed land use plan for the upper Trinity Planning Unit, Shasta-Trinity National Forest. The plan applies to 50,680 acres of land. The proposal provides for protection of amenity values and quality of the natural environment and commodity utilization. Adverse impacts include loss of some wilderness area due to road construction, and long term negative aesthetic

impact resulting from the strip mining of asbestos deposits (99 pages). (ELR Order No. 41718.)

Eightmile-Blue Creek Units, Six Rivers, N.F., Humboldt and Del Norte Counties, Calif., November 14: The statement refers to the proposed land use management plans for the Eightmile and Blue Creek Units of the Six Rivers National Forest in Del Norte and Humboldt Counties. The land use plans apply to 94,000 acres of N.F. lands, of which 59,800 acres have been inventoried as roadless. Management would include timber harvesting on 33,600 acres. Off-road vehicle closures are proposed in 7,800 acres. Adverse impacts include: loss of wilderness values, change in overall visual quality, temporary degradation of water quality and air quality, increased noise, and slight reduction in stream habitats. (ELR Order No. 41723.)

Bighorn Winter Sports Site, Caribou N.F., Idaho, November 14: The statement refers to the proposed development of the Bighorn Winter Sports Site, in the Caribou National Forest, Idaho. It is proposed that 600 acres be developed to provide skiing capacity for approximately 3,000 skiers per day. The development includes 7 ski lifts with associated ski runs, lodge, parking for 1,000 cars, spring development, water line, sewer line, and drainage field, buried power lines, and access roads. Adverse impacts are landscape alteration, surface erosion, loss of timber producing area, and loss of cattle grazing area (50 pages). (ELR Order No. 41719.)

Lake Fork Management Unit, Wallowa-Whitman N.F., Oreg., November 14: The statement refers to the Lake Fork Management Unit located in the Wallowa-Whitman N.F. The proposed plan is the selection of long range resource allocation plan and management activity direction. The project area consists of 17,400 acres. Adverse impacts are soil and water quality degradation where development activities are allowed, and increased noise and air pollution due to construction and forest visitors. (ELR Order No. 41720.)

#### Final

Winter Sports Development, El Dorado N.F., Amador and El Dorado Counties, Calif., November 11: Proposed is the expansion of a ski area in the Corral Flat area of El Dorado National Forest. The proposed ultimate development will include 6 ski lifts with a capacity of 2,700; one or two surface lifts; one day lodge, motel, and parking for 1,150 cars; and associated support facilities such as a power plant, sewage disposal system, wells, maintenance, and first aid buildings. Approximately 1,040 acres of Forest land and 90 acres of private land would be included in the project boundary. The statement indicates that project impact upon water, air, soil, esthetics, and wildlife will be minimal (123 pages). Comments made by: USDA, EPA, DOI, AMP, and state and local agencies and concerned citizens. (ELR Order No. 41695.)

#### RURAL ELECTRIFICATION ADMINISTRATION

#### Draft

Turbine Generating Station, Wray, Yuma County, Colo., November 13: The Tri-State Generation and Transmission Assn., Inc., proposes to request financing for an insured loan to provide for approximately 200 MW of combustion turbine capacity to be installed at an existing substation near Wray, Colorado. The units will be capable of firing natural gas or stillate fuel oil. These units are needed to provide power to the increase in irrigation pumping and support Transmission. Because of the new facility, some nitrogen oxides, sulfur dioxide, and particulate matter will be released into the atmosphere. (ELR Order No. 41710.)

#### SOIL CONSERVATION SERVICE

#### Draft

East Fork Pond River Watershed, Christian, Muhlenburg, and Todd Counties, Ky., November 15: The statement refers to the proposed East Fork Pond River Watershed protection and flood prevention project in Christian, Muhlenburg, and Todd Counties. Included in the project are two floodwater retarding structures and 15.8 miles of channel work. Adverse impacts are alteration of 82 acres of wildlife habitat, and disruption of aquatic and terrestrial ecological systems in the stream affected by channel work. (ELR Order No. 41728.)

Pott-Sem-Turkey Watershed, Seminole and Pottawatomie Counties, Okla., November 13: The statement refers to the Pott-Sem-Turkey Watershed protection and flood prevention project in Pottawatomie and Seminole Counties, Oklahoma. Project measures include accelerated application of land measures for 22,247 acres of agricultural land and installation of 11 floodwater retarding structures for the reduction of floodwater sediment, and erosion damages on 2,564 acres of flood plain land. Adverse impacts include the use of 110 acres of farmland for dams and spillways, the permanent inundation of 297 acres, the intermittent inundation of 833 acres, the disturbance or destruction of 18 archeological sites, and temporary construction disturbances. (ELR Order No. 41714.)

#### DEPARTMENT OF DEFENSE

#### ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

#### Draft

Davenport Local Flood Protection, several counties in Idaho, November 14: The statement concerns the construction of earth levees and concrete floodwalls along the Mississippi River from Government Bridge downstream to 1-280 channel to provide flood protection to the Davenport area. Adverse effects include: loss of Dahant Marsh through accelerated commercial and industrial development in response to flood protection; loss of trees and vegetation along the river bank; loss of usable land from LeClaire Park; and increased turbidity, noise, and dust during construction (Rock Island District) (216 pages). (ELR Order No. 41722.)

Clarence Cannon Dam and Reservoir, Salt River, several counties in Missouri, November 14: The project concerns the completion of the Clarence Cannon Dam and reservoir on the Salt River to provide flood control, hydroelectric power, watersupply, fish and wildlife conservation, recreation and incidental navigation. As of July 1, 1974, the construction was 28% completed. Adverse effects include: the inundation of 18,600 acres of wildlife habitat and 73 to 101 archeological sites; destruction of an historical site; and displacement of 74 families (St. Louis District) (240 pages). (ELR Order No. 41726.)

Root Creek, Bolivar, Allegany County, N.Y., November 11: Proposed is a flood protection project consisting of widening, deepening, minor realignment, and the construction of a section of floodwall through the village of Bolivar, Allegany County, N.Y. The project will reduce periodic flood damage, eliminate an erosion problem on the high bank, and alter aesthetic conditions. Adverse effects include: temporary increases in acoustic levels, stream turbidity and sedimentation, dust exhaust and smoke, and a reduction in the

quality of the stream bottom as a fish habitat (25 pages). (ELR Order No. 41696.)

**Maintenance of Browns Creek, Long Island, N.Y., November 12:** The statement concerns future maintenance dredging of the existing Federal navigation project in Browns Creek, Long Island, N.Y., to its authorized project dimensions. The work would be performed when necessary by contract dredge with spoiling on existing disposal areas. Adverse effects include: removal of benthic organisms; increased turbidity; and, depending upon the method used, either suspended and dissolved materials reintroduced into the Waterway, disturbed shellfish beds, or turbidity in the surf zone (New York District) (29 pages). (ELR Order No. 41707.)

**Grafton Flood Control, Park River, N. Dak., November 11:** This revised draft refers to the construction of a levee surrounding Grafton, North Dakota, and vicinity, and the construction of a channel which would allow flood water to bypass the leveed area. Interior drainage facilities would be included. Adverse impacts include: the loss of 5 acres of floodplain forest, 230 acres of highly fertile agricultural land, and another 130 acres of land for spoil disposal; reduction of biological productivity along the bypassed river channel; and, the disruption of 0.1 miles of natural river channel (St. Paul District). (ELR Order No. 41700.)

**Corpus Christi Beach Restoration Project, Texas, November 15:** The statement, a revised draft, refers to the restoration of Corpus Christi Beach. The plan of improvement provides for restoration and periodic nourishment of 1.4 miles of beach. Adverse impacts are the covering of 106 acres of bay bottom by restoration material, increased turbidity during dredging, and the destruction of some marine life. (ELR Order No. 41735.)

#### Final

**C-135 and Tower Hillsborough Basin, Four River Basin, Fla., November 11:** The proposed project is the construction of a 14-mile bypass canal (C-135) from the Hillsborough River to McKay Bay with 3 control structures; construction of a 2-mile Hillsborough River Diversion Canal (C-136) and 1 control structure. About 3,500 acres of land will be converted to form the flood control system. Adverse impacts are: loss of forest land and other vegetative matter, destruction of benthic organisms and marine life, degradation of water quality due to salt water intrusion, and lowering of the water table and an artesian aquifer. Comments made by: HUD, USDA, DOT, DOC, DOI, EPA, and state agencies and concerned citizens. (ELR Order No. 41692.)

#### NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202-697-0802.

#### Draft

**Ammunition Facility, Naval Air Station, North Island, November 15:** The statement refers to the establishment of new ordnance storage and handling facilities at North Island, San Diego Naval Station. Construction includes a berthing tee shaped pier. The facility will also include earth-covered ordnance storage magazines, utilities, roads, parking, and security fencing. There will be adverse impact to marine and bottom life caused by dredging. (ELR Order No. 41732.)

#### Final

**Proposed Pier 7, San Diego Naval Station, Calif., November 11:** Proposed is the construction of a reinforced concrete pier, 80 feet wide by 1,480 feet long, at the Naval Station. The

project area will be deepened to 35' MLLN plus 1' overdredge; total estimated dredging will be 394,800 cu. yds. The spoil will be disposed of at the 100 fathom EPA designated disposal site 8 miles west of Point Loma (197 pages). Comments made by: EPA, USCG, DOC, DOI, and regional agencies. (ELR Order No. 41693.)

#### DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

#### BUREAU OF RECLAMATION

##### Draft

**Granite Reef Aqueduct Transmission System, Arizona and New Mexico, November 15:** The statement describes the impact associated with constructing an electric power transmission system to supply power to pumping plants and check structures along the Granite Reef Aqueduct Transmission System, Central Arizona Project. Approximately 275 miles of backbone 230-kV transmission line, at 230-kV and 115-kV will be constructed. Also, 77 miles of radial transmission line, at 230-kV and 115-kV will be constructed. Adverse impacts are negative effects on aesthetic values, acquisition of 4,200 acres for right-of-way, and temporary disturbance to biota. (ELR Order No. 41733.)

##### Final

**American Falls Dam Replacement and Powerplant, Power, Bingham, and Bannock Counties, Idaho, November 13:** Proposed is the replacement of the existing dam, the maintenance of the 1.7 million-acre-foot reservoir at its present size, and the construction of a new 100 MW powerplant downstream. The present dam is considered to be below acceptable safety standards. The statement was prepared in connection with Senate Bill S.1529 (100 pages). Comments made by: DOI, USDA, COE, DOC, EPA, AHP, DOT, FPC, and state and local agencies and concerned citizens. (ELR Order No. 41713.)

#### NATIONAL PARK SERVICE

##### Draft

**Gulf Islands National Seashore Wilderness Area, Florida and Mississippi, November 14:** The statement refers to the proposed designation of 1,510 acres within Gulf Islands National Seashore as wilderness. In addition, it is proposed that 2,560 acres within the

#### TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, 615-755-2002.

##### Final

**Transmission Line, several counties in Northeast Alabama, November 11:** Proposed is the construction and operation of a 500 kV transmission line interconnecting the TVA and Alabama Power Co.'s systems in portions of Jackson, Marshall, Blount, Cullman, and Jefferson counties. Environmental impacts involve limitations on land use, temporary construction effects, and possible aesthetic effects. Comments made by: AHP, USDA, COE, HUD, DOI, DOT, EPA, FPC, and state and local agencies. (ELR Order No. 41703.)

#### DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

#### FEDERAL AVIATION ADMINISTRATION

##### Draft

**Whiteman Airport, Los Angeles, Los Angeles County, Calif., November 11:** The statement concerns the improvement of Whiteman Airport, Los Angeles, California. Included is the proposed construction of a new lighted runway and extension of an existing runway, 2 warm-up pads, an aircraft apron, an extension of the taxiway, temporary runways and roads for use during construction, and other related work. Adverse impacts include increased air pollution and aircraft noise. A 4(f) determination will be necessary in regard to Roger Jessup Recreational Park. (ELR Order No. 41706.)

**Rush County Airport, Kans., November 11:** The statement concerns the construction of an airport in Rush County near La Crosse, Kansas. Included in the proposal is the construction of a 3,200' x 60' Runway 16/34 with exit taxiway and ramp and associated taxiways, aprons, etc. Since the airport would be used primarily for small aircraft (private and business), adverse effects due to noise and air pollution are expected to be minimal. (ELR Order No. 41704.)

**Hawkins Field, Jackson, Hinds County, Miss., November 15:** The statement refers to the proposed development of Hawkins Field, Jackson, Mississippi. The project includes extension of a runway, construction of parallel and connecting taxiways, construction of extended runway safety area, and clearing, grubbing, and reseeding 64 acres. There will be increased noise levels because of the project. (ELR Order No. 41734.)

##### Final

**Tierra Rejada Airport, Ventura County, Calif., November 14:** The statement refers to the proposed construction of a new general aviation airport in the Tierra Rejada Valley. The total project includes the acquisition of 170 acres of land, the relocation of Moorpart Road and its associated telephone and power lines, and the construction of flood control facilities. Initial development of the facility consist of a single main runway (3,700' x 75'), a parallel taxiway, and approximately 50,000 sq. yds. of aircraft parking apron. There will be increases in noise and air pollution. Comments made by: EPA, DOI, USDA, DOT, HUD, and state and local agencies and concerned citizens. (ELR Order No. 41727.)

**Jackson County Airport, Jackson County, W. Va., November 11:** The proposal refers to construction of a general aviation airport 3.3 miles southwest of Ravenswood, in Jackson County. The project will include grading, draining, and paving a southwest runway; construction of an aircraft parking apron and connecting taxiways; installation of medium intensity runway lighting systems; and the development of a 0.9 mile paved airport access road. The project will create a slight increase in the noise level. (90 pages). (Comments made by: EPA, DOI, DOC, USDA, COE, DOT, and state and local agencies and concerned citizens. (ELR Order No. 41705.)

#### FEDERAL HIGHWAY ADMINISTRATION

##### Draft

**S.R. 120, San Joaquin County, Calif., November 11:** Proposed is a 2 lane, 6.5 mile long freeway facility connecting I-5 on the west to Highway 99 on the east. Adverse effects include: the required relocation of 118 families (already underway) and 6 businesses; the use of 435 acres of agricultural land for highway use; and the growth-inducing effects to the adjoining land (51 pages). (ELR Order No. 41701.)

**U.S. 56, Marion County, Kans., November 11:** Proposed is the improvement of approximately 15 miles of U.S. 56, a 2-lane highway

in Marion County, Kansas. The project includes right-of-way acquisition, extensive grading, bridge construction, and surfacing. Adverse impacts include: the displacement of families and businesses, the destruction of some wildlife habitat, and the temporary noise, air, and water pollution due to construction. (ELR Order No. 41702.)

I-95, Baltimore City, Md., November 11: This statement is in anticipation of the design and construction of an 8-lane, controlled access expressway and underwater tunnel crossing of the NW Branch of Baltimore Harbor. The proposed segment of I-95 would be approximately 4.7 miles long and would extend from the proposed interchange with I-395 near Middle Branch at Hanover St. to an interchange with I-83 in Baltimore City. Adverse impacts are displacement of industry and existing transportation facilities, visual intrusiveness to Fort McHenry during construction, and spoil disposal problems caused by harbor dredging. A 4(f) determination is necessary concerning Fort McHenry. (ELR Order No. 41691.)

Bailey Ave.; further bisecting of existing County, Miss., November 11: Proposed is the widening and improvement of Bailey Ave. as a four-lane urban street from Peter St. to Neatum St. including construction of a 4-lane overpass bridge, connecting the frontage streets. Adverse impacts include: displacement of families; increased travel time for interchange traffic from Stonewall St. and Bailey Ave.; further bisecting of existing neighborhood; and the increased levels of oxides and nitrogen. (ELR Order No. 41699.)

S.R. 46, Cascade Lakes Highway, Deschutes County, Oreg., November 14: The proposed project involves the improvement and widening of an 11.2 mile segment of the 2-lane Oregon Forest Highway Route 46, Cascade Lakes Highway, from Bachelor Butte to Elk Lake. Adverse impacts include the permanent loss of 40 acres of land for flora and fauna habitat and temporary effects normally associated with construction (179 pages). (ELR Order No. 41716.)

Gantt Freeway, Greenville, Greenville County, S.C., November 14: Proposed is the construction of a segment of Gantt Freeway, a 6-lane loop in downtown Greenville, S.C. The segment would extend 2.5 miles from S.C. 124 to S.C. 20. Adverse effects include the displacement of approximately 252 families, 12 businesses, and 2 churches, and the introduction of noise pollution into a new corridor. (ELR Order No. 41717.)

#### Final

Honoapiilani Highway, Maui County, Hawaii, November 15: The project involves the realignment of Honoapiilani Highway in the Lahaina District of the Island of Maui for 5 miles. The two lane road will be comprised of two segments from Honokowai to Alaeloa and from Alaeloa to Honokahu. The new highway will improve agricultural produce hauling, improve access to regional recreation areas, and to promote area urban development. Adverse impacts include disturbance to natural terrain, and increases in air, water, and noise pollution, especially during construction. Comments made by: DOT, COE, USDA, EPA, HEW, DOI, and state agencies. (ELR Order No. 41730.) (NTIS Order No. (none).)

I-55, Normal to Gardner, McLean, Livingston, and Grundy Counties, Ill., November 13: The statement refers to the construction of 56.5 miles of I-55, a four-lane freeway, from Normal to Gardner. Adverse impacts of the project will be increased noise levels, and the use of 1,550 acres of land for right-of-way (132 pages). Comments made by: USDA, COE, DOI, DOT, EPA, and state and local agencies. (ELR Order No. 41709.)

Route 71, Maryville Relocation, Nodaway County, Mo., November 13: The Statement considers four corridors for the proposed relocation of approximately 7 miles of Route 71. The project will provide a four lane limited access facility through or around Maryville. Five families will be displaced because of the project. Approximately 230 acres of rural land will be acquired for right of way. Adverse effects include loss of tax base and increased air and noise pollution (40 pages). Comments made by: (ELR Order No. 41711.)

Elmira North-South Arterial, Chemung County, N.Y., November 11: Proposed is the construction of a "New Main Street" with four travel lanes, center median/left turn lane, signalized intersections at major cross streets, pedestrian crossings, controlled access, and appropriate safety and aesthetic treatment. Project length is 7.5 miles. The project is intended to relieve congested north-south streets of local traffic and aid in Urban Renewal Flood recovery planning. Depending upon the route selected, displacements will range between 98 and 118 families and 41 and 49 businesses (134 pages). Comments made by: EPA, DOI, HEW, HUD, USDA, DOT, COE, and State and local agencies and concerned citizens. (ELR Order No. 41694.)

S.R. 7, Belmont and Jefferson Counties, Ohio, November 15: The project involves the relocation of 7.5 miles of existing State Route 7 between Martins Ferry to the south and little Rush Run to the north. Adverse impacts are the necessary use of land for right-of-way, the displacement of 122 families and 11 businesses, elimination of some wildlife habitat, and temporarily increased air, water, and noise pollution (159 pages). Comments made by: DOI, EPA, HUD, USDA, COE, and State agencies. (ELR Order No. 41731.)

Bryan Drive Bypass, Horry and Georgetown Counties, S.C., November 13: Proposed is the construction of 11 miles of the four lane Bryan Drive Bypass, from US 501 to US 17, just north of Murrells Inlet. Project displacements will include one electrical substation and eight dwellings (30 pages). Comments made by: DOI, EPA, COE, HUD, and State agencies. (ELR Order No. 41715.)

S.R. 137, Johnson City, Washington County, Tenn., November 11: The statement refers to the construction of a 1.89 mile section of S.R. 137 in Washington County, Tennessee. The 4-lane project extends from Market Street to the south limits of Johnson City. Adverse impacts are increased noise levels and the disruption of the community. Comments made by: HUD, DOI, DOT, TVA, HEW, EPA, and State and local agencies and concerned citizens. (ELR Order No. 41697.)

SH 288, Houston, Harris County, Tex., November 12: The statement refers to SH 288 on new location from Bellfort northward 4.5 miles to Elgin Street in the southerly portion of Houston. It is proposed as a dual-lane freeway consisting of 4 service lanes in each direction. Adverse impacts consist of small amounts of erosion and sedimentation during construction, and increased noise levels (343 pages). Comments made by: EPA, DOI, COE, USDA, USCG, HEW, and State and local agencies. (ELR Order No. 41708.)

#### Draft

Arcata Airport, McKinleyville, Humboldt County, Calif., November 13: The proposed action provides for the establishment of a new Search and Rescue (SAR) air station in McKinleyville, California. Included in the project are hangar, utility buildings, bachelor enlisted quarters, site paving and walkways, jet refueling system, communications antennae, and taxiway lighting. There will be some visual impact and the possibility of

hydrological impact because of the facility. There will be secondary impacts involving the scarce housing supply and future sewage tie-in requests for the McKinleyville system. (ELR Order No. 41712.)

#### NATIONAL PARK SERVICE

#### Draft

Great Smoky Mountains National Park Wilderness Area, Tennessee and North Carolina, November 14: The statement refers to NPS's recommendation that 300,500 acres of Great Smokey Mountains National Park be designated as wilderness of 76% of parklands will help to assure their perpetuation in an undeveloped state. Recreational use of the parkland will become more difficult because of lack of maintenance. (ELR Order No. 41725.)

Due to a technical error, the following statement did not appear in the October 25, 1974 FEDERAL REGISTER. However, the commenting period should begin on that date.

#### DEPARTMENT OF TRANSPORTATION

#### Draft

U.S. 50, Alternate W. Va. 20, Harrison County, W. Va., October 15: Proposed is the relocation of U.S. 50 and construction of alternate W. Va. 20. U.S. 50 will be a divided, 4-lane road beginning in Clarksburg, W. Va., and running easterly for a distance of 2.31 miles to its termination at the western ramps of I-79—U.S. 50 interchange. Alternate W. Va. 20, connecting W. Va. 20 and Relocated U.S. 50, will be 2 lanes and will run for 0.22 miles. Adverse effects include the displacement of 178 families and 9 businesses, and the temporary air, water and noise pollution normally associated with construction.

In the October 25, 1974 FEDERAL REGISTER, the Council on Environmental Quality published a notice of availability concerning the final environmental impact statement on Interstate 580/SR 238 in Alameda County, California. It has come to the Council's attention that there has not been full distribution of the complete impact statement. Because of this, the thirty (30) day commenting period will not begin until CEQ receives assurances from the Department of Transportation that there has been full distribution of this document.

GARY L. WIDMAN,  
General Counsel.

[FR Doc.74-27360 Filed 11-21-74; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 297-8]

### ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING ENVIRONMENT

#### Availability of Agency 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 October 16, 1974 and October 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 below, and the EPA source for copies of the comments as set forth in Appendix V below.

Appendix II below contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I below.

Appendix III below 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 below.

Appendix IV below 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 below.

Appendix V below contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV below.

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: November 12, 1974.

Sheldon Meyers,  
Director, Office of  
Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Oct. 16, 1974 and Oct. 31, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
<b>Department of Agriculture:</b>			
D-AFS-F61003-MN	Replacement of Prairie Portage Dam, Superior National Forest, Minn.	LO-1	F
D-AFS-G61001-AR	Construction of phases II and III of the Blanchard Springs Caverns project, Ark.	LO-2	G
D-AFS-G65002-AR	Forks unit plan, Ouachita National Forest, Southern Region, Ark.	LO-2	G
D-AFS-K65001-CA	Lassen National Forest, timber management plan, Lassen County, Calif.	ER-2	J
D-AFS-L61005-ID	Proposed Big Wood ski area development, Sawtooth National Recreation Area, Sawtooth National Forest, Blaine County, Idaho.	LO-2	K
D-AFS-L61006-OR	Timberline lodge complex, management direction, Mount Hood National Forest, Clackamas County, Oreg.	LO-1	K
D-SCS-C36002-NY	Mill Brook watershed, Chenango County, N.Y.	ER-2	C
<b>Corps of engineers:</b>			
DS-COE-A36215-OK	Shidler Lake, Salt Creek, Osage County, Okla.	ER-2	G
DS-COE-A36279-WI	Flood control, Mississippi River at La Crosse, Wis.	ER-2	F
D-COE-C36003-NJ	Flood control project for the Rahway River and Van Winkles Brook, Township of Springfield, N.J.	ER-2	C
D-COE-C36005-NY	Flood control project, Saw Mill River, Elmsford, Town of Greensburgh, N.Y.	ER-2	C
D-COE-D34001-WV	R. D. Bailey Lake project, Guyandotte River, W. Va.	ER-2	D
D-COE-E35003-GA	Brunswick Harbor, maintenance dredging, Georgia.	ER-2	E
D-COE-E36004-TN	West Tennessee Tributaries, flood control project, Tennessee.	ER-2	E
D-COE-E36006-NC	Green Mill Run, flood control project, Pitt County, N.C.	LO-2	E
D-COE-F34001-IN	Big Pine Lake, Big Pine Creek, Wabash River Basin, Warren County, Ind.	ER-2	F
DS-COE-G36001-AR	Big Creek and Tributaries, Lower White River Basin project, Lee, Monroe, Phillips, and St. Francis Counties, Ark.	ER-2	G
<b>Department of Interior:</b>			
D-BOR-A61273-00	North Country Trail, Vermont, Pennsylvania, New York, Ohio, Michigan, Wisconsin, Minnesota, and North Dakota.	LO-2	A
D-NPS-F61002-00	Lower St. Croix National Scenic Riverway, Minnesota and Wisconsin.	LO-1	F
<b>General Services Administration:</b>			
D-GSA-E81002-TN	Federal Youth Center for Correctional Treatment programs, Memphis, Shelby County, Tenn.	ER-2	E
<b>Department of Housing and Urban Development:</b>			
D-HUD-E85001-SC	Portion of the Camp Furnace urban renewal area, Columbia, Richland County, S.C.	ER-2	E
<b>Panama Canal Company:</b>			
D-PCC-E08002-00	License application by the Instituto de Recursos Hidraulicos y Electrificación for power transmission lines, La Fortuna, C.Z.	LO-2	E
<b>Tennessee Valley Authority:</b>			
D-TVA-E05001-TN	Johnsonville steam plant, units 11-16; 6-unit gas turbine peaking plant addition, Humphreys County, Tenn.	EU-2	E
<b>Department of Transportation:</b>			
D-CGD-G32003-TX	Vessel traffic system for the Houston-Galveston area, Texas.	LO-1	G
D-FAA-E51001-KY	Princeton-Caldwell County Airport, Princeton, Ky.	LO-2	E
DS-FHW-A41280-FL	Palm Beach County, State Road 749, FL-749, Air quality analysis, Florida.	ER-2	E
DS-FHW-B40003-CT	I-201, supplement, Rocky Hill, Wethersfield, Newington, New Britain, Conn.	ER-2	B

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-E40005-TN.....	Hamilton County, State Route 58 from Broad and 20th Streets to Main and Grove Streets, FAP U-094-1(7), Chattanooga, Tenn.	LO-2	E
D-FHW-F40011-OH.....	I-275, Ohio River to Four Mile Road, Cincinnati, Hamilton County, Ohio.	LO-2	F
D-FHW-F40012-OH.....	Relocation of U.S. 30, Whipple Avenue, to East Canton, Stark County, Ohio.	LO-2	F
D-FHW-G40010-OK.....	North and west outer loops in Oklahoma City, Oklahoma County, Okla.	ER-2	G
D-FHW-G40013-TX.....	Loop 436, bypass from U.S. 59, north of Carthage, to U.S. 59, south of Carthage, Panola County, Tex.	LO-2	G
D-FHW-H40005-IA.....	Freeway 520, Grundy and Black Hawk Counties, Iowa.	3	H
D-FHW-H40006-IA.....	U.S. 63, Wapello County, Iowa.	ER-2	H
D-FHW-J40003-CO.....	Project I-70-1(19) and (36), Debuque-Grand Valley segment, Colorado.	ER-2	I
D-FHW-L40007-AK.....	Lake Otis Parkway, Tudor Road to Northern Lights Boulevard, Alaska.	LO-1	K

#### 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 Oct. 16, 1974, and Oct. 31, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-A61205-SC....	Keowee unit management plan, Sumter National Forest, Oconee County, S.C.	EPA generally had no objections to the proposed action. However, EPA recommended a revised summary sheet, section II and section IV, to disclose the impacts on air quality from clearing, logging, construction activity, visitors, vehicles, and roads, be prepared.	E
F-REA-A08012-ND..	Underwood Generating Station, units 1 and 2 and related transmission lines, North Dakota.	EPA believes that additional evaluation of alternative sites is necessary to determine whether a valuable marsh on the proposed existing site can be preserved. EPA recommended that a supplemental impact statement be prepared. Reclamation plans should provide for topsoil replacement and reseeding.	
F-REA-A08017-ND..	Yampa project, Colorado-Ute Electric Association and Tri-State Generation & Transmission Association, North Dakota.	EPA generally had no objections to the project as proposed. However, EPA recommended that REA reconsider the method of surface mining and the preparation of additional meteorological studies.	I

## NOTICES

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Identifying No.	Title	General nature of comments	Source for copies of comments
<b>Atomic Energy Commission:</b>			
F-AEC-A06121-NC...	Revised, Shearon Harris Nuclear Power Plant, units 1, 2, 3, and 4, Carolina Power & Light Co., docket Nos. 50-400, 401, 402, 403, North Carolina.	EPA expressed concern that the AEC failed to respond to EPA's radiological comments on the draft statement. EPA requested that the AEC respond to our comments before proceeding with the project.	A
<b>General Services Administration:</b>			
F-GSA-A80017-CA....	Proposed disposal of Travis Air Force Base Defense Area, Nike Battery 86, Solano County, Calif.	EPA had no objections to the project as proposed.	J
F-GSA-A81153-OH...	Federal office building and parking facility, Columbus, Ohio.	.....do.....	F
<b>Department of Interior:</b>			
F-DOI-A89078-TX....	Cibolo project, Texas.....	EPA expressed environmental reservations on the proposed project. EPA is concerned that the cumulative reduced flows into the San Antonio Estuary resulting from the implementation of this and similar proposed projects in the area could have significant effects on water quality. Cumulative flow reductions could result in decreased sedimentation and nutrient replacement and increased salinity levels in the estuary thereby possibly altering the make-up of the aquatic community.	G
F-IBR-A30081-WY....	Proposed sale of municipal and industrial water from Fontenelle Reservoir, Seedskeedee project, Wyoming.	Because of the potential severity of this action on Green River stream flows, potentially resulting in a violation of Wyoming water quality standards, and the lack of an irrigating plan to control salinity in the Colorado Basin, EPA has severe environmental reservations on this project. If the outstanding issues can not be resolved in an upcoming meeting, EPA will consider taking further action.	I
<b>Pennsylvania Avenue Development Corporation:</b>			
F-PAD-A89412-DC....	Pennsylvania Avenue Plan, 1974, Washington, D.C.	EPA had no objections to the project as proposed.	D
<b>U.S. Water Resources Council:</b>			
F-WRC-A34044-MS....	Comprehensive basin study of the Big Black River, Miss.	.....do.....	E
<b>Department of Transportation:</b>			
F-FHW-A41653-MA....	I-190, Worcester-Sterling, Worcester County, Mass.	EPA generally had no objections to the proposed project. However, EPA expressed concern that safeguards be implemented to prevent serious damage to the reservoir from a hazardous materials spill on the roadway. EPA also indicated the importance of assuring that the project be consistent with Massachusetts air implementation plans.	B
F-FHW-A41837-MO...	Route 61, Pike County, Mo..	EPA expressed no objections to this particular segment of Route 61. However, EPA expressed concern with the fragmented approach being used to prepare impact statements on segments of this highway system. EPA recommended that an additional impact statement on the remaining segments of Route 61 include the cumulative impacts of the total system.	H
F-FHW-A41989-CA...	Widening and Improvements, Doolittle Drive, Route 61, Alameda County, Oakland, Calif.	EPA had no objections to the project as proposed.	J
F-FHW-A42033-WI....	STH 35, WI-35, C.T.H. "K" Chaseburg Road, Vernon County, Wis.	.....do.....	F
F-FHW-A42034-WI....	Madison-Beaver Dam Road, U.S. 151, Dane, Columbia and Dodge Counties, Wis.	.....do.....	F
F-FHW-A42161-MI....	Gallagher-Hess 1-way street system, city of Saginaw, Saginaw County, Mich.	.....do.....	F

APPENDIX IV.—Regulations, legislation and other Federal agency actions for which comments were issued between Oct. 16, 1974, and Oct. 31, 1974.

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture: R-SCS-A86070-00.....	7 CFR parts 640, 641, 642, 643, resource conservation and development, program development, planning, and operations.	In EPA's view, the proposed regulations are generally adequate; however, modifications to several sections of the regulations were suggested in an effort to strengthen them from an environmental point of view.	A
Federal Power Commission: R-FPC-A86066-00.....	18 CFR part 32, interconnection of facilities, emergencies, transmission to foreign country.	EPA believes the proposed rulemaking should aim at strengthening, rather than weakening, the inducements to conserve electricity. EPA suggest several points to be considered by the FPC prior to final rulemaking on this matter.	A
Department of Housing and Urban Development: R-HUD-A86063-00.....	24 CFR part 2205, Federal Disaster Assistance Interim Regulations.	The EPA generally agrees with the proposed regulations. The Disaster Relief Act of 1974 and the implementing regulations contain significant changes in disaster relief operations; hence, a continuing effort to exchange information on program activities was suggested for the purpose of increasing staff coordination. Comments were offered on 5 specific items in the regulations.	A
Department of Labor: R-LAB-A86073-00.....	29 CFR part 1910, employment related housing, temporary labor camps, safety and health standards.	The EPA reviewed the proposed standards and generally agreed with the need for a single set of occupational safety and manpower administration standards applying to the same type of housing. However, EPA expressed concern that some of the proposed standards appear to relax existing requirements. Detailed comments were deferred to the Department of Health, Education, and Welfare. EPA asked the Department of Labor to consider utilization of section 102 (2)(c) of the NEPA as a means for predicting the impact on the quality of life of persons affected by the new standards.	A
Department of Transportation: R-FHW-A86074-00.....	23 CFR part 751, junkyard control and acquisition; areas adjacent to federally aided highway systems.	EPA believes the proposed regulations adequately achieve effective control of designated junkyards. Questions were raised, however, as to who would control those junkyards not considered as "designated junkyards" by the proposed regulations.	A
R-FHW-A86007-00.....	23 CFR part 772, noise standards and procedures; proposed amendments.	EPA had significant environmental reservations on the proposed regulations. In this respect, EPA furnished FHWA with very detailed recommended changes for the proposed regulations.	A

APPENDIX V—SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW., 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, Suite 300, 1421 Peachtree Street, NE., 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, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-27073 Filed 11-21-74;8:45 am]

[FRL 299-6; OPP-66010]

PESTICIDES

Intent To Cancel Certain Registrations

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified the following registrants of its intent to cancel the registrations of the pesticide products listed:

EPA Reg. No. 2749-130. Aceto Chemical Co., Inc., Flushing NY 11368. ALUMINUM PHOSPHIDE TABLETS. Reason: Registrant has not responded to requests to revise labeling. Labeling and directions not sufficiently clear to prevent misuse and therefore not in compliance with FIFRA.

EPA Reg. No. 377-1. Bohlender Plant Chemicals, Inc., Tripp City OH 45371. DOGZOFF

(LIQUID). Reasons: Lack of product efficacy data; failure to demonstrate product is not phytotoxic to plants.

EPA Reg. No. 22-1. Buckeye Chemical Specialty Co., New York NY 10010. BUCKEYE ANTUBE. Reasons: Registrant has failed to respond to requests to provide sample for evaluation of product's attractiveness to children; labeling and directions not in compliance with FIFRA.

EPA Reg. No. 505-1. S. L. Cowley & Sons Manufacturing Co., Hugo OK 74743. COWLEY'S ORIGINAL RAT AND MOUSE POISON. Reason: Failure to meet efficacy requirements.

EPA Reg. No. 16-56. Dragon Chemical Co., Roanoke VA 24019. DRAGON FRUIT TREE. Reason: Registrant has failed to respond to requests to provide labeling which adequately represents the product and its intended uses. Labeling and directions not in compliance with FIFRA.

EPA Reg. No. 1476-6. Gilbreath Chemical Co., San Francisco CA 94107. KENITE "9". Reason: Registrant has failed to respond to requests to add appropriate precautionary statements to labeling. Labeling and directions not in compliance with FIFRA.

EPA Reg. No. 2781-1. Happy Jack Inc., Snow Hill NC 28580. HAPPY JACK SARCOPTIC MANGE MEDICINE. Reasons: Lack of product efficacy data; failure to secure approval of Food and Drug Administration since product is also under the purview of the Federal Food, Drug, and Cosmetic Act.

EPA Reg. No. 8043-1. The Lowman Co., Waterloo IN 46793. ACORN RAT AND MOUSE KILLER. Reason: Failure to meet efficacy requirements.

EPA Reg. No. 140-40. PurePac Corp., Elizabeth NJ 07207. PUREPAC LARKSPUR LOTION. Reasons: Lack of product efficacy data; failure to secure approval of Food and Drug Administration since product is also under the purview of the Federal Food, Drug, and Cosmetic Act.

EPA Reg. No. 6830-16. Octagon Process, Inc., Edgewater NJ 07606. INSECTICIDE, DIAZINON, LIQUID RESIDUAL. Reason: Registrant has failed to respond to requests to provide labeling which adequately represents the product and add precautionary measures which should be taken during use. Labeling and directions not in compliance with FIFRA.

The registrants have not fulfilled the requirements for continued registration as specified and therefore have not fully complied with the provisions of the FIFRA.

Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant or publication of this notice in this FEDERAL REGISTER, whichever occurs later, unless the registrant makes the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA, and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the Administrator's intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection

Agency, Room 1019, East Tower, 401 M Street SW., Washington, D.C. 20460.

Dated: November 15, 1974.

JAMES L. AGEE,  
Assistant Administrator for  
Water and Hazardous Materials.

[FR Doc.74-27302 Filed 11-21-74;8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-71]

### MARINER JUPITER/SATURN 1977 PROGRAM

#### Public Availability of Final Environmental Impact Statement

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Mariner Jupiter/Saturn 1977 Program.

Comments on the draft Environmental Impact Statement were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of June 25, 1973.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, Environmental Protection Agency, Department of Defense, Department of State, Department of Commerce, and the Atomic Energy Commission.

Copies of the final statement may be obtained or examined at any of the following locations:

- (a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, D.C. 20546.
- (b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.
- (c) Flight Research Center, NASA (Building 4800, Room 1017), PO Box 273, Edwards, CA 93523.
- (d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.
- (e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.
- (f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.
- (g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.
- (h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Rd., Cleveland, OH 44135.
- (i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.
- (j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.
- (k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Dr., Pasadena, CA 91103.
- (l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, D.C. this 15th day of November 1974.

By direction of the Administrator.

WILLIS H. SHAPLEY,  
Associate Deputy Administrator,  
National Aeronautics and  
Space Administration.

[FR Doc.74-27319 Filed 11-21-74;8:45 am]

## NATIONAL SCIENCE FOUNDATION NATIONAL MAGNET LABORATORY VISITING COMMITTEE

### Notice of Meeting

Pursuant to Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the National Magnet Laboratory Visiting Committee to be held at 9:15 a.m. on December 9 and 10, 1974, at the Francis Bitter National Magnet Laboratory, 170 Albany Street, Cambridge, Massachusetts 02139. The purpose of the committee is to review, evaluate, and provide advice and recommendations concerning the research and management operations of the National Magnet Laboratory.

The agenda for this meeting will include:

#### DECEMBER 9 SESSION

1. Welcoming Remarks—Vice President for Research, Massachusetts Institute of Technology (MIT).

2. Introduction—Director, National Magnet Laboratory (NML).

3. Presentations of Scientific Research Program:

Magnet Development Program—NML Staff Member.

High Field Studies of Solids—Professor of Physics, University of Virginia.

Magnetostriction in Rare Earth Compounds—Professor of Physics, University of Pennsylvania.

Superconductivity and Quasistatic Magnetism—NML Staff Member.

Medical Applications—NML Staff Member.

4. General Tour of the Laboratory—(12:45-1:30 p.m.).

5. Far Infrared Studies—NML Staff Member.

6. Raman Scattering in Solids—Professor, Dept. of Electrical Engineering, MIT.

7. Superconductivity—Professor, Dept. of Metallurgy and Materials Science, MIT.

8. Magnetism—NML Staff Member.

9. Alcator—NML Staff Member.

10. Tour with Demonstration and Discussion at Scheduled Stops—NML Staff Members—(3:25-5:30 p.m.).

- a. Alcator.
- b. Quasistatic Magnet System.
- c. Mossbauer Studies.
- d. New Magnets.
- e. Laser-Plasma Studies.
- f. Far Infrared Laser—Graduate Student, MIT.
- g. Low Field Project—Graduate Student, MIT.

#### DECEMBER 10, SESSION

Evaluation of the Laboratory's Management and Programs (Closed)

The December 9 session will be open to the public. The December 10 session will not be open to the public because the committee will be reviewing, discussing, and evaluating the management operations, and scientific programs of the Laboratory. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this portion of the meeting is in accordance with the determination by the Director of the National Science

Foundation dated December 17, 1973, pursuant to section 10(d) of Pub. L. 92-463. Persons who desire to attend the open portion of the meeting should notify Dr. Howard W. Etzel, Deputy Division Director, Division of Materials Research, by telephone (202/632-7334), or by mail (Rm. 336, National Science Foundation, Washington, D.C. 20550), prior to the meeting.

For further information about this committee, contact Dr. Howard W. Etzel at the above address. Summary minutes of the open portion of this meeting may be obtained from the Management Analysis Office, Rm. K-720, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,  
Committee Management Officer.

NOVEMBER 18, 1974.

[FR Doc.74-27359 Filed 11-21-74;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-1244]

### ANNUAL PROGRAMMING REPORT

#### Composite Week Dates for 1975

NOVEMBER 14, 1974.

The following dates will constitute the composite week for use in the preparation of the Annual Programming Report (FCC Form 303-A) for all commercial television licensees and permittees who must file this report by February 1, 1975.

Sunday, May 5, 1974  
Monday, March 11, 1974  
Tuesday, February 19, 1974  
Wednesday, April 17, 1974  
Thursday, October 3, 1974  
Friday, September 20, 1974  
Saturday, June 1, 1974

#### COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS FOR COMMERCIAL TV LICENSEES AND CERTAIN OTHER APPLICANTS

Licensees of commercial television stations with license expiration dates of June 1, 1975, and thereafter, will also use the composite week dates set forth above in answering Questions 4, 10, and 11 of revised Section IV-B of FCC Form 303.

Additionally, the above dates will constitute the composite week for use in preparing assignment of license and transfer of control applications filed on or after January 1, 1975.

Action by the Commission November 13, 1974. Commissioners Wiley (Chairman), Hooks, Quello, Washburn and Robinson.

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

[FR Doc.74-27339 Filed 11-21-74;8:45 am]

[Canadian List 332]

**CANADIAN BROADCAST STATIONS  
Notification List**

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix below to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

NOVEMBER 5, 1974.

Call letters	Location	Power kW	Antenna	Schedule	Class	Ground system		Proposed date of commencement of operation
						Antenna height (feet)	Number of radials	
CBO (minor revision in night-time radiation pattern).	Ottawa, Ontario, N. 45°11'09", W. 75°44'53".	50	920 kHz DA-2	U	III			

[SEAL]

HAROLD L. KASSENS,  
*Acting Chief, Broadcast Bureau, Federal Communications Commission.*

[FR Doc. 74-27261 Filed 11-21-74; 8:45 am]

[Docket Nos. 20226-20229; FCC 74-1203]

**CONTEMPORARY MEDIA, INC., ET AL.****Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues**

In re Applications of Contemporary Media, Inc., St. Charles, Missouri, Requests: 97.1 MHz, #246; 100 kW (H & V); 1,504 feet, Docket No. 20226, St. Charles Broadcasting Co., Inc., St. Charles, Missouri, Requests: 97.1 MHz, #246; 100 kW (H & V); 806 feet, Docket No. 20227, Changing Waves, Inc., St. Charles, Missouri, Requests: 97.1 MHz, #246; 100 kW (H & V); 793.5 feet, Docket No. 20228, Florissant Broadcasting Co., Inc., Florissant, Missouri, Requests: 97.1 MHz, #246; 50 kW (H & V); 500 feet, Docket No. 20229, for construction permits.

1. The Commission has under consideration (a) the above mutually exclusive applications; (b) a "Request For Issues," filed by St. Charles Broadcasting Co., Inc. (SCB), against the application of Contemporary Media, Inc. (CMI); and (c) pleadings in opposition and reply.

2. In its "Request for Issues," SCB alleges that CMI, through its president and principal stockholder, Michael S. Rice, attempted to obstruct or impede an application (file No. BALH-1175) filed by Apollo Radio Corporation (Apollo) to assign the license of station KACO (FM), St. Louis, Missouri, to Entertainment Communications, Inc., concealed its true interest in the matter, and misrepresented its interest in the matter to the Commission. These allegations are based on an affidavit of Mr. Vincent E. Garufi, who was General Sales Manager of station KIRL, St. Charles, Missouri, in 1969, when he filed several pleadings against Apollo's assignment application. At that time, Mr. Michael S. Rice was President and General Manager of CMI, which was then, as it is now, the licensee of station KIRL, St. Charles, Missouri. On February 17, 1969, Mr. Garufi submitted a "Petition for Hearing, License Revocation and Opening of Record, or Hearing on Transfer" against Apollo's assignment application. Copies of this pleading were served by Michael S. Rice. In its opposition pleading, Apollo pointed out the

connections which Messrs. Rice and Garufi had with station KIRL. Mr. Garufi's "Reply, First Amended Petition for Hearing, License Revocation, and Acceptance of Applications for New License," filed on March 25, 1969, included affidavits from Messrs. Garufi and Rice. Mr. Garufi's affidavit stated that he was acting as an individual and not as a representative of any other individual or organization then in existence. Mr. Rice averred that Mr. Garufi was not acting as an agent of KIRL, CMI, or Mr. Rice in his petitions and statements addressed to the Commission. It is noted that Mr. Garufi's affidavit of March 21, 1969, was notarized by Mr. Rice. Mr. Garufi continued to represent that he was filing pleadings against Apollo's assignment application on an individual basis in his "Summary of Petitions for Hearing, License Revocation and Acceptance of Applications for New License," of May 15, 1969. In general, the pleadings signed by Mr. Garufi alleged that Apollo had made misrepresentations to the Commission in regard to, inter alia, the number of hours which Apollo intended to operate and the music format it proposed to broadcast. Mr. Garufi also attempted to show that Apollo was stalling the construction of its station so that it could sell its construction permit for a profit.

3. On November 19, 1969, the Commission sent Apollo a Notice of Apparent Liability for \$1,000 for failure to observe the requirements of § 1.65 of our rules in that Apollo had not informed the Commission that it had changed its program format, reduced its broadcast schedule from 126 to 36 hours, and was undergoing negotiations to sell the construction permit for KACO. Apollo paid the fine. Thus, it would appear that at least some of the allegations contained in Mr. Garufi's pleadings had some basis in fact. Nevertheless, in an affidavit of June 25, 1973, Mr. Garufi directly contradicts his averments of 1969 that he was not acting on the behalf of Mr. Michael Rice or CMI. In his 1973 affidavit, Mr. Garufi alleges that Mr. Michael Rice prepared the pleadings filed against Apollo's assignment application and convinced Mr.

Garufi to sign them and to represent that he was filing them as an individual. Mr. Garufi further claims that he was induced to sign the pleadings by an offer from Mr. Rice of an ownership interest in an FM station in St. Charles, Missouri, if such a station could be obtained by Mr. Rice in the future.

4. CMI's opposition pleading asserts that the pleadings filed by Mr. Garufi in 1969 were based on true facts and that there was no attempt to escape the consequences of an untrue or unwarranted complaint. CMI submits that the question as to whether Mr. Garufi was an agent of CMI or Mr. Michael Rice is a complex question which mere laymen are incapable of answering and which requires a conclusion of law. In this regard, CMI notes that neither Mr. Garufi nor Mr. Rice was represented by counsel at the time that the 1969 pleadings were filed. However, the important consideration in this case is the possible attempted concealment of CMI's interest as well as that of Mr. Michael Rice in the pleadings purportedly filed by Mr. Garufi as an individual. If Mr. Rice lied to the Commission, a question arises as to whether Mr. Rice, who is president and 60-percent owner of CMI, or CMI possesses the requisite character qualifications to be a Commission licensee. As the court stated in "FCC v. WOKO, Inc.," 329 U.S. 223, 227 (1946), the willingness to deceive the Commission is crucial in itself and can disqualify an applicant. In that case, the court recognized that the willingness to deceive a regulatory agency may be revealed by "immaterial and useless deceptions" as well as by material ones. "FCC v. WOKO, Inc., supra." In the case before us, where we are faced with conflicting affidavits concerning the character qualifications of the majority shareholder and president of CMI, it would appear that a complete evidentiary record is necessary to determine whether Mr. Michael Rice has attempted to deceive the Commission. See *Sumiton Broadcasting Company, Inc.*, 15 FCC 2d 400, 404, 14 RR 2d 1000, 1005 (Rev. Bd., 1968); *Christian Voice of Central Ohio*, 26 FCC 2d 76, 20 RR 2d 389 (Rev. Bd.,

1970); WIOO, Inc., 39 FCC 2d 351, 26 RR 2d 704 (Rev. Bd., 1973). Accordingly, appropriate issues will be specified.

5. Mr. John R. Killgore owns 15 percent of Changing Waves, Inc. Changing Waves' application explains that Mr. Killgore entered into a consent order with the Securities and Exchange Commission in 1972. Changing Waves filed a copy of that order in Administrative Proceeding, file No. 3-3465, with the Commission, along with the SEC's initial order for public proceedings and the offer of settlement executed by Mr. Killgore. The SEC proceeding was directed at Killgore Management, Inc., and Mr. Killgore, its president and majority shareholder, and concerned the allegedly willful violations by the respondents of sections 206(1), 206(2), and 206(4) of the Investment Advisers Act of 1940, and rule 206(4)-1 thereunder in the publication and circulation of advertisements for the respondents' investment advisory service during the period from about November 1, 1970, to about October 4, 1971. The advertisements in question were found, on the basis of the order for proceedings and respondents' consent, to have omitted certain information and to have been misleading to potential investors.

6. The Commission is aware that Mr. Killgore consented to the entry of findings of willful violations of the Investment Advisers Act and to an order imposing sanctions specified in his offer of settlement solely for the purpose of SEC proceedings, without admitting or denying the allegations in the order. We also note that the sanctions imposed were that Killgore Management, Inc., had its SEC registration revoked and that Mr. Killgore was barred from being associated with any broker, dealer or investment adviser, provided that after one year he could apply to the SEC for permission to be associated with a broker, dealer or investment adviser in a non-supervisory capacity if he could demonstrate that he would be adequately supervised. Mr. Killgore has, in fact, been allowed to accept employment with Donegan, Phelps & Company, Inc., in a non-supervisory capacity since that company has provided the SEC with adequate assurances that Mr. Killgore will be closely supervised, especially in any contacts with the public. Although this Commission is not charged with the enforcement of securities laws, if an applicant or a principal thereof has been involved in unlawful practices, an analysis of the substance of these practices must be made in order to determine the ability of the applicant to use the proposed facilities in the public interest. Uniform Policy as to Violation by Applicants of Laws of the United States, 1 RR 91:495 (1951); The Western Connecticut Broadcasting Company (WSTC), 44 FCC 2d 673 (1973). Thus, a basic qualifications issue will be specified as to Changing Waves, Inc.

7. St. Charles Broadcasting Co., Inc. (SCB), indicates that it will require \$157,034 to construct and operate its pro-

posed station for one year.<sup>1</sup> To meet this requirement, SCB has demonstrated the availability of \$42,400 in cash, \$4,271 in accrued interest on that cash and \$50,600 in stock subscriptions, for a total of \$97,271. Although SCB also relies on a \$130,000 loan from Continental Bank & Trust Company, St. Louis, Missouri, it would appear that SCB is unable to meet the bank's collateral requirements. In a letter dated September 6, 1974, expressing its willingness to lend \$130,000 to SCB, Continental Bank & Trust Company stated that its commitment was contingent on receiving a first lien on the equipment of the station. Most of the equipment for SCB's proposed station will be provided by Harris-Intertype Corporation. Since Harris-Intertype Corporation has indicated that it plans to maintain title to the equipment which it has agreed to sell to SCB until SCB has completely paid for the equipment, it would appear that Continental Bank & Trust Company is precluded from obtaining a first lien on that equipment. Thus, it is unclear whether SCB will be able to obtain a loan from Continental Bank & Trust Company to meet the \$59,763 in first-year expenses which are not covered by SCB's cash assets and stock subscriptions. Accordingly, appropriate financial issues will be specified.

8. Although three of the applicants propose to serve primarily St. Charles, Missouri, while Florissant Broadcasting Co., Inc., proposes to serve primarily Florissant, Missouri, the respective applicants would serve substantial areas in common. Thus, a contingent comparative issue has been specified. In the event it is determined pursuant to section 307(b) of the Communications Act of 1934, as amended, that one of the proposals for St. Charles is to be preferred, it will be necessary to conduct a full comparison between the three applicants for that community to determine which is the best qualified. If the proposal for Florissant is found preferable from a section 307(b) standpoint, it will be granted. If, however, a choice between the Florissant and St. Charles proposals cannot be made under 307(b) criteria, it will be necessary to determine, on a comparative basis, which of the four applicants is best qualified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the

<sup>1</sup> SCB's first-year costs consist of the following: down payment on equipment, \$18,763; twelve months' payments on equipment, including interest, \$30,021; cost of leasing building, \$3,600; miscellaneous expenses, including estimated legal expenses, \$24,500; interest on bank loan, \$20,150; and first-year operating expenses, \$60,000.

applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive FM service of 1 mV/m or greater intensity from the respective proposals together with the availability of other primary aural (1 mV/m or greater in the case of FM) service to such areas and populations.

2. To determine the facts and circumstances surrounding the preparation of the pleadings filed by Mr. Vincent E. Garuffi in 1969 against the application of Apollo Radio Corporation (file No. BALH-1175) to assign the license of station KACO, St. Louis, Missouri, to Entertainment Communications, Inc., and also the affidavits of March 21, 1969, signed by Mr. Michael S. Rice and Mr. Garuffi and attached to the March 25, 1969, pleading entitled "Reply, First Amended Petition for Hearing, License Revocation, and Acceptance of Applications for New Licensee," and whether these facts and circumstances show that Contemporary Media, Inc., and/or Mr. Michael S. Rice attempted to deceive the Commission.

3. To determine the effect of the facts adduced pursuant to issue 2, above, upon the basic and/or comparative qualifications of Contemporary Media, Inc., to be a licensee of the Commission.

4. To determine the facts and circumstances relating to the business practices engaged in by Mr. John R. Killgore which resulted in the issuance by the Securities and Exchange Commission of a consent order in Administrative Proceeding, file No. 3-3465, on August 25, 1972, and whether such practices reflect upon the basic and/or comparative qualifications of Changing Waves, Inc., to be a licensee of the Commission.

5. To determine, with respect to the application of St. Charles Broadcasting Co., Inc.:

(a) Whether the applicant can meet the collateral requirements for a loan of at least \$59,763 from Continental Bank & Trust Company, St. Louis, Missouri; and

(b) In light of the evidence adduced pursuant to issue (a), above, whether the applicant is financially qualified.

6. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event that it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

11. It is further ordered, That the burden of proceeding with the introduction of evidence under issues 2 and 3 shall be on St. Charles Broadcasting Co.,

Inc., and that the burden of proof thereunder shall be on Contemporary Media, Inc.

12. *It is further ordered.* That the burden of proceeding with the introduction of evidence and the burden of proof under issue 4 shall be on Changing Waves, Inc.

13. *It is further ordered.* That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

14. *It is further ordered.* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

15. *It is further ordered.* That the "Request for Issues," filed by St. Charles Broadcasting Co., Inc., is granted to the extent indicated above, and is denied in all other respects.

Adopted: November 6, 1974.

Released: November 15, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-27337 Filed 11-21-74; 8:45 am]

## FEDERAL ENERGY ADMINISTRATION ALLOCATION OF FEEDSTOCKS TO SYN- THETIC NATURAL GAS FACILITIES

### Notice of Public Hearing

The Federal Energy Administration (FEA) hereby gives notice that public hearings will be held on the petitions of two Synthetic Natural Gas (SNG) manufacturers for assignment or adjustment of base period volumes under 10 CFR 211.29. Specific information on each petition is set forth in the Appendix to this notice.

Notice of these petitions was originally issued on October 25, 1974 and written comments regarding the petitions were solicited at that time. Fourteen comments from interested persons have been received and several of the comments contain requests that the FEA hold public hearings on individual petitions under § 211.29 of the FEA regulations prior to official action on such petitions. In view of these requests and because the FEA believes that factual disputes between interested parties respecting these petitions are likely, the FEA has determined that public hearings on such petitions will materially advance consideration of the issues involved.

Therefore, a public hearing on the petitions set forth in the Appendix to this notice will be held beginning at 9:30 a.m. on December 4, 1974 in the Auditorium, Room 2105, at 2000 M Street NW., Washington, D.C. 20036, in order to receive further comments from interested persons.

<sup>2</sup> Commissioner Reid absent.

Any person who has an interest in the petitions set forth in the Appendix to this notice or who is a representative of a group or class of persons which has an interest in the petitions, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Box BN, Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.d.t., November 23, 1974. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and give a concise summary of the proposed oral presentation and a phone number where he may be contacted through December 2, 1974. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., December 2, 1974 and must submit 100 copies of his statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on December 3, 1974.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings and there will be

no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., December 3, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

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

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, The Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., November 20, 1974.

ROBERT E. MONTGOMERY, Jr.,  
General Counsel,  
Federal Energy Administration.

### APPENDIX

Petitioner	Feedstock (Specific chemical content)	Annual capacity (millions of cubic feet/day)	Assignment or adjustment of base period volumes requested	Supplier	Status
Algonquin SNG, Inc.	Naphtha	120	2,475,200 bbl for each base period.	Exxon	Complete
Consumers Power	Liquid petroleum gas, natural gas liquids.	200	4,595,500 bbl for each base period.	Dome Amoco Michigan Consolidated.	Complete

[FR Doc.74-27547 Filed 11-21-74; 9:20 am]

## FEDERAL MARITIME COMMISSION CALIFORNIA ASSOCIATION OF PORT AUTHORITIES Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the

Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 12, 1974. Any person desiring a hearing on the proposed agreements shall provide a

clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

C. R. Nickerson  
Executive Secretary  
California Association of Port Authorities  
Nine First Street  
San Francisco, California 94105

Agreements Nos. 7345-17 and 7345-18, between the members of the California Association of Port Authorities (CAPA), modify the members' basic agreement providing for the establishment and maintenance of just and reasonable terminal rates, rules, and regulations at members' terminals at ports in the State of California. The purpose of the modification provided for by Agreement No. 7345-17 is to allow for the creation of a Committee on Terminal Agreements, which would investigate, study, exchange information and discuss leases, agreements, licenses, assignments and other contracts relating to the use of terminal facilities of CAPA members. The reports and recommendations of this Committee will not, however, be binding on any CAPA member. The purpose of the modification provided for by Agreement No. 7345-18 is to authorize the membership to engage in planning and presenting CAPA's point of view in state, regional and local planning that affects marine transportation and the quality of the environment in port areas.

Dated: November 19, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 74-27390 Filed 11-21-74; 8:45 am]

ZIM ISRAEL NAVIGATION CO., LTD. AND  
INTERNATIONAL TRANSPORTATION  
SERVICE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San

Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 14, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. David C. Nolan  
Graham & James  
One Maritime Plaza  
San Francisco, California, 94111

Agreement No. T-3018, between Zim Israel Navigation Co., Ltd. (Zim) and International Transportation Service, Inc. (ITS), is a Container Stevedoring and Terminal Freight Station Service Agreement whereby ITS will perform stevedoring and terminal services for Zim in accordance with rates which are agreed to by the parties and filed with the Federal Maritime Commission. The services to be performed by ITS are set forth in the agreement.

Dated: November 19, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 74-27391 Filed 11-21-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP 73-112]

ALGONQUIN GAS TRANSMISSION CO.

Postponement of Hearing Date

NOVEMBER 14, 1974.

Take notice that due to a schedule conflict of the Presiding Administrative Law Judge the hearing in the above-designated matter, presently scheduled for November 20, 1974, is postponed until December 5, 1974, at 10 a.m. e.s.t.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-27381 Filed 11-21-74; 8:45 am]

[Docket No. E-9101]

APPALACHIAN POWER CO.

Tariff Change

NOVEMBER 15, 1974.

Take notice that Appalachian Power Company (APCO) on November 8, 1974

tendered for filing an unsigned service agreement between APCO and Virginia Polytechnic Institute and State University (VPI) which is intended to supersede and cancel APCO's FPC Rate Schedule No. 48. APCO states that pursuant to the terms of the Company's said Rate Schedule, and pursuant to notice served upon VPI, the said rate supplement expired by its terms and has been terminated effective October 28, 1974. APCO states that the tendered rate supplement is designed to provide a basis upon which service may continue to be rendered by the Company to VPI on a day-to-day basis until the completion of negotiation and execution of a new service agreement between the Company and VPI.

The proposed Rate Schedule which is the same rate as that filed in Docket No. E-7775, would increase revenues from jurisdictional sales and service to VPI by approximately \$300,000 for the 12 months ending December 31, 1971; by approximately \$350,000 for the 12-month period ending October 31, 1972 and by approximately \$390,000 for the 12-month period ending October 31, 1973, and by approximately \$710,000 for the 12 months ended September 30, 1974, had the rate supplement herewith tendered for filing been in effect during any of those periods.

APCO requests the Commission to waive the 30-day notice requirement and permit the proposed rates to go into effect as of October 29, 1974. APCO further requests the Commission to waive § 35.13 of its regulations insofar as it requires the filing of cost-of-service data on the ground that the tendered service agreement is supported by cost-of-service data submitted by APCO in Docket No. E-9101.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-27368 Filed 11-21-74; 8:45 am]

[Docket No. E-9068]

CITY OF CUYAHOGA FALLS, OHIO  
VS OHIO EDISON CO.

Filing of Complaint

NOVEMBER 19, 1974.

Pursuant to the authority of the Federal Power Act particularly section 306 thereof, and section 2.1(a)(I) of the

Commission's General Policy and Interpretations, notice is hereby given that on October 15, 1974, approximately 3500 signatory petitioners, who are residents of Cuyahoga Falls, Ohio, filed in the above-captioned docket a complaint against Ohio Edison Company, requesting this Commission to initiate an investigation of Ohio Edison's wholesale electric rate to the City of Cuyahoga Falls pursuant to Section 206 of the Federal Power Act.

Any person wishing to do so may submit written comments concerning the above-referenced complaint on or before December 9, 1974, to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments submitted will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27423 Filed 11-21-74; 8:45 am]

[Project No. 2237]

#### GEORGIA POWER CO.

##### Application for Change in Land Rights

NOVEMBER 15, 1974.

Public notice is hereby given that application for change in land rights was filed on February 15, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by Georgia Power Company (Correspondence to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302) for its Morgan Falls Project No. 2237, located on the Chattahoochee River in Fulton County, Georgia.

Georgia Power Company requests Commission approval of the installation by Fulton County, Georgia, of a 48 inch diameter, 107 foot long outfall line and diffuser into the Morgan Falls reservoir within the project boundary of Project No. 2237. The installation of these facilities would be in connection with a sewage disposal system being constructed outside the project area by Fulton County to serve the northwest section of that county.

Under the proposed sewer development system, the existing Big Creek Treatment Plant, located off project land, would be replaced by a new and larger treatment plant. The new treatment plant would utilize the activated sludge process and would have a capacity of releasing 6 million gallons daily (mgd) of treated waste into the Chattahoochee River via the outfall line and the diffuser, part of which would be located on project land and waters. The treatment plant would also utilize dual chlorination facilities including two chlorinators and parallel chlorine tanks. The new Big Creek Treatment Plant disposal also includes plans for a second and third increase in capacity of 6 mgd each.

The outfall and diffuser lines would be located within that portion of the project reservoir conveyed to Fulton County for park and recreational pur-

poses on December 6, 1973, and authorized by Commission Order issued August 15, 1972. Licensee retained the right to use the lands for project purposes.

Any person desiring to be heard or to make protest with reference to said application should on or before December 23, 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 taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27380 Filed 11-21-74; 8:45 am]

[Docket Nos. G-2730, etc.]

#### HILDA B. WEINERT AND JANE W. BLUMBERG, ET AL.

##### Proposed Revised Stipulation and Agreement

NOVEMBER 15, 1974.

Take notice that Natural Gas Pipeline Company of America (Natural) and Transcontinental Gas Pipe Line Corporation (Transco), filed a proposed revised stipulation and agreement in the above-mentioned dockets with the Administrative Law Judge on November 8, 1974. This stipulation and agreement was certified to the Commission on November 11, 1974. The proceeding involves the application of certain independent producers of natural gas from the La Gloria Field, Jim Wells and Brooks Counties, Texas, for authority to abandon the sale of approximately 81,000 Mcf per day of natural gas to Transco and authority to sell the same volumes to Natural.

The proposed stipulation and agreement consists of the following proposals:

(1) Transco shall receive sixty percent (60%) and Natural shall receive forty percent (40%) of the natural gas produced from September 1, 1974 until the depletion of the La Gloria Field as follows:

(a) From September 1, 1974 through October 31, 1974 and from April 1, 1975 through October 31, 1975, Transco will receive 40 percent and Natural will receive 60 percent of the natural gas produced.

(b) From November 1, 1974 through March 31, 1975 and from November 1, 1975 through March 31, 1976, Transco will receive 100 percent of the natural gas produced.

(c) From April 1, 1976 and continuing until depletion of the Field, Transco will daily receive 60 percent and Natural will daily receive 40 percent of the natural gas produced.

(2) Natural has entered into amendments of the Gas Sales Contracts between Natural and the La Gloria Producers, dated January 25, 1950, as amended, to effectuate the stipulation and agreement.

(3) Transco has entered into new Gas Purchase Contracts to effectuate the stipulation and agreement and terminated the interim agreement between Transco and the La Gloria Producers dated November 13, 1973.

(4) Natural will dismiss its action pending in the United States Court of Appeals for the District of Columbia Circuit styled, "Natural Gas Pipeline Company of America v. Federal Power Commission," Case No. 74-1462.

New contracts between the pipelines and Mobil Oil Corporation have been submitted as Exhibits 143 and 144 in this proceeding and are available for inspection at the offices of the Commission.

Objections or protests to the proposed revised stipulation and agreement may be filed with the Commission within seven days of the date of issuance of this notice.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27345 Filed 11-21-74; 8:45 am]

[Docket No. RI75-55]

#### HURLEY PETROLEUM CORP.

##### Petition for Special Relief

NOVEMBER 15, 1974.

Take notice that on November 6, 1974, Hurley Petroleum Corporation, (Petitioner), 400 Petroleum Building, Shreveport, Louisiana 71101, filed a petition for special relief in Docket No. RI75-55, pursuant to § 2.76 of the Commission's general policy and interpretations. Petitioner requests permission to file a rate increase to 67.41 cents per Mcf, for sales of natural gas to Tennessee Gas Pipeline Company from the Bethany Field, Panola and Harrison Counties, Texas. In consideration for the rate increase, petitioner proposes to install two single stage compressors to reduce the line pressure in order to continue to produce gas in commercial quantities. Petitioner estimates that an additional five hundred million cubic feet of gas can be recovered if the special relief is granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 6, 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.74-27373 Filed 11-21-74;8:45 am]

[Docket Nos. CI75-278, CI75-279]

**KERR-McGEE CORP.**

**Applications**

NOVEMBER 15, 1974.

Take notice that on October 30, 1974, Kerr-McGee Corporation (Applicant), P.O. Box 25861, Oklahoma City, Oklahoma 73125, filed in Docket Nos. CI75-278 and CI75-279 applications pursuant to section 7(b) and (c) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to the Jupiter Corporation (Jupiter) from the Rollover Field, Vermilion Area, offshore Louisiana, and for authorization to sell and deliver the gas from said field to Tennessee Gas Pipeline Company, a Division of Tennessee, Inc. (Tennessee), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that, as non-operator and as sole signatory seller party to an agreement dated October 22, 1974, it proposes to sell and deliver commencing November 1, 1974, to Tennessee at the onshore juncture of the facilities of Tennessee with those of Jupiter certain natural gas produced to the interest of Applicant from its leasehold in the Rollover Field. Applicant states that such gas will be transported by Jupiter's facilities for and at the expense of Applicant from its production platform in the Rollover Field to an onshore delivery point of Tennessee. Applicant proposes to sell and deliver up to 910,500 Mcf of gas per month to Tennessee at an initial price of 46.372 cents per Mcf at 15.025 psia subject to upward and downward but adjustment and subject to an escalation of 1 cent per MMBtu per year or higher national rate. Applicant indicates that such initial rate includes an upward Btu adjustment of 1.491 cents per Mcf and an upward adjustment for onshore delivery of 1.020 cents per Mcf.

Applicant states that there is currently on file with the Commission as Applicant's FPC Gas Rate Schedule No. 56 an agreement, dated February 6, 1953, between Applicant and the Marine Gathering Company (predecessor in interest to Jupiter) which provides for the sale and delivery of gas from the aforesaid lease at Applicant's Rollover Field platform to Jupiter. Applicant points out that said agreement will expire on November 1, 1974, by its terms.

Applicant further states that by order issued December 13, 1968 (40 FPC 1455), the Commission directed Tennessee to pay Jupiter a transportation charge for the volumes of gas received by Jupiter under the aforementioned February 6,

1953, agreement and to pay Applicant directly for the balance of the purchase price which Tennessee would have paid under its contract with Jupiter. Applicant concludes, that it has, in fact, been making a sale to Tennessee with Jupiter performing transportation services and receiving a fee therefor.

In order to conform to the Commission's December 13, 1968, order, Applicant states that it has restructured its contractual relationships with Tennessee and Jupiter such that beginning November 1, 1974, Applicant will sell gas to Tennessee pursuant to their aforementioned October 22, 1974, agreement and Jupiter will transport the gas in behalf of Applicant to the onshore point of delivery to Tennessee. In the event permission and authority for the proposed abandonment of sale to Jupiter and the commencement of sale to Tennessee is not granted by November 1, 1974, Applicant has contracted to continue the present arrangement for 5 years unless the grant of said abandonment and certificate sooner occurs.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.74-27374 Filed 11-21-74;8:45 am]

[Project No. 2321]

**NEVADA POWER CO.**

**Application for Surrender of License (Minor)**

NOVEMBER 15, 1974.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Nevada Power Company (Correspondence to: Mr. John C. McCarthy, Division Manager, Nevada Power Company, Elko Division, 542 Commercial Street, Elko, Nevada 89801) for surrender of license (minor) for Project No. 2321, known as the Lamoille Canyon Project, located on Lamoille Creek near the Town of Lamoille, Elko County, Nevada, affecting lands of the United States within the Humboldt National Forest and other lands of the United States.

The Lamoille Canyon Project consists of (1) a rockfill diversion dam approximately 5 feet high and 14 feet long on Lamoille Creek about 6 miles upstream from the community of Lamoille; (2) approximately 4.22 miles of 16 inch diameter steel pipe; (3) a forebay reservoir formed by a hydraulic fill earth dam; (4) a 16 inch diameter steel penstock; (5) the Lamoille Canyon powerhouse containing a 200 kW hydroelectric unit and auxiliary equipment; and (6) approximately 22.1 miles of transmission line extending from the powerhouse to Elko substation in the City of Elko.

The Federal Power Commission authorized Nevada Power Company to operate and maintain the above described project works on lands of the United States by license issued for Project No. 2321 on February 19, 1964.

The Applicant requests Commission approval to surrender its license for the Lamoille Canyon Project No. 2321 due to the total destruction of the hydroelectric plant and generating equipment by fire on November 19, 1971. The Applicant states that for economic reasons it does not plan to rebuild the plant and there is not sufficient water to warrant the installation of a larger unit.

The recreational facilities associated with this project will not be changed and will remain under the control of the U.S. Forest Service.

Any person desiring to be heard or to make protest with reference to said application should on or before December 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance

with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27379 Filed 11-21-74;8:45 am]

[Docket Nos. E-8641, E-8251, E-8169, E-8476]

#### NEW ENGLAND POWER CO.

##### Further Extension of Procedural Dates

NOVEMBER 14, 1974.

On November 8, 1974, New England Power Company filed a motion to extend the procedural dates fixed by order issued March 29, 1974, as most recently modified by notice issued October 8, 1974, in the above-designated proceedings. The motion states that Staff Counsel, the Rhode Island Consumers Council and the Massachusetts Municipal Inter-venors have no objections to the extension.

Upon consideration, notice is hereby given that the date for Service of the Company's rebuttal is extended to December 5, 1974, and the hearing date is extended to January 7, 1974 at 10 a.m. (e.s.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27382 Filed 11-21-74;8:45 am]

[Docket Nos. RP72-154, RP74-72]

#### NORTHWEST PIPELINE CORP.

##### Motion for Clarification or for Rehearing or Reconsideration

NOVEMBER 15, 1974.

On October 17, 1974, Northwest Pipeline Corporation (Northwest) filed a motion for clarification, or, in the alternative, for rehearing or reconsideration of our letter order issued September 25, 1974 in the above captioned docket. In that letter order we accepted for filing, effective October 1, 1974, a revised tariff sheet to Northwest's FPC Gas Tariff, Original Volume No. 1.<sup>1</sup> This tariff sheet represents an adjustment in Northwest's cost of purchased gas and a recovery of certain demand charge credits. In our letter order of September 25, we stated that the rates contained therein are subject to refund and to all orders issued in Docket Nos. RP72-154 and RP74-73.

Northwest disagrees with the stated refund obligation and seeks clarification or rehearing of our order to indicate that these new rates are not subject to refund. Northwest states:

As Northwest understands the Commission's order, the potential refund obligation (resulting from our order of March 28, 1974 in Docket Nos. RP72-154 and RP74-43) relates only to that portion of the January 31, 1974 PGAC filing attributable to the increased purchased gas costs incurred by El Paso from November through December 31, 1973, on account of these increased rates

<sup>1</sup> Substitute Second Revised Sheet No. 10.

charged by Westcoast, inasmuch as only these increases were previously suspended.<sup>2</sup>

This understanding is incorrect. Ordering Paragraph (B) of our March 28 order states:

(B) El Paso's January 31, 1974 filing as it relates to increases associated with purchases from Westcoast is accepted for filing, suspended for one day, and set for hearing under Section 4 of the Natural Gas Act.<sup>3</sup>

Thus, by the terms of that order, any potential refund obligation is not limited to the increased purchased gas costs incurred by El Paso from November 14 through December 31, 1973. Such an obligation relates to the entire increase in costs associated with purchases from Westcoast contained in the January 31, 1974 filing. This increase included the surcharge to recover amounts in El Paso's unrecovered purchased gas costs for the period from July 1, 1973 through December 31, 1973 and annualized increases in the cost of purchased gas of approximately \$1.5 million. To the extent of this \$1.5 million, the rates being collected October 1, 1974, after the expiration of the surcharge, are subject to the Section 4 proceeding and potential refund obligation, pending final disposition of the rate increase in Docket Nos. RP72-154 and RP74-43.

We also note that the underlying base rates in that case were established in Docket No. RP73-109. The determination of the justness and reasonableness of these rates is still pending, so naturally the rates reflected in the revised tariff sheet herein are subject to refund pending determination of the lawfulness of those rates. Therefore, we shall deny Northwest's Motion for Rehearing or Reconsideration.

The Commission finds Northwest's motion for rehearing or reconsideration raises no new issues of law or fact to justify granting rehearing.

The Commission orders. (A) Northwest's Motion for rehearing or reconsideration is hereby denied.

(B) The Secretary shall cause prompt publication of these orders in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,  
Acting Secretary.

[FR Doc.74-27376 Filed 11-21-74;8:45 am]

[Docket No. CP73-332]

#### NORTHWEST PIPELINE CORP.

##### Hearing Procedures and Interventions

NOVEMBER 15, 1974.

On August 13, 1974, Northwest Pipeline Corporation (Northwest) filed in Docket No. CP73-332, a petition to

<sup>2</sup> Motion of Northwest Pipeline Corporation for clarification of letter-order, or, in the alternative, for rehearing or reconsideration, at 2.

<sup>3</sup> El Paso Natural Gas Company, Docket Nos. RP72-154 and RP74-43, mimeo at 3.

amend further the order issued September 21, 1973 (50 FPC 825), as amended December 28, 1973 (50 FPC —), pursuant to section 3 of the Natural Gas Act, so as to permit continued importation of additional volumes of natural gas through October 31, 1975, at its Kingsgate, British Columbia, import point. On September 3, 1974, Northwest filed in Docket No. CP73-332 a petition to amend further the order issued September 21, 1973 (50 FPC 825), as amended December 28, 1973 (50 FPC —), and on January 22, 1974 (51 FPC —), pursuant to section 3 of the Natural Gas Act authorizing the continued importation of natural gas from Canada by authorizing the importation of short-term emergency volumes of natural gas at the Sumas, Washington, import point.

On October 4, 1974, Northwest filed concurrently in the above-referenced docket applications requesting that any Commission order or opinion authorizing continued importation of volumes of natural gas from the Dominion of Canada permit such importation at such a price as the National Energy Board (NEB) of the Dominion of Canada established.<sup>1</sup> By order of October 30, 1974, the Commission approved amendment of Northwest's import authorization at Sumas and Kingsgate to permit Northwest to continue natural gas importation at \$1 per Mcf.

On October 31, 1974, the Commission issued an order further amending the order issued in Docket No. CP73-332 by authorizing the importation of additional volumes of natural gas by Northwest from Westcoast Transmission Company (Westcoast) at Kingsgate through October 31, 1975. This order also further amended certificates of public convenience and necessity issued in Docket Nos. G-17350, G-17351, CP69-346 and CP69-347, by authorizing the transportation of the gas imported by Northwest at Kingsgate through the system of Pacific Gas Transmission Company (PGT) through October 31, 1975. This order stated that the price of the gas would be an estimated 81¢ per Mcf. It, therefore, did not discuss the NEB decision of September 20, 1974, or the application filed by Northwest on October 4, 1974.

The application filed by Northwest on September 3, 1974, in Docket No. CP73-332 requesting authorization for the continued importation of short-term emergency volumes of natural gas at the

<sup>1</sup> On September 20, 1974, the Honorable Donald S. MacDonald, Minister of Energy, Mines and Resources for the Dominion of Canada stated that: "the Government has instructed the National Energy Board to amend existing export licenses to establish a border export price not less than nor greater \$1.00 per Mcf (thousand cubic feet). This price is to become effective in all export contracts on January 1, 1975 except for contracts GL-4 and GL-41 out of British Columbia where it is to be effective November 1, 1974." Contracts GL-4 and GL-41 authorize Westcoast Transmission Company (Westcoast) to export gas to Northwest at Kingsgate and Sumas, respectively.

Sumas, Washington, import point, requests authority to import up to 55,000 Mcf per day at 14.73 psia of natural gas. The proposed emergency gas purchase would commence on or about January 1, 1975, and continue through April 30, 1977. The average cost of the gas to Northwest is estimated to be in the range of \$1.26 to \$1.78 per Mcf. Northwest proposed a new Rate Schedule TS-1 which provides for the sale of the gas at full cost, plus a one cent per Mcf incremental transportation charge. Service under Rate Schedule TS-1 would be available to those customers who wish to contract for such service and deliveries thereunder would be exempt from curtailment.

The application to continue imports at Sumas was noticed by the Commission on September 11, 1974. Petitions to intervene have been filed by the following applicants:

Washington Natural Gas Company  
Cascade Natural Gas Corporation  
Southwest Gas Corporation  
Southern Natural Gas Company<sup>2</sup>  
Mountain Fuel Supply Company

In addition, the Washington Utilities and Transportation Commission filed notice of intervention.<sup>2</sup>

None of the petitions to intervene requested a formal hearing. The petition filed by Southwest Gas fully supports the application and the petitions filed by Washington Natural Gas and Cascade Natural Gas state no opposition to the application.

We believe that a hearing should be held to determine, among other things, if Northwest has a market for the gas which Northwest requests authorization to import at Sumas Point. Such hearing should consider the end-use of the gas at such market as well as the reasonableness of the price paid Westcoast.

*The Commission finds.* (1) It is necessary and appropriate that the proceeding in Docket No. CP73-332 be set for formal public hearing.

(2) Participation by the above-mentioned interveners may be in the public interest.

*The Commission orders.* (A) A formal hearing shall be convened in the proceeding in Docket No. CP73-332 in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on December 10, 1974, at 10:00 a.m. (EST). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see delegation of authority 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(B) The direct case of Northwest Pipeline Corporation and the supporting testimony of all interveners as to all issues raised by the September 3, 1974, filing by Northwest in Docket No. CP73-332 as well as all issues referred to in the order shall be filed on all parties of

<sup>2</sup> This petition was filed out of time.

record including the Commission staff on or before December 3, 1974.

(C) The above-mentioned interveners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,  
*Acting Secretary.*  
[FR Doc.74-27375 Filed 11-21-74;8:45 am]

[Docket No. RP75-31-1]

#### NORTHWEST PIPELINE CORP. ET AL.

##### Petition for Extraordinary Relief

NOVEMBER 15, 1974.

Public notice is hereby given that on November 4, 1974, the Oregon Public Utility Commissioner (Oregon), on behalf of Reichhold Chemicals, Inc. (Reichhold), filed a petition for extraordinary relief pursuant to § 1.7(a) of the Commission's rules of practice and procedure. Oregon requests interim and permanent extraordinary relief from the curtailment plan of Northwest Pipeline Corporation (Northwest) in order to provide for delivery of an additional 35,000 therms of natural gas per day during the 1974-75 winter season to Northwest Natural Gas Company (NNG) for resale to Reichhold for use as a feedstock and process gas in the production of agricultural products. On November 6, 1974, Reichhold filed its own petition for interim and permanent extraordinary relief from Northwest's curtailment plan.

In support of its petition, Oregon states that Reichhold is engaged in the manufacture of nitrogen products, including ammonia, urea and ammonium nitrate for agricultural fertilizer use. Oregon further states that there is presently a severe shortage of agricultural fertilizer and feed products in the Pacific Northwest.

Oregon states that Reichhold purchases its entire supply of natural gas from NNG, which in turn purchases its gas from Northwest. Reichhold has a firm contract with NNG for a maximum daily delivery of 50,000 therms and an interruptible contract for gas service up to 50,000 therms. Oregon states that based upon curtailment forecasts for the 1974-75 winter season made by Northwest and NNG, no interruptible gas will be available for delivery to Reichhold and firm gas deliveries are expected to be curtailed totally for approximately 15-20 days during the winter season.

Oregon states that NNG does not have sufficient gas available to provide the additional 35,000 therms per day sought by

Reichhold. Oregon states that if Reichhold is accorded the relief it seeks, Reichhold would make the capital investment necessary to use propane or butane, if available, at the rate of 22,000 therms per day. Reichhold's petition makes statements similar to those made by Oregon.

In addition, both petitions request interim relief pending final disposition of the case.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before November 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-27370 Filed 11-21-74;8:45 am]

[Docket No. E-9079]

#### OKLAHOMA GAS & ELECTRIC CO. Filing of Termination of Rate Schedule

NOVEMBER 15, 1974.

Take notice that on October 25, 1974, Oklahoma Gas & Electric Company (OG&E) tendered for filing a notice of termination of Supplement No. 17 to its Rate Schedule FPC No. 21A. According to OG&E this supplement became effective May 15, 1974, and will terminate under its own provisions on November 15, 1974. OG&E states that notice of the termination has been served on Middle South Services, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.74-27369 Filed 11-21-74;8:45 am]

[Docket No. E-9097]

**OKLAHOMA GAS AND ELECTRIC CO.  
Agreement To Change Metering Location**  
NOVEMBER 15, 1974.

Take notice that on November 7, 1974, Oklahoma Gas and Electric Company (OG&E) tendered for filing copies of a letter agreement between OG&E and the City of Blackwell, Oklahoma (Blackwell). This agreement would amend the currently effective contract between the parties, designated Rate Schedule FPC No. 79, to permit a change in the metering location for electric service to Blackwell.

OG&E states that the proposed amendment would allow Blackwell to extend its 69 kV system to an industrial area to serve new loads. The Company states further that the proposal would permit metering at one location of all power and energy delivered to Blackwell.

Blackwell has approved and accepted the proposed agreement, as evidenced by the signature of the Mayor of Blackwell.

OG&E requests that the Commission accept the proposed agreement for filing, to become effective upon completion of the new metering station.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27366 Filed 11-21-74; 8:45 am]

[Docket No. CP75-138]

**TEXAS EASTERN TRANSMISSION CORP.  
Application**

NOVEMBER 15, 1974.

Take notice that on November 6, 1974, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the Applicant to deliver through April 5, 1975, certain quantities of natural gas to Pottsville Gas Company (Pottsville) and Elizabethtown Gas Company (Elizabethtown) for the account of Algonquin Gas Transmission Company (Algonquin) and to decrease deliveries to Algonquin by an equivalent amount, all as more fully set forth in the application, which is on file

with the Commission and open to public inspection.

Applicant proposes to deliver for Algonquin during the period prior to December 1, 1974, 12,000 Mcf per day to Pottsville and 2,000 Mcf per day to Elizabethtown of synthetic natural gas (SNG), with a heating value of 985 Btu per cubic foot and, thereafter, to the end of the term, 10,425 MMBtu to Pottsville and 2,000 MMBtu to Elizabethtown, and to decrease deliveries to Algonquin an equivalent amount in order to offset said deliveries.

Applicant states that the subject delivery of natural gas is proposed in order to implement the proposal in the application filed by Algonquin in Docket No. CP69-41, whereby Algonquin will sell to Elizabethtown and Pottsville its supply of SNG in excess of its customer requirements.<sup>1</sup> The purpose of the proposal in the instant docket, according to Applicant, is to help Elizabethtown and Pottsville to meet their winter requirements as more fully reflected in Algonquin's application.

Applicant further states that Algonquin has withdrawn its application filed on October 11, 1974, in Docket No. CP69-41 to sell the aforesaid quantities of natural gas to Applicant.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

<sup>1</sup> Filed November 1, 1974.

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.74-27362 Filed 11-21-74; 8:45 am]

[Docket No. RP74-39-19]

**TEXAS EASTERN TRANSMISSION CORP.  
ET AL.**

**Petition for Extraordinary Relief**

NOVEMBER 15, 1974.

Public notice is hereby given that on November 7, 1974, Penn Fuel Gas, Inc., (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to supply its distributor subsidiary, Pottsville Gas Company, (Pottsville) with sufficient volumes to enable Pottsville to deliver to its customer, Allied Chemical Corporation (Allied) up to 180 Mcf per day. Relief from curtailment is requested for a period of six months.

Penn Fuel is a public utility holding company with distributor affiliates serving the eastern half of Pennsylvania. Several of these affiliates, including Pottsville, receive their entire natural gas requirements from TETCO.

Pottsville in turn supplies all of the natural gas requirements of its customer, Allied.

Allied, at its Marlin, Pennsylvania Plant, is a manufacturer of thermoplastic resins. Penn Fuel states, that Allied uses 93 percent of its annual gas consumption for direct flame, process uses, and that no other fuels except propane are suitable for these manufacturing purposes. Five percent of Allied's annual gas, Penn Fuel alleges, is used for plant protection with the remaining 2 percent being used to fire a 30 HP boiler for generating process steam.

Allied has advised Penn Fuel that it hopes to have a back-up propane facility in operation by May 6, 1975. Thus it has requested relief for a period of six months.

Penn Fuel states that the products manufactured by Allied are used in packaging foods, pharmaceuticals, and goods requiring a moisture barrier. Thermoplastics produced by Allied are also used in aircraft construction, aerospace applications and other defense related goods.

The plant has 250 employees.

Allied has informed Penn Fuel that absent relief it will only be able to manufacture less than one full day's production per month.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 29,

1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27367 Filed 11-21-74; 8:45 am]

[Docket No. RP74-39-16]

**TEXAS EASTERN TRANSMISSION CORP.  
ET AL.**

**Petition for Extraordinary Relief**

NOVEMBER 14, 1974.

Public notice is hereby given that on November 1, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to deliver to Penn Fuel's distributor subsidiary, Twin Gas Company (Twin Gas) sufficient volumes to enable Twin Gas to deliver to its customer, Westinghouse Electric Corporation (Westinghouse), 300 Mcf per day.

Penn Fuel is a public utility holding company with several affiliated gas distribution companies that provide natural gas service in the eastern half of Pennsylvania. Several of these distribution companies, including Twin Gas, purchase their entire natural gas requirements from TETCO.<sup>1</sup>

Twin Gas furnishes natural gas to Westinghouse at its plant in Bedford, Pennsylvania. Twin Gas states that it has no other industrial customers from whom gas could be taken for Westinghouse. Westinghouse and Twin Gas' two other industrial customers are currently receiving 34 percent of their base allocation volumes.

Penn Fuel states the following regarding Westinghouse:

Westinghouse's Bedford plant is a custom coater and processor of flexible insulation for use on electrical apparatus and communication equipment. Natural gas is burned in six ovens during the manufacturing process, in which the flexible insulation is coated with various materials. The gas is used to "flash off" flammable solvents from the insulation as it emerges from the coating materials. Penn Fuel states that these ovens cannot be fired with oil because burning oil in this direct flame process would damage

the product. Natural gas is also used in a laminator which joins plastic film to insulation fabric. No allegation is made concerning the ability of the laminator to use alternate fuel.

Penn Fuel claims that Westinghouse must receive 300 Mcf per day to remain at full employment. The plant employs 70 people.

Penn Fuel states that Westinghouse is installing a back up propane facility to replace the use of natural gas at the plant. Said propane equipment is expected to be in service on or around November 15, 1974, eliminating the need for extraordinary relief at that time.

On November 6, 1974, the Commission issued a telegraphic order granting to Penn Fuel the relief it requested until November 16, 1974. Penn Fuel will be required to pay back all relief volumes taken by April 15, 1975, the end of the 1974-75 heating season. The order is subject to modification by further Commission action.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27378 Filed 11-21-74; 8:45 am]

[Docket No. RP74-39-17]

**TEXAS EASTERN TRANSMISSION CORP.  
ET AL.**

**Petition for Extraordinary Relief**

NOVEMBER 14, 1974.

Public notice is hereby given that on November 1, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to deliver to Penn Fuel's distributor subsidiary, Hamburg Gas Company (Hamburg), sufficient volumes to enable Hamburg to deliver to its customer, Glen-Gery Corporation of Shoemakersville, Pennsylvania, up to 500 Mcf per day.

Penn Fuel is a public utility holding company with several affiliated gas distribution companies which provide natural gas service in the eastern half of

Pennsylvania. Several of these companies, including Hamburg,<sup>1</sup> purchase their entire natural gas requirements from TETCO.

Hamburg furnishes natural gas to Glen-Gery under a contract providing for a maximum daily demand of 900 Mcf per day on a firm basis and 100 Mcf per day on an interruptible basis. Glen-Gery is currently receiving 200 Mcf per day from Hamburg.

Penn Fuel states the following regarding Glen-Gery's use of natural gas. Glen-Gery is a manufacturer of structural clay products, concrete blocks and bricks. It requires gas to fire several kilns. All of its kilns save one are able to burn alternate fuels. The one kiln, which is designated as the "older Mid-Atlantic Tunnel Kiln" requires at least 750 Mcf per day equivalent to operate. The kiln has been modified so that it can use oil for 250 Mcf per day of its requirements, but it still requires 500 Mcf per day of natural gas.

Absent the requested relief, Penn Fuel states, Glen-Gery will be forced to close down its older Mid-Atlantic tunnel kiln resulting in a loss of production of about 100,000 bricks per day. Twelve employees have already been laid off and Glen-Gery predicts that it will have to lay off an additional 18 employees unless relief is granted.

Penn Fuel lists several major building projects which may be delayed if Glen-Gery is forced to cut production.

Penn Fuel states that Glen-Gery is installing alternate fuel capability for its older Mid-Atlantic tunnel kiln, but that this facility is not expected to be in service until the end of the year. Thus, it asserts that it must receive relief for at least 8 weeks and may require it for a longer time if alternate fuel is unavailable.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27377 Filed 11-21-74; 8:45 am]

<sup>1</sup>Twin Gas is listed under Pottsville Gas Company, et al. (Pottsville Group) in TETCO's Index of Purchasers.

<sup>1</sup>Hamburg is listed under Pottsville Gas Company, et al. in TETCO's Index of Purchasers.

[Docket No. RP74-39-18]

**TEXAS EASTERN TRANSMISSION CORP.  
ET AL.****Petition for Extraordinary Relief**

NOVEMBER 15, 1974.

Public notice is hereby given that on November 5, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to deliver to its distributor subsidiary, Pottsville Gas Company (Pottsville) sufficient volumes to enable Pottsville to deliver up to 361.2 Mcf per day to its customer Bound Brook Corporation (Bound Brook) of Auburn, Pennsylvania.

Penn Fuel is a public utility holding company with several distributor affiliates serving the eastern half of Pennsylvania. Several of these distribution companies, including Pottsville, purchase their entire natural gas requirements from TETCO.

Bound Brook is a manufacturer of powdered metal bearings. These bearings are used by other manufacturers in many industries, primarily the agricultural equipment industry.

The bearings are manufactured by compacting powdered metal to the desired shapes in presses, and then heating the compacted masses at precisely controlled temperatures and atmospheres in order to give the finished bearing certain desired physical properties. This heating process is called sintering.

Penn Fuel states that Bound Brook is unable to use electricity or oil in its sintering operation because it is not possible to obtain the precisely controlled temperatures and atmospheres without using natural gas.

Penn Fuel requests that Bound Brook receive up to 361.2 Mcf per day for 21 days per month allowing up to 8,710.2 Mcf on a peak month. Absent curtailment by TETCO, Bound Brook would receive maximum monthly allocations from Pottsville ranging from 3,310 Mcf in July to 7,769 Mcf in October. Penn Fuel claims that Bound Brook has always operated with less than its fuel requirements because it was not using all of the gas it needed during the year in which Pottsville established base volumes.

Penn Fuel states that on the date its petition was filed, Bound Brook was receiving only 34% of its base volumes due to curtailment.

Penn Fuel states that under present curtailment levels, 85 of its 160 employees will be on lay-off because of production loss due to gas shortage.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed

with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27372 Filed 11-21-74; 8:45 am]

[Docket Nos. RP74-48 and RP75-3]

**TRANSCONTINENTAL GAS PIPE LINE  
CORP.****Proposed Change in FPC Gas Tariff**

NOVEMBER 15, 1974.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on October 31, 1974, tendered for filing revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1, as follows:

Substitute Eleventh Revised Sheet No. 5, to be effective December 1, 1974.

Alternate Substitute Eleventh Revised Sheet No. 5 to be effective December 1, 1974.

Substitute Twelfth Revised Sheet No. 5, to be effective February 1, 1975.

Alternate Substitute Twelfth Revised Sheet No. 5, to be effective February 1, 1975.

Transco states that the purpose of such tariff sheets is to reflect an increase in its charges under the GSS rate schedule through tracking of an increase from Consolidated Gas Supply Corporation (Consolidated) under the latter's GSS rate schedule which is proposed by Consolidated to be effective subject to refund on December 1, 1974, in Consolidated's Docket No. RP74-90. Transco states that Consolidated filed revised tariff sheets on October 16, 1974 that would result in an increase in rates to Transco as a result of Consolidated's redesign of its originally filed rates in Docket No. RP74-90 to conform to the cost allocation principles set forth by the Commission in Opinion No. 703 issued August 28, 1974, in Consolidated's Docket No. RP71-77. According to Transco, the purpose of this filing is to track contemporaneously Consolidated's latest proposed increase, if it should be accepted by the Commission, in the same manner as previously authorized by the Commission's August 30, 1974 order in Transco's Docket No. RP75-3.

In addition to Substitute Eleventh Revised Sheet No. 5 which would track Consolidated's latest increase, as discussed above, Transco states that it has filed a tariff sheet to reflect the same increase as of February 1, 1975, the date which its tariff sheets in Docket No. RP75-3 are scheduled to become effective, since Consolidated's latest GSS increase was not reflected in the Docket No. RP75-3 filing. Also, Transco further states that it has filed two alternate tariff sheets to become effective on December 1, 1974 and February 1, 1975, respectively, in the event that the Commission does not ac-

cept the latest Consolidated increase. According to Transco, these alternate sheets reflect only the Consolidated increase originally filed in Docket No. RP74-90, as adjusted to reflect Transco's latest PGA tracking filing which became effective October 1, 1974 in Docket No. RP73-3. In this regard, Transco states that the other two tariff sheets described hereinabove also reflect this latest effective PGA tracking filing.

Transco also states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions, and have been served on 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, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27364 Filed 11-21-74; 8:45 am]

[Docket No. RP75-16-4]

**TRANSCONTINENTAL GAS PIPE LINE  
CORP. AND NEW JERSEY ZINC CO.****Petition for Extraordinary Relief**

NOVEMBER 15, 1974.

Take notice that on November 5, 1974, New Jersey Zinc Company (NJZ) filed a petition for temporary and permanent extraordinary relief, pursuant to § 1.7(b) of the Commission's rules of practice and procedure. NJZ requests that the Commission issue an order directing Transcontinental Gas Pipe Line Corporation (Transco) to deliver to Union Gas Company (Union) for the account of NJZ 9,688 Mcf per day for a period of at least six months. NJZ further requests that the Commission grant interim relief pending a hearing. On November 6, 1974, on behalf of its distributor subsidiary, Union, Penn Fuel Gas, Inc. (Penn Fuel) filed a motion in support of NJZ's petition and joined in NJZ's request for extraordinary relief.

NJZ states that it purchases its entire supply of natural gas for use in its Palmerton, Pennsylvania plant from Union under a firm contract, under which NJZ is presently entitled to 12,500 Mcf per day of which 10,500 Mcf is firm service. NJZ states that its Palmerton plant accounts for 11 per cent of the United States' current slab zinc production, supplying two-thirds of current domestic production of the zinc dust (the primary ingredient of metal protective coatings) and one-third of current

domestic production of zinc oxide (a necessary ingredient of all tires). In addition, NJZ states that the Palmerton plant produces about 2,800 tons of anhydrous ammonia per month which is ultimately distributed to fertilizer makers, pharmaceutical industries, and to various industries for use as a process fuel.

NJZ claims that the natural gas sought by its petition is needed as feedstock, process, and plant protection gas, for which no feasible alternate feedstock or energy source is available. NJZ alleges that even propane could not be used for most of the plant processes unless substantial reconstruction of plant and equipment were carried out. NJZ states that as of November 1, 1974, the Palmerton plant is being curtailed by 30 percent of its basis 10,500 Mcf per day firm contract requirements. NJZ alleges that NJZ and those industries for which it supplies zinc and ammonia are now suffering irreparable injury because NJZ is losing all ammonia production and significant zinc production and is sustaining physical damage to its refractories and refining equipment.

NJZ states that grant of the relief sought would sustain about 75 percent of the plant's normal gas consumption and would forestall further irreparable harm.

NJZ's petition for extraordinary relief did not contain the minimal information required by § 2.78 (a) (ii) (a-e) (i) of the Commission's rules, as amended by Order No. 467-C. NJZ has been advised of the deficiency by telegraphic communication sent November 13, 1974, followed by a deficiency letter of November 14, 1974. Action on the petition has been held in abeyance until the conforming data is submitted.

A shortened notice period in this matter may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should, on or before November 26, 1974, file with the Federal Power Commission, 825 North Capitol Street, NE., 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 proper action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-27365 Filed 11-21-74; 8:45 am]

[Docket No. E-8959]

**UTAH POWER AND LIGHT CO.**

Order Accepting for Filing and Making Effective Rate Filing

NOVEMBER 15, 1974.

On August 5, 1974, as completed on October 15, 1974, Utah Power and Light

Company (Utah) tendered for filing a supplement<sup>1</sup> to its Interconnection Agreement with Arizona Public Service Company (Arizona) which provides for the unit sale of 100MW from Utah's 430 MW Huntington Unit during the period July 17, 1974, through June 1, 1976. On August 6, 1974, Utah filed a certificate of concurrence on behalf of Arizona.

The rate to be charged Arizona is based on the following cost formula. Arizona will pay Utah a capacity charge equal to Utah's incremental investment of \$13,106,176<sup>2</sup> used to produce the 100 MW to be sold to Arizona times  $\frac{1}{12}$  the sum of the following fixed charges:

Rate of Return (on net investment) 9.3431 percent  
Depreciation Straight Line, 35 years 2.15 percent  
Actual Federal & State Income Taxes  
Actual Property Taxes  
Administrative & General expenses (equal to 15 percent of Operation and Maintenance Expense (O&M) as computed below)  
Actual Insurance Costs

Arizona will also pay Utah an O&M charge of \$200,000 per year based on January 1, 1970, cost levels subject to the following automatic adjustments. The labor component of the O&M charges, which is 80 percent of the total, will be adjusted automatically upward from January 1, 1970, levels to reflect the percentage increase in Utah's total labor costs resulting from Utah's negotiated union labor settlements. The remaining 20 percent of the O&M charge reflects materials and shall be increased or decreased monthly to reflect percentage changes in the "Industrial Commodities Index" prepared by the United States Department of Labor, Bureau of Labor Statistics using January 1, 1970, as the base month.

In addition to the aforementioned charges, Arizona shall pay Utah an energy charge per kWh equal to monthly fuel costs per kWh plus 2 percent for transmission losses to points of interconnection.

The filing was noticed on August 21, 1974, but no comments or protests have been received.

Our review of the component of O&M charge providing for automatic adjustments for materials costs based upon the "Industrial Commodities Index" indicates that this provision is unjust and unreasonable in that it is based on indices which have no direct relationship to Utah's cost of serving Arizona. Accordingly, we shall direct Utah, within 60 days of the date of issuance of this order, to file a rate schedule supplement reflecting elimination of the automatic adjustment provision for the materials component of the O&M charge.

Our review of the provision for automatic adjustment of the labor cost component of the O&M charge indicates that it is reasonable and appropriate to re-

<sup>1</sup> Supplement No. 8 to Rate Schedule FPC No. 89.

<sup>2</sup> This filing represents an update to January 1, 1974, using the Handy-Whitman Index, of the \$10,000,000 figure which is based on January 1, 1970 estimated costs.

quire Utah to file appropriate data and computations showing the basis for any change in the charges thereunder 30 days prior to the proposed effective date of any such rate change.

As modified above, we find that Utah's filing should be accepted for filing to become effective July 17, 1974, as proposed. Good cause exists to waive the notice requirements of the regulations to permit such effective date.

*The Commission finds.* (1) Good cause exists to accept for filing and make effective, as of July 17, 1974, Utah's filing in this docket as hereinafter ordered and conditioned.

(2) Good cause exists to waive the notice requirements of the regulations to permit the July 17, 1974, effective date for Utah's filing.

*The Commission orders.* (A) Utah's filing in this docket is accepted for filing to become effective July 17, 1974, subject to the conditions set forth in ordering paragraphs B and C below.

(B) Within 60 days of the date of issuance of this order, Utah shall file a rate schedule supplement reflecting elimination of the provision for automatic adjustment of the material cost component of the O&M charge which is based upon the United States Department of Labor's "Industrial Commodities Index".

(C) Prior to the effectuation of any rate change pursuant to the provision for automatic adjustment of the labor cost component of the O&M charge, Utah shall file appropriate data and computations showing the basis for such change 30 days prior to the proposed effective date of such change.

(D) The notice requirements of the regulations are waived to permit the July 17, 1974, effective date for the instant filing.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,  
Acting Secretary.

[FR Doc. 74-27361 Filed 11-21-74; 8:45 am]

[Docket No. RI 75-54]

**WAYNE L. BROWN ET AL.**

Petition for Special Relief

NOVEMBER 15, 1974.

Take notice that on October 15, 1974, Wayne L. Brown, (Operator), et al., (Petitioner), 5930 Clarendon, Wichita, Kansas 67202, filed a petition for special relief in Docket No. RI75-54, pursuant to Order No. 481.

Petitioner seeks a rate of 28 cents per Mcf, pursuant to § 2.76 of the Commission's statements of general policy and interpretations Under The Natural Gas Act, for the sale of gas to Northern Natural Gas Company under its FPC Gas Rate Schedule No. 2 from acreage in Edwards County, Kansas. Petitioner cites as the basis of his petition previously incurred repairs to the damaged wellhead equipment and replacement of the compressor due to a fire which occurred on or about March 7, 1974.

## NOTICES

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 3, 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.74-27371 Filed 11-21-74; 8:45 am]

**INTERIM COMPLIANCE PANEL  
(COAL MINE HEALTH AND SAFETY)  
LANE HOLLOW COAL CO.**

**Opportunity for Public Hearing; Correction**

In FR Doc. 74-26860 appearing on page 40542, in the issue for Monday, November 18, 1974, in the third line of the docket listing, "Mine No. 1," should read "Mine No. 21."

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

NOVEMBER 19, 1974.

[FR Doc.74-27425 Filed 11-21-74; 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 November 19, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

**NEW FORMS**

**DEPARTMENT OF COMMERCE**

Bureau of the Census: Survey of Election Expenditures (State and Local Governments), Form S-327, Single time, Ellett (395-6172), State and local governments.

**DEPARTMENT OF DEFENSE**

Departmental: Questionnaire on Ceremonial Rifles Donated to Veterans Organizations, Form —, Single time, Caywood (395-3443), American Legion Posts and VFW Posts.

**REVISIONS**

**DEPARTMENT OF JUSTICE**

Departmental: LEEP Student Certification and Note, Form LEEP-3, Semiannual, Lowry (395-3772), Student participants.

**EXTENSIONS**

None.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc.74-27500 Filed 11-21-74; 8:45 am]

**PENNSYLVANIA AVENUE  
DEVELOPMENT CORPORATION**

**OWNERS AND TENANTS ADVISORY  
BOARD**

**Postponement of Previously Announced  
Meeting**

Due to unforeseen circumstances, the meeting of the Owners and Tenants Advisory Board, announced in the FEDERAL REGISTER, Volume 39, No. 220 on page 40082 on Wednesday, November 13, 1974 (FR Doc. 74-26509), will be postponed from Tuesday, November 26, 1974 at 2:00 p.m. until Tuesday, December 10, 1974 at 3:00 p.m.

The meeting's location will remain unchanged, as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343-9423.

PETER T. MESZOLY,  
General Counsel.

[FR Doc.74-27341 Filed 11-21-74; 8:45 am]

**SECURITIES AND EXCHANGE  
COMMISSION**

[File No. 500-1]

**BBI, INC.**

**Suspension of Trading**

NOVEMBER 14, 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 re-

quired 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 November 15, 1974 through November 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-27398 Filed 11-21-74; 8:45 am]

[70-5575]

**CENTRAL AND SOUTH WEST CORP.**

**Issue and Sale of Common Stock**

Notice is hereby given that Central and South West Corporation ("C&SW"), P.O. Box 1631, Wilmington, Delaware 19899, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

C&SW proposes to issue and sell up to 4,382,108 shares of its authorized and unissued common stock, par value \$3.50 per share ("stock") through a negotiated offering. The exact number of shares to be sold will be determined by C&SW in light of market conditions at the time of sale.

On November 7, 1974 (Holding Company Act Release No. 18646), this Commission announced a temporary suspension of the competitive bidding requirements of Rule 50 under the Act insofar as those requirements apply to sales of common stock. This suspension is effective through March 31, 1975. C&SW contemplates selling its stock on or about January 30, 1975, and thus the sale will be exempt from the competitive bidding requirements.

Proceeds of the sale of the stock, after deducting expenses of issue, will be used for the payment of short-term borrowings and for the purchase of additional shares of common stock of three C&SW subsidiary companies, Central Power & Light Company ("CP&L"), Public Service Company of Oklahoma ("PSO") and Southwestern Electric Power Company ("SWEPCO"). C&SW had outstanding short-term borrowings of \$200,000 at September 30, 1974. At the time of the expected sale of the stock on January 30, 1975, it is expected that C&SW will have about \$58,000,000 in outstanding short-term borrowings. C&SW anticipates that during the first half of 1975 it will purchase about \$25,000,000 worth of CP&L common stock, \$15,000,000 worth of PSO common stock and \$10,000,000 worth of SWEPCO common stock. Such purchases

will be the subject of additional filings with this Commission.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses estimated at \$130,000 are expected to be incurred in connection with the proposed transaction, including legal fees of \$38,000 and accountants' fees of \$15,000.

Notice is further given that any interested person may, not later than December 10, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive 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.74-27407 Filed 11-21-74;8:45 am]

[70-5547]

**COLUMBIA COAL GASIFICATION CORP.  
AND COLUMBIA GAS TRANSMISSION  
CORP.**

**Transfer of Leasehold Interest**

Notice is hereby given, that Columbia Coal Gasification Corporation ("Coal Gasification") and Columbia Gas Transmission Corporation ("Transmission"), 20 Montchanin Road, Wilmington, Delaware 19807, both wholly-owned non-utility subsidiary companies of The Columbia Gas System, Inc., a registered holding company, have jointly filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 2, 9, 10 and 12 of the Act and Rule 43 promulgated thereunder as applicable to the following proposed transactions. All interested persons are

referred to the application-declaration, which is summarized below, for a complete description of the transactions.

Coal Gasification was organized in 1970 as the corporate vehicle for the development of synthetic pipeline quality gas from coal to augment the System's natural gas supplies (Holding Company Act Release No. 16968, January 18, 1971). It was stated that Coal Gasification would seek to acquire or develop the essential coal reserves to support major coal gasification facilities.

Since 1916, the System has held 300,000 acres of lands in West Virginia, on which extensive gas exploration, development and production has been conducted over the years. This acreage, in which the System also owns the coal rights, was leased on March 12, 1971, by a predecessor (by merger) of Transmission to Coal Gasification. The lease is for an initial term of 30 years, and Coal Gasification's rights thereunder are limited to the exploration, development and extraction of minable coal underlying the premises. The lease obligates Coal Gasification to pay royalties equal to the greater of (1) a minimum royalty of \$25,000 per year for the first seven years and \$200,000 per year thereafter, or (2) 9 cents per ton mined and shipped plus 1.125 percent of the amount by which the average sales price realization per ton exceeds \$8 per net ton F.O.B. mines.

Simultaneously with execution of the lease, Coal Gasification commenced an exploration and core-drilling program to evaluate the extent of commercially minable coal in the deposits underlying the lease; and in November 1971, a report covering the first 60,000-acre block under the lease was rendered by John T. Boyd Company, an independent firm of consultants retained for that purpose. In a separate application-declaration filed by Coal Gasification (File No. 70-5561), dealing with a proposed definitive coal-mining program pursuant to a joint arrangement with non-affiliated interests, it is stated that as of May 29, 1974 core-drilling on the 60,000 acres reported on by Boyd indicates proven underlying reserves of 324,177,000 tons of recoverable steam coal, most of it having a low average sulphur content of 0.85 percent.

It is stated that at the time of execution of the lease, applicants-declarants regarded the transaction as not subject to approval under the Act. Such approval is now sought, particularly since the lease transaction is intimately related to the substantial transactions presently being proposed in File No. 70-5561 in connection with the definitive mining program referred to above.

Fees and expenses which have been incurred by Coal Gasification and Transmission in connection with the lease transaction are estimated at \$7,248, including \$3,000 for services rendered at cost by Columbia Gas System Service Corporation and \$1,948 fee to the John T. Boyd Company. It is stated that no approval or consent of any regulatory body other than this Commission is necessary in connection with the lease transaction.

Notice is further given that any inter-

ested person may, not later than December 10, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants 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-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive 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] SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FR Doc.74-27409 Filed 11-21-74;8:45 am]

[70-5561]

**COLUMBIA GAS SYSTEM, INC. AND CO-  
LUMBIA COAL GASIFICATION CORP.**

**Exchange of Coal Reserves**

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, and Columbia Coal Gasification Corporation ("Coal Gasification"), its wholly-owned non-utility subsidiary, have jointly filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6, 7, 10 and 12 of the Act and Rules 43, 45, and 50(a)(3) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Coal Gasification was organized in 1970 as the corporate vehicle for the development of synthetic pipeline quality gas from coal to augment the System's natural gas supplies. (Holding Company Act Release No. 16968, January 18, 1971.) It was stated that Coal Gasification would seek to acquire or develop coal reserves to support major coal gasification facilities.

In March 1971, Coal Gasification acquired, by lease, all mineral rights to approximately 300,000 acres of lands in West Virginia ("West Virginia Reserves") from Columbia Gas Transmission Company ("Transmission"), an associate company. It is stated that these mineral rights were acquired by Transmission and its predecessors in conjunction with acquisition of oil and gas rights prior to 1916. Details of that transaction are set forth in a companion application-declaration filed by Coal Gasification and Transmission (File No. 70-5547).

Coal Gasification has engaged independent mining engineers and geologists to conduct core drilling and exploration activities to evaluate the extent of commercially minable coal in the acreage. As of May 1974, approximately 60,000 acres have been explored, and the engineers concluded that such acreage contains proven reserves of 324,177,000 tons of recoverable steam coal, with approximately 233,000,000 of such amount having an average sulphur content of 0.85 percent.

Coal Gasification states it has entered into agreements subject to approval of the Commission with The Carter Oil Company ("Carter"), a subsidiary of Exxon Corporation. In substance, the agreements: (a) provide for an exchange with Carter ("Exchange Agreement") of an undivided one-half interest in approximately 43,000 surface acres of Coal Gasification's West Virginia Reserves for an undivided one-half interest in approximately 35,000 surface acres of Carter's high-sulphur (approximately 2.8 percent) coal lands in Southern Illinois ("Illinois Reserves"); (b) provide for utilization of the Illinois Reserves in entirety for gasification feedstock, when it becomes technically and economically feasible; and (c) provide for development of the West Virginia Reserves involved in the exchange, whereby Carter's affiliate, Monterey Coal Company, will design, construct and operate two deep underground mines, each with an annual capacity of 2.2 million tons of coal. It is anticipated that initial commercial production of the West Virginia coal from one mine would commence in 1976, reaching design capacity in 1978. The transaction contemplates that the coal land acreages in which the ownership interests are exchanged will each contain approximately 200 million tons of recoverable coal.

Such agreements would require Coal Gasification to contribute 50 percent of the capital required for the development of the two mines in the West Virginia Reserves and pay 50 percent of the operating costs. Coal Gasification will own 50 percent of the production of the mines and plans to sell such coal under long-term contracts to one or more electric power companies or steel companies. It is stated that the transactions described above were the result of arm's-length bargaining between Coal Gasification and Carter, and that the proposed transactions are the most economically ad-

vantageous way for Columbia to dispose of its share of the West Virginia Reserves. Independent mining engineers and geologists have opined that the Exchange Agreement between Coal Gasification and Carter is a fair and equitable arrangement for Coal Gasification.

In order to effectuate the transactions outlined above, Coal Gasification will require approximately \$48,000,000 in equity capital over the next 6 to 7 years, such amount to be raised by the issue and sale of its long-term notes and common stock to Columbia, in the following amounts:

1974-75	-----	\$11,000,000
1976-77	-----	23,000,000
1978-80	-----	14,000,000
Total	-----	48,000,000

In accordance with the above schedule of financing, Coal Gasification proposes to issue and sell, from time to time, through December 31, 1975, up to \$11,000,000 of its securities to Columbia. Such securities will consist either of 25-year Installment Promissory Notes ("Notes") and common stock, par value \$25 per share.

The Notes will be unsecured and non-registered and dated the date of their issuance. The principal amounts of each of the Notes will be due in 20 equal annual installments, payable beginning on March 31st of the fifth year after the date of issuance of each Note. Each Note shall be prepayable in whole or in part, and without penalty, at any time. Interest is to be paid annually on March 31st and September 30th from the date of issuance of the Notes on the unpaid principal thereof. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures or Preferred Stock, or both, prior to the issuance of said Notes decreased by an amount necessary in order that the interest rate be a multiple of  $\frac{1}{10}$  of 1 percent. The proportions of Notes and common stock will be supplied by amendment.

Columbia proposes to finance its purchase of the Notes and common stock of Coal Gasification from its general funds including proceeds of public offerings of its securities for financing the overall System capital requirements.

Fees and expenses which have been or will be incurred by Columbia and Coal Gasification in connection with the proposed transactions are estimated to aggregate \$36,478, including legal fees of \$5,000 and services of \$24,000, at cost, by the Columbia Gas System Service Corporation.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 10, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or

he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, 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-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive 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] SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FR Doc.74-27410 Filed 11-21-74; 8:45 am]

[File No. 500-1]

#### EQUITY FUNDING CORPORATION OF AMERICA

##### Suspension of Trading

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 18, 1974 through November 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FR Doc.74-27402 Filed 11-21-74; 8:45 am]

[811-759]

#### FIRST SIERRA FUND

##### Application Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Founders Special Fund, Inc. ("Special Fund"),

2400 First National Bank Building, Denver, Colorado 80202, an open-end, non-diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on October 21, 1974 pursuant to section 8(f) of the Act for an order of the Commission declaring that First Sierra Fund ("Sierra Fund") has ceased to be an investment company as defined in the Act. 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.

Sierra Fund, under the name Insurance Investors Fund, Inc., was incorporated under the laws of the State of Delaware on August 6, 1956, and registered under the Securities Act of 1933 and the Investment Company Act of 1940 in the Spring of 1957. At a Special Meeting on April 30, 1974, the shareholders of Sierra Fund and Special Fund voted to approve a Plan and Agreement of Reorganization and an Agreement of Merger providing for the merger of Sierra Fund with and into Special Fund. The merger was effective on June 11, 1973 when each outstanding share of Common Stock of Sierra Fund was converted to .34952551 of a share of Special Fund Capital Stock. As the result of the merger, all assets and liabilities of Sierra Fund were, by operation of law, transferred to or assumed by Special Fund. Sierra Fund's corporate existence there-by ceased and its shareholders became shareholders of Special Fund. Sierra has no remaining assets and does not intend to conduct business as a registered investment company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 9, 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 should 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 the 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 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 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 Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,  
Assistant Secretary.  
[FR Doc.74-27404 Filed 11-21-74; 8:45 am]

[File No. 500-1]

#### GREATER WASHINGTON INVESTORS, INC.

##### Suspension of Trading

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Greater Washington Investors, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 17, 1974 through November 26, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Assistant Secretary.  
[FR Doc.74-27403 Filed 11-21-74; 8:45 am]

[File No. 500-1]

#### INDUSTRIES INTERNATIONAL, INC.

##### Suspension of Trading

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 18, 1974 through November 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Assistant Secretary.  
[FR Doc.74-27401 Filed 11-21-74; 8:45 am]

[812-3622]

#### INVSAT CORP.

##### Application Exempting Certain Transactions

Notice is hereby given that Invesat Corporation ("Invesat"), Deposit Guar-

anty Bank Building, Jackson, Mississippi 39201, a Mississippi corporation registered as a closed-end, non-diversified, management investment company under the Investment Company Act of 1940 (the "Act") and licensed as a small business investment company ("SBIC") under the Small Business Investment Act of 1958 (the "1958 Act") filed an application on April 2, 1974 and an amendment thereto on November 8, 1974, pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of sections 12 (e), 17(a) and 17(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Invesat was organized as a Mississippi corporation on July 25, 1973 and completed a public offering of its common stock at a public offering price of \$15 per share on September 17, 1974. The net proceeds of the public offering are approximately \$1,300,000. Invesat, as a SBIC, is chartered under the 1958 Act as a vehicle for providing equity capital and long-term loan funds for small businesses. Invesat proposes to provide such funds to small business concerns located in Mississippi.

Invesat has formed a wholly-owned subsidiary, Invesat Capital Corporation (the "Subsidiary"), which has registered under the Act as a closed-end, non-diversified, management investment company and which will seek licensing from the Small Business Administration ("SBA") as a licensee under section 301(d) of the 1958 Act. A section 301(d) licensee is a small business investment company, the investment policy of which is to provide equity funds, long-term loans and management assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantage. As of December 1, 1973, Invesat's total investment in the Subsidiary was \$1,000 and Invesat held 100 percent of the Subsidiary's outstanding common stock.

Invesat intends, as disclosed to potential investors in the prospectus used in conjunction with its recent public offering, to purchase additional common stock in the Subsidiary to enable the Subsidiary to carry on an active investment program as a section 301(d) licensee. Invesat's proposed investment in the Subsidiary will not be less than \$150,000 nor more than \$500,000. The Subsidiary has not heretofore engaged in business of any kind and will not engage in any business other than organizational matters unless and until the exemptive orders requested from the Commission are granted.

To encourage the formation and growth of SBIC's, the SBA is authorized to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debt securities of an SBIC

in an amount up to 200 percent of the SBIC's equity capital. The SBA may also purchase preferred securities of a section 301(d) licensee. Section 18(k) of the Act exempts both Invesat and the Subsidiary, as SBIC's, from the asset coverage requirements contained in section 18(a)(1)(A) and 18(a)(1)(B) of the Act with respect to debt securities issued or sold by closed end investment companies and from the asset coverage requirements contained in section 18(a)(2) of the Act with respect to preferred securities held or guaranteed by the SBA.

Section 12(d)(1), as here pertinent, prohibits the purchase or acquisition by a registered investment company (the "acquiring company") of any security issued by any other investment company (the "acquired company") if immediately after such purchase or acquisition the acquiring company owns in the aggregate (1) more than three percent of the total outstanding voting stock of the acquired company; (2) securities issued by the acquired company having an aggregate value in excess of five percent of the value of the total assets of the acquiring company; or (3) securities issued by investment companies having an aggregate value in excess of ten percent of the value of the total assets of the acquiring company.

Section 12(e) of the Act provides, among other things, that notwithstanding the provisions of section 12(d)(1), a registered investment company may utilize up to five percent of the value of its total assets to purchase or otherwise acquire securities issued by another investment company engaged or proposing to engage in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence and reorganizing companies or similar activities, provided that the securities issued by such other investment company consist solely of one class of common stock. An exemptive order from Section 12(e) of the Act is necessary in order to enable Invesat to invest more than five percent of the value of its total assets in the Subsidiary and to permit the Subsidiary to issue preferred stock to the SBA and subordinated debentures which may be purchased or guaranteed by the SBA.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or any affiliated person of such a company, from selling to or purchasing from such registered company any securities or other property. Invesat requests an order of exemption from section 17(a) of the Act to permit the initial transfer and any subsequent transfers of assets between Invesat and the Subsidiary.

Section 17(d) of the Act and Rule 17 d-1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions, for an affiliated person of a registered investment company or any affiliated person of

such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. Invesat requests an order of exemption from the provisions of section 17(d) of the Act to permit it to participate with the Subsidiary in any possible joint transactions with third persons having no affiliation with Invesat, the Subsidiary or their affiliates.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act, 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.

Invesat has agreed that the order the Commission may issue pursuant to this Notice may be conditioned as follows:

(a) Invesat will cause the Subsidiary to be licensed, by the SBA, as a small business investment company under section 301(d) of the 1958 Act. Invesat and the Subsidiary will operate solely as small business investment companies licensed by the SBA under the 1958 Act and will comply with all statutory and regulatory requirements imposed by the SBA.

(b) Invesat will at all times own and hold, beneficially and of record, all of the outstanding common stock of the Subsidiary.

(c) Invesat will not cause or permit the Subsidiary to change any of its fundamental investment policies, or take any other action referred to in section 13(a) of the Act, unless such action shall have been authorized by Invesat as the holder of all of the outstanding voting securities of the Subsidiary after approval of such action by the vote of a majority (as defined in the Act) of Invesat's outstanding voting securities.

(d) Invesat will not cause or permit the Subsidiary to enter into, renew or perform any investment advisory or underwriting contracts or agreements, written or oral, as contemplated by section 15 of the Act, unless the terms of such contracts or agreements and any renewal thereof shall have been approved in compliance with section 15 of the Act. Any vote of the stockholders of the Subsidiary as required by section 15 of the Act will be deemed to require a vote of Invesat's stockholders. Any action of the directors of the Subsidiary as required by section 15 of the Act will be deemed to require a vote of the directors of Invesat, including a majority of those directors who are not parties to any such contract or agreement or affiliated persons of any such party.

(e) Invesat will file with the Commission and transmit to its stockholders

reports prescribed and required by section 30 of the Act, including separate financial statements of the Subsidiary. Invesat will also cause the Subsidiary to file with the Commission copies of all reports which the Subsidiary will be required to file with the SBA.

(f) Any independent public accountant who signs a financial statement filed by Invesat or the Subsidiary with the Commission shall be selected and approved for Invesat in compliance with section 32(a) of the Act by a majority (as defined in the Act) of Invesat's outstanding voting securities.

(g) The officers and directors of Invesat and the Subsidiary will be in all respects identical.

(h) Invesat will not make any investment in the Subsidiary if (1) the aggregate value of an existing investment plus the cost of any additional investment in the Subsidiary would exceed 25 percent of the value of Invesat's net assets on an unconsolidated basis, or (2) the value of the total assets of the Subsidiary would exceed 25 percent of the value of the total assets of Invesat on a consolidated basis.

Invesat submits that the requested exemptions are necessary and 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 December 13, 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 reasons 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 the Applicants at the address stated above. Proof of such services (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 will be issued as of course following December 13, 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 any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

*It is ordered*, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-27406 Filed 11-21-74;8:45 am]

[File No. 500-1]

### I-T-E IMPERIAL CORP.

#### Suspension of Trading

NOVEMBER 15, 1974.

The common stock of I-T-E Imperial Corp. being traded on the New York and Pacific Stock Exchanges and the preferred 4.60 percent cumulative being traded on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of I-T-E Imperial Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 12:55 p.m., (e.s.t.) on November 15, 1974 through midnight (e.s.t.) on November 24, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FR Doc.74-27412 Filed 11-21-74;8:45 am]

[File No. 500-1]

### NICOA CORP.

#### Suspension of Trading

NOVEMBER 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 15, 1974 through November 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-27397 Filed 11-21-74;8:45 am]

[70-5549]

### OHIO POWER CO.

#### Issue and Sale of Preferred Stock and Request for Exception From Competitive Bidding

Notice is hereby given that Ohio Power Company ("Ohio"), 2 Broadway, New York, New York 10004, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) of the Act and Rules 50(a) (5) and 100(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell up to 300,000 shares of a new series of its cumulative preferred stock, par value \$100 per share ("stock"). Ohio proposes that the price of the stock, the terms of a sinking fund and optional redemption prices, the exact number of shares of the stock and any dividend rate on the stock to be sold will be determined by negotiation, as explained further below.

Ohio requests an exception from the competitive bidding requirements of Rule 50 under the Act pursuant to section (a) (5) thereof. As reasons for the requested exception, Ohio states that recent events tend to establish there is neither sufficient market nor underwriter capacity to support competing underwriters' offers for a substantial issue of utility company preferred stock. It is further stated that negotiated sales and private placements of securities, as opposed to competitive bidding, permit last minute changes in the amount and/or timing of the preferred stock offering, such changes sometimes being compelled by market conditions.

In light of such circumstances and market conditions, Ohio requests authority to discuss a public offering of the stock with prospective underwriters. Upon the conclusion of such discussions, Ohio proposes to select a financing arrangement which, in the view of Ohio, will result in the sale of the stock on reasonable terms.

Ohio states that during the course of negotiations to sell the stock, it may become necessary to make provision for a mandatory sinking fund to retire a certain number of shares annually. Ohio requests authority to institute such a sinking fund. It is also stated that there may be an optional redemption price for the stock which will be maintained at a certain price level for up to a ten year period.

Proceeds of the sale of the stock and the cash capital contributions will be ap-

plied to the payment of unsecured short-term indebtedness of Ohio. It is stated that Ohio anticipates it will have short-term debt outstanding in mid-December, 1974 of approximately \$150,000,000, prior to the application of any proceeds of the sale of the stock to reduce such debt.

It is stated that The Public Utilities Commission of Ohio has jurisdiction over the proposed issue and sale of the stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred by Ohio in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than December 5, 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-declaration, as amended, 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-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive 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] SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FR Doc.74-27408 Filed 11-21-74;8:45 am]

[70-4549]

### PENNSYLVANIA ELECTRIC CO.

#### Proposed Increase in Loans

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities

Corporation, a registered holding company, has filed with this Commission a post-effective amendment to the application, as previously amended, filed in this proceeding pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act"), regarding the following proposed transactions. Interested persons are referred to the application, as now amended, which is summarized below, for a complete statement of the proposed transactions.

In prior orders in this proceeding, Penelec was authorized by this Commission to acquire through December 30, 1974, promissory notes to be issued by two nonaffiliated mining companies, The Helen Mining Company ("Helen") and Helvetia Coal Company ("Helvetia"), which are engaged in developing coal mines for the Homer City Generating Station ("Homer Station"), in which station Penelec owns a 50 percent interest, Holding Company Release Nos. 15899 (November 17, 1967), 16773 (July 1, 1970), 16909 (November 25, 1970), 17064 (March 24, 1971), 17396 (December 15, 1971), 17581 (May 26, 1972), 17738 (October 26, 1972), and 18207 (December 3, 1973). The other 50 percent interest in the Homer Station is held by New York State Electric & Gas Corporation ("NYSEG"), a utility unaffiliated with Penelec.

It is stated that in order to meet expected coal burn requirements for a new unit presently under construction at the Homer Station, Helvetia's production should be increased from its present 1.6 million tons per year to 2.4 million tons per year by 1977. Additional financing of \$9,500,000 is stated to be required to provide the additional capacity. Penelec's share of such financing amounts to \$4,750,000.

The Penelec and NYSEG loans to Helvetia were previously contemplated to be repaid through permanent financing of the Helvetia operations by December 31, 1974. It is now represented that with the present condition of the capital markets, it does not appear that the necessary permanent capitalization can be arranged by that date. Therefore, Penelec now seeks authorization to (a) increase the amount of loans that it may make to Helvetia by \$4,750,000 to an aggregate of \$12,250,000, (b) acquire notes of Helvetia until December 30, 1978 and (c) extend the maturity of the notes previously acquired from Helvetia to December 31, 1978.

The Penelec and NYSEG loans to Helen were previously contemplated to be repaid through permanent financing of the Helen operations by November 30, 1974. It is now stated that because of the present conditions of the capital markets, it does not appear that the necessary permanent financing can be arranged for Helen by that date. Helen also advises that its capital requirements have been curtailed during 1974 because of delays and long lead times associated with the delivery of mining equipment resulting in a \$2,000,000 balance which may be advanced by Penelec and NYSEG

through December 30, 1974. Therefore, Penelec requests authority to (a) acquire notes of Helen through December 30, 1978 and (b) extend the maturity of Notes previously acquired from Helen until December 31, 1978.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no fees or expenses are expected to be incurred in connection with the proposed transactions.

Notice is further given that any interested person may, not later than December 9, 1974, request in writing that a hearing be held on such matter, stating the nature of his interests, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the 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 now amended or as it may be further 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.74-27405 Filed 11-21-74; 8:45 am]

[811-1300, etc.]

**PRESIDENTIAL EXCHANGE FUND, INC.,  
ET AL.**

**Application Declaring That Companies  
Have Ceased To Be Investment Companies**

Notice is hereby given that Presidential Exchange Fund, Inc. ("Presidential"), Second Presidential Exchange Fund, Inc. ("Second Presidential"), and Fifth Presidential Exchange Fund, Inc. ("Fifth Presidential"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, (collectively, "Funds"), all registered as open-end diversified management investment companies under the Investment Company Act of 1940 ("Act"), filed an application on October 29, 1974

pursuant to section 8(f) of the Act for an order declaring that each Fund has ceased to be an investment company as defined in 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.

Presidential was organized on February 18, 1965, and registered under the Act by filing a Form N-8A Notification of Registration on March 3, 1965. Second Presidential was organized on September 3, 1965, and registered under the Act by filing a Form N-8A Notification of Registration on November 1, 1965. Fifth Presidential was organized on October 27, 1966, and registered under the Act by filing a Form N-8A Notification of Registration on November 3, 1966.

Funds represent that pursuant to a merger agreement approved by the shareholders of each Fund, Funds were merged on October 23, 1974, into American Leaders Fund, Inc., an open-end, diversified management investment company registered under the Act. In accordance with the laws of the State of Maryland and pursuant to the agreement of merger, the Funds' corporate status ceased as of October 23, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 13, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this 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 Funds 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 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 Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.74-27411 Filed 11-21-74;8:45 am]

[File No. 500-1]

**WESTGATE CALIFORNIA CORP.**

**Suspension of Trading**

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6% subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 18, 1974 through November 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
*Assistant Secretary.*

[FR Doc. 74-27399 Filed 11-21-74;8:45 am]

[File No. 500-1]

**ZENITH DEVELOPMENT CORP.**

**Suspension of Trading**

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 18, 1974 through November 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
*Assistant Secretary.*

[FR Doc.74-27400 Filed 11-21-74;8:45 am]

**SMALL BUSINESS ADMINISTRATION**

[License No. 05/05-5092]

**DAYTON MESBIC, INC.**

**Filing of Application for Approval of  
Conflict of Interest Transaction**

Notice is hereby given that Dayton MESBIC, Inc. (Dayton), Grant-Deneau Tower, 40 West Fourth Street, Suite 910,

Dayton, Ohio 45402, a small business investment company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 CFR 107.1004 (1974), for approval of a conflict of interest transaction.

Dayton was licensed by the Small Business Administration (SBA) on April 12, 1973. The licensee's voting stock is owned by the City-Wide Development Corporation, a nonprofit organization.

On October 31, 1974, the licensee's Loan Committee and Board of Directors approved an application for a loan in the amount of \$30,000 to Don Black & Associates, 3217 Hoover Avenue, Dayton, Ohio 45417, a firm in the photographic and public relations business. The loan will bear interest at the rate of 12 percent per annum, and shall be subject to a 12-month moratorium on principal payments. The loan is to be repaid in 7 years. Mr. Don Black is the sole proprietor of this small business concern.

The transaction falls within the purview of the cited regulation by reason of the fact that Mr. Black is a member of the Board of Directors of the licensee.

Notice is hereby given that any interested person may submit to SBA written comments on this financing on or before December 9, 1974.

Any such communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in Dayton, Ohio.

Dated: November 13, 1974.

JAMES THOMAS PHELAN,  
*Deputy Associate Administrator  
for Investment.*

[FR Doc.74-27317 Filed 11-21-74;8:45 am]

[License No. 04/04-5113]

**FINANCIAL OPPORTUNITIES, INC.**

**Issuance of License To Operate as a  
Small Business Investment Company**

On August 2, 1974, a notice was published in the FEDERAL REGISTER (39 FR 27947), stating that Financial Opportunities, Incorporated, 981 South Third Street, Louisville, Kentucky 40203, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1974) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given to the close of business on August 17, 1974, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 04/04-5113 to Financial Opportunities, Incorporated, pursuant to

section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: November 4, 1974.

JAMES THOMAS PHELAN,  
*Deputy Associate Administrator  
for Investment.*

[FR Doc.74-27315 Filed 11-21-74;8:45 am]

[License No. 09/09-5176]

**SPACE VENTURES, INC.**

**Issuance of License To Operate as a  
Small Business Investment Company**

On October 9, 1974, a notice was published in the FEDERAL REGISTER (39 FR 36405) stating that Space Ventures, Incorporated, located at 12214 Lakewood Boulevard, Downey, California 90241, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1974) for a license to operate as a small business investment company under the provisions of section 301 (d) of the Small Business Investment Act of 1958 (the Act) as amended.

The period for comment ended October 23, 1974.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 09/09-5176 to Space Ventures, Incorporated.

Dated: November 13, 1974.

JAMES THOMAS PHELAN,  
*Deputy Associate Administrator  
for Investment.*

[FR Doc.74-27314 Filed 11-21-74;8:45 am]

**DEPARTMENT OF LABOR**

**Manpower Administration**

**FEDERAL COMMITTEE ON  
APPRENTICESHIP**

**Notice of Meeting**

This is to give notice in accordance with section 10 (a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Federal Committee on Apprenticeship will conduct an open meeting on Thursday, December 12 from 9 a.m.-5 p.m.; Friday, December 13, 1974 from 9 a.m.-12 noon in Room B-102 (A, B, C, D) Conference Level, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C.

On December 12 there will be a discussion of:

1. Complete consideration of 29 CFR Part 29—Labor Standards for the Registration of Apprenticeship Programs.
2. Complete consideration of 29 CFR Parts 5, 5a—Trainee and Apprenticeship.
3. AGC Proposed Master Training Plan for The Construction Industry.

The morning of December 13 will be devoted to the discussion of: New Initiatives in Apprenticeship—Recommendations.

Members of the public are invited to attend the proceedings. Any written data,

views, or arguments pertaining to the agenda must be received on or before December 3, 1974, by the Committee's Executive Secretary. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Persons wishing to address the Committee members during the meeting should submit to the Executive Secretary no later than December 3, 1974 a request to be heard, stating the nature of their intended presentation and the amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mr. M. M. Winters  
Bureau of Apprenticeship and Training, MA  
U.S. Dept. of Labor  
601 D St. NW (Rm 5434)  
Washington, D.C. 20213

It is recognized that this notice of meeting does not meet the 15-day requirement for submitting written data, views, or argument due to the fact that appropriate space was not available until November 19.

Signed at Washington, D.C. this 19th day of November 1974.

WILLIAM H. KOLBERG,  
Assistant Secretary  
for Manpower.

[FR Doc. 74-27484 Filed 11-21-74; 8:45 am]

**Occupational Safety and Health  
Administration**

[V-74-57]

**PSF INDUSTRIES, INC.**

**Application for Variance and Interim  
Order; Grant of Interim Order**

**I. Notice of application.** Notice is hereby given that PSF Industries, Inc., 65 South Horton Street, Seattle, Washington 98124 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 and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.451 (a) (4), (5), and (10) dealing with scaffolding.

The place of employment affected by the application is the construction site where the applicant engaged in construction operations.

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 at 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 employment and places of employment as safe as those which would

prevail if it complied with § 1926.451(a) (4), and (10). Section 1926.451(a) (4) and (5) reads as follows:

(4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beams scaffolding and floats (see paragraphs (p) and (w) of this section). Scaffolds 4 to 10 feet in height having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) Guardrails shall be 2 x 4 inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 8 feet. Toeboards shall be a minimum of 4 inches in height.

The applicant states that its business is of a specialized nature involving steel plate erection by members of the boiler-maker's trade.

The applicant contends that the scaffolds it uses in building tanks are mobile and are frequently raised as are the tank sections, in order to position the next set of steel plates. The scaffolds used do not have toeboards because tools are placed in well designed "loose tool" containers provided for that purpose. In addition, the applicant proposes to rope off the area directly below and in close proximity to the scaffold and to permit only those employees, and tools currently being used by them, on the scaffolds. As a further precaution, a taut wire is installed midway between the innermost plank face of the scaffold platform and the tank face. The applicant states that because the scaffolds must be moved frequently, it would be more hazardous to constantly remove and replace toeboards.

The applicant also proposes to place guardrail supports at 10' 6" intervals in lieu of 8' requirement of § 1926.451(a) (5). This would allow consistent bracket spacing since the applicant further desires to use 10' 6" spans for its scaffold planking although § 1926.451(a) (16) allows a maximum span of 10'. The applicant states that rough full-dimensional 2" x 12" x 12" planks of Douglas Fir is used. The applicant states that the boards are Select Structural grade with 1900 psi fiber construction grade lumber. The applicant contends that scaffolds it is using are safe, even though the span is one-half foot longer than the maximum length allowed, because of the increased strength of the wood.

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  
506 Second Avenue  
1808 Smith Tower Building  
Seattle, Washington 98104  
U.S. Department of Labor  
Occupational Safety and Health Administration  
121-107th Street, NE.  
Bellevue, Washington 98004

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than December 23, 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 December 23, 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.

**II. Interim order.** It appears from the application for variance and interim order filed by the company named in this notice, that the proposed scaffolding described in its application will provide employment and places of employment as safe as those which would prevail if the applicant was to comply fully with 29 CFR 1926.451(a) (4), (5), and (10). It further appears that an interim order is necessary, pending a decision on the application in order to prevent undue hardship to the applicant and its employees. Therefore, it is ordered, pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1910.11(c), that the company be, and it is hereby, authorized to use scaffolds in accordance with the following conditions, in lieu of complying with the toeboard and span requirements in § 1926.451(a) (4), (5), and (10):

(a) The applicants' loose tools and equipment shall be kept in tool containers. This does not include fit-up bar, key plates, key channels, or long handled maul which may rest on the scaffold plank from time to time. The loose tool containers shall be secured to prevent their upset or dislodgement from the scaffold area.

(b) Areas beneath employees working elevated areas shall be roped off and posted with signs stating "Danger Overhead Work".

(c) A taut wire rope shall be installed at the scaffold plank level between the scaffold plank and the curved plate structure, so that the open space on either side of the taut wire rope shall not exceed 12".

(d) Brackets, posts, supports and rails for the outer guardrail and midrail shall be proportionately stronger at 10'6" intervals in order to provide guardrail strength and stability equal to that which would be obtained by the use of 2" x 4" at 8' intervals in accordance with § 1926.451(a) (5). Brackets and supports shall be located at 10'6" intervals.

(e) Tank scaffold brackets shall be spaced 10'6" center to center for this type of tank work.

(f) Scaffold planks with the following specifications shall be used. All planking shall be of rough full-dimensional 2" x 12" x 12" Douglas Fir of Select Structural grade. The Douglas Fir shall have at least a 1,900 fiber stress and 1,900,000 modulus of elasticity.

The applicant shall give notice of its interim order to all employees affected thereby, by the same means required to be used to inform them of the application for a variance.

**Effective date.** The interim order shall be effective as of November 22, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 14th day of November 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 74-27415 Filed 11-21-74; 8:45 am]

#### STANDARDS ADVISORY COMMITTEE ON HAZARDOUS MATERIALS LABELING

##### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Hazardous Materials Labeling, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Monday, December 16, starting at 10:00 a.m. and Tuesday, December 17, 1974, starting at 9:00 a.m. in the Brittany Room of the Ramada Inn Downtown, located at 10 Thomas Circle, NW., Washington, D.C. The meeting will be open to the public, and all interested parties are encouraged to attend.

The objectives and scope of the Committee are to develop guidelines for the implementation of section 6(b)(7) of the Act with respect to "hazardous materials." Since "hazardous materials" has a very broad connotation, it was decided to limit the parameters of the Committee in order to best utilize the limited time allotted. Thus, the scope is concerned only with chemicals. Included would be such groupings as radioactive materials not under other jurisdictions, compressed gases, and explosives, while physical and biological agents would be excluded. The status of such substances classed as enzymes and hormones might be questionable and will be determined by the Committee.

It is hopeful that the Committee can formulate principles and a system from which a regulation can be prepared. In establishing its set of basic principles, the Committee does not intend to ignore the many systems presently in use; consequently, it does intend to utilize pertinent parts of whatever systems it feels would be suitable to satisfy the mandate of section 6(b)(7) of the Act.

At its first meeting, the Standards Advisory Committee on Hazardous Materials Labeling was divided into three working subgroups to efficiently study several areas at the same time: (1) Categorizing and Ranking the Hazards of Materials; (2) Labeling and Placard Systems; and (3) Safety Data Sheets and Training Requirements. At its meeting on November 4, 1974, the Committee decided to consolidate subgroups 1 and 2 in order to reduce any possible duplication of effort and best utilize the available manpower resources. Therefore, the consolidated membership will not only consider categorizing and ranking the hazards of materials, but will also consider appro-

appropriate labeling and placard systems. However, the structure and area of study for these subgroups is subject to modification.

The proposed agenda for the ensuing meetings on Monday, December 16, and Tuesday, December 17, calls for a meeting of the full committee the morning of the 16th followed by individual meetings of the two subgroups into that afternoon. The meetings of the two groups will continue the morning of the 17th with both groups reconvening that afternoon into a full committee to discuss the progress of each subgroup and to make necessary modifications for future considerations.

The Safety Data Sheets and Training Requirements Subgroup is in the process of developing proposals for the ensuing committee meeting on the 16th and 17th. To expedite actualizing the proposals, two study groups were formed:

1. Study Group A will develop proposals for safety data sheet requirements based on a review of the draft standard NIOSH recommended for identifying occupationally hazardous materials; and

2. Study Group B will generate proposals oriented toward enhancing employee recognition of the identified hazards in the workplace. The education and training programs will, also, accentuate an employee's ability to identify relevant symptoms and employ necessary emergency measures. Finally, the educational programs will stress developing employee insight into proper working conditions, precautions, and safe exposure.

The Safety Data Sheets and Training Requirements Subgroup will conduct its December 16th and 17th individual meeting in the Mayflower-Balmoral Room of the Ramada Inn Downtown. The proposed agenda for that ensuing meeting calls for the development of draft working papers based on its study group input.

The proposed agenda for the Subgroup considering categorizing and ranking the hazards of materials along with appropriate labeling and placard systems calls for three presentations from its membership and one presentation from NIOSH followed by possible accommodations of these ideas into the present working paper developed by Dr. C. Boyd Shaffer. The four presentations are as follows:

1. Miles Woodworth will present the basic aspects of the NFPA 704 System;
2. Richard Lewis will present the basic aspects of the draft standard NIOSH recommended for identifying occupationally hazardous materials;
3. Alan Roberts will present the basic aspects of the DOT HI System; and
4. Donald R. Mackay will present the basic aspect of the approach taken by the Consumer Product Safety Commission.

Any member of the public wishing to submit written presentations and/or recommendations to either the Committee or one of its working Subgroups may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by December 9, 1974. Any written submission which

does not meet the necessary time constraints will be referred to the Committee for its consideration at the next meeting. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. This will also hold true for Subgroup meetings. Consequently, persons desiring to make an oral presentation should submit a written request to be heard to the Committee Management Officer by December 9, 1974. The request must have the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the appropriate Chairman for his consideration.

It should be noted that any material considered by the Committee is part of the public record and is available for inspection and copying at the Committee Management Office. Any copying will be done at the cost of 20¢ per page. However, it should be understood that no arrangement will be made to supply Committee materials to the public at any meeting site.

Any communication relating to Committee activities or requests for copies of materials utilized by the Committee should be addressed to:

Julius Jimeno  
Committee Management Office  
U.S. Department of Labor  
Occupational Safety and Health Administration  
1726 M Street, NW., Room 200  
Washington, D.C. 20210  
Phone: 202/961-2248, 3181

Future meetings are tentatively scheduled for January 21 and 22, February 18 and 19, and March 18 and 19, 1974. Confirmation of these dates and additional details on meeting places and locations will be published in future FEDERAL REGISTER notices.

Signed at Washington, D.C., this 18th day of November, 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 74-27414 Filed 11-21-74; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

##### Highway Safety Act Sanctions Review Board

[Docket No. 74-36; Notice No. 3]

#### PROPOSED RECOMMENDED DETERMINATION TO INVOKE SANCTIONS; MARYLAND

##### Postponement of Sanctions Hearing

On October 11, 1974, the Federal Highway Administrator and the National Highway Traffic Safety Administrator, acting jointly, issued a notice (39 FR 37411, October 21, 1974) setting forth a proposed recommended determination to invoke the sanctions specified in 23 U.S.C.

402 against the State of Maryland. The basis for the proposal was the failure of Maryland to enact a presumptive or prima facie blood alcohol concentration level set at 0.10 percent or lower. The notice also announced that a public hearing would be held with respect to the proposed recommended determination on November 11, 1974.

On November 7, the Presiding Officer of the Sanctions Hearing Board granted a request by the State of Maryland for a postponement of the hearing until November 25, 1974, on the grounds that negotiations with the Federal Highway Administrator and the National Highway Traffic Safety Administrator were in progress. The Administrators have advised the Presiding Officer that they are still engaged in active negotiations and that they have no objection to a postponement of an additional 7 days to carry on those negotiations.

Accordingly, to allow opportunity for the parties to pursue possible settlement negotiations and acting under the authority of 23 CFR 1206.7(b)(1), the hearing is hereby postponed until 10:00 a.m. on December 2, 1974. The location of the hearing remains the Department of Transportation Headquarters Building, Room 2230, 400 Seventh Street SW., Washington, D.C. 20590.

GLENN J. SEDAM, Jr.,  
Presiding Officer,  
Sanctions Hearing Board.

[FR Doc.74-27589 Filed 11-21-74; 1:54 pm]

## INTERSTATE COMMERCE COMMISSION

[Notice 638]

### ASSIGNMENT OF HEARINGS

NOVEMBER 19, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

#### CORRECTION:

MC 115311 Sub 168, J & M Transportation Co., Inc., application is dismissed, instead of MC 115113 Sub 168.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27392 Filed 11-21-74; 8:45 am]

[Notice 637]

### ASSIGNMENT OF HEARINGS

NOVEMBER 19, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument ap-

pear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 133975 (Sub-No. 4), Flamingo Transportation, Inc., now assigned December 17, 1974, at Miami, Florida, will be held in the 2nd Floor Conference Room, Albany Building, Kroger Executive Center, 8400 NW 52nd Street, Miami, Florida.

MC 118490 Sub 4, Alaska Van & Storage Co., Inc., Extension—Alaska Over Land Service, now assigned December 2, 1974, at Olympia, Wash., is cancelled and the application dismissed.

MC 52657 Sub 714, Arco Auto Carriers, Inc., now assigned December 3, 1974 (2 days), at Dallas, Tex. is cancelled and transferred to Modified Procedure.

MC 111729 (Sub-No. 421), Purolator Courier Corporation, now assigned December 3, 1974, at Washington, D.C., cancelled and transferred to Modified Procedure.

MC 31389 Sub 180, McLean Trucking Company, now assigned December 4, 1974, at Little Rock, Ark., is cancelled and transferred to Modified Procedure.

MC 22278 Sub 45, Takin Bros. Freight Line, Inc., now assigned December 5, 1974, at Chicago, Ill., is cancelled and application is dismissed.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27393 Filed 11-21-74; 8:45 am]

[Notice 192]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 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 December 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-75476. By order entered 11-11-74, the Motor Carrier Board approved the transfer to Dayton & South-eastern Lines, Inc., Dayton, Ohio, of the operating rights set forth in Certificate No. MC 114246 (Sub-No. 1), issued December 9, 1968, to Indiana Trails, Inc., Vevay, Ind., authorizing the transportation of passengers and their baggage and express, mail, and newspapers, in the same vehicle with passengers, between Madison, Ind., and Cincinnati, Ohio, over specified routes, serving all intermediate points. Earl N. Merwin, 85 East Gay St., Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-75487. By order of November 7, 1974, the Motor Carrier Board approved the transfer to Dwyer Moving, Inc., Clinton, Mass., of the operating rights in Certificate No. MC 82190 issued March 4, 1964, to Carl R. Matthews, Clinton, Mass., authorizing the transportation of used heavy machinery from points in a described area of Connecticut and Rhode Island to Clinton, Mass., and household goods between Clinton, Mass., and points in Massachusetts within ten miles thereof, on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware. Kenneth B. Williams, 84 State St., Boston, Mass. 12109, attorney for applicants.

No. MC-FC-75488. By order entered November 6, 1974, the Motor Carrier Board approved the transfer to Unda's Bus Service, Inc., doing business as Interstate Coach, Taunton, Mass., of the operating rights set forth in Certificate No. MC 66561, issued July 29, 1968, to Cowell Coach Line, Inc., doing business as Interstate Coach, Taunton, Mass., authorizing the transportation of passengers and their baggage, and express, in the same vehicle with passengers, between Providence, R.I., and Quincy, Mass., over specified routes, serving all intermediate points. Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155, attorney for applicants.

No. MC-FC-75496. By order entered 11-6-74, the Motor Carrier Board approved the transfer to Eagle Tours, Inc., Warren, Ohio, of License No. MC 130119, issued July 28, 1971, to Gwen Horlacher, doing business as Scenic Deluxe Tours, Warren, Ohio, authorizing operations as a broker at Warren and Niles, Ohio, in connection with transportation by motor vehicle in interstate or foreign commerce, of passengers, both as individuals and in groups, in special and charter operations, beginning and ending at points in Trumbull County, Ohio, and extending to points in the United States, including Alaska, and excluding Hawaii. Lewis S. Witherspoon, 88 East Broad St., Columbus, Ohio 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27394 Filed 11-21-74; 8:45 am]

[Notice 156]

**MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS**

NOVEMBER 18, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before December 9, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC 105269 (Sub-No. 60TA), filed November 12, 1974. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 986, Kalamazoo, Mich. 49005. Applicant's representative: Tom Woodworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from Leitchfield, Ky., to Battle Creek, Mich., for 180 days. Supporting shipper: Michigan Carton Company, 79 Fountain Street, Battle Creek, Mich. 49016. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 128638 (Sub-No. 6TA), filed November 13, 1974. Applicant: CENTRAL GRAIN HAULERS, INC., Route No. 1, Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Clay County, Ky., to Cincinnati, Dayton, Hamilton, and Fairborn, Ohio, and points within their respective commercial zones, for 180 days. Supporting shipper: James W. Simpson, President, Skyuka Mining Corporation, Route No. 3, Box 11, Manchester, Ky. 40962. Send protests to: R. W. Schneider, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 134599 (Sub-No. 115TA), filed November 12, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Paterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and rubber products* (except commodities in bulk or which because of size or weight require special handling), from the warehouse facilities utilized by Uniroyal, Inc., near Camden, Ark., to points in Michigan, for 180 days. Supporting shipper: Uniroyal, Inc., Oxford Management & Research Center, Middlebury, Conn. (John C. Taylor, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 134599 (Sub-No. 116TA), filed November 12, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and aquarium accessories, household pet cages, supplies, and equipment, and pet food* (except commodities in bulk or which because of size or weight require special handling or special equipment), (1) from East Paterson, Maywood, and Lodi, N.J., to points in Arizona, Colorado, Idaho, Iowa, Illinois, Kansas, Louisiana, Minnesota, Missouri, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming, and (2) from Newark, Calif., to East Paterson, Maywood, and Lodi, N.J., for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, Calif. 90250 (Sanford Foreman, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 135082 (Sub-No. 13TA), filed November 11, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and tile requiring special equipment for loading or unloading*, from Denver, Pueblo, and Trinidad, Colo., to points in Arizona and Texas; (2) *Furnace or kiln lining requiring special equipment for loading or unloading*, from Denver, Colo., to points in Arizona, New Mexico, and Texas; and (3) *Clay sewer pipe, furnace or kiln lining, fire clay, requiring special equipment for loading or unloading and commodities incidental to the installation of same*

when not exceeding 10% of total shipping weight, from Pueblo, Colo., to points in Arizona, New Mexico, and Texas, for 180 days. Supporting shippers: A. P. Green Refractories Company, P.O. Box 1614, Pueblo, Colo. 81002; The Castalite Corporation, P.O. Box 9283, Denver Colo. 80209; and The Summit Pressed Brick and Tile Company, P.O. Box 533, Pueblo, Colo. 81002. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 139192 (Sub-No. 4TA), filed November 12, 1974. Applicant: JOHN PERRY, doing business as JOHN PERRY TRUCKING, 1535 Industrial Avenue, San Jose, Calif. 95112. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass parabolic antennae, and mounts, parts, accessories, equipment, tools, and supplies* necessary or incidental to the construction and maintenance and repair thereof, when included in the same vehicle with the antennae, under continuing contract with Prodelin, Inc., from the plantsite of Prodelin, Inc., in Santa Clara, Calif., to points in Pennsylvania, Michigan, and New Jersey, for 180 days. Supporting shipper: Prodelin, Inc., 1350 Duane Avenue, Santa Clara, Calif. 95050. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 139916 (Sub-No. 1TA), filed November 12, 1974. Applicant: C & B ENTERPRISES, INC., 1101 N. Broadway, St. Louis, Mo. 63102. Applicant's representative: Sol R. Levin, 213 Central Avenue, Webster Groves, Mo. 63119. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, from Calhoun, Chatsworth, Dalton, Hedges, Rome, Rossville, and Sugar Valley, Ga., and Chattanooga, Tenn., to St. Louis and points in St. Louis County, Mo., for 180 days. Supporting shippers: Tile Town of St. Louis, Inc., 11205 St. Charles Rock Road, Bridgeton, Mo. 63044, and Standard Floor Covering, Inc., 11721 Dunlap Industrial Boulevard, Maryland Heights, Mo. 63043. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140383 TA, filed November 6, 1974. Applicant: FRED LEA, doing business as VICTORY MOVERS & STORAGE, 1046 S. Rte. 83, Villa Park, Ill. 60181. Applicant's representative: Michael F. Sheehan, Jr., One East Wacker Drive, Room 2530, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New appliances,*

between Itasca, Ill., and points in Indiana, for 180 days. Supporting shipper: James W. Pope, Operations Manager, The Tappan Co., 700 Rte. 53, Itasca, Ill. 60143. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 140384 TA, filed November 12, 1974. Applicant: BERNARD D. HARRIS, 4146 State Street Drive, New Orleans, La. 70125. Applicant's representative: Bernard Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* in cartons, from New Orleans, La., to Baton Rouge, Gonzales, Hammond, Luling, and Houma, La., restricted to traffic having a prior movement by railroad, for 180 days. Supporting shipper: Singer Furniture Company, P.O. Box 511, Lenoir, N.C. 28645, D. Woods, Traffic Manager. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 140386 TA, filed November 12, 1974. Applicant: KENNETH CROSLAND, doing business as CROSLAND TRUCKING INC., 3480 Broadway Street, Brossard, Quebec, Canada. Applicant's

representative: Adrien R. Paquette, 200 St. James Street West, Suite 900, Montreal, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, from ports of entry on the United States-Canada International Boundary line located at or near Champlain, N.Y., and Jackman, Maine, and those in the states of Vermont and New Hampshire, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with the following shippers: Barvi Ltee, 2907 Dagenaise Street, Fabreville (Ste. Rose), Quebec, Canada and Les Matériaux Blanchet, 769 Hebert Street, Longueuil, Quebec, Canada.

(2) *Steel tubing, plates, coils, bars and sheets*, from ports of entry on the United States-Canada Boundary line located at or near Champlain, N.Y., and Jackman, Maine, and those in the states of Vermont and New Hampshire, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with the following shipper: Cana-

dian Steel Sales Co., 6300 Notre Dame Street E., Montreal, Quebec, Canada.

(3) *Scrap paper and cotton rags*, from Roselle Park, N.J., to ports of entry located on the United States-Canada International Boundary line located at or near Champlain, N.Y., for 180 days.

NOTE.—The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with the following shipper: Romerovsky Bros. Inc., 450 Westfield Avenue West, Roselle Park, N.J.

Restriction: Items (1), (2), and (3) are restricted to shipments having an immediate prior or subsequent movement in foreign commerce. Supporting shippers: Barvi Ltee, 2907 Dagenaise Street, Fabreville (Ste. Rose), Quebec, Canada; Les Matériaux Blanchet, 769 Hebert Street, Longueuil, Quebec, Canada; Romerovsky Bros. Inc., 450 Westfield Avenue West, Roselle Park, N.J.; and Canadian Steel Sales Co., 6300 Notre Dame Street East, Montreal, Quebec, Canada. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27395 Filed 11-21-74; 8:45 am]

# federal register

FRIDAY, NOVEMBER 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 227

PART II



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## DEPARTMENT OF TRANSPORTATION

Federal Aviation  
Administration



Advisory Circular Checklist and Status  
of Federal Aviation Regulations

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2CC—Effective Sept. 15, 1974]

### ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of September 15, 1974.

2. *Explanation.* The FAA issue advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

#### 3. The Circular Numbering System.

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the Parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's. Use a general subject number *only* when a circular covers more than one Part.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

#### Subject Number and Subject Matter

Sec.	
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general numbers is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

#### Number and Subject

150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).

Sec.	
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System. <i>Number and Subject</i>
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.
150/5900	Planning Grant for Airports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

#### 4. The Advisory Circular Checklist.

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. A list of circulars sold by the Superintendent of Documents is shown at the end of the numerical list of AC's. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

#### 5. How to get circulars.

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory

circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

U.S. Department of Transportation, Publications Section TAD 443.1, Washington, D.C. 20590.

c. Persons who want to be placed on FAA's mailing list for future circulars should write to:

U.S. Department of Transportation, Distribution Unit, TAD 483.1, Washington, D.C. 20590.

NOTE: Be sure to identify the subject matter numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

d. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

GPO Bookstore, Room 102A, 2121 Building, 2121 Eighth Avenue North, Birmingham, AL 35203.

GPO Bookstore, Federal Building, Room 1015, 300 North Los Angeles Street, Los Angeles, CA 90012.

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, CA 94102.

GPO Bookstore, Federal Building, U.S. Courthouse, Room 1421, 1961 Stout Street, Denver, CO 80202.

GPO Bookstore, P.O. Box 713, Pueblo, CO 81002.

GPO Bookstore, Federal Building, Room 158, 400 West Bay Street, Jacksonville, FLA 32202.

GPO Bookstore, Room 100, Federal Building, 275 Peachtree Street NE., Atlanta, GA 30303.

GPO Bookstore, Everett McKinley Dirksen Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, IL 60604.

GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, MA 02203.

GPO Bookstore, Federal Office Building, Room 229, 231 W. Lafayette Blvd., Detroit, MI 48226.

GPO Bookstore, Federal Building, Room 144, 601 East 12th Street, Kansas City, MO 64106.

GPO Bookstore, Room 110, 26 Federal Plaza, New York, NY 10007.

GPO Bookstore, Federal Office Building, 201 Cleveland Avenue SW., Canton, OH 44702.

GPO Bookstore, Federal Office Building, Room 171, 1240 East Ninth Street, Cleveland, OH 44114.

GPO Bookstore, Main Lobby, U.S. Post Office and Courthouse, Ninth and Chestnut Streets, Philadelphia, PA 19107.  
 GPO Bookstore, Room 1C46, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202.  
 GPO Bookstore, Federal Building, Room 1056, 909 First Avenue, Seattle, WA 98104.  
 GPO Bookstore, Federal Building, Room 190, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.  
 GPO Bookstore, 710 North Capitol Street NW., Washington, D.C. 20402.  
 GPO Bookstore (U.S. Department of Commerce), 14th and Constitution Avenue NW., Washington, D.C. 20230.  
 GPO Bookstore (USIA), 1776 Pennsylvania Avenue NW., Washington, D.C. 20547.  
 GPO Bookstore (U.S. Department of State), 21st and C Streets NW., Washington, D.C. 20520.  
 GPO Bookstore (Pentagon), Main Concourse, south end, Washington, D.C. 20310.  
 GPO Bookstore, James Forrestal Building, Room 1-J-001, 1000 Independence Avenue SW., Washington, D.C. 20407.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Order for mailing to foreign countries should include an additional amount of 25 percent of the total price to cover postage. No. c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2BB *Advisory Circular Checklist-6-15-74.* Canceled by AC 00-CC, *Advisory Circular Checklist, 9-15-74.*  
 AC 00-7 *State and Regional Defense Aircraft Planning, 4-30-64.* Canceled by AC 00-7A, *State and Regional Disaster Aircraft (SARDA) Planning, 6-3-74.*  
 AC 00-15 *Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices, 8-20-65.* Canceled.  
 AC 00-34 *Aircraft Ground Handling and Servicing, 4-12-72.* Canceled by AC 00-34A, *Aircraft Ground Handling and Servicing, 7-29-74.*  
 AC 20-6V *U.S. Civil Aircraft Register (January 1974).* Canceled by AC 20-6W, *U.S. Civil Aircraft Register (June 1974).*  
 AC 20-7k *General Aviation Inspection Aids, Summary (August 1973).* Canceled by AC 20-7L, *General Aviation Inspection Aids, Summary (August 1974).*  
 AC 43-2 *Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments, 9-10-65.* Canceled by AC 43-2A, *Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments, 8-22-74.*  
 AC 60-8 *Aids Authorized for use by Airman Written Test Applicants, 12-29-72.* Canceled by AC 60-11, *Aids Authorized for Use by Airman Written Test Applicants, 8-27-74.*  
 AC 90-58 *VOR Course Errors Resulting from 50KHz Channel Selection, 2-16-72.* Canceled by AC 90-58A, *VOR Course Errors Resulting from 50KHz Channel Selection, 6-11-74.*  
 AC 91-3 *Acrobatic Flight, 9-30-63.* Canceled.  
 AC 91-36 *VFR Flight Near Noise-Sensitive Areas, 8-7-72.* Canceled by AC 91-36A, *VFR Flight Near Noise-Sensitive Areas, 7-9-74.*

AC 140-2H *List of Certificated Pilot Flight and Ground Schools, 7-12-73.* Canceled by AC 140-2I, *List of Certificated Pilot Flight and Ground Schools, 7-12-74.*  
 AC 140-4 *Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141, 8-7-68.* Canceled.  
 AC 150/5000-2 *Index of Publications, Airport Service, Standards Division, 9-28-70.* Canceled.  
 AC 183.29-1F *Designated Engineering Representatives, 6-4-73.* Canceled by AC 183.29-1G, *Designated Engineering Representatives, 7-1-74.*  
 AC 210-2A *Established Schedule for Flight Information Effective Dates, 9-19-69.* Canceled.

8. *Additions.* The following advisory circulars are added to the list:

AC 00-2CC *Advisory Circular Checklist (9-15-74).*  
 AC 00-7A *State and Regional Disaster Aircraft (SARDA) Planning (6-3-74).*  
 AC 00-34A *Aircraft Ground Handling and Servicing (7-29-74).*  
 AC 00-43 *Final Announcement/Invitation to Attend the First Biennial Airworthiness Review Conference (9-23-74).*  
 AC 20-6W *U.S. Civil Aircraft Register (June 1974).*  
 AC 20-7L *General Aviation Inspection Aids, Summary (August 1974).*  
 AC 20-7L *Supplement 1 (September 1974).*  
 AC 20-7L *Supplement 2 (October 1974).*  
 AC 20-83 *Ch-1 Maintenance Inspection Notes for Boeing B-737 Series Aircraft (8-8-74).*  
 AC 20-84 *Ch-1 Maintenance Inspection Notes for Boeing B-727 Series Aircraft (8-8-74).*  
 AC 20-90 *Address List for Engineering and Manufacturing District Offices (6-17-74).*  
 AC 43-2A *Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8-22-74).*  
 AC 43-5 *Airworthiness Directives for General Aviation Aircraft (8-13-74).*  
 AC 43.13-2 *Ch-16 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (8-12-74).*  
 AC 60-11 *Aids Authorized for Use by Airman Written Test Applicants (8-27-74).*  
 AC 61-63 *Flight Test Guide, Private and Commercial Pilot—Lighter-Than-Air Airship (5-23-74).*  
 AC 61-70 *Flight Instructor Instrument—Airplane—Written Test Guide (3-29-74).*  
 AC 65-18 *Report Availability on a Survey of the Aviation Mechanics Occupation (9-4-74).*  
 AC 90-58A *VOR Course Errors Resulting from 50KHz Channel Selection (6-11-74).*  
 AC 91-36A *VFR Flight Near Noise-Sensitive Areas (7-9-74).*  
 AC 103-5 *Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (7-16-74).*  
 AC 140-2I *List of Certificated Pilot Flight and Ground Schools (7-12-74).*  
 AC 147-4 *Report Availability on a Survey of Text Materials Used in Aviation Maintenance Technician Schools (9-3-74).*  
 AC 150/5200-17 *Ch-1 Emergency Plan (6-28-74).*  
 AC 150/5340-16B *Ch-1 Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (8-2-74).*  
 AC 183.29-1G *Designated Engineering Representatives (7-1-74).*

#### ADVISORY CIRCULAR CHECKLIST

##### Notice

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders.

Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

#### General

##### SUBJECT No. 00

#### 00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

#### 00-2CC Advisory Circular Checklist (9-15-74).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 9-15-74.

#### 00-6 Aviation Weather (5-20-65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. (\$4 GPO.) FAA 5.8/2: W 37.

#### 00-7A State and Regional Disaster Aircraft (SARDA) Planning (6-3-74).

Provides guidance for the development and implementation of State and Regional Disaster Aircraft plans governing the use of general aviation aircraft during national emergencies and natural disasters.

#### 00-17 Turbulence in Clear Air (12-16-65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

#### 00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

#### 00-23C Near Midair Collision Reporting (1-20-72).

Advises that the FAA policy on the reporting of near midair collisions, made effective in 1968 (32 F.R. 16539) and continued in effect since that time, will terminate on December 31, 1971, and advises how the reports will be handled after December 31, 1971.

#### 00-24 Thunderstorms (6-12-68).

Contains information concerning flights in or near thunderstorms.

#### 00-25 Forming and Operating a Flying Club (3-24-69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club (\$0.75 GPO.) TD 4.8:F 67.

#### 00-26 Definitions of "U.S. National Aviation Standards" (1-22-69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation

Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

**00-28 Communications Interference Caused by Sticking Microphone Buttons (8-6-69).**

Alerts the industry of communications interference from undesired radiofrequency transmissions.

**00-30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3-5-70).**

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

**00-31 U.S. National Aviation Standard for the VORTAC System (6-10-70).**

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR-TACAN-DME) System.

**00-32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7-2-70).**

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

**00-33A Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (2-14-73).**

Provides guidelines for more reliable nickel-cadmium battery operation through proper operational and maintenance practices, and has been reissued to include reconditioning information.

**00-34A Aircraft Ground Handling and Servicing (7-29-74).**

Contains information and guidance for the servicing and ground handling of aircraft.

**00-35A Emergency Locator Transmitters—Operational and Maintenance Practices (9-28-73).**

Provides guidelines relative to the licensing, installation, maintenance, and testing of emergency locator transmitters (ELT).

**00-35A CH 1 (4-18-74).**

Paragraph 4 of this Advisory Circular deals with the interpretation of FAA licensing requirements and in some instances has been misunderstood. Because this paragraph is subject to misinterpretation and does not concern ELT operational or maintenance practices, it is therefore deleted.

**00-36 Inadvertent Transmissions from Emergency Locator Transmitters (ELT) (3-15-73).**

Urges pilots and maintenance personnel to make sure emergency locator transmitters are switched off when aircraft are parked.

**00-38 Address List for Federal Aviation Administration Air Transportation Security Divisions Air Transportation Security Field Offices, and Security Specialist Post of Duty (8-28-73).**

Transmits the address list for all FAA Air Transportation Security Divisions, Air Transportation Security Field Offices, and Security Specialist Posts of Duty.

**00-40 Emergency Locator Transmitter Regulations in FAR 91.52(a)(2) (10-3-73).**

Discusses the relationship between FAR 91.52(a)(2) and Section 601(d) of the Federal Aviation Act of 1958 (as amended) and how that relationship affects those who might wish to petition the FAA for an exemption from FAR 91.52(a)(2).

**00-41\* FAA Quality System Certification Program (1-31-74).**

Provides information concerning the Federal Aviation Administration (FAA) Quality System Certification Program and sets forth acceptable means of compliance with its requirements.

**00-41 CH 1 (5-20-74).**

Clarifies the requirement for the prime manufacturer's Quality Control System Plan to be a self-contained document independent of detailed operating procedures.

Adds paragraphs 2.5 and 3.1 to Appendix 1.

**00-42 Deferment of Aviation Maintenance Symposium and an invitation to Attend Airworthiness Review conference (5-24-74).**

Announces the postponement of the 1974 Maintenance Symposium until 1975 and invites interested persons to attend the first biennial Airworthiness Review Conference, December 2 through 11, 1974.

**00-43 Final Announcement/Invitation to Attend the First Biennial Airworthiness Review Conference (9-23-74).**

Reminds all interested persons that the First Biennial Airworthiness Review Conference will convene on December 2 through 11, 1974.

**Procedural**

SUBJECT NO. 10

**11-1A Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (12-21-72).**

Emphasizes the need for the early submission of proposal involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

**Aircraft**

SUBJECT NO. 20

**20-3C Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (6-1-73).**

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA, Navy and Air Force.

**20-5B Plane Sense (1970).**

Provides general aviation information for the private aircraft owner.

**20-6W U.S. Civil Aircraft Register (2-Volume set) (June 1974).**

Lists all active U.S. civil aircraft by registration number. (\$21.00 GPO.) TD 4.18/2:973.

**20-7L General Aviation Inspection Aids, Summary (August 1974).**

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. (\$9.90, \$12.35 foreign—Sub. GPO.) TD 4.409:973.

**20-7L Supplement 1 (September 1974).**

**20-7L Supplement 2 (October 1974).**

**20-9 Personal Aircraft Inspection Handbook (12-2-64).**

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1972. (\$1.50 GPO.) FAA 5.8/2:AI 7/2.

**20-10 Approved Airplane Flight Manuals for Transport Category Airplanes (7-30-63).**

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

**20-13A Surface-Effect Vehicles (8-28-64).**

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

**20-17B Surplus Aircraft of the Armed Forces (10-11-72).**

Sets forth the method of obtaining copies of Federal Aviation Regulations which might be required for certification of surplus military aircraft.

**20-18A Qualification Testing of Turbojet Engine Thrust Reversers (3-16-66).**

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

**20-23D Interchange of Service Experience—Mechanical Difficulties (2-12-71).**

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

**20-24A Qualification of Fuels, Lubricants, and Additives (4-1-67).**

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

**20-27B Certification and Operation of Amateur-Built Aircraft (4-20-72).**

Provides information and guidance concerning certification and operation of amateur-built aircraft, including gliders, free balloons, helicopters, and gyroplanes, and sets forth an acceptable means, not the sole means, of compliance with FAR Part 21 and FAR Part 91.

**20-28A Nationally Advertised Construction Kits, Amateur-Built Aircraft (12-29-72).**

Advises persons contemplating the use of nationally advertised kits for the construction of an aircraft, that certain kits when used could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

**20-29B Use of Aircraft Fuel Anti-icing additives (1-18-72).**

Provides information on the use of anti-icing additives PFA-55MB and MIL-I-27686 as an acceptable means of compliance with the FARs that require assurance of continuous fuel flow under conditions where ice may occur in turbine aircraft fuel systems.

**20-30A Airplane Position Lights and Supplementary Lights (4-18-68).**

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

**20-32B Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (11-24-72).**

Provides information on the potential dangers of carbon monoxide contamination from faulty engine exhaust systems or cabin heaters of the exhaust gas heat exchanger type.

**20-33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13 and 14 (2-8-65).**

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

**20-34A Prevention of Retractable Landing Gear Failures (4-21-69).**

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

**20-35B Tie-Down Sense (4-19-71).**

Provides information of general use on aircraft tie-down techniques and procedures.

**20-36C Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1973 (8-7-73).**

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of July 1, 1973. Such products

are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

**20-37A Aircraft Metal Propeller Blade Failure (4-4-69).**

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

**20-38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2-8-66).**

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

**20-39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7-15-65).**

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b), as applicable.

**20-40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8-11-65).**

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

**20-41 Replacement TSO Radio Equipment in Transport Aircraft (8-30-65).**

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

**20-42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9-1-65).**

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

**20-43B Aircraft Fuel Control (6-8-71).**

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

**20-44 Glass Fiber Fabric for Aircraft Covering (9-3-65).**

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

**20-45 Safetizing of Turnbuckles on Civil Aircraft (9-17-65).**

Provides information on turnbuckle safetizing methods that have been found acceptable by the FAA during past aircraft type certification programs.

**20-46 Suggested Equipment for Gliders Operating Under IFR (9-23-65).**

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

**20-47 Exterior Colored Band Around Exits on Transport Airplanes (2-8-66).**

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

**20-48 Practice Guide for Decontaminating Aircraft (5-5-66).**

The title is self-explanatory.

**20-51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4-12-67).**

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificate products.

**20-52 Maintenance Inspection Notes for Douglas DC-6/7 Series Aircraft (8-24-67).**

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC-6 6/7 series aircraft.

**20-53 Protection of Aircraft Fuel System Against Lightning (10-6-67).**

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

**20-54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10-24-67).**

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

**20-55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1-22-68).**

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

**20-56 Marking of TSO-C72a Individual Flotation Devices (1-19-68).**

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

**20-57A Automatic Landing Systems (ALS) (1-12-71).**

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for

- systems which may be approved for Category IIIa in the future.
- 20-58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b) (4-28-69).**  
Title is self-explanatory.
- 20-59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2-19-68).**  
Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.
- 20-59 CH 1 (8-24-72).**  
Provides additional material for Convair Models 240 and 600/240D; Models 340/440 and 640/340D/440D series aircraft Maintenance inspection programs.
- 20-60 Accessibility to Excess Emergency Exits (7-18-68).**  
Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.
- 20-62A Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (6-16-70).**  
Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.
- 20-63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7-7-69).**  
Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.
- 20-64 Maintenance Inspection Notes for Lockheed L-188 Series Aircraft (8-1-69).**  
Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L-188 series aircraft.
- 20-64 CH 1 (10-26-73).**
- 20-65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8-11-69).**  
Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.
- 20-66 Vibration Evaluation of Aircraft Propellers (1-29-70).**  
Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.
- 20-67A Airborne VHF Communication System Installations (10-17-72).**  
Sets forth one means, but not the only means of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.
- 20-68 Recommended Radiation Safety Precautions for Airborne Weather Radar (3-11-70).**  
Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.
- 20-69 Conspicuity of Aircraft Instrument Malfunction Indicators (5-14-70).**  
Provides design guidance information on methods of improving conspicuity of malfunction indication devices.
- 20-71 Dual Locking Devices on Fasteners (12-8-70).**  
Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotocraft and transport category airplanes.
- 20-72 Restricted Category Helicopter Maximum Weight Increases (3-11-71).**  
Provides assistance to persons who desire to obtain FAA approval of overmaximum certificated takeoff weight condition for restricted category helicopter operations.
- 20-73 Aircraft Ice Protection (4-21-71).**  
Provides information relating to the substantiation of ice protection systems on aircraft.
- 20-74 Aircraft Position and Anticollision Light Measurements (7-29-71).**  
Contains useful information concerning measurements for intensity, covering and color of aircraft position and anticollision lights.
- 20-76 Maintenance Inspection Notes for Boeing B-707/720 Series Aircraft (10-21-71).**  
Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B-707/720 series aircraft.
- 20-77 Use of Manufacturers' Maintenance Manuals (3-22-72).**  
Informs owners and operators about the usefulness of manufacturers' maintenance manuals for servicing, repairing, and maintaining aircraft, engines, and propellers.
- 20-78 Maintenance Inspection Notes for McDonnell Douglas DC-8 Series Aircraft (7-11-72).**  
Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the DC-8 series aircraft.
- 20-81 Accidental or Unauthorized Activation of Emergency Locator Transmitters (ELT) (10-10-72).**  
Alerts the general aviation community to the harmful effects of accidental or unauthorized activation of emergency locator transmitters.
- 20-82 Maintenance Inspection Notes for Fairchild Hiller F-27/FH-227 Series Aircraft (12-5-72).**  
Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of Fairchild Hiller F-27/FH-227 series aircraft.
- 20-82 CH 1 (7-12-73).**  
Provides additional material for subject advisory circular.
- 20-83 Maintenance Inspection Notes for Boeing B-737 Series Aircraft (1-17-73).**  
Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B-737 series aircraft.
- 20-83 CH 1 (8-8-74).**  
Provides updating of material for the B-737 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of B-737 series aircraft are presented supplementing information currently in AC 20-83.
- 20-84 Maintenance Inspection Notes for Boeing B-727 Series Aircraft (1-22-73).**  
Provides inspection notes which can be used for the maintenance support program for certain structural parts of the B-727 series aircraft.
- 20-84 CH 1 (8-8-74).**  
Updates material for the B-727 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of the B-727 series aircraft are presented supplementing information currently available in AC 20-84.
- 20-85 Emergency Locator Transmitters and Receivers (3-16-73).**  
Provides information concerning the design, installation and utilization of emergency locator transmitters.
- 20-86 Aviation Education through Building an Airplane (5-11-73).**  
Provides information in high schools about the available assistance, resources, methods, and opportunities for attaining basic educational goals by building an airplane.
- 20-87 Airborne Homing and Alerting Equipment for use with Emergency Locator Transmitters (5-7-73).**  
Sets forth the availability of recommended basic characteristics for airborne homing and alerting equipment for use with emergency locator transmitters (ELT).

**20-88 Guidelines on the Marking of Power-Plant Instruments (12-11-73).**

Provides guidelines on the marking of aircraft powerplant instruments.

**20-89 Communication Interference Caused by Unintentional Radio Transmissions (3-22-74).**

Alerts the aviation community to the potential hazards created by unintentional radio transmissions from airborne, mobile, and ground based radio transmitters and gives guidance on alleviating ensuring hazards.

**20-90 Address List for Engineering and Manufacturing District Offices (6-17-74).**

Transmits the address list for all Engineering and Manufacturing District Offices.

**21-1A Production Certificates (7-9-71).**

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

**21-2B Export Airworthiness Approval Procedures (10-2-69).**

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

**21-2B CH 1 (11-13-70).****21-2B CH 2 (2-8-71).****21-3 Basic Glider Criteria Handbook (1962).**

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1973. (\$1.75 GPO). FAA 5.8/2:G49/962.

**21-4B Special Flight Permits for Operation of Overweight Aircraft (7-30-69).**

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

**21-5C Summary of Supplemental Type Certificates (Announcement of Availability) (1-19-73).**

Announces the availability to the public of the new price of the Summary of Supplemental Type Certificates (SSTC), dated January 1971.

**21-6 Production Under Type Certificate Only (5-26-67).**

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

**21-7A Certification and Approval of Import Products (11-24-69).**

Provides guidance and information relative to U.S. certification and approval

of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

**21-8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5-21-69).**

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

**21-9 Manufacturers Reporting Failures, Malfunctions, or Defects (12-30-70).**

Provides information to assist manufacturers of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

**21-10 Flight Recorder Underwater Locating Device (5-20-71).**

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

**21-11 Quality Assurance Systems Analysis Review (QASAR) Program Manufacturers/Suppliers (5-26-72).**

Explains the objectives and concept of the FAA's subject program.

**21-12 Application for U.S. Airworthiness Certificate, FAA Form 8130-6 (OMB 04-R0058) (1-17-73).**

Provides instructions on the preparation and submittal of subject form.

**21-13 Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft Built from Spare and Surplus Parts (4-5-73).**

Provides guidance and instructions on establishing eligibility and submitting application for civil airworthiness certification of surplus military aircraft and aircraft assembled from spare and surplus parts, under FAR 21.183(d) when an FAA Type Certificate has been issued under FAR 21.21 or FAR 21.27.

**21.25-1 Use of Restricted Category Airplanes for Glider Towing (4-20-65).**

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

**21.303-1A Certification Procedures for Products and Parts (8-10-72).**

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and to set forth examples, as necessary, of acceptable means of compliance with its requirements.

**23.1329-1 Automatic Pilot Systems Approval (Non-Transport) (12-23-65).**

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

**25-2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7-9-64).**

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR-422B.

**25-4 Inertial Navigation Systems (INS) (2-18-66).**

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

**25-5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6-3-70).**

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

**25.253-1 High-Speed Characteristics (11-24-65).**

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

**25.253-1 CH 1 (1-10-66).**

Provides amended information for the basic advisory circular.

**25.981-1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1-20-71).**

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

**25.1329-1A Automatic Pilot System Approval (7-8-68).**

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

**25.1457-1A Cockpit Voice Recorder Installations (11-3-69).**

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

**29-1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12-26-63).**

Gives means for compliance with flight requirements in various CAR's.

**29-1 CH 1 (3-26-64).**

Transmits revised information about the time delay of automatic stabilization equipment.

**29.773-1 Pilot Compartment View (1-19-66).**

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a) (1), may be shown.

**33-1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4-22-70).**

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

**33-2A Aircraft Engine Type Certification Handbook (6-5-72).**

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

**33-3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9-9-68).**

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

**36-1 Airplane Noise Levels (5-31-73).**

Provides noise level data for turbine powered airplanes.

**37-2 Test Procedures for Maximum Allowable Airspeed Indicators (12-9-68).**

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO-C46a).

**37-3 Radio Technical Commission for Aeronautics Document DO-138 (1-10-69).**

This circular announces RTCA Document DO-138 and discusses how it may be used in connection with technical standard order authorizations.

**39-1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC-3 Series Aircraft Airworthiness Directive 66-18-2 (3-5-70).**

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66-18-2.

**39-6D Summary of Airworthiness Directives (2-11-74).**

Announces the availability of Summary of Airworthiness Directives dated January 1, 1974 from Oklahoma City and how to obtain them.

**43-1 Matching VHF Navigation Receiver Outputs With Display Indicators (8-2-65).**

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of

display indicators causing the receiver to fail without providing a flag alarm.

**43-2A Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8-22-74).**

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

**43-3 Nondestructive Testing in Aircraft (5-11-73).**

Reviews the basic principles underlying nondestructive testing. (\$0.75 GPO.) TD 4.8:T28.

**43-4 Corrosion Control for Aircraft (5-15-73).**

Summarizes current available data regarding identification and treatment of corrosive attack on aircraft structure and engine materials.

**43-4 CH 1 (3-1-74).**

Provides additional information on identification and treatment of corrosion attack on aircraft structures. Adds a new Chapter 14—Corrosion control of aircraft used in agricultural cropdusting operations.

**43-5 Airworthiness Directives for General Aviation Aircraft (8-13-74).**

Points areas of misunderstanding regarding: (1) Aircraft owners and operators' responsibility for complying with AD's; (2) maintenance personnel responsibilities with regards to performance of AD's; and (3) maintenance records entries for AD's required by FAR 91.173(a) (2) (v) and FAR 43.9.

**43.9-1C Instruction for Completion of FAA Form 337 (12-20-73).**

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller or Appliance).

**43.13-1A Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (4-17-72).**

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1973. (\$3.70—GPO.) TD 4.28/2:972.

**43.13-2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4-19-66).**

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. (\$2.50, \$3.25 foreign Sub.—GPO.) TD 4.28:973.

Subscription now includes: Changes 1 thru 14 Consolidated Reprint in 1973, Change 15 dated 1-15-74 and Change 16 dated 8-12-74.

**43-202 Maintenance of Weather Radar Radomes (6-11-65).**

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

**43-203A Altimeter and Static System Tests and Inspections (6-6-67).**

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

**43-204A Airborne ATC Transponder System Maintenance (1-11-74).**

Sets forth one means, but not the only means of demonstrating compliance with the maintenance requirements, contained in FAR 91.177 and prescribed in FAR 43, Appendix F, governing the testing of ATC transponders.

**45-2 Identification and Registration Marking (7-7-72).**

Provides guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) Parts 21 and 45, and where considered helpful, to provide an acceptable means, but not the sole means, of compliance with the regulations.

**47-1A Aircraft Registration, Eligibility, Identification and Activity Report (6-7-73).**

Advises owners and operators of U.S. civil aircraft of requirement for annual submission of current information related to aircraft registration eligibility, requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used.

**Airmen****SUBJECT NO. 60****60-2L Annual Aviation Mechanic Safety Awards Program (3-29-74).**

Provides the details of the annual Aviation Mechanic Safety Awards Program.

**60-4 Pilot's Spatial Disorientation (2-9-65).**

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

**60-6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12-13-68).**

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

**60-7 Statement of Additional Instruction for Retest (1-27-72).**

Announces a new procedure for the use of a computer printed "Statement of Additional Instruction" on each Airman Written Test Report that has an unsatisfactory grade for any section. It explains the statement and strongly recommends its use.

**60-9 Induction Icing—Pilot Precautions and Procedures (2-28-73).**

Provides the pilot with information on the causes and results of induction icing in reciprocating aircraft engines, and

the precautions he should take to reduce the likelihood of icing, and the means available to him in controlling icing when it is encountered.

**60-10 Recommended Safety Parameters for Operation of Hang Gliders (5-16-74).**

Suggest safety parameters for the operation of "hang gliders" and to present the current FAA intent with respect to the regulation and operation of those vehicles.

**60-11 Aids Authorized for Use by Airman Written Test Applicants (8-27-74).**

Clarifies FAA policy concerning aids that applicants may use when taking airman written tests.

**61-1D Aircraft Type Ratings (5-15-72).**

Provides designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

**61-2A Private Pilot (Airplane) Flight Training Guide (9-1-64).**

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Reprinted in 1972. (\$1.95 GPO.) FAA 5.8/2:P 64/4/964.

**61-3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4-2-68).**

Assists the private pilot applicant in preparing for his certification flight test. Reprinted in 1969. (\$0.25 GPO.) TD 4.408:P64/2.

**61-4C Multiengine Airplane Class or Type Rating—Flight Test Guide (2-1-71).**

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1972. (\$0.65 GPO.) TD 4.408:M 91.

**61-5A Helicopter Pilot Written Test Guide—Private—Commercial (8-14-67).**

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

**61-8C Instrument Rating (Airplane) Written Test Guide (5-31-72).**

Reflects the current operating procedures and techniques in a background setting appropriate for applicants preparing for the subject test. (\$1.45 GPO.) TD 4.8:In 7/4/972.

**61-9B Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes (1-15-74).**

A guide to the procedures and standards to be followed for a thorough and comprehensive checkout in modern single- and twin-engine aircraft. (\$0.35 GPO.) TD 4.8:P 64/6.

**61-10A Private and Commercial Pilots Refresher Courses (9-27-72).**

Provides a syllabus of study requirements and describes the areas of train-

ing that should be emphasized. (\$0.40 GPO.) TD 4.408:P 64/6.

**61-11B Airplane Flight Instructor Written Test Guide (9-12-72).**

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. (\$0.95 GPO.) TD 4.408:In 7.

**61-12F Student Pilot Guide (1-25-74).**

Provides guidance for student pilots and those already in primary flight training. Updated to include requirements covered in the revised Part 61. (\$0.55 GPO.) TD 4.8:P64/3/972.

**61-13A Basic Helicopter Handbook (4-5-73).**

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. (\$1.90 GPO.) FAA 1.8:H 36/2.

**61-14A Flight Instructor Practical Test Guide (10-23-69).**

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Reprinted in 1973. (\$0.35 GPO.) TD 4.408:In 7/4.

**61-16A Flight Instructor's Handbook (10-14-69).**

Gives guidance and information to pilots preparing to apply for flight instructor certificates, and for use as a reference by flight instructors. (\$2 GPO.) Reprinted in 1972. TD 4.408:In 7/3.

**61-17B Flight Test Guide—Instrument Pilot Airplane (1-12-72).**

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Reprinted in 1973. (\$0.95 GPO.) TD 4.408:In 7/2/972.

**61-18C Airline Transport Pilot (Airplane) Written Test Guide (4-19-71).**

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. (\$1.75 GPO.) Reprinted in 1972. TD 4.8:P 64/5/971.

**61-19 Safety Hazard Associated With Simulated Instrument Flights (12-4-64).**

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

**61-21 Flight Training Handbook (1-11-66).**

Provides information and direction in the introduction and performance of

training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. (\$2.10 GPO.) FAA 1.8:F 64/4.

**61-23A Pilot's Handbook of Aeronautical Knowledge (7-10-70).**

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. (\$5.30 GPO.) TD 4.408:P 64/5.

**61-25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12-7-65).**

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. (\$0.55 GPO.) FAA 1.8:H 36/2.

**61-27B Instrument Flying Handbook (9-22-70).**

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Pilot's Handbook of Aeronautical Knowledge." (\$3.35 GPO.) TD 4.8:In 7/2/971.

**61-28A Commercial Pilot Written Test Guide (4-28-70).**

Reflects current operating procedures and techniques for the use of applicants in preparing for the Commercial Pilot—Airplane Written Test. (\$2.00 GPO.) TD 4.408:P 64/4.

**61-29A Instrument Flight Instructor Written Test Guide (10-16-70).**

Reflects current operating procedures, regulations, and techniques for the use of applicants in preparing for the Flight Instructor Instrument Written Test (\$1.00 GPO.) TD 4.8:In 7/5.

**61-30A Flight Test Guide—Gyroplane, Private and Commercial (3-23-72).**

Assist the commercial and private pilot applicant in preparing for his gyroplane test (\$0.65 GPO.) TD 4.408:G99.

**61-31A Gyroplane Pilot Written Test Guide, Private and Commercial (6-9-72).**

Provides guidance and assistance to applicants who are preparing for the Private or Commercial Pilot Gyroplane Written Test. Covers the basic aeronautical knowledge that the prospective gyroplane pilot must know.

**61-32A Private Pilot Written Test Guide (12-1-71).**

Provides information, guidelines, and sample test items to assist applicants for the Private Pilot Certificate in attaining necessary aeronautical knowledge (\$2.50 GPO.) TD 4.408:P 64/971.

**61-33 Gyroplane Flight Instructor Examination Guide (3-25-66).**

Assists applicants who are preparing for the Flight Instructor Rotorcraft

Gyroplane Written Examination. Revised in 1966.

**61-34A Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (6-18-70).**

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. (\$0.70 GPO.) TD 4.P8: 64/970.

**61-38 Rotorcraft Helicopter Written Test Guide (8-16-67).**

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

**61-39A Flight Test Guide, Private and Commercial Pilot—Glider (10-19-72).**

Assists applicants for private and commercial pilot flight tests in gliders.

**61-41A Glider Flight Instructor Written Test Guide (1-12-72).**

Provides information, guidelines, and sample test items, to assist applicants for the Glider Flight Instructor rating in attaining necessary aeronautical knowledge.

**61-42A Airline Transport Pilot (Helicopter) Written Test Guide (1-20-72).**

Describes the type and scope of required aeronautical knowledge covered in the written tests, lists reference materials available from GPO bookstores, and presents sample test items with answers and explanations. (\$0.70 GPO.) TD 4.408:H 36/972.

**61-43A Glider Pilot Written Test Guide—Private and Commercial (1-12-72).**

Provides information, guidelines, and sample test items, to assist applicants for the Glider Pilot Certificate in attaining necessary aeronautical knowledge.

**61-45 Instrument Rating (Helicopter) Written Test Guide (1-24-68).**

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

**61-46 Flight Instructor Procedures (6-4-69).**

Informs flight instructors of the procedures involved in the renewal or reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

**61-47 Use of Approach Slope Indicators for Pilot Training (9-16-70).**

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation

Administration on the use of approach slope indicator systems for pilot training.

**61-49 Airline Transport Pilot—Airplane Practical Test Guide (8-9-71).**

Describes the practical test requirements for Airline Transport Pilot Certificates (Airplane) and associated class and type ratings. (\$0.45 GPO.) TD 4.408: An 7/4.

**61-50 Aerial Applicator Aerodynamics Review of "Region of Reversed Command" (2-7-72).**

Provided for the purpose of increasing pilot awareness of the aerodynamic limitations pertinent to aerial applicator operations.

**61-51 Reporting Flight Time on Pilot Applications, FAA Form 8420-3 (6-26-72).**

Advises applicants of the importance of entering their pilot flight time on subject form. (OBM No. 04-R0064.)

**61-52B Flight Instructor of the Year Award Program (1-5-74).**

Provides the details of the Flight Instructor of the Year Award Program.

**61-54 Flight Test Guide (Part 61 revised)—Private Pilot Airplane (4-2-73).**

Establishes a new concept of pilot training and certification requirements. (\$0.65 GPO.) TD 4.408:P64/2/973.

**61-55 Commercial Pilot Airplane Flight Test Guide (4-13-73).**

Assist the applicant and his instructor in preparing for the flight test for the Commercial Pilot Certificate with Airplane Rating under Part 61 (revised). (\$0.60 GPO.) TD 4.408:AI 7/7.

**61-56 Flight Test Guide (Part 61 revised) Instrument Pilot Airplane (5-1-73).**

Assists the applicant and his instructor in preparing for the flight test for the Instrument Pilot Airplane Rating under Part 61 (revised). (\$0.55 GPO.) TD 4.408: N/7/2/973.

**61-57 Multiengine Airplane Class and Type Rating (4-13-73).**

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the flight test required for the Multiengine Class and Type Rating under Part 61 (revised). (\$0.65 GPO.) TD 4.408:M91/973.

**61-58 Flight Instructor Practical Test Guide (5-1-73).**

Outlines new requirements based on changes to FAR Part 61, Certification of Pilots and Flight Instructors. (\$0.40 GPO.) TD 4.408:In 7/5.

**61-59 Private and Commercial Pilot, Flight Test Guide (5-24-73).**

Assist the applicant and his instructor in preparing for the flight test for the Private or Commercial Pilot Rotorcraft Certificate with Helicopter Rating under Part 61 (revised). (\$0.60 GPO.) TD 4.408:H36/3.

**61-60 Private and Commercial Pilot Gyroplane, Flight Test Guide (May 1973).**

Outlines appropriate pilot operations and the minimum standards for the performance of each procedure or maneuver which will be accepted by the examiner as evidence of the pilot's competency, under Part 61 (revised). (\$0.65 GPO.) TD 4.408:G99/973.

**61-61 Private and Commercial Pilot Glider, Flight Test Guide (4-27-73).**

Assist the applicant and his instructor in preparing for the flight test for the Private and the Commercial Pilot Certificate with Glider Rating under Part 61 (revised). (\$0.50 GPO.) TD 4.408:G49.

**61-62 Private and Commercial Pilot Free Balloon . . . , Flight Test Guide (June 1973).**

Assist the applicant and his instructor in preparing for the flight test for the Private Pilot or Commercial Pilot Certificate with a lighter-than-air category and free balloon class rating under Part 61 (revised).

**61-63 Flight Test Guide, Private and Commercial Pilot—Lighter-Than-Air Airship (5-23-74).**

Establishes a new concept of pilot training and certification requirements. To provide a transition to these revised requirements, Part 61 (revised) permits the applicant, for a period of 1 year after the effective date, to meet either the previous requirements for the Private Pilot Certificate and the Commercial Pilot Certificate as outlined in Part 61, prior to November 1, 1973.

**61-64 Flight Test Guide—Instrument Pilot Helicopter (7-23-73).**

Assists the applicant and his instructor in preparing for the flight test for the Instrument Pilot Helicopter Rating under the revised Part 61. (\$0.40 GPO.) TD 408:H36/4.

**61-65 Part 61 (Revised) Certification: Pilot and Flight Instructors (9-5-73).**

Informs pilots and flight instructors of the changes in Part 61, revised January 23, 1973, their effects, and the standards and procedures which will be used in implementing them.

**61-66 Annual Pilot in Command Proficiency Checks (11-2-73).**

Presents material relating to annual proficiency checks required for pilots-in-command of civil aircraft type certificated for more than one required pilot crewmember, other than those operating under Parts 121, 123, 127, 133, 135, and 137.

**61-67 Hazards Associated with Spins in Airplanes Prohibited from Intentional Spinning (2-1-74).**

Informs pilots of the airworthiness standards for the type certification of small airplanes prescribed in Section 23.221 of the Federal Aviation Regulations concerning spin maneuvers.

**61-68 Flight Instructor Refresher Clinics Scheduling, Attendance Facilities and Equipment (2-27-74).**

Provides guidance to sponsors regarding scheduling, required facilities and equipment, and attendance control at Flight Instructor Refresher Clinics in which the Flight Instructor Refresher Unit (FIRU) participates.

**61-70 Flight Instructor Instrument—Airplane—Written Test Guide 3-29-74.**

Provides guidance for the applicant by outlining the scope of knowledge required for the Flight Instructor Certificate with an Instrument Airplane Rating. (\$1.65 GPO.) S/N 5007-00-252.

**61.117-1D Flight Test Guide—Commercial Pilot, Airplane (2-14-72).**

Assists the commercial applicant in preparing for his certification flight test. Reprinted in 1973. (\$0.60 GPO.) TD 4.8:P 64/2/72.

**63-1B Flight Engineer Written Test Guide (10-22-70).**

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. (\$0.85 GPO.) TD 4.8:En 3/971.

**63-2A Flight Navigator Written Test Guide (4-4-69).**

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. (\$0.70 GPO.) TD 4.8:F 64/2.

**65-2C Airframe and Powerplant Mechanics Certification Guide (3-15-73).**

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. (\$1.10 GPO.) TD 4.8:A1 7/6/973.

**65-4B Aircraft Dispatcher Written Test Guide (7-25-72).**

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. (\$1.40 GPO.) TD 408:A1 7/6.

**65-5 Parachute Rigger Certification Guide (6-19-67).**

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Reprint in 1970. (\$0.25 GPO.) TD 4.8:P 21.

**65-9 Airframe and Powerplant Mechanics—General Handbook (8-26-70).**

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings.

Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. Reprinted in 1973. (\$6 GPO.) TD 4.408:A1 7/2.

**65-11A Airframe and Powerplant Mechanics Certification Information (4-21-71).**

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. (\$0.40 GPO.) TD 4.8:A1/7/21/9/71.

**65-12 Airframe and Powerplant Mechanics Powerplant Handbook (9-25-70).**

Designed to familiarize student mechanics with the construction, theory of operation, and maintenance of aircraft powerplants. Reprinted in 1973. (\$4.60 GPO.) TD 4.408:A1 7/3.

**65-13A FAA Inspection Authorization Directory (4-18-74).**

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of March 1, 1974. (\$6.00 GPO.)

**65-15 Airframe and Powerplant Mechanics Airframe Handbook (9-18-72).**

Designed to familiarize student mechanics with airframe construction, repair, and the operating theory of airframe systems. Reprinted in 1973. (\$5.05 GPO.) TD 4.408:A1 7/5.

**65-17 Annual Renewal Meeting of Holders of the Inspection Authorization (1-15-73).**

Initiates an annual renewal meeting for the holders of the inspection authorization.

**65-18 Report Availability on a Survey of the Aviation Mechanics Occupation (9-4-74).**

Announces the public availability of the 1974 report on a Survey of the Aviation Mechanics Occupation.

**65.95-2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10-9-70).**

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

**67-1 Medical Information for Air Ambulance Operators (3-4-74).**

Provides persons or groups interested or involved in civil air ambulance activities with information governing the transport of patients by air.

**67-2 Medical Handbook for Pilots (5-15-74).**

An aviation medicine handbook written in pilots language that provides guidance on when, and when not, to fly. Em-

phasizes the fact that, to be a good pilot, you must be physically fit, psychologically sound, and well trained. Designed to complement the Pilots Handbook of Aeronautical Knowledge.

**Airspace**

**SUBJECT NO. 70**

**70-2 Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation on Airports (7-23-73).**

Advises those persons proposing to construct, alter, activate or deactivate a civil or joint-use (civil/military) airport, for which Federal aid has not been requested, of the Federal Aviation Administration.

**70/7460-1C Obstruction Marking and Lighting (12-11-73).**

Describes FAA standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types for both aviation red and high intensity white obstruction lights.

**70/7460-2E Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (7-5-73).**

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

**70/7460-3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8-8-68).**

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

**73-1 Establishment of Alert Areas (3-11-68).**

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

**Air Traffic Control and General Operations**

**SUBJECT NO. 90**

**90-1A Civil Use of U.S. Government Produced Instrument Approach Charts (4-10-68).**

Clarifies landing minimums requirements and revises instrument approach charts.

**90-5 Coordination of Air Traffic Control Procedures and Criteria (6-13-63).**

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

**90-12A Severe Weather Avoidance (2-21-73).**

Warns all pilots concerning flight in the vicinity of known or forecasted severe weather, severe turbulence and hail and advises them that air traffic control facilities, even though equipped

with radar, might not always have the capability nor be in a position to provide assistance for circumnavigation of areas of severe weather.

**90-14A Altitude—Temperature Effect on Aircraft Performance (1-26-68).**

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

**90-20 Weather Radar Radomes (11-12-64).**

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

**90-22C Automatic Terminal Information Service (ATIS) (2-2-71).**

Provides updated information concerning the operation of Automatic Terminal Information Service.

**90-23D Wake Turbulence (12-15-72).**

Alerts pilots to the hazards of aircraft trailing vortex wake turbulence and recommends related operational procedures.

**90-34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2-27-68).**

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

**90-38A Use of Preferred IFR Routes (12-29-69).**

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

**90-41C Revised Standard Instrument Departure/Arrival Procedures (4-13-72).**

Describes the revised Standard Instrument Departure (SID) and Standard Terminal Arrival Route (STAR) program which basically eliminates the ability to file STAR's in a flight plan and informs pilots that altitudes and airspeeds will no longer be embedded within the body of a STAR.

**90-42A Traffic Advisory Practices at Nontower Airports (8-16-72).**

Establishes, as good operating practices, procedures for pilots to be apprised of or exchange traffic information, when approaching or departing uncontrolled airports.

**90-43C Operations Reservations for High-Density Traffic Airports (11-14-71).**

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

**90-45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8-18-69).**

Provides guidelines for implementation of area navigation (RNAV) within the National Airspace System (NAS).

**90-45 CH 1 (10-20-70).**

Deletes certain items found to be in excess of minimum requirements and clarifies certain other items.

**90-47 Abbreviated Instrument Flight Rules Departure Clearance (3-18-70).**

Provides guidance to pilots and operators for participation in the Abbreviated IFR Departure Clearance Program.

**90-48 Pilots' Role in Collision Avoidance (3-20-70).**

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human casual factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce mid-air conflicts.

**90-50 Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications (9-29-70).**

Describes the civil air traffic control assignment of frequencies in the very high frequency (118-136 MHz) band.

**90-51 FAA Motion Picture—"Caution—Wake Turbulence" (11-17-70).**

Announces the availability of a new wake turbulence film and encourages its viewing.

**90-54A Cruise Clearances (11-27-73).**

Provides the aviation community guidance when operating under a "cruise" clearance.

**90-58A VOR Course Errors Resulting from 50KHz Channel Selection (6-11-74).**

Provides information concerning a potentially hazardous situation when a VOR receiver is inadvertently tuned 50KHz from the ground station frequency.

**90-59 Arrival and Departure Handling of High-Performance Aircraft (2-28-72).**

Describes ATC handling of high performance aircraft in terminal areas.

**90-60 Weather Observation Reporting Obscured or Partially Obscured Sky Condition (3-31-72).**

Provides pilots with information concerning weather conditions reported by weather observers as obscuration or partial obscuration.

**90-62 Flying DME ARCs (1-23-73).**

Describes the procedures and techniques for intercepting DME arcs from radials, maintaining DME arcs, and intercepting radials and localizers from DME arcs.

**90-63 ATC Procedures for Random Area Navigation Routes (5-8-73).**

Provides guidelines and procedures for obtaining approval of random IFR area navigation routes in the U.S. National Airspace System.

**90-64 Automated Radar Terminal System (ARTS) III (6-22-73).**

Advises the aviation community of the capabilities of the Automated Radar Terminal System and the associated services provided by ARTS III equipped air traffic control facilities.

**90-65 Air Traffic Fuel Economy Program (1-18-74).**

Advises the aviation community of flow control procedures that will be utilized to conserve aviation fuel during periods when the normal movement of aircraft is disrupted. Also describes actions required of user groups to ensure efficient flow control planning.

**91-5B Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (1-28-72).**

Provides information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR Part 91.

**91-6 Water, Slush, and Snow on the Runway (1-21-65).**

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

**91-7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3-16-65).**

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

**91-8A Use of Oxygen by General Aviation Pilots/Passenger (8-11-70).**

Provides general aviation personnel with information concerning the use of oxygen.

**91-9 Potential Hazards Associated With Turbojet Ground Operations (6-19-65).**

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

**91-10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10-8-65).**

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

**91-11A Annual Inspection Reminder (12-3-69).**

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a) (1) of the FAR's.)

**91.11-1 Guide to Drug Hazards in Aviation Medicine (7-19-63).**

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. (\$1.15 GPO.) FAA 7.9:D 84.

**91-12B Required Inspection for Aircraft Operating Under FAR Parts 121, 123, 127, or 135 and Reverting to General Operation Under FAR Part 91 (12-9-70).**

Describes acceptable methods for complying with the required inspections set forth in FAR Part 91.

**91-13A Cold Weather Operation of Aircraft (1-2-70).**

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

**91-14B Altimeter Setting Sources (10-1-71).**

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

**91-15 Terrain Flying (2-2-67).**

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. (\$1.40 GPO.) TD 4.2:T27.

**91-16 Category II Operations—General Aviation Airplanes (8-7-67).**

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

**91-17 The Use of View Limiting Devices on Aircraft (2-20-68).**

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

**91-21 Inspection Schedule—for Handley-Page Model HP-137 (4-24-69).**

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP-137 aircraft.

**91-22A Altitude Alerting Devices/Systems (12-23-71).**

Provides guidelines for designing, installing, and evaluating altitude alerting systems.

**91-23 Pilot's Weight and Balance Handbook (5-6-69).**

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. Reprinted in 1972 (\$1.25 GPO.) TD 4.408:P 64/3.

**91-24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9-4-69).**

Provides information to the problem of aircraft tires hydroplaning on wet runways.

**91-25A Loss of Visual Cues During Low Visibility Landings (6-22-72).**

Provides information concerning the importance of maintaining adequate visual cues during the descent below MDA or DA.

**91-26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10-29-69).**

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

**91-27A Systemsworthiness Analysis Program—General Aviation (12-16-70).**

Explains the purpose and applicability of the Systemsworthiness Analysis Program (SWAP) to certificated air taxis, repair stations, pilot and aviation maintenance technician schools that are operated under the privileges of certificates issued by the Federal Aviation Administration.

**91-28 Unexpected Opening of Cabin Doors (12-23-69).**

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

**91-32 Safety in and Around Helicopters (5-7-71).**

Provides suggestions to improve helicopter safety by means of acquainting nonflight crew personnel and passengers with the precautions and procedures necessary to avoid undue hazards.

**91-33 Use of Alternate Grades of Aviation Gasoline for Grade 80/87 (10-6-71).**

Provides information relating to the use of alternate grades of aviation gasoline when grade 80/87 is not available, and the resultant effects of the use of the alternate fuels which may have higher TEL (tetraethyl lead) content.

**91-34 Model Aircraft Operating Standards (7-1-72).**

Outlines safety standards for operators of model aircraft, and encourages voluntary compliance with these standards.

**91-35 Noise, Hearing Damage, and Fatigue in General Aviation Pilots (3-28-72).**

Acquaints pilots with the hazards of regular exposure to cockpit noise. Especially pertinent are piston-engine, fixed-wing, and rotary-wing aircraft.

**91-36A VFR Flight Near Noise-Sensitive Areas (7-9-74).**

Encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation. National Park areas now included.

**91-37 Truth in Leasing (11-9-72).**

Provides information and guidance for lessees and conditional buyers of U.S. registered large civil aircraft.

**91-38 Large and Turbine-Powered Multiengine Airplanes, Part 91, Subpart D (12-13-72).**

Sets forth guidelines and procedures to assist operators of large and turbine-powered multiengine airplanes in meeting the safety requirements of FAR, Part 91, Subpart D.

**91-39 Recommended Noise Abatement Takeoff and Departure Procedure for Civil Turbojet Powered Airplanes (1-18-74).**

Illustrates the recommended noise abatement takeoff and departure procedure for civil turbojet powered airplanes.

**91-40 Terminal Control Area (TCA) Radar Outage (1-17-74).**

Explains the service that will be provided by Air Traffic Control to aircraft in a terminal control area when a radar outage occurs.

**91-41 Ground Operational Procedures for Aircraft Engine Emission Reduction and Fuel Conservation (3-12-74).**

Recommends ground operational procedures that will minimize air pollution from aircraft ground operations and conserve fuel.

**91.29-1 Special Structural Inspections (1-8-68).**

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

**91.83-1 Canceling or Closing Flight Plans (3-12-64).**

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

**91.83-2 IFR Flight Plan Route Information (2-16-66).**

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

**95-1 Airway and Route Obstruction Clearance (6-17-65).**

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEA's) for publication in FAR Part 95.

**99-1 Security Control of Air Traffic (1-12-72).**

Provides civil aviation with recommended practices for operating aircraft within or penetrating an Air Defense Identification Zone (ADIZ).

**101-1 Waivers of Part 101, Federal Aviation Regulations (1-13-64).**

Provides information on submission of applications and issuances of waivers to FAR Part 101.

**103-2 Information Guide for Air Carrier Handling of Radioactive Materials (7-23-70).**

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

**103-3 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Dangerous Articles and Magnetized Materials (10-10-73).**

Provides air carriers and air taxi/commercial operators with information concerning recent revisions to FAR Parts 103, 121, and 135 requiring the establishment of manuals and training of personnel in the air transportation of dangerous articles and magnetized materials.

**103-4 Hazard Associated with Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (5-1-74).**

Discusses the potential hazard associated with the sublimation of dry ice aboard aircraft. Precautionary measures and simple rules of thumb are indicated in order to preclude environmentally hazardous conditions affecting crews and passengers aboard aircraft.

**103-5 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (7-16-74).**

Provides information relevant to the preparation and loading of magnetron tubes and magnetic materials for shipment in civil aircraft.

**105-2 Sport Parachute Jumping (9-6-68).**

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

**107-1 Aviation Security—Airports (5-19-72).**

Furnishes guidance to those individuals and organizations having responsibilities under Part 107 of the Federal Aviation Regulations. It also provides recommendations for establishing and improving security for restricted or critical facilities and areas the security of which is not dealt with in Part 107.

**Air Carrier and Commercial Operators and Helicopters**

SUBJECT NO. 120

**120-1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4-24-69).**

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Rules Pertaining to Aircraft Accidents, Incidents, Overdue Aircraft, and Safety Investigations.

**120-2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8-20-63).**

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

**120-5 High Altitude Operations in Areas of Turbulence (8-26-63).**

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

**120-7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7-27-70).**

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

**120-12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6-24-64).**

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

**120-13 Jet Transport Aircraft Altitude Instrument Systems (6-26-64).**

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

**120-16A Continuous Airworthiness Program (9-11-69).**

Provide air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

**120-17 Handbook for Maintenance Control by Reliability Methods (12-31-64).**

Provides information and guidance materials which may be used to design or develop maintenance reliability programs which include a standard for determining the time limitations.

**120-17 CH1 (6-24-66).**

**120-17 CH2 (5-6-68).**

**120-21 Aircraft Maintenance Time Limitations (6-24-66).**

Provides methods and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

**120-24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2-25-69).**

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

**120-26C Civil Aircraft Operator Designators (9-23-72).**

Revises the criteria and states the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

**120-27 Aircraft Weight and Balance Control (10-15-68).**

Provides a method and procedures for weight and balance control.

**120-27 CH 1 (11-20-73).**

Adds Part 123 to subject circular.

**120-28A Criteria for Approval of Category IIIa Landing Weather Minima (12-14-71).**

States an acceptable means, not the only means, for obtaining approval of Category IIIa minima and the installation approval of the associated airborne systems.

**120-28A CH 1 (1-18-73).**

Revises the CAT IIIa Landing Weather Minima maintenance requirements of paragraph 8 to make them consistent with the requirements for CAT IIa.

**120-29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9-25-70).**

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300-3/4 or RVR 4,000 (Category I) and Category II minima for all aircraft.

**120-29 CH 1 (12-15-71).**

Revises Appendix 1 and deletes statement in Appendix 2 regarding 19-foot criteria (does not apply when using an approved automatic landing system).

**120-29 CH 2 (7-26-72).**

Clarifies the airborne system evaluation by stressing the necessity for meeting maintenance program requirements.

**121-1A Standard Operations Specifications—Aircraft Maintenance Handbook (6-26-73).**

Provides procedures acceptable to the Federal Aviation Administration which may be used by operators when establishing inspection intervals and overhaul times.

**121-3N Maintenance Review Board Reports (6-7-73).**

Revises the list of Maintenance Review Board Reports that are currently in effect.

**121-6 Portable Battery-Powered Megaphones (1-5-66).**

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

**121-7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7-14-66).**

Concerned with the prevention of injury due to air turbulence.

**121-12 Wet or Slippery Runways (8-17-67).**

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

**121-13 Self-Contained Navigation Systems (Long Range) (10-14-69).**

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

**121-13 CH 1 (7-31-70).**

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

**121-13 CH 2 (12-21-70).**

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

**121-14 Aircraft Simulator Evaluation and Approval (12-19-69).**

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under section 121.407.

**121-16 Maintenance Certification Procedures (11-9-70).**

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

**121-17 Aviation Security: Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements (3-14-72).**

Provides general information regarding the requirements of FAR Amdt. 121-85.

**121.195(d)-1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11-19-65).**

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

**123-1 Air Travel Clubs (10-17-68).**

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

**135.144-1 Small Propeller-Driven Air Taxi Airplanes That Meet Section 135.144 (4-13-72).**

Provides a summary of and information on small propeller-driven air taxi airplanes that comply with section 135.144 and may continue operations under FAR Part 135 after May 31, 1972, with 10 or more passenger seats.

**135.155-1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2-16-65).**

Sets forth an acceptable means of compliance with provision in FAR Part

135 and Part 23 dealing with alternate static courses.

**135-1A Air Taxi Aircraft Weight and Balance Control (9-26-69).**

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

**135-2A Air Taxi Operators of Large Aircraft (11-16-73).**

Provides guidelines for use by air taxi operators or applicants who desire to obtain authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

**135-3 Air Taxi Operators of Small Aircraft (2-17-70).**

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

**135.60-1 Aircraft Inspection Programs (5-1-70).**

Provides information for use by air taxi operators and commercial operators of small aircraft developing an aircraft inspection program for FAA approval.

**137-1 Agricultural Aircraft Operations (11-29-65).**

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulators in nature, which will assist interested persons in understanding the operating privileges and limitations of this Part.

**Schools and Other Certificated Agencies**

SUBJECT NO. 140

**140-1G Consolidated Listing of FAA Certificated Repair Stations (2-27-74).**

Provides a revised directory of all FAA certificated repair stations as of November 1973.

**140-2I List of Certificated Pilot Flight and Ground Schools (7-12-74).**

Provides a list of FAA certificated pilot flight and ground schools as of June 30, 1974.

**140-3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1-8-70).**

The title is self-explanatory.

**140-5 Radio Maintenance Technician School Curriculum (8-11-71).**

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

**143-ID Ground Instructor Written Test Guide—Basic & Advanced (4-18-74).**

Outlines the scope of basic knowledge requirements for a ground instructor; outlines source material to obtain this knowledge; presents a sample test with answers and explanations. (\$1.70 GPO.) TD 4.408:G91.

**143-2B Ground Instructor—Instrument—Written Test Guide (6-25-70).**

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. (\$1.30 GPO.) TD 4.8: G 91/971.

**145.101-1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3-10-69).**

Explains how to obtain a repair station certificate.

**147-2M Directory of FAA Certificated Aviation Maintenance Technician Schools (4-2-74).**

Provides a revised directory of all FAA certificated aviation maintenance technician schools as of March 1, 1974.

**147-3 Phase III, A National Study of the Aviation Mechanics Occupation (3-22-71).**

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

**147-4 Report Availability of a Survey of Text Materials used in Aviation Maintenance Technician Schools (9-3-74).**

Announces the public availability of the 1974 report on A Survey of Text Materials Used in Aviation Maintenance Technician Schools.

**149-2G Listing of Federal Aviation Administration Certificated Parachute Lofts (4-2-74).**

Provides a revised listing of all FAA certificated parachute lofts as of March 1, 1974.

**Airports**

SUBJECT NO. 150

AIRPORT PLANNING

**150/5000-1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4-17-70).**

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

**150/5000-3B Address List for Regional Airports Divisions and Airport District Offices (10-26-73).**

Transmits the address list for all regional Airports Divisions and Airport District Offices.

**150/5040-1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3-27-69).**

Announces the availability of the new report and where to obtain it.

**150/5040-2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation Hubs Through 1980 (5-22-69).**

Announces the availability of the report to the public, Federal Aviation Administration personnel, airport and local government planning officials, the aviation industry, and the interested public with forecasts of aviation demand and selected airport facility requirements for medium hubs through 1980.

**150/5040-3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6-19-69).**

Announces the availability of the report to the public which identifies and analyzes the possible improvements leading to reduced aircraft delays at 18 of the Nation's highest density airports.

**150/5040-4 Announcement of Supplementary Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (3-31-70).**

Announces the availability of the report to the public which identifies and analyzes possible improvements needed to prevent delays at 10 additional airports where demand compared to capacity indicates serious congestion will become a problem. This report is supplementary to the report announced by AC 150/5040-3.

**150/5050-2 Compatible Land Use Planning in the Vicinity of Airports (4-13-67).**

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

**150/5050-3A Planning the State Airport System (June 1972).**

Provides general guidance in preparing a State airport system plan. (\$2.50 GPO.) TD 4.8: Ai 7/29.

**150/5060-1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7-8-68).**

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

**150/5060-3A Airport Capacity Criteria Used in Long-Range Planning (12-24-69).**

Describes the method used by the Federal Aviation Administration for deter-

mining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

**150/5070-1 Rapid Transit Service for Metropolitan Airports (8-26-65).**

Informs airport officials of a Federal assistance program for rapid transit.

**150/5070-2 Planning the Metropolitan Airport (9-17-65). (Consolidated reprint 6-30-66 includes change 1.)**

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

**150/5070-3 Planning the Airport Industrial Park (9-30-65).**

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

**150/5070-5 Planning the Metropolitan Airport System (5-22-70).**

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. (\$2.00 GPO.) TD 4.108: M56/2.

**150/5070-6 Airport Master Plans (2-5-71).**

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. (\$2.00 GPO.) TD 4.108: P69.

**150/5090-2 National Airport Classification System (Airport System Planning) (6-25-71).**

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.

**FEDERAL-AID AIRPORT PROGRAMS**

**150/5100-3A Federal-aid Airport Program-Procedures Guide for Sponsors (9-20-68).**

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

**150/5100-3A CH I (11-28-69).**

Transmits revised pages to subject advisory circular.

**150/5100-5 Land Acquisition in the Federal-aid Airport Program (1-30-69).**

Provides general information to sponsor of airport development projects un-

der the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

**150/5100-6A Labor Requirements for Airport Development Aid Program (ADAP) Contracts (1-31-73).**

Covers the basic labor requirements for the Airport Development Aid Program.

**150/5100-6A CH I (3-16-73).**

Transmits a revision to delete page 3-1 from subject Advisory Circular.

**150/5100-7A Requirement for Public Hearing in the Airport Development Aid Program (2-25-72).**

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

**150/5100-8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1-19-71).**

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

**150/5100-9 Engineering Services Under the Airport Development Aid Program (ADAP) (7-1-72).**

Provides guidance for airport sponsors and Federal Aviation Administration offices in the definition, selection, review, and approval of engineering services used under subject program.

**150/5100-10 Accounting Records Guide for Airport Development Aid Program Sponsors (5-15-72).**

Assists sponsors of Airport Development Aid Program (ADAP) projects in maintaining accounting records that will satisfy the recordkeeping and auditing requirements which are necessary to support claims for progress and final payments under the Airport and Airway Development Act of 1970 (Public Law 91-258).

**SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS**

**150/5150-2A Federal Surplus Personal Property for Public Airport Purposes (8-3-73).**

Acquaints public airport owners and other interested parties with the Federal Surplus Personal Property Program for public airports and to outline procedures to be used in applying for and acquiring surplus personal property for this purpose.

**150/5150-2A CH I (2-21-74).**

Adds material to paragraph 24, Chapter 6, which was inadvertently omitted in the Advisory Circular during preparation.

## AIRPORT COMPLIANCE PROGRAM

**150/5190-1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8-18-66).**

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

**150/5190-2A Exclusive Rights at Airports (4-4-72).**

Makes available to public airport owners, and to other interested persons, basic information and guidance on FAA's policy regarding exclusive rights at public airports on which Federal funds, administered by FAA, have been expended.

**150/5190-2A CH 1 (10-2-72).**

Deletes the reference to the sale of aeronautical charts by the National Ocean Survey (formerly the U.S. Coast Guard and Geodetic Survey) and to encourage airport owners to obtain UNICOM license in their own names and make these facilities available to all fixed base operators.

**150/5190-3A Model Airport Hazard Zoning Ordinance (9-19-72).**

Provides a model airport hazard zoning ordinance for airports. The model ordinance is intended merely as a guide to control manmade and natural hazards to aircraft and will require modifications and revisions to meet the varying circumstances and the state and local laws.

## AIRPORT SAFETY—GENERAL

**150/5200-3A Bird Hazards to Aircraft (3-2-72).**

Transmits to the aviation public the latest published information concerning the reduction of bird strike hazards to aircraft in flight and in the vicinity of airports.

**150/5200-4 Foaming of Runways (12-21-66).**

Discusses runway foaming and suggests procedures for providing this service.

**150/5200-5 Considerations for the Improvement of Airport Safety (2-2-67).**

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

**150/5200-6A Security of Aircraft at Airports (6-28-68).**

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

**150/5200-7 Safety on Airports During Maintenance of Runway Lighting (1-24-68).**

Points the possibility of an accident occurring to airport employees caused by electrocution.

**150/5200-8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5-2-68).**

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

**150/5200-9 Bird Reactions and Scaring Devices (6-26-68).**

Transmits a report on bird species and their responses and reactions to scaring devices.

**150/5200-11 Airport Terminals and the Physically Handicapped (11-27-68).**

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

**150/5200-12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8-7-69).**

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper presentation of evidence.

**150/5200-13 Removal of Disabled Aircraft (8-27-70).**

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

**150/5200-14 Results of 90-Day Trial Exercise on Fire Department Activity (9-8-70).**

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

**150/5200-15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (911-70).**

Announces the availability of the subject manual.

**150/5200-16 Announcement of Report AS-71-1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4-13-71).**

Announces the availability of the subject report and describes how to get it.

**150/5200-17 Emergency Plan (2-5-72).**

Contains guidance material for airport managements to use in developing an emergency plan at civil airports.

**150/5200-17 CH-1 (6-28-74).**

Provide additional guidance on care and services for uninjured aircraft passengers.

**150/5200-18 Airport Safety Self-Inspection (2-5-72).**

Suggests functional responsibility, procedures, a checklist, and schedule for an airport safety self-inspection.

**150/5200-19 Availability of Report No. FAA-RD-71-20 "An Analysis of Airport Snow Removal and Ice Control" dated March 1971 (11-23-71).**

Announces the availability of subject report.

**150/5200-21 Announcing the Availability of U.S. Air Force Technical Order (T.O.) 00-105-9 Aircraft Emergency Rescue Information (5-23-73).**

Explains the nature of the Technical Order and tells how it can be obtained by airport fire departments which are under the Airport Certification Program.

**150/5210-2 Airport Emergency Medical Facilities and Services (9-3-64).**

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

**150/5210-4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10-27-65).**

Provides information on the purpose, content, and availability of the subject training film.

**150/5210-5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8-31-66).**

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

**150/5210-6B Aircraft Fire and Rescue Facilities and Extinguishing Agents (1-26-73).**

Outlines scales of protection considered as the recommended level compared with the minimum level in Federal Aviation Regulation Part 139.49 and tells how these levels were established from test and experience data.

**150/5210-6B CH 1 (8-22-73).**

Issues new guidance under paragraph 9, and paragraph 12 of subject advisory circular.

**150/5210-6B CH 2 (5-21-74).**

Includes details on the basic purpose, care, and cleaning of proximity suits. Adds a new chapter 5—contains criteria intended for use in purchasing off-the-shelf design proximity suits.

**150/5210-7A Aircraft Fire and Rescue Communications (3-16-72).**

Provides guidance information for use by airport management in establishing communication and alarm facilities by which personnel required to respond to and function at aircraft ground emergencies may be alerted and supplied with necessary information.

**150/5210-8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1-13-67).**

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

**150/5210-9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10-27-67).**

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

**150/5210-10 Airport Fire and Rescue Equipment Building Guide (12-7-67).**

This title is self-explanatory.

**150/5210-11 Response to Aircraft Emergencies (4-15-69).**

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

**150/5210-12 Fire and Rescue Service for Certificated Airports (3-2-72).**

Furnishes guidance and explains to Federal Aviation Administration (FAA) airport inspectors and airport management the minimum criteria to be applied when evaluating the aircraft fire and rescue service required at an airport for its compliance with the requirements of FAR Part 139.

**150/5210-13 Water Rescue Plans, Facilities, and Equipment (5-4-72).**

Suggests planning procedures, facilities, and equipment to effectively perform rescue operations when an aircraft lands in a body of water, swamp, or tidal area where normal aircraft firefighting and rescue service vehicles are unable to reach the accident scene.

**150/5220-1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7-24-64).**

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

**150/5220-4 Water Supply Systems for Aircraft Fire and Rescue Protection (12-7-67).**

The title is self-explanatory.

**150/5220-6 Guide Specification for 1,000-Gallon Tank Truck (4-10-68).**

Assists airport management in the development of local procurement specifications.

**150/5220-9 Aircraft Arresting System for Joint Civil/Military (4-6-70).**

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems

that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

**150/5220-10 Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks (5-26-72).**

Assists airport management in the development of local procurement specifications.

**150/5220-10 CH 1 (12-4-72).**

Replaces information on weight distribution and fire pump engines which was omitted when the subject circular was developed, consolidating information from four other circulars.

**150/5220-10 CH 2 (8-22-73).**

Expands the guidance under paragraph 14 of subject AC to permit the design of engine systems to operate in freezing temperatures for prolonged periods and to provide devices, insulation materials, etc., to prevent the truck fire fighting system from freezing.

**150/5230-3 Fire Prevention During Aircraft Fueling Operations (4-8-69).**

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

**150/5240-7 A Fuel/Energy Conservation Guide for Airport Operators (2-19-74).**

Identifies potential areas where fuel and energy usage can be conserved to assist airport operators in their voluntary actions in reducing fuel and energy consumption.

**150/5280-1 Airport Operations Manual (6-16-72).**

Sets forth guidelines to assist airport operators in developing an Airport Operations Manual in compliance with the requirements of FAR Part 139.

**150/5280-2 Guidance for Airport Operators—Use of Notices to Airmen as Related to FAR Part 139 (2-12-74).**

Provides the airport operator with guidance on Notices to Airmen and assists him in understanding the system in relation to the requirements of FAR Part 139.

**DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL**

**150/5300-2C Airport Design Standards—Site Requirements for Terminal Navigational Facilities (9-21-73).**

Provides information regarding the relative location and siting requirements for the terminal navigation facilities located on or close to an airport.

**150/5300-2C CH 1 (3-1-74).**

Transmits a revised Fig. 2-12 correcting the guidance for the location of the ILS Middle Marker Beacon.

**150/5300-4A Utility Airports—Air Access to National Transportation (5-6-69).**

Presents recommendations of the Federal Aviation Administrator for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. (\$3.15 GPO.) TD 4.8: Ai 7/968.

**150/5300-4A CH 1 (9-13-73).**

Transmits new transverse grade criteria and informs the user of airport design standards of a change in terminology.

**150/5300-5 Airport Reference Point (9-26-68).**

Defines and presents the method for calculating an airport reference point.

**150/5300-6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7-14-69).**

Provides recommended design criteria for the development of larger than general utility airports.

**150/5300-6 CH 1 (4-13-72).**

**150/5300-7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11-8-72).**

Reaffirms the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

**150/5300-8 Planning and Design Criteria for Metropolitan STOL Ports (11-5-70).**

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

**150/5300-9 Predesign and Preconstruction Conferences (ADAP) Projects (9-10-73).**

Emphasizes the need for, and encourages the use of, predesign and preconstruction conferences as valuable tools in the administration of construction contracts funded under the ADAP.

**150/5320-5B Airport Drainage (7-1-70).**

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. (\$1.30 GPO.) TD 4.8: 78/970.

**150/5320-6B Airport Pavement Design and Evaluation (5-28-74).**

Provides guidance to the public for the design and evaluation of pavements at civil airports.

**150/5320-9 Use of a Friction Measuring Device in Engineering and Maintenance of Airport Pavement Surfaces (9-19-72).**

Describes a method for obtaining a rapid, continuous graphic record of airport pavement characteristics, including

relative friction values from which the presence of contaminants such as water, snow or ice, reverted rubber, paint and fuel spillage effects can be detected.

**150/5320-10 Environmental Enhancement at Airports—Industrial Waste Treatment (4-16-73).**

Provides basic information on the nature and treatment of industrial wastes produced at airports.

**150/5320-11 Runway Categorization—Aeronautical Studies—Airport Owners' Responsibilities (9-21-73).**

Emphasizes the need for airport owners to maintain runway and approach zone categories and locations on file with FAA so they may be given consideration under the regulations of FAR Part 77.

**150/5325-2B Airport Design Standards—Air Carrier Airports—Surface Gradient and Line of Sight (2-18-70).**

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airport surface areas used to accommodate the landing, takeoff, and other ground movement requirements of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

**150/5325-3 Background Information on the Aircraft Performance Curves for Large Airplanes (1-26-65).**

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

**150/5325-3 CH 1 (5-12-66).**

Transmits a revision to the effective runway gradient standards.

**150/5325-4 Runway Length Requirements for Airport Design (4-5-65).**

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

**150/5325-4 CH 1 (8-5-65).**

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1-11.

**150/5325-4 CH 2 (9-21-65).**

Transmits aircraft performance curves for the Boeing 707-300C and the Fairchild F-27 and F-27B.

**150/5325-4 CH 3 (4-25-66).**

Transmits aircraft performance curves for the Douglas DC-8-55, DC-8F-55, and DC-9-10 Series, the Fairchild F-27J, and the Nord 262.

**150/5325-4 CH 4 (5-12-66).**

Transmits a revision to the effective runway gradient standards.

**150/5325-4 CH 5 (7-13-66).**

Transmits aircraft performance curves for the Douglas DC-9-10 Series equipped with Pratt & Whitney JT8D-1 Engines.

**150/5325-4 CH 6 (12-8-66).**

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

**150/5325-4 CH 7 (2-7-67).**

Presents design curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

**150/5325-4 CH 8 (11-8-67).**

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC-9-30 Series.

**150/5325-5A Aircraft data (1-12-68).**

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

**150/5325-6A Airport Design Standards—Effects and Treatment of Jet Blast (7-13-72).**

Presents criteria on the jet engine blast velocities associated with aircraft in common use in air carrier service, the effects of these blast velocities during ground operations, and suggested means to counteract or minimize these effects.

**150/5325-8 Compass Calibration Pad (5-8-69).**

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

**150/5330-2A Runway/Taxiway Widths and Clearances for Airline Airports (7-26-68).**

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

**150/5330-3 Wind Effect on Runway Orientation (5-5-66).**

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

**150/5335-1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5-15-70).**

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

**150/5335-1A CH 1 (10-4-73).**

Transmits revised pages to the subject advisory circular.

**150/5335-2 Airport Aprons (1-27-65).**

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

**150/5335-3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4-19-71).**

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

**150/5335-3 CH 1 (3-30-73).**

Transmits revised pages.

**150/5340-1D Marking of Paved Areas on Airports (1-19-73).**

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

**150/5340-4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5-6-69).**

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

**150/5340-5A Segmented Circle Airport Marker System (9-10-71).**

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

**150/5340-8 Airport 51-foot Tubular Beacon Tower (6-11-64).**

Provides design and installation details on the subject tower.

**150/5340-9 Prefabricated Metal Housing for Electrical Equipment (8-18-64).**

Provides design and installation details on the subject metal housing.

**150/5340-13B High Intensity Runway Lighting System (3-24-73).**

Describes standards for the design, installation, and maintenance of high intensity runway lighting systems.

**150/5340-14B Economy Approach Lighting Aids (6-19-70).**

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

**150/5340-14B CH 1 (6-24-73).**

Transmits equipment specifications for an omnidirectional lead in approach light system.

**150/5340-15B Taxiway Edge Lighting System (4-4-72).**

Describes the recommended standards for the design, installation, and maintenance of a taxiway edge lighting system.

**150/5340-16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10-26-70).**

Describes standards for the design, installation, and maintenance of medium intensity runway lighting system (MIRL), and visual approach slope indicators for utility airports.

**150/5340-16B CH 1 (8-2-74).**

Adds the requirement for split red/green lens on the threshold lights and split white/yellow lens on the edge lights in the caution zone. Appendix 1 was deleted.

**150/5340-17A Standby Power for Non-FAA Airport Lighting Systems (3-19-71).**

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

**150/5340-18 Taxiway Guidance System (9-27-68).**

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

**150/5340-19 Taxiway Centerline Lighting System (11-14-68).**

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

**150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2-17-69).**

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

**150/5340-21 Airport Miscellaneous Lighting Visual Aids (3-25-71).**

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

**150/5340-22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4-20-71).**

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

**150/5340-22 CH 1 (6-23-71).**

Transmits a page change to subject advisory circular.

**150/5340-23 Guide for Location of Supplemental Wind Cones (8-24-71).**

Describes standards for the performance and location of supplemental wind cones.

**150/5345-1D Approved Airport Lighting Equipment (4-11-73).**

Contains lists of approved airport lighting equipment and manufacturers

qualified to supply their product in accordance with the indicated specification requirements.

**150/5345-1D CH 1 (11-1-73).**

Transmits additions and revisions to the lists of approved equipment and manufacturers.

**150/5345-2 Specification for L-810 Obstruction Light (11-4-63).**

Required for FAAP project activity.

**150/5345-2 CH 1 (10-28-66).**

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

**150/5345-3B Specification for L-821 Airport Lighting Panel for Remote Control of Airport Lighting (4-21-72).**

Describes the specification requirements for an airport lighting control panel for the remote control of airport lighting circuits and is published by the Federal Aviation Administration for the guidance of the public.

**150/5345-4 Specification for L-892 Internally Lighted Airport Taxi Guidance Sign (10-15-63).**

Required for FAAP project activity.

**150/5345-4 CH 1 (10-28-66).**

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

**150/5345-5 Specification for L-847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9-3-63).**

Required for FAAP project activity.

**150/5345-7B Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits (3-18-71).**

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

**150/5345-9C Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Lights (12-23-69).**

Describes the subject specifications requirements and is published by the Federal Aviation Administration for the guidance of the public.

**150/5345-10C Specification for L-828 Constant Current Regulators (10-22-71).**

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

**150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3-2-64).**

Required for FAAP project activity.

**150/5345-12A Specification for L-801 Beacon (5-12-67).**

Describes the subject specification requirements.

**150/5345-12A CH 1 (3-19-71).**

Transmits paragraph changes to the subject advisory circular.

**150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1-6-64).**

Required for FAAP project activity.

**150/5345-15 Specification for L-842 Airport Centerline Light (1-6-64).**

Required for FAAP project activity.

**150/5345-16 Specification for L-843 Airport In-Runway Touchdown Zone Light (1-20-64).**

Required for FAAP project activity.

**150/5345-17 Specification for L-845 Semiflush Inset Prismatic Airport Light (3-3-64).**

Describes the subject specification requirements.

**150/5345-18 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3-3-64).**

Required for FAAP project activity.

**150/5345-18 CH 1 (5-28-64).**

Advises that a detail requirement is not applicable to the circular.

**150/5345-19 Specification for L-838 Semiflush Prismatic Airport Light (5-11-64).**

Describes the subject specification requirements.

**150/5345-20 Specification for L-802 Runway and Strip Light (6-24-64).**

Describes the subject specification requirements.

**150/5345-20 CH 1 (8-31-64).**

Provides amended information for the basic advisory circular.

**150/5345-20 CH 2 (1-14-66).**

Provides new dimensions for the thickness of the metal stake and an organizational change.

**150/5345-20 CH 3 (10-28-66).**

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

**150/5345-20 CH 4 (8-5-69).**

Describes the subject specification requirements for a runway and strip light.

**150/5345-21 Specification for L-813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7-28-64).**

Describes the subject specification requirements.

**150/5345-22 Specification for L-834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10-8-64).**

Describes the subject specification requirements.

**150/5345-23 Specification for L-822 Taxiway Edge Light (10-13-64).**

Describes the subject specification requirements.

**150/5345-23 CH 1 (1-14-66).**

Provides new dimensions for the thickness of the metal stake and an organizational change.

**150/5345-23 CH 2 (10-28-66).**

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

**150/5345-23 CH 3 (8-5-69).**

Describes the subject specification requirements for a taxiway edge light.

**150/5345-26A Specification for L-823 Plug and Receptacle, Cable Connectors (5-4-71).**

Describes the subject specification requirements.

**150/5345-27A Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6-16-69).**

Describes the subject specification requirements for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

**150/5345-28B Specification for L-851 Visual Approach Slope Indicators and Accessories (2-16-72).**

Describes the specification requirements for visual approach slope indicator (VASI) and simple abbreviated visual approach slope indicator (SAVASI) equipment and accessories.

**150/5345-29A FAA Specification L-852, Light Assembly, Airport Taxiway Centerline (4-28-71).**

Describes FAA Specification L-852, Light Assembly, Airport Taxiway Centerline, for the guidance of the public.

**150/5345-30A Specification for L-846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2-3-67).**

Describes, for the guidance of the public, subject specification requirements for electrical wire.

**150/5345-31A Specification for L-833 Individual Lamp Series-to-Series Type Insulating Transformer for 600-Volt or 5,000-Volt Series Circuits (4-24-70).**

Describes the subject specification requirements and is published by the FAA for the guidance of the public.

**150/5345-33 Specification for L-844 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 200 Watt (1-13-65).**

Describes the subject specification requirements.

**150/5345-34 Specification for L-839 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1-13-65).**

Describes the subject specification requirements.

**150/5345-36 Specification for L-808 Lighted Wind Tee (2-3-65).**

Describes the subject specification requirements.

**150/5345-37C FAA Specification L-850, Light Assembly Airport Runway Centerline and Touchdown Zone (6-27-72).**

Describes subject light assembly for the guidance of the public.

**150/5345-38 Changes to Airport Lighting Equipment (3-23-67).**

The title is self-explanatory.

**150/5345-39A FAA Specification L-853, Runway and Taxiway Centerline Retroreflective Markers (9-17-71).**

Describes specification requirements for L-853 Runway and Taxiway Retroreflective markers, for the guidance of the public.

**150/5345-41 Specification for L-855, Individual Lamp, Series-to-Series Type Insulating Transformer for 5,000-Volt Series Circuit, 6.6/6.6 Amperes, 65 Watts (4-24-70).**

Describes the subject specification and is published by the FAA for the guidance of the public.

**150/5345-42A FAA Specification L-857, Airport Light Bases, Transformer Housing and Junction Boxes (10-4-73).**

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

**150/5345-43B FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems (11-1-73).**

Contains equipment specifications for high intensity obstruction lighting systems.

**150/5345-44A Specification for L-858 Retroreflective Taxiway Guidance Signs (7-20-71).**

Describes the specification for retroreflective taxiway guidance signs.

**150/5345-45 Lightweight Approach Light Structure (5-10-73).**

Presents the specifications for lightweight structures for supporting lights as used in visual navigational aid systems.

**150/5355-1A International Signs to Facilitate Passengers Using Airports (11-3-71).**

Informs airport authorities of the desirability to provide international signs and diagrammatic maps within terminal buildings and of the need for clearly marked road signs for airports.

**150/5355-2 Fallout Shelters in Terminal Buildings (4-1-69).**

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

**150/5360-1 Airport Service Equipment Buildings (4-6-64).**

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

**150/5360-2 Airport Cargo Facilities (4-6-64).**

Provides guidance material on air cargo facilities.

**150/5360-3 Federal Inspection Service Facilities at International Airports (4-1-66).**

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

**150/5370-1A Standard Specifications for Construction of Airports (5-28-68).**

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. (\$6.25 GPO.) TD 4.24:968

**150/5370-2 Safety on Airports During Construction Activity (4-22-64).**

Provides guidelines concerning safety at airports during periods of construction activity.

**150/5370-4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5-29-69).**

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

**150/5370-5 Offshore Airports (12-15-69).**

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods.

**150/5370-6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3-16-70).**

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

**150/5370-7 Airport Construction Controls To Prevent Air and Water Pollution (4-26-71).**

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

**150/5370-8 Grooving of Runway Pavements (3-16-71).**

Provides guidance for the design, installation, and maintenance of grooves in runway pavements.

**150/5370-9 Slip-Form Paving—Portland Cement Concrete (6-7-73).**

Transmits guidance for the construction of Portland Cement Concrete pavements by the slip-form method.

**150/5380-1 Airport Maintenance (4-14-63).**

Provides a basic checklist and suggestions for an effective airport maintenance program.

**150/5380-2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12-24-64).**

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

**150/5380-3A Removal of Contaminants from Pavement Surfaces (10-27-70).**

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

**150/5380-4 Ramp Operations During Periods of Snow and Ice Accumulation (9-11-68).**

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

**150/5380-5 Debris Hazards at Civil Airports (3-8-71).**

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

**150/5390-1A Heliport Design Guide (11-5-69).**

Contains design guidance material for the development of heliports, both surface and elevated. (\$1.25 GPO.) TD 4.108:H36.

**Planning Grant Program****150/5900-1 The Planning Grant Program for Airports (2-16-73).**

Offers guidance to the sponsors of airport system plans and airport master plans on how to participate in the FAA's Planning Grant Program.

**Air Navigational Facilities****SUBJECT NO. 170****170-3B Distance Measuring Equipment (DME) (11-8-65).**

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

**170-6A Use of Radio Navigation Test Generators (3-30-66).**

Gives information received from the Federal Communications Commission as

to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

**170-8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11-7-66).**

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

**170-9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11-26-68).**

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

**170-10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10-17-69).**

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

**170-11 Amendment of Federal Aviation Regulation Part 171 (FAR-171)—Cost of Flight and Ground Inspections (9-17-70).**

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

**170-12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10-7-70).**

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

**Administrative****SUBJECT NO. 180****183-30A FAA Designated Mechanic Examiners Directory (4-10-74).**

Provides a revised directory of all FAA designated mechanic examiners as of March 1, 1974.

**183-31B FAA Designated Parachute Rigger Examiner Directory (4-2-74).**

Provides a new directory of all FAA designated parachute rigger examiners as of March 1, 1974.

**183.29-1G Designated Engineering Representatives (7-1-74).**

Lists FAA-approved Designated Engineering Representatives who are available for consulting work.

**Flight Information****SUBJECT NO. 210****210-1 National Notice to Airmen System (2-8-64).**

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

**210-3 National Notice to Airmen System—Elimination of NOTAM Code (5-22-70).**

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic service A circuits.

**211-2 Recommended Standards for IFR Aeronautical Charts (3-20-67).**

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

**Advisory Circulars For Sale**

This List contains those circulars that are sold by the Superintendent of Documents. (See numerical index for appropriate price, sequential lettering, if any, and date, etc.)

- Acceptable Methods, Techniques, and Practices—Aircraft Alterations, AC 43.13-2.
- Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, AC 43.13-1.
- Aircraft Dispatcher Written Test Guide, AC 65-4.
- Airframe and Powerplant Mechanics Airframe Handbook, AC 65-15.
- Airframe and Powerplant Mechanics Certification Guide, AC 65-2.
- Airframe and Powerplant Mechanics Certification Information, AC 65-11.
- Airframe and Powerplant Mechanics—General Handbook, AC 65-9.
- Airframe and Powerplant Mechanics Powerplant Handbook, AC 65-12.
- Airline Transport Pilot—Airplane Practical Test Guide, AC 61-49.
- Airline Transport Pilot (Airplane) Written Test Guide, AC 61-18.
- Airline Transport Pilot (Helicopter) Written Test Guide, AC 61-42.
- Airplane Flight Instructor Written Test Guide, AC 61-11.
- Airport Drainage, AC 150/5320-5.
- Airport Master Plans, AC 150/5070-6.
- Aviation Weather, AC 00-6.
- Basic Glider Criteria Handbook, AC 21-3.
- Basic Helicopter Handbook, AC 61-13.
- Commercial Pilot Airplane Flight Test Guide, AC 61-55.
- Commercial Pilot Written Test Guide, AC 61-28.
- FAA Inspection Authorization Directory, AC 65-13.
- Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, AC 61-34.
- Flight Engineer Written Test Guide, AC 63-1.
- Flight Instructor Instrument—Airplane—Written Test Guide, AC 61-70.
- Flight Instructor Practical Test Guide, AC 61-14.
- Flight Instructor Practical Test Guide, AC 61-58.
- Flight Instructor's Handbook, AC 61-16.
- Flight Test Guide—Commercial Pilot, Airplane, AC 61.117-1.

Flight Test Guide—Gyroplane, Private and Commercial, AC 61-30.  
 Flight Test Guide—Helicopter, Private and Commercial Pilot, AC 61-25.  
 Flight Test Guide—Instrument Pilot Airplane, AC 61-17.  
 Flight Test Guide (Part 61 revised)—Instrument Pilot Airplane, AC 61-56.  
 Flight Test Guide—Instrument Pilot Helicopter, AC 61-64.  
 Flight Test Guide (Part 61 revised)—Private Airplane, AC 61-54.  
 Flight Test Guide—Private Pilot—Airplane—Single Engine, AC 61-3.  
 Flight Navigator Written Test Guide, AC 63-2.  
 Flight Training Handbook, AC 61-21.  
 Forming and Operating a Flying Club, AC 00-25.  
 General Aviation Inspection Aids, Summary, AC 20-7.  
 Ground Instructor—Instrument—Written Test Guide, AC 143-2.  
 Ground Instructor Written Test Guide—Basic and Advanced, AC 143-1.  
 Guide to Drug Hazards in Aviation Medicine, AC 91.11-1.  
 Heliport Design Guide, AC 150/5390-1.  
 Instrument Flight Instructor Written Test Guide, AC 61-29.  
 Instrument Flying Handbook, AC 61-27.  
 Instrument Rating (Airplane) Written Test Guide, AC 61-8.  
 Medical Handbook for Pilots, AC 67-2.  
 Multiengine Airplane Class and Type Rating, AC 61-57.  
 Multiengine Airplane Class and Type Rating—Flight Test Guide, AC 61-4.  
 Nondestructive Testing in Aircraft, AC 43-3.  
 Parachute Rigger Certification Guide, AC 65-5.  
 Personal Aircraft Inspection Handbook, AC 20-9.  
 Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes, AC 61-9.  
 Pilot's Handbook of Aeronautical Knowledge, AC 61-23.  
 Pilot's Weight and Balance Handbook, AC 91-23.  
 Planning the Metropolitan Airport System, AC 150/5070-5.  
 Planning the State Airport System, AC 150/5050-3.  
 Private and Commercial Pilot, Flight Test Guide, AC 61-59.  
 Private and Commercial Pilot Glider, Flight Test Guide, AC 61-61.  
 Private and Commercial Pilot Gyroplane, Flight Test Guide, AC 61-60.  
 Private and Commercial Pilots Refresher Courses, AC 61-10.  
 Private Pilot (Airplane) Flight Training Guide, AC 61-2.  
 Private Pilot Written Test Guide, AC 61-32.  
 Standard Specifications for Construction of Airports, AC 150/5370-1.  
 Student Pilot Guide, AC 61-12.  
 Terrain Flying, AC 91-15.  
 U.S. Civil Aircraft Register, AC 20-6.  
 Utility Airports—Air Access to National Transportation, AC 150/5300-4.

#### Internal Publications

Contractions Handbook, 7340.1D (10-1-73).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. (\$11.00 and \$13.75 foreign Sub.—GPO.) TD 4.308: C76/973.

Location Identifiers, 7350.4A (January 1974).

Incorporates all authorized 3-letter location identifiers for special use in

United States, worldwide, and Canadian assignments. (\$11.00—\$13.75 foreign Sub.—GPO.) TD 4.310:

En Route Air Traffic Control Handbook, 7110.9C (1-1-73).

Prescribes air traffic control procedures and phraseology for use by personnel providing en route air traffic control service. (\$8.55, \$10.60 foreign Sub.—GPO.) TD 4.308: En1/973.

Terminal Air Traffic Control Handbook, 7110.8C (1-1-73).

Prescribes air traffic control procedures and phraseology for use by personnel providing terminal air traffic control services. (\$13.50, \$17 foreign Sub.—GPO.) TD 4.308: T27/973.

Flight Services, 7110.10B (1-1-73).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the continuous U.S. Service A Weather Schedules. (\$24—\$30 foreign Sub.—GPO.) 2D 4.308: F 64/973.

International Flight Information Manual, Vol. 22 (April 1974).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. (\$6—\$7.50 foreign—Annual Sub. GPO.) TD 4.309: 21.

#### International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. (\$18.70—\$23.40 foreign—Annual Sub. GPO.) TD 4.11:.

#### Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamental required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations, and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); and Emergency Procedures. (Annual Designated Mountainous Areas, Scatana, Sub. \$7, Foreign mailing—\$1.75 additional. GPO.) TD 4.12: pt. 1/.

#### Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and National Weather Service telephone numbers. (Annual Sub. \$7, Foreign mailing—\$1.75 additional. GPO.) TD 4.12: pt. 2/.

#### Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 56 days and contains an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2; and Area Navigation Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3 and Part 4. (Annual Sub. \$22, Foreign mailing—\$5.50 additional. GPO.) TD 4.12: pt. 3/.

#### Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued quarterly and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. \$9.50, Foreign mailing—\$2.50 additional. GPO.) TD 4.12: pt. 4/.

#### Aircraft Type Certificate Data Sheets and Specifications (January 1974).

Contains all current aircraft specifications and type certificate data sheets. Subscription service includes the reprint which incorporates effective material previously issued by the FAA through December 1973, and monthly supplements for an indefinite period. (\$84.55—Sub., Foreign mailing—\$21.15 additional. GPO.) TD 4.15: 974.

#### Aircraft Engine and Propeller Type Certificate Data Sheets (January 1974).

Contains all current aircraft engine and propeller type certificate data sheets and specifications. Subscription service includes the reprint which incorporates effective material previously issued by the FAA through December

1973, and monthly supplements for an indefinite period. (\$35.16—Sub., Foreign mailing—\$8.80 additional. GPO.) TD 4.15/2:974.

#### Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. (\$41.75—Sub., Foreign mailing—\$10.45 additional. GPO.) TD 4.36:974.

#### NOTICE

Commencing with the January 1974 issues, the Summary of Airworthiness Directives—Volumes I and II, will be sold and distributed for the Superintendent of Documents by the Federal Aviation Administration from Oklahoma City, Oklahoma. Requests for subscriptions to either of these publications should be sent to:

U.S. Department of Transportation, Federal Aviation Administration, P.O. Box 25461, Attn: AAC-23, Oklahoma City, Okla. 73125.

Subscription service will consist of the summary and automatic biweekly updates to each summary for a 2-year period. Make certified checks or money orders payable to Federal Aviation Administration.

#### Summary of Airworthiness Directives for Small Aircraft (1-1-74) Volume I.

Presents, in volume form, all the Airworthiness Directives for small aircraft issued through December 31, 1973. AD's for engines, propeller, and equipment are included in each volume. Each volume is arranged alphabetically by product manufacturer. (\$6.95 plus \$1.75 additional for foreign mailing.)

#### Summary of Airworthiness Directives for Large Aircraft (1-1-74) Volume II.

Presents, in volume form, all the Airworthiness Directives for large aircraft (over 12,500 pounds maximum certificated takeoff weight) issued through December 31, 1973. AD's for engines, propellers, and equipment are included in each volume. (\$7.50 plus \$1.90 additional for foreign mailing.)

### STATUS OF THE FEDERAL AVIATION REGULATIONS

As of September 15, 1974

#### FEDERAL AVIATION REGULATIONS VOLUMES

Volume No.	Contents	Price	Transmittals
Volume I, II, III, IV, V, VI, VII, and IX*—PHASED OUT.			
Volume VIII		\$5 plus \$1.25 foreign mailing	15
Part 133	Rotorcraft External-Load Operations.		
Part 135	Air Taxi Operators and Commercial Operators of Small Aircraft.		
Part 137	Agricultural Aircraft Operations.		
Volume X		\$8 plus \$2.30 foreign mailing	17
Part 139	Certification and Operations: Land Airports Serving CAB-Certificated Scheduled Air Carriers Operating Large Aircraft (Other Than Helicopters).		
Part 151	Federal Aid to Airports.		
Part 152	Airport Aid Programs.		
Part 153	Acquisition of U.S. Land for Public Airports.		
Part 154	Acquisition of U.S. Land for Public Airports Under the Airport and Airway Act of 1970.		
Part 155	Release of Airport Property from Surplus Property Disposal Restrictions.		
Part 159	National Capital Airports.		
Volume XI		\$5 plus \$1.25 foreign mailing	14
Part 71	Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points.		
Part 73	Special Use Airspace.		
Part 75	Establishment of Jet Routes and High Area Routes.		
Part 77	Objects Affecting Navigable Airspace.		
Part 95	IFR Altitudes.		
Part 97	Standard Instrument Approach Procedures.		
Part 157	Notice of Construction, Alteration, Activation, and Deactivation of Airports.		
Part 169	Expenditure of Federal Funds for Nonmilitary Airports or Air Navigational Facilities Thereon.		
Part 171	Non-Federal Navigation Facilities.		

\*Conversion list of—FAR Parts, Amendments and Changes thereto.

FAR Part No.	Title	Amdt.	Price	Change
1	Definitions and Abbreviations	(Amdt. 22)	\$3.00 plus \$0.75 foreign mailing.	
11	General Rule-Making Procedures	(Amdt. 12)	\$0.55.	
13	Enforcement Procedures	(Amdt. 10)	\$0.70.	
21	Certification Procedures for Products and Parts.	(Amdt. 39)	\$3.75 plus \$0.95 foreign mailing.	
23	Airworthiness Standards; Normal, Utility, and Acrobatic Category Airplanes	(Amdt. 14)	\$3.55 plus \$0.95 foreign mailing.	
25	Airworthiness Standards; Transport Category Airplanes	(Amdt. 35)	\$6.60 plus \$1.65 foreign mailing.	
27	Airworthiness Standards; Normal Category Rotorcraft	(Amdt. 9)	\$1.40.	
29	Airworthiness Standards; Transport Category Rotorcraft	(Amdt. 10)	\$1.70.	
31	Airworthiness Standards; Manned Free Balloons	(Amdt. 2)	\$ .40.	
33	Airworthiness Standards; Aircraft Engines	(Amdt. 5)	\$3.00 plus \$0.75 foreign mailing.	
35	Airworthiness Standards; Propellers	(Amdt. 2)	\$ .35.	
36	Noise Standards; Aircraft Type Certification	(Amdt. 2)	\$3.00 plus \$0.75 foreign mailing.	
37	Technical Standard Order Authorizations	(Amdt. 36)	\$5.65 plus \$1.45 foreign mailing.	
39	Airworthiness Directives	(Amdt. 106)	\$0.30.	
43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration	(Amdt. 18)	\$2.50 plus \$0.65 foreign mailing.	
45	Identification and Registration Marking	(Amdt. 8)	\$0.55.	
47	Aircraft Registration	(Amdt. 17)	\$2.50 plus \$0.65 foreign mailing.	
49	Recording of Aircraft Titles and Security Documents	(Amdt. 7)	\$0.45.	
61	Certification; Pilots and Flight Instructors	(Amdt. 63)	\$5.05 plus \$1.30 foreign mailing.	
63	Certification; Flight Crewmembers Other Than Pilots	(Amdt. 16)	\$3.00 plus \$0.75 foreign mailing.	
65	Certification; Airmen Other Than Flight Crewmembers	(Amdt. 21)	\$3.00 plus \$0.75 foreign mailing.	
67	Medical Standards and Certification	(Amdt. 9)	\$0.50.	
91	General Operating and Flight Rules	(Amdt. 125)	\$11.30 plus \$2.85 foreign mailing.	
93	Special Air Traffic Rules and Airport Traffic Patterns	(Amdt. 29)	\$2.45 plus \$0.65 foreign mailing.	1
99	Security Control of Air Traffic	(Amdt. 9)	\$0.70.	
101	Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons	(Amdt. 4)	\$0.65.	1
103	Transportation of Dangerous Articles and Magnetized Materials	(Amdt. 21)	\$2.20 plus \$0.55 foreign mailing.	
105	Parachute Jumping	(Amdt. 5)	\$2.00 plus \$0.50 foreign mailing.	
107	Airport Security	(Amdt. 1)	\$0.35.	
121	Certification and Operations; Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft	(Amdt. 112)	\$9.20 plus \$2.30 foreign mailing.	3
123	Certification and Operations; Air Travel Clubs Using Large Airplanes	(Amdt. 4)	\$2.00 plus \$0.50 foreign mailing.	
127	Certification and Operations of Scheduled Air Carriers with Helicopters	(Amdt. 32)	\$4.25 plus \$1.10 foreign mailing.	1
129	Operations of Foreign Air Carriers	(Amdt. 4)	\$0.35.	
141	Pilot Schools	(Revision Amdt.)	\$3.00 plus \$0.75 foreign mailing.	
143	Ground Instructors	(Amdt. 4)	\$0.35.	
145	Repair Stations	(Amdt. 14)	\$0.75.	
147	Aviation Maintenance Technician Schools	(Amdt. 2)	\$0.55.	
149	Parachute Lofts	(Amdt. 1)	\$0.35.	
183	Representatives of the Administrator	(Amdt. 5)	\$0.40.	
185	Testimony by Employees and Production of Records in Legal Proceedings and Service of Legal Process and Pleadings	(Revision Amdt.)	\$0.30.	
187	Fees	(Amdt. 3)	\$0.35.	
189	Use of Federal Aviation Administration Communications System	(Amdt. 1)	\$0.35.	

**STATUS OF FEDERAL AVIATION REGULATIONS  
IMPORTANT NOTICE**

The Federal Aviation Administration is converting its Federal Aviation Regulations from a Volume issuance system to an individual Parts issuance system.

As a Volume's subscription expires, the Superintendent of Documents will send subscribers a termination notice with order forms and instructions for ordering the individual Parts formerly contained in that Volume.

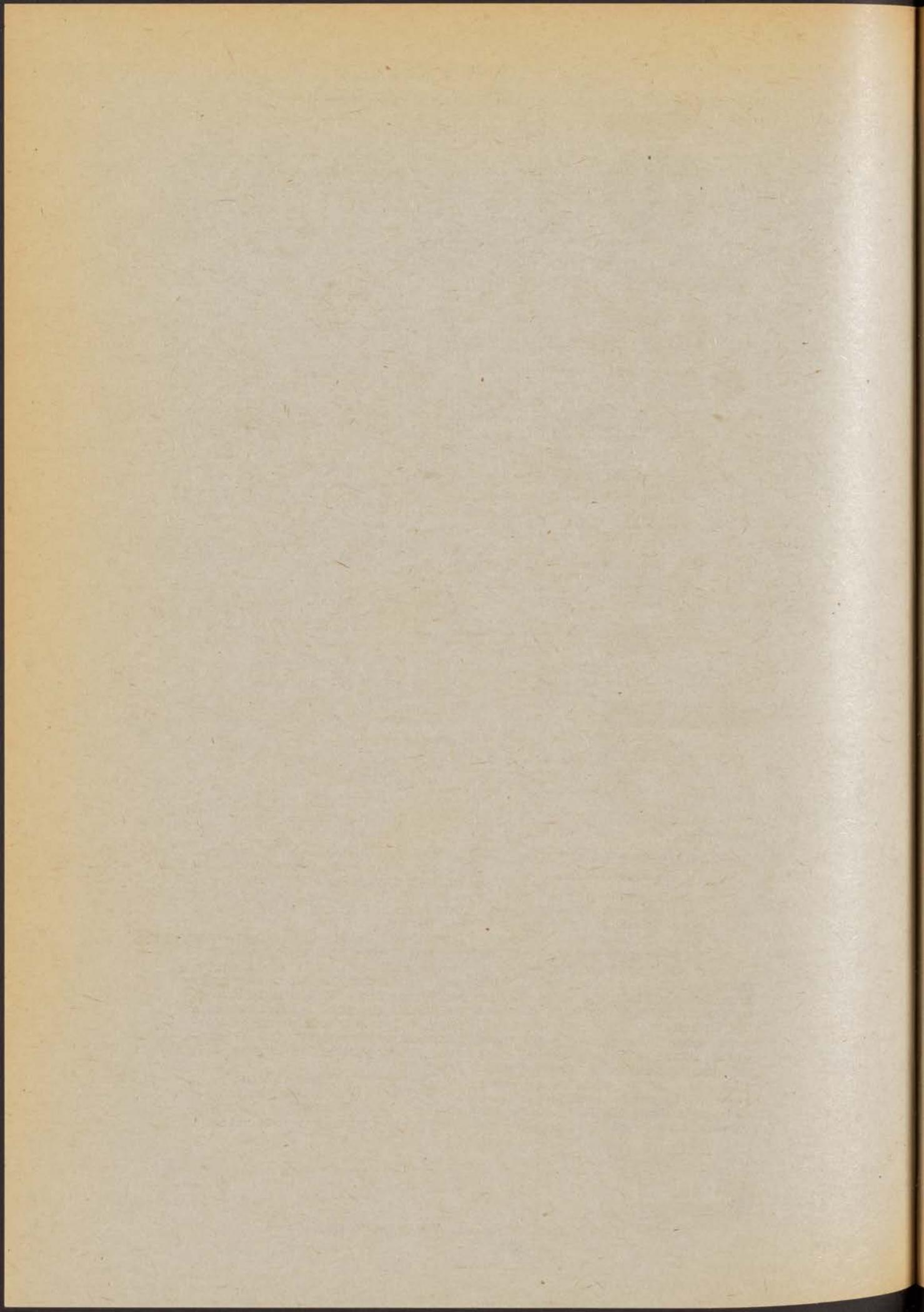
The more frequently amended Parts will be sold on subscription service (that is, subscribers will receive Changes automatically as issued), while the less active Parts will be sold on a single sale basis. Changes to single sale Parts will be sold separately as issued. Information con-

cerning these Changes will be furnished by FAA through its "Status of Federal Aviation Regulations, AC 00-44." Instructions for ordering this free status list are given in the front of each single sale Part.

The Parts issued individually to date are listed above with their prices. Following the Volumes still available are the new Parts listing. Check or money order made payable to the Superintendent of Documents, should be included with each order. All should be ordered from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**E. NOOTENBOOM,  
Acting Director,  
Management Systems.**

[FR Doc. 74-27312 Filed 11-21-74; 8:45 am]



# federal register

FRIDAY, NOVEMBER 22, 1974

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PART III



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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low Rent Public  
Housing Office

■

Housing Assistance Payments  
Program—Substantial  
Rehabilitation

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

Office of Low Rent Public Housing

[ 24 CFR Part 1277 ]

[Docket No. R-74-305]

HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

Proposed Implementation Provisions

On July 3, 1974, the Department of Housing and Urban Development ("HUD") published in the FEDERAL REGISTER (39 FR 24588) and made effective final regulations for the Housing Assistance Payments Program—Substantial Rehabilitation under section 23 of the U.S. Housing Act of 1937 ("USHA"). On August 22, 1974, the President of the United States signed the Housing and Community Development Act of 1974 ("HCD Act"), with section 201(a) amending the USHA. Among these amendments is a new section 8 which supplants section 23 of the old USHA. On October 8, 1974, HUD published a notice in the FEDERAL REGISTER (39 FR 36128) which stated that section 201(b) of the HCD Act requires section 8 of the revised USHA to be made effective not later than January 1, 1975, and which provided interim procedures for projects under section 23 of the old USHA.

Notice is hereby given that HUD proposes to amend 24 CFR Chapter VIII (the title of which Chapter is being changed to read "Low Income Housing") by adding a new Part 1277 in order to make effective and to implement the provisions of section 8 of the revised USHA. The proposed regulations set forth the essential elements of the Housing Assistance Payments Program—Substantial Rehabilitation and include, among other things, the roles and responsibilities of HUD, public housing agencies, rehabilitators, owners, and eligible lower- and very low-income families; the basis for determining the amount of housing assistance payments; and the prescribed forms of contracts.

Interested parties are invited to submit written comments, suggestions and objections regarding the proposed amendment by December 9, 1974, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material will be considered before adoption of the final regulations. A copy of each communication will be available for public inspection during regular business hours at the above address.

In order to allow time for consideration of comments and issuance of final regulations by January 1, 1975, the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner has determined that the public interest would best be served by allowing for a 15-day comment period.

It is therefore proposed that 24 CFR, Part 1277, read as follows:

PART 1277—HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

Subpart A—Applicability, Scope and Basic Policies

- Sec.  
1277.101 Applicability and scope.  
1277.102 Definitions.  
1277.103 Basic Policies.
- Subpart B—Project Development and Operation  
1277.201 Allocations of contract authority to field offices.  
1277.202 Program mix (New construction, substantial rehabilitation, existing housing).  
1277.203 Invitations for preliminary proposals.  
1277.204 Contents of rehabilitation programs.  
1277.205 Contents of preliminary proposal.  
1277.206 Submission of preliminary proposals.  
1277.207 Proposals involving FUD-FHA mortgage insurance.  
1277.208 Screening and evaluation of preliminary proposals.  
1277.209 Final proposals.  
1277.210 Evaluation of final proposals.  
1277.211 Owner's acceptance of notification and submission of architect's certification.  
1277.212 Annual contributions contract and agreement (Private-owner/PHA projects).  
127.213 Submission of estimates of required annual contributions (Private-owner/PHA projects).  
1277.214 Preparation and execution of agreement (Private-owner and PHA-owner projects).  
1277.215 Rehabilitation period.  
1277.216 Project completion.  
1277.217 Execution of Housing Assistance Payments Contract.  
1277.218 Project operation.  
1277.219 HUD review of contract compliance.  
1277.220 PHA reporting requirements. [reserved]

APPENDICES

NOTE: Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD Substantial Rehabilitation Handbook.

- I. Agreement to enter into Housing Assistance Payments Contract—Private-Owner or PHA-Owner Project.
- II. Housing Assistance Payments Contract—Private-Owner or PHA-Owner Project.
- III. Annual Contributions Contract—Private-Owner/PHA Project. [To be published for comment at a later date. The Annual Contributions Contract will conform to the provisions of Subparts A and B and Appendices IV and V of these regulations.]
- IV. Agreement to enter into housing Assistance Payments Contract—Private-Owner/PHA Project.
- V. Housing Assistance Payments Contract—Private-Owner/PHA Project.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Subpart A—Applicability, Scope and Basic Policies

§ 1277.101 Applicability and scope.

(a) The policies and procedures contained herein are applicable to the mak-

ing of housing assistance payments on behalf of Eligible Families leasing substantially rehabilitated housing pursuant to the provisions of Section 8 of the U.S. Housing Act of 1937 ("Act").

(b) For the purpose of this Part, "substantially rehabilitated housing" shall mean housing requiring substantial rehabilitation (see § 1277.102(aa)) for which, prior to the start of such rehabilitation, an Agreement to Enter into Housing Assistance Payments Contract is executed between the Owner and the Department of Housing and Urban Development ("HUD") or the Public Housing Agency.

(c) Conversions of section 23 projects to the section 8 program will be permitted where appropriate, provided that all parties (including HUD) agree to the terms and conditions.

§ 1277.102 Definitions.

(a) *Agreement to enter into housing assistance payments contract* ("Agreement"). (1) In the case of a Private-Owner Project or a PHA-Owner Project, a written agreement between the Owner and HUD that, upon satisfactory completion of the rehabilitation in accordance with the HUD-approved Final Proposal, HUD will enter into a Housing Assistance Payments Contract with the Owner. (See Appendix I to this part)

(2) In the case of a Private-Owner/PHA Project, a written agreement between the Private Owner and the PHA, approved by HUD, that, upon satisfactory completion of the rehabilitation in accordance with the HUD-approved Final Proposal, the PHA will enter into a Housing Assistance Payments Contract with the private Owner. (See Appendix IV to this part)

(b) *Allowance for utilities and other services* ("Allowance"). An amount determined by HUD as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the Family. In the case of a proposal under which the Families must pay directly for one or more utilities or services, the amount of the Allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

(c) *Annual contributions contract* ("ACC"). In the case of a Private-Owner/PHA Project, a written agreement between HUD and the PHA to provide annual contributions to the PHA with respect to the project. (See Appendix III to this part)

(d) *Contract rent*. The rent payable to the Owner under his Contract including the portion of the rent payable by the Family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

(e) *Decent, safe, and sanitary*. Housing is Decent, Safe, and Sanitary at completion of rehabilitation if the dwelling units and related facilities are accepted by HUD as meeting the requirements of the Agreement. (See § 1277.216) Housing continues to be Decent, Safe, and

Sanitary if it is being maintained in a condition substantially the same as that on acceptance, in all pertinent respects, including the following:

(1) Condition of the exterior (including the grounds) and the interior of the structure and of the housing unit;

(2) Operating condition of sanitary facilities and of solid and liquid waste disposal facilities;

(3) Operating condition of kitchen facilities, including range and refrigerator, sink, and space for storage of food and for storage of utensils and dishes;

(4) Operating condition of heating, lighting and ventilating equipment and/or other facilities; and

(5) Size, number of rooms, and furnishability in relation to the size and type of Family in occupancy in accordance with any applicable State or local codes.

(f) *Eligible family ("Family")*. A Family which is Lower-Income and which meets the other requirements of the Act and this part. The term Family includes an elderly, handicapped, or displaced person and the remaining member of a tenant family, all as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments may continue until its Gross Family Contribution equals or exceeds the Gross Rent for the dwelling unit it occupies, but the termination of housing assistance payments at such point shall not affect the family's other rights under its Lease.

(g) *Fair market rent*. (1) The rent which is determined by HUD as the Fair Market Rent for new construction projects under Section 8 of the Act. This Fair Market Rent is the rent, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately developed and owned, newly constructed rental housing of modest (non-luxury) nature with suitable amenities and sound architectural design meeting the objectives of the HUD Minimum Property Standards.

(2) Separate Fair Market Rents will be established for dwelling units by various sizes (number of bedrooms) and types (e.g., elevator, row, detached; housing designed for the elderly or handicapped shall be a separate type for this purpose).

(3) The Fair Market Rents will be published in the Federal Register, and, in order to allow for the period of rehabilitation, computation of the published Fair Market Rents will include HUD's estimate of anticipated rent increases during an appropriate future period as stated in the publication. Accordingly, for any given project for which the scheduled time for rehabilitation will be less than such future period, an appropriate reduction will be made in determining the approvable Contract Rent.

(4) The Fair Market Rent, minus the amount of any applicable Allowance for Utilities and Other Services payable directly by the Family, shall be the maximum amount that can be approved as the Contract Rent, except that the maxi-

mum approvable amount may be lower as stated in paragraph (g) (3) of this section and may be higher or lower as provided in § 1277.103(f).

(h) *Final proposal*. A proposal to provide substantially rehabilitated housing submitted in response to a HUD notification of selection of Preliminary Proposal. (See §§ 1277.204 and 1277.208-1277.210.)

(i) *Gross family contribution*. The portion of the Gross Rent payable by an Eligible Family, i.e., the difference between the amount of the housing assistance payment payable on behalf of the Family and the Gross Rent.

(j) *Gross rent*. The Contract Rent plus any Allowance for Utilities and Other Services.

(k) *HCD Act*. The Housing and Community Development Act of 1974.

(l) *Housing assistance payments contract ("Contract")*. (1) In the case of a Private-Owner Project or a PHA-Owner Project, a written contract between the Owner and HUD for the purpose of providing housing assistance payments to the Owner on behalf of Eligible Families. (See Appendix II to this part.)

(2) In the case of a Private-Owner/PHA Project, a written contract between the private Owner and the PHA, approved by HUD, for the purpose of providing housing assistance payments to the Owner on behalf of Eligible Families. (See Appendix V to his part.)

(m) *Housing assistance payments on behalf of eligible family*. The amount of housing assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD. (See § 1277.103(t).)

(n) *Income*. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

(o) *Invitation for preliminary proposals—substantial rehabilitation ("invitation for preliminary proposals")*. A notice published by HUD inviting the submission of Preliminary Proposals in accordance with this Part. (See § 1277.203.)

(p) *Lease*. A written agreement between an Owner and an Eligible Family for the leasing of a Decent, Safe, and Sanitary dwelling unit in accordance with the applicable Contract, which agreement is in compliance with the provisions of this Part.

(q) *Local Housing Assistance Plan*. A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan approved by the Secretary as meeting the requirements of section 213 of that Act.

(r) *Lower-income family*. A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of

construction costs, unusually high or low incomes, or other factors.

(s) *New communities*. New community developments approved under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970.

(t) *Owner*. Any private person or entity, including a cooperative, or a PHA, having the legal right to lease or sublease substantially rehabilitated dwelling units.

(u) *PHA-Owner Proposal and PHA-Owner Project*. A proposal for a project under this Part (and the resulting project) to be owned by a PHA throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the PHA and HUD.

(v) *Preliminary proposal*. A proposal to provide substantially rehabilitated housing submitted in response to a HUD Invitation for Preliminary Proposals. (See §§ 1277.203-1277.208.)

(w) *Private-owner/PHA proposal and private-owner/PHA project*. A proposal for a project under this part (and the resulting project) to be owned by a private Owner throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the private Owner and the PHA pursuant to an ACC between the PHA and HUD.

(x) *Private-owner proposal and private-owner project*. A proposal for a project under this Part (and the resulting project) to be owned by a private Owner throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the private Owner and HUD.

(y) *Public Housing Agency ("PHA")*. Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income Families.

(z) *Secretary*. The secretary of Housing and Urban Development.

(aa) *Substantial rehabilitation*. (1) The improvement of a property to Decent, Safe, and Sanitary condition and in accord with HUD requirements from a condition requiring more than routine or minor repairs or improvements of such extent as to necessitate execution of an Agreement prior to the performance of the work. Substantial Rehabilitation may vary in degree from gutting and extensive reconstruction to cosmetic improvements coupled with cure of substantial accumulation of deferred maintenance. Cosmetic improvements alone do not qualify as Substantial Rehabilitation under this definition.

(2) Substantial rehabilitation also includes renovation, alteration or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this Part (e.g., conversion of a hotel to housing for the elderly).

(bb) *Very low-income family*. A family whose income does not exceed 50 percent of the median income for the area,

as determined by HUD, with adjustments for smaller or larger families.

§ 1277.103 Basic policies.

(a) *Limitation on use of substantially rehabilitated housing.* (1) No proposal for housing to be rehabilitated may be approved by HUD unless HUD requirements implementing the provisions of section 213 (a), (b) and (c) of the HCD Act regarding review by the unit of general local government have been satisfied.

(2) Substantial rehabilitation projects shall be permitted only where: (i) HUD determines that there is not and there is not likely soon to be an adequate supply of existing housing which, with the aid of housing assistance payments provided under the Section 8 Housing Assistance Payments Program—Existing Housing, can meet the needs of Eligible Families, or (ii) the proposed project is specifically approved by HUD in accordance with priorities established from time to time by the Secretary including priorities for New Communities which involve substantial rehabilitation.

(b) *Preference for certain types of projects—(1) 20 percent projects.* Assistance payments may be made with respect to up to 100 percent of the dwelling units in any structure or project. However, within the category of projects that are not designed for use primarily by the elderly and the handicapped and which involve the rehabilitation of more than 50 units, a preference will be provided for projects in which the housing assistance will be limited to 20 percent or less of the units. (See § 1277.208(e) (1).)

(2) *Three or more bedroom projects.* Where the need for dwelling units of three or more bedroom size ("large dwelling units") is shown, a preference will be provided for projects of which a substantial proportion will comprise large dwelling units, but without undue concentration of such large dwelling units in any one location. (See § 1277.208(e) (2).) Each HUD field office shall be responsible for selecting, to the extent feasible, projects which in the aggregate will achieve the goal of providing a number of large dwelling units equal to at least 20 percent of all the assisted units approved under the Section 8 Housing Assistance Payments Program.

(c) *Maximum total annual housing assistance payments (private-owner or PHA-owner projects)—(1)* The maximum total annual housing assistance payments that may be committed under the Contract shall be the total of the Gross Rents for all the Contract units in the project.

(2) A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c) (6) of the Act, out of amounts by which the maximum Contract commitment per year exceeds amounts paid under the Contract for any year. This account will be established and maintained by HUD as a specifically identified and segregated account, and payment shall

be made therefrom only for the following purposes:

(i) Increases in housing assistance payments; and

(ii) Other costs specifically authorized or approved by the Secretary.

Any balance in this account after payment of the last housing assistance payment shall be applied by HUD as a receipt under section 10(b) of the Act.

(d) *Annual contributions (private-owner/FHA projects).* (1) The maximum total annual contributions that may be contracted for in the ACC for a project shall be: (i) The total of the Gross Rents for all the Contract units in the project plus (ii) a fee for the regular costs of PHA administration. HUD-approved preliminary costs for administration (including administrative costs in connection with PHA activities related to relocation of occupants) shall be payable out of this total.

(2) A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c) (6) of the Act, out of amounts by which the maximum ACC commitment per year exceeds amounts paid under the ACC for any year. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(i) Increases in housing assistance payments;

(ii) Increases in the amount of the fee for regular PHA costs of administration; and

(iii) Other costs specifically authorized or approved by the Secretary.

Any balance in this account after payment of the last annual contribution for the project shall be applied by HUD as a receipt under section 10(b) of the Act.

(e) *Housing assistance payments to owners—(1) General.* Housing assistance payments shall be paid to Owners for units under lease by Eligible Families, in accordance with the Contract and as provided in this paragraph. The housing assistance payment will pay the Owner the difference between the Contract Rent and the portion of said rent payable by the Family as determined in accordance with the HUD-established schedules and criteria.

(2) *Vacancies during rent-up.* If a Contract unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 70 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract: *Provided,* That the Owner (i) commenced marketing and otherwise complied with § 1277.215, (ii) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the

unit, and (iii) has not rejected any eligible applicant, except for good cause acceptable to HUD or the PHA, as the case may be.

(3) *Vacancies after rent-up.* (i) If an Eligible Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 70 percent of the Contract Rent for a vacancy period not exceeding 60 days: *Provided, however,* That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct. (See also § 1277.103(r).) The Owner shall not be entitled to any payment under this paragraph unless he: (A) Immediately upon learning of the vacancy, has notified HUD or the PHA, as the case may be, of the vacancy or prospective vacancy and the reasons for the vacancy, and (B) has taken and continues to take the actions specified in paragraphs (e) (2) (ii) and (e) (2) (iii) of this section.

(ii) If the Owner proposes to evict an Eligible Family, he shall not be entitled to any payment under paragraph (e) (3)

(i) of this section unless the request for such payment is supported by a certification that (A) he has given such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days within which to present its objections to the Owner in writing or in person and (B) the proposed eviction is not in violation of the Lease or the Contract or any applicable law.

(4) The Owner shall not be entitled to housing assistance payments with respect to vacant units under this paragraph to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 1277.103(r)).

(f) *Initial maximum rents to Owners.*

(1) The sum of the initial Contract Rents and any Allowances for Utilities and Other Services shall not exceed the Fair Market Rents for newly constructed rental housing, except that such Fair Market Rents may be exceeded (i) by up to 10 percent if the field office director determines that such higher rents meet the test of reasonableness in paragraph (f) (2) of this section and are necessary to the implementation of a Local Housing Assistance Plan, if any, or (ii) by up to 20 percent, where the Assistant Secretary for Housing Production and Mortgage Credit determines that special circumstances warrant such higher rents or determines that such higher rents are necessary to the implementation of a Local Housing Assistance Plan.

(2) In any case, the Contract Rents as proposed must be determined by HUD to be reasonable in relation to the quality, location, amenities, methods and terms

of financing and management and maintenance services of the project, and proposed rents shall be subject to reduction if they are found to be higher than such reasonable rents.

(3) In addition, for projects financed with HUD-insured mortgages, initial Contract Rents for units assisted under this Contract shall not exceed the rents approved by HUD in connection with the mortgage insurance for such projects.

(g) *Term of housing assistance payments contract.* (1) A Contract may be for an initial term of not more than five years, with an option solely in the Owner to renew for additional terms of not more than five years each, provided that the total Contract term, including renewals, shall not exceed 20 years for any dwelling unit.

(2) In the case of a Contract under which housing assistance payments are made with respect to a project owned by, or financed by a loan or loan guarantee from, a State or local agency, the total Contract term may not exceed 40 years for any dwelling unit.

(3) Notwithstanding the maximum total allowable term per unit stated in paragraphs (g) (1) or (g) (2) of this section, a shorter term shall be determined by HUD where appropriate, taking into account the nature and extent of required rehabilitation, the amount of the capital expenditures reasonably required under the proposal, the reasonable period and rate of amortization for the financing, and the approved rents to the Owner.

(4) If the project is accepted in stages, the dates for the initial and the renewal terms shall be separately related to the units in each stage; provided, however, that the total Contract term for the units in all the stages, counting from the effective date of the Contract with respect to the first stage, may not exceed the overall maximum term allowable for any one unit, plus two years.

(h) *Rent adjustments.*—(1) *Funding of adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this paragraph, up to the maximum total annual housing assistance payments committed under the Contract. The provisions of the Contract or the ACC, as the case may be, are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family incomes. In addition, the Contract or the ACC, as the case may be, will provide that HUD will take such additional steps authorized by section 8(c) (6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

(2) *Automatic annual adjustments.*—

(i) Automatic Annual Adjustment Factors will be determined by HUD at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by HUD where utilities are paid directly by Families.

(ii) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by HUD. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the Contract Rents on the effective date of the Contract.

(3) *Special additional adjustments.* Special additional adjustments may be granted, when approved by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulations by a public body or entity), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to HUD financial statements which clearly support the increase.

(4) *Overall limitation.* Notwithstanding any other provisions of this Part, adjustments as provided in this paragraph (h) shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by HUD.

(i) *Types of housing and property standards.* (1) Existing structures of various types may be appropriate for this program including apartment hotels, single-family houses, or multi-family structures. Hotels or office buildings may be suitable for conversion under this program to housing designed for elderly or handicapped families and individuals, including congregate housing. Single room occupant housing planned specifically as a relocation resource for eligible single persons may also be developed. Units in highrise elevator buildings may not be used for families with children unless HUD determines there is no practical alternative. Mobile homes may not be utilized in this program.

(2) No section 8 assistance may be provided for any unit occupied by an Owner; however, cooperatives are considered rental housing for this purpose.

(3) Participation in this program requires compliance with (i) HUD Minimum Design Standards for Rehabilitation for Residential Properties, (ii) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (iii) HUD requirements pursuant to section 209 of the HUD Act for projects for the elderly or the handicapped, (iv) HUD require-

ments pertaining to noise abatement and control, (v) HUD regulations issued pursuant to the Lead Base Paint Poisoning Prevention Act, 42 USC 4801, and (vi) applicable State and local laws, codes, ordinances, and regulations.

(j) *Site and neighborhood standards.* Proposed sites for substantial rehabilitation projects must be approved by HUD as meeting the following standards:

(1) The site and neighborhood shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.

(2) The site shall promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of lower-income persons.

(3) The site shall be free from serious adverse environmental conditions, or there shall be evidence that any such conditions will be corrected by the time the rehabilitation is completed.

(4) Adequate utilities (water, sewer, gas and electricity) and streets shall be available to service the site.

(5) The site shall comply with any applicable conditions in the Local Housing Assistance Plan, approved by HUD.

(6) The housing shall be accessible to social, recreational, educational, commercial, and health facilities and services that are at least equivalent to those typically found in neighborhoods consisting of largely unsubsidized, standard housing of similar market rents.

(7) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, shall not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(8) If the housing to be rehabilitated has occupants, the relocation requirements referred to in § 1277.103(k) must be met.

(9) Housing may not be rehabilitated in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973, and it meets any relevant HUD standards and local requirements.

(k) *Relocation.* (1) In the evaluation or selection of Preliminary Proposals, consideration shall be given to whether there are occupants who would have to be displaced, whether there is a feasible plan for relocation of such occupants, the degree of hardship which displacement might cause, and the availability of funding for relocation payments. Greater weight shall be given to proposals which do not require displace-

ment, or, where displacement is required, which will involve the least amount of hardship.

(2) In the case of a PHA-Owner Project, no Agreement shall be executed with respect to occupied units which involve substantial rehabilitation requiring that the units be vacated unless the Agreement provides (i) the PHA undertakes liability for and provides the funding of all relocation payments under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or (ii) other commitments, satisfactory to HUD, have been made for the funding of such payments, such as funding pursuant to Title I of the HCD Act. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(l) *Equal opportunity requirements.* Participation in this program requires compliance with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and section 3 of the Housing and Urban Development Act of 1968; and (2) all rules, regulations, and requirements issued pursuant thereto.

(m) *National Environmental Policy Act.* Participation in this program requires compliance with the National Environmental Policy Act and all rules, regulations, and requirements issued pursuant thereto.

(n) *Clean Air Act and Federal Water Pollution Control Act.* Participation in this program requires compliance with the Clean Air Act and the Federal Water Pollution Control Act and all rules, regulations, and requirements issued pursuant thereto.

(o) *Davis-Bacon Wage Rates.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of any substantial rehabilitation project with nine or more assisted units.

(p) *Types of financing.* Any type of financing may be utilized, including, but not limited to, the types listed below. In no case may the lender administer the Contract (see, however, § 1277.103(y) which permits conversion of a Private-Owner/PHA Project to a Private-Owner Project).

(1) Conventional loans from commercial banks, savings banks, savings and loan associations, pension funds, insurance companies or other financial institutions.

(2) Mortgage insurance programs under the National Housing Act (see § 1277.207). (With respect to any obligation secured by a mortgage insured under section 221(d)(3) of the National Housing Act and issued by a public agency as mortgagor in connection with the financing of a project assisted under section 8, the interest paid on such obligation shall be included in gross income for

purposes of Chapter I of the Internal Revenue Code of 1954.)

(3) Home Improvement Loans under Title I of the National Housing Act.

(4) Section 202 of the Housing Act of 1959.

(5) Title V of the Housing Act of 1949.

(6) Financing by tax-exempt bonds or other obligations. Where the financing is by a non-profit corporation which is an agency or instrumentality of a PHA, the project will be considered a PHA-Owner Project.

(q) *Use of contract as security for financing.* An Owner may pledge, or offer as security for any loan or obligation, a Contract entered into pursuant to this part; *Provided, however,* That such security is in connection with a project rehabilitated pursuant to this part, and the terms of the financing or any refinancing have been approved by HUD. Where the financing is by tax-exempt bonds or other tax-exempt obligations, annual contributions cannot be used as a guarantee for such financing.

(r) *Security and utility deposits.* (1) The Owner shall not require Families to pay security deposits. In lieu thereof, the Owner may claim reimbursement from HUD or the PHA, as appropriate, for unpaid rent by a departing Family and/or cost of repairs for damage caused by such Family not to exceed a total reimbursement in an amount equal to one month's Contract Rent.

(2) Families shall be expected to obtain the funds to pay utility deposits, if required, from their own resources and/or other private or public sources.

(s) *Establishment of income limit schedules; 30 percent occupancy by very low-income families.* HUD will establish schedules of income limits for defining Lower-Income Families and Very Low-Income Families. In the initial renting of Contract units, the Owner shall lease at least 30 percent to Very Low-Income Families and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of Contract units by Very Low-Income Families.

(t) *Establishment of Amount of Housing Assistance Payments.* The amount of housing assistance payment on behalf of an Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (1) not less than 15 percent nor more than 25 percent of the Family's gross income and (2) the Gross Rent, taking into consideration the income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large (4 or more minors) Very Low-Income Family or a very large (6 or more minors) Lower-Income Family or a Family with exceptional medical payment shall be the difference between 15 percent of the Family's gross income and the Gross Rent.

(u) *Responsibilities of the owner.* The Owner shall be responsible (subject to post-review or audit by HUD or the PHA, as the case may be) for management and maintenance of the project. These re-

sponsibilities shall include but not be limited to:

(1) Payment for utilities and services (unless paid directly by the Family), insurance and taxes;

(2) Performance of all ordinary and extraordinary maintenance;

(3) Performance of all management functions including the taking of applications, selection of Families including verification of income and other pertinent requirements, and determination of eligibility and amount of Family contribution in accordance with HUD established schedules and criteria;

(4) Collection of Family rents;

(5) Termination of tenancies, including eviction;

(6) Preparation and furnishing of information required under the Contract;

(7) Reexaminations of Family income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(8) Redeterminations of amount of Family contribution and amount of housing assistance payment as a result of an adjustment by HUD of any applicable Allowance for Utilities and Other Services in accordance with HUD-established schedules and criteria; and

(9) Compliance with equal opportunity requirements.

Subject to HUD approval, any private Owner may contract with any private or public entity to perform such services for a prescribed fee: *Provided,* That such contract shall not shift any of the Owner's responsibilities or obligations. However, no entity which is responsible for administration of the Contract (for example, a PHA in the case of a Private-Owner/PHA Project) may contract to perform management and maintenance of the project. (See, however, § 1277.103(y) which permits conversion of a Private-Owner/PHA Project to a Private Owner Project.)

(v) *Responsibility for administration of contract.* In the case of a Private-Owner/PHA Project, the PHA is responsible for administration of the Contract. In the case of a Private-Owner Project or a PHA-Owner Project, HUD is responsible for administration of the Contract. HUD may contract with another entity for the performance of some or all of its Contract administration functions.

(w) *Separate project requirement—(1)* In the case of a Private-Owner Project or a PHA-Owner Project, each Agreement and Contract shall constitute a separate project.

(2) In the case of a Private-Owner/PHA Project, such project may not include any other type of section 8 assistance, shall be processed with a separate ACC List and ACC Part I and shall be assigned a separate project number. All substantial rehabilitation units to be placed under a single Contract shall comprise a separate project. However, the field office director may designate as a single project the units to be covered

by two or more such Contracts for substantial rehabilitation projects where:

(i) The units are placed under ACC on the same date; and

(ii) Such consolidation is necessary in the interest of administrative efficiency.

(x) *Conversion of private-owner project to private-owner/PHA project.* HUD may request the Owner of a Private-Owner Project and an appropriate PHA to agree, if they are willing, to a conversion of any such project to a Private-Owner/PHA Project if HUD determines that such conversion would promote efficient project administration.

(y) *Conversion of private-owner/PHA project to private-owner project.* The private Owner and the PHA, in the case of a private-Owner/PHA Project, may request HUD to agree to a conversion of any such project to a Private-Owner Project. HUD shall agree to such conversion if it determines it to be in the best interest of the project.

#### Subpart B—Project Development and Operation

##### § 1277.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the section 8 Housing Assistance Payments Program for metropolitan areas and for nonmetropolitan areas in conformance with section 213 (d) of the HCD Act.

##### § 1277.202 Program mix (new construction, substantial rehabilitation, existing housing).

Each field office shall, after considering the contents of any Local Housing Assistance Plans and any other pertinent information which it has or which is brought to its attention, in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be advertised for new construction and for substantial rehabilitation, and to be made available for existing housing. The field office will also determine an appropriate schedule for advertising for Preliminary Proposals—Substantial Rehabilitation.

##### § 1277.203 Invitations for preliminary proposals.

(a) *Publication.* The HUD field office shall initiate implementation of its program with respect to substantial rehabilitation by publishing Invitations for Preliminary Proposals—Substantial Rehabilitation in accordance with the schedule established by the field office. Such publication shall be at least once a week on the same day or days of each of two consecutive weeks in a newspaper(s) of general circulation serving the area(s) for which proposals are desired. As promptly as possible, HUD will also notify (1) appropriate PHAs, (2) the chief executive officer of the appropriate unit(s) of general local government, (3) business concerns included in HUD's registry of section 3 businesses for the applicable political jurisdictions, (4) other minority and non-minority media, (5) trade journals, and (6) minority organizations involved in hous-

ing and community development and fair housing groups. Copies of each Invitation shall be available in the HUD field office.

(b) *Contents of invitation.* The Invitation shall state the number of units; the geographic area in which the housing is to be rehabilitated; the deadline for receipt of Preliminary Proposals by HUD; such other basic information as the field office may wish to specify; and the fact that detailed information, guidelines, standards and procedures are contained in a Rehabilitation Program Packet which may be obtained by interested parties from the field office. The Invitation shall also state that Preliminary Proposals may be submitted by private Owners or PHA Owners for direct contracting with HUD, or by PHAs on behalf of private Owners with whom the PHA proposes to contract pursuant to an ACC with HUD.

(c) *Deadline for receipt of preliminary proposals.* The deadline (date and time) for receipt of Preliminary Proposals by HUD shall allow a reasonable time but, in any event, no less than 35 calendar days after the date of the first publication in a newspaper of general circulation.

##### § 1277.204 Contents of rehabilitation program packet.

The Rehabilitation Program Packet shall:

(a) Include a copy of the applicable regulations, required HUD forms, and HUD standards.

(b) Include the following information:

(1) The number of units for elderly and nonelderly occupancy and the number to be specially designed for elderly (including handicapped) occupancy.

(2) The number of units by unit size (bedrooms per unit) and the fact that a proposal may be for any number of units up to that amount.

(3) The type of housing, if any, which is unacceptable (e.g., high-rise elevator structures for Families with children, mobile homes).

(4) Special requirements, if any, as to location and density; and as to New Communities where substantial rehabilitation is involved.

(5) Any special requirements for housing for the elderly (including the handicapped) pursuant to section 209 of the HCD Act, and any special requirements for the handicapped pursuant to the standards established by HUD under Pub. L. 90-480.

(6) Any special requirements or restrictions that may be necessary for compliance with provisions of the local Housing Assistance Plan, if any, and the name, address, and title of the official of the unit of general local government to whom inquiries may be made concerning such Plan.

(7) The specific management and maintenance services required to be provided by the Owner. Such services shall include all services typically provided in the area for the type of housing contemplated.

(8) The applicable Fair Market Rents and the fact that rents requested by the Owner must be determined by HUD to be reasonable in accordance with § 1277-103(f).

(9) The maximum initial term of the Contract and the fact that the maximum approvable term, including renewals, will be determined in accordance with § 1277.103(g).

(c) Include statements as to:

(1) Equal opportunity requirements, which include the submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for five or more units); an assurance of compliance with Title VI of the Civil Rights Act of 1964; compliance with Executive Order 11063 and Title VIII of the Civil Rights Act of 1968, including regulations and guidelines pursuant thereto; and certifications required pursuant to Executive Order 11246.

(2) HUD regulations and other requirements implementing section 3 of the Housing and Urban Development Act of 1968, requiring that, to the greatest extent feasible, opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

(3) HUD relocation requirements.

(4) HUD requirements implementing the National Environmental Policy Act.

(5) Governmental requirements implementing the Clean Air Act and the Federal Water Pollution Control Act.

(6) HUD requirements implementing the Flood Disaster Protection Act of 1973.

(7) The requirement, if a project will contain nine or more Contract units, that all laborers and mechanics employed in the development of the project shall be paid not less than the wages prevailing in the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act.

(8) The prescribed HUD form showing the identity of the Owner, the rehabilitator, the architect (if any), and the managing agent (if any); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest.

(9) The requirement that the Owner submit evidence of capability to provide the required management and maintenance services or, if the proposal is for 15 or more units, evidence of management capability and a proposed management plan and a certification by the Owner and the management agent, if any, in a format acceptable to HUD.

(10) Where copies of HUD Minimum Design Standards for Rehabilitation for Residential Properties and any other applicable standards, guidelines and criteria may be obtained.

(11) The number of copies of the Preliminary Proposal to be submitted to HUD.

## PROPOSED RULES

(12) The fact that HUD may determine not to select or approve any or all Preliminary Proposals submitted.

**§ 1277.205 Contents of preliminary proposal.**

Each Preliminary Proposal shall include or indicate the following:

(a) The address(es) of the housing proposed to be rehabilitated and a neighborhood map showing the location(s) of the housing and the racial composition of the neighborhood(s).

(b) A copy of the option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the property to be rehabilitated (however, only the proposed price is required for a New Communities project).

(c) A description of the housing as is, including number and type of structures, number of stories, structural system, exterior finish, heating-air conditioning system, number of units by size (number of bedrooms), living area and composition for each size of unit, and special amenities or features, if any; exterior and interior photos, and sketches of the interior showing dimensions.

(d) A description of the proposed rehabilitation covering each basic element (e.g., roof, exterior walls, porches and steps; interior walls, ceilings and floors; kitchen and bathroom facilities and equipment; plumbing, heating and electrical equipment; landscaping; etc.) indicating the nature of the work to be done on each element. If alteration, renovation or remodeling is indicated, a description of such work and sketches showing layout after completion of rehabilitation.

(e) A statement as to whether or not the services of a registered architect will be utilized for preparation of final working drawings and specifications.

(f) The Contract Rent per unit, by size and structure type.

(g) The equipment to be included in the Contract Rent.

(h) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not included in the Contract Rent, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(i) The proposed term of the Contract (including all renewals) and justification for such term in accordance with § 1277.103(g).

(j) A showing that the proposal meets any special requirements or restrictions necessary for compliance with the provisions of the Local Housing Assistance Plan, if any.

(k) Whether the proposed rehabilitation will displace present occupants. If so the proposal shall state the number of families, individuals, and business concerns to be displaced (identified by race or minority group status, and whether they are owners or renters), and shall show that there is a feasible plan for relocation and how necessary

relocation payments, if any, will be funded.

(l) Equal Employment Opportunity Certification, using the prescribed form.

(m) The identity of the Owner, rehabilitator, and architect (if applicable and identity is known); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(n) Whether the Owner intends to provide management services or to contract with a managing agent. In the latter case, provide the identity of the managing agent, if known, and the other information as specified in paragraph (m) of this section.

(o) The proposed method of financing and, if the Owner intends to pledge or offer the Housing Assistance Payments Contract as security for any loan or obligations, the type and terms of the anticipated financing. (If the Owner proposes to utilize FHA mortgage insurance, the prescribed FHA forms should be completed and submitted with the Preliminary Proposal.)

(p) Whether the Owner proposes to limit the number of assisted units to 20 percent of the dwelling units in the project.

**§ 1277.206 Submission of preliminary proposals.**

(a) Preliminary Proposals shall be submitted to HUD on or before the published deadline date and time for opening, in the number of copies specified in the Rehabilitation Program Packet. Proposal documents shall be sealed in an inner envelope marked "Sealed Proposal—Open on [date and time specified in the Invitation]." This sealed proposal shall be submitted in an outer envelope or package which shall show the name of the locality, be addressed to the HUD field office, and be clearly and distinctively marked "Section 8 Housing Assistance Payments Program—Substantial Rehabilitation Preliminary Proposal."

(b) Submission of Preliminary Proposals shall be by hand delivery or certified mail. Any Preliminary Proposal received by HUD after the deadline date and time shall not be accepted but shall be returned unopened. No Preliminary Proposal shall be opened by HUD until the deadline.

**§ 1277.207 Proposals involving HUD-FHA mortgage insurance.**

(a) *Advance mortgage insurance processing.* This paragraph applies to Owners who apply for HUD-FHA mortgage insurance prior to the submission of a Preliminary Proposal under this Part. Such an Owner may apply for a Feasibility Letter, a Conditional Commitment, or a Firm Commitment for mortgage insurance by submitting an application on the prescribed form with supporting exhibits and the required fee. Such an application will have to meet the marketability test without reliance upon

housing assistance payments under this part, or, in the alternative, approval for mortgage insurance shall be conditioned upon subsequent approval of a section 8 proposal for the same project. If a Feasibility Letter, Conditional Commitment, or Firm Commitment, whichever is applicable, is issued, and if prior to expiration thereof the Owner submits a Preliminary Proposal under this part which is consistent with the proposal as approved for mortgage insurance, such proposal will nevertheless be subject to review and evaluation in accordance with the procedures under this Part; however, if the Preliminary Proposal is selected in accordance with the procedures under this Part, further processing will be coordinated in accordance with paragraph (b) of this section to the extent applicable, and the rents which were approved for mortgage insurance purposes will be accepted for purposes of such Preliminary Proposal provided that they are otherwise approvable in accordance with this Part.

(b) *Concurrent Processing.* The provisions of this paragraph apply where the Preliminary Proposal indicates an intention to finance a project with a HUD-FHA insured mortgage. Such a Preliminary Proposal will not be selected under this Part unless it meets the market and site acceptability criteria of the applicable mortgage insurance program except as modified by this paragraph. The processing of such a proposal for mortgage insurance will be integrated with the Section 8 review and evaluation process. Selection by HUD of such a Preliminary Proposal for preparation of a Final Proposal will be made only where HUD has also determined that the proposal will qualify for mortgage insurance subject to a satisfactory demonstration by the Owner of his capability to complete the project, and subject to subsequent determinations of "as is" value, the loan amount and credit approval. A proposed project which qualifies as "substantial rehabilitation" under section 8 may fail to qualify as substantial rehabilitation under mortgage insurance programs (because of the different definition of "substantial rehabilitation"); nevertheless, such a proposal would qualify for mortgage insurance as "existing construction," and mortgage insurance commitments will be conditioned upon the satisfactory completion of all rehabilitation work.

(1) A section 8/HUD-FHA mortgage insurance project will be required to meet the marketability test of the applicable mortgage insurance program; *Provided, however,* That the number of units in the proposal for which housing assistance payments are to be made available will be considered as an addition to the effective demand for unassisted rental units. As in the case of any other market analysis for market rate unassisted mortgage insurance programs, the supply of suitable vacant existing units, units under construction, and units in process must be subtracted from the estimate of total effective demand. Consequently, Section 8/HUD-

FHA insured units could be added to a market in which supply and demand are in equilibrium or in which there is an undersupply of rental units, but could not be added to a market in which there is an oversupply of rental units in the same competitive range of market rents as the proposed section 8/HUD-FHA insured project.

(2) After selection of a Preliminary Proposal which involves HUD-FHA mortgage insurance the Owner will be required to submit, with the Final Proposal, an application for HUD-FHA Conditional Commitment with fee (two dollars per thousand dollars of mortgage requested) under the applicable mortgage insurance program. Such final Proposals will not be approved under section 8 unless they also qualify for issuance of a HUD-FHA Conditional Commitment under the applicable mortgage insurance program. The HUD notification of approval of the Final Proposal will be accompanied by a HUD-FHA Conditional Commitment for HUD-FHA mortgage insurance. The Owner's acceptance of HUD's notification of approval of the Final Proposal will constitute concurrent acceptance of the conditions and terms of the HUD-FHA Conditional Commitment for mortgage insurance.

(3) The rents of those units scheduled for assisted occupancy, when projected for purposes of determining a mortgage limitation based on the debt service criterion, shall be the Contract Rents set forth in the approved Final Proposal.

(4) Prior to the execution of the Agreement, the Owner will be required to obtain a Firm Commitment for HUD-FHA mortgage insurance. This will require the submission of an application for a Firm Commitment, with an additional fee (one dollar per thousand dollars of the mortgage requested), upon acceptance of HUD's notification of approval or the submission of the architect's certificate accompanying the working drawings and specifications in accord with § 1277.211.

(c) *Delayed Mortgage Insurance Processing.* Where an Owner does not indicate in his Preliminary Proposal that he intends to utilize HUD-FHA mortgage insurance and applies for HUD-FHA mortgage insurance after HUD approval of the Preliminary Proposal under this part, he risks (1) having his approved proposal rejected for HUD-FHA mortgage insurance and (2) having lower rents approved under the mortgage insurance program than the rents set forth in the approved proposal under this part.

#### § 1277.208 Screening and evaluation of preliminary proposals.

(a) *Initial Screening.* Promptly after the deadline date for receipt of Preliminary Proposals, HUD will screen all the proposals and will notify any Owners whose proposals are incomplete or need clarification of individual items to supply such omissions or clarifications within 10 calendar days.

(b) *A-95 Clearance; Notice to Unit of General Local Government.* (1) Promptly after the deadline date for receipt of proposals (or after the ap-

propriate later date for proposals completed pursuant to paragraph (a) of this section), the HUD field office will, for each complete Preliminary Proposal which is subject to A-95 clearance, send a copy of the proposal to the appropriate A-95 Clearinghouse for review, inviting a response within 34 days from the date of the letter of transmittal.

(2) Within 10 working days after the deadline date (or after the appropriate later date for proposals completed pursuant to paragraph (a) of this section), the HUD field office will forward, under cover of a letter in the appropriate prescribed form, a copy of each complete Preliminary Proposal to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed housing is to be located. The cover letter will invite a response within 30 days from the date the letter and copy of the proposal are received.

(c) *Evaluation of preliminary proposals by HUD.* HUD may begin its evaluation promptly after the deadline date, but no selection or ranking may be completed until the response periods referred to in paragraph (b) of this section have ended. Each Preliminary Proposal will be evaluated and ranked by HUD on the basis of all pertinent factors under this part including comments, if any, received during the response periods from the appropriate A-95 Clearinghouse and the unit of general local government.

(d) *Selection where approvable proposals do not exceed number of units advertised.* HUD will determine which Preliminary Proposals, in its judgment, can be developed into Final Proposals meeting the requirements of the Rehabilitation Program Packet. If the number of units covered by such Preliminary Proposal is no greater than the number of units specified in the Invitation, HUD will request all Owners of acceptable Preliminary Proposals to prepare Final Proposals in accordance with § 1277.209.

(e) *Selection where approvable proposals exceed number of units advertised.* If the number of units covered by acceptable Preliminary Proposals exceeds the number of units specified in the Invitation, HUD will list the approvable Preliminary Proposals in rank order. A cut-off line will be drawn below the lowest ranking Preliminary Proposal, which, together with all proposals ranked above it, will utilize the units specified in the invitation without reducing the number of units specified in the lowest ranking proposal. This ranking shall be subject to the following:

(1) *Preference for 20 percent projects.* If there is a Preliminary Proposal below the cut-off line for more than 50 units of family housing (i.e., designed primarily for use by the nonelderly and the nonhandicapped; which indicates that assistance will be limited to 20 percent or less of the units, this proposal shall displace a proposal(s) above the cut-off line which is for more than 50 units of family housing and which does not include this 20 percent limitation.

(2) *Preference for three or more bedroom projects.* If there is a Preliminary Proposal below the cut-off line which will provide a substantial proportion of large dwelling units (i.e., containing three or more bedrooms) without an undue concentration of large units in any one location, and the field office determines that such large units are needed in order to achieve the goal of the provision of a number of large units equal to at least 20 percent of all the Section 8 assisted units being provided, this proposal shall take priority over any proposal(s) above the cut-off line provided that it shall not take priority over any proposal which qualifies for priority under paragraph (e) (1) of this section.

(f) *Use of residual units.* For any residual number of units, HUD may publish another Invitation for Proposals, but this shall not delay the further processing of those Preliminary Proposals submitted in response to the prior Invitation that have been selected as a result of the prior Invitation.

(g) *Rejected proposals.* Owners whose Preliminary Proposals were not selected by HUD shall be sent a letter notifying them of such determination.

(h) *Notification of selection.* (1) With respect to those Preliminary Proposals which have been selected in accordance with this section, HUD will notify the Owners, on a prescribed form, and request them to submit within a reasonable time (to be specified in the notification) a Final Proposal in accordance with the requirements of the provisions of § 1277.209. The notification shall specify:

(i) The Contract Rents that will be acceptable to HUD where these are lower than the Contract Rents proposed by the Owner, and the reason for the reduction;

(ii) The term of the Contract that will be acceptable to HUD where it is shorter than the term proposed by the Owner, and the reason for the shorter term;

(iii) That the services of a registered architect must be utilized where HUD has determined that the nature and extent of the rehabilitation requires the utilization of such services;

(iv) The estimate of the amount of relocation payments, where applicable; and

(v) Other special conditions or requirements, if any.

(2) The notification will request the Owner to return a copy of the notification with an indication of his acceptance thereof by a specified date. If the Owner does not accept the notification by the date specified, HUD may rescind the notification and select another approvable proposal.

#### § 1277.209 Final proposals.

(a) *Contents of final proposal.* Each Final Proposal shall indicate or include the following:

(1) A copy of the site option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the property to be rehabilitated, (however, only the proposed price is required for a New Communities project).

(2) A description of the proposed rehabilitation covering each basic element (e.g., roof, exterior walls, porches and steps; interior walls, ceilings, and floors; kitchen and bathroom facilities, and equipment; plumbing, heating and electrical equipment; landscaping; etc.) indicating the nature of the work to be done on each element and the grade and quality of the work, materials and equipment. If alteration, renovation or remodeling are indicated, preliminary drawings and plans and outline specification on the prescribed form.

(3) The Contract Rent per unit, by size and structure type.

(4) The equipment to be included in the Contract Rent.

(5) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not so included, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(6) The proposed term of the Contract (including all renewals) and justification for such term in accordance with § 1277.103(g).

(7) In the case of a PHA-Owner Project, a statement that (i) the PHA will undertake liability for and provide the funding of all relocation payments under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or (ii) other commitments, which the Owner believes to be satisfactory to HUD, have been made for the funding of such payments. In the later case, the PHA shall specify such other commitments. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(8) Submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for five or more units), a signed assurance of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and certifications required pursuant to Executive Order 11246.

(9) Submissions as required by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(10) The identity of the Owner, rehabilitator, architect (if applicable), and managing agent (if known); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(11) Submission of evidence of management capability and a proposed management plan and a certification by the Owner and the management agent, if any, in a format acceptable to HUD; or, if the proposal is for less than 15 units, evidence of capability of providing the required management and maintenance

services. If the Owner proposed to contract with another entity, including a PHA, for management and/or maintenance services for the project, he shall include a copy of the proposed contract(s).

(12) Submission of the form of Lease the Owner proposes to use, which shall be in accordance with § 1277.218(c).

(13) The proposed method of financing and, if the Owner intends to pledge or offer the Housing Assistance Payments Contract as security for any loan or obligation, the type and terms of the anticipated financing. (If the Owner intends to utilize FHA mortgage insurance, an application for a Conditional Commitment on the prescribed form shall be completed and submitted with the prescribed fee with the Final Proposal.)

(14) Evidence that the proposed rehabilitation is permissible under the applicable zoning, building, housing and other codes, ordinances or regulations; or a statement of the proposed action to make the rehabilitation permissible and that such action will be successfully completed prior to the Owner's acceptance or the architect's certification if required pursuant to § 1277.211(b).

(15) The anticipated time required for completion of the rehabilitation after the Agreement is signed (if the project is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage).

(b) *Consistency with preliminary proposal.* The Final Proposal shall be consistent with the Preliminary Proposal. Any material deviations from the Preliminary Proposal in the Final Proposal will cause reconsideration by HUD of such Final Proposal and may result in its rejection.

#### § 1277.210 Evaluation of final proposals.

(a) *Evaluation of Final Proposals by HUD.* Each Final Proposal will be evaluated by HUD to determine that the provisions of this Part have been complied with and that such Final Proposal is consistent with the Preliminary Proposal.

(b) *Clarifications or modifications.* HUD may request clarification of individual items, additional information, or modifications of the Final Proposal.

(c) *HUD determination.* HUD shall notify the Owner (and the PHA, if applicable) as to whether the Final Proposal is:

(1) Approved.  
(2) Approvable only if specified deficiencies are corrected and that HUD will approve the Final Proposal if it receives within a specified time evidence of such necessary corrections.

(3) Not approved. If a Final Proposal is not approved or if the conditions for approval under paragraph (c) (2) of this section are not met, HUD shall so advise the Owner and may request the preparation of a Final Proposal(s) with respect to the highest ranking Preliminary Proposal(s) not previously selected, or may issue another Invitation for Preliminary Proposals.

(d) *A-95 Notification.* The appropriate A-95 Clearinghouses shall be notified by HUD of its final action.

#### § 1277.211 Owner's acceptance of notification and submission of architect's certification.

(a) *Owner's Acceptance.* Upon receipt by the Owner of the notification of approval of the Final Proposal, the Owner shall return to HUD a copy indicating his acceptance within the time prescribed in such notification (copy to the PHA, if applicable). If the Owner does not accept the notification by the date specified, HUD may rescind the notification and proceed in accordance with § 1277.210(c) (3).

(b) *Architect's Certification.* (1) If the services of a registered architect are to be used, HUD may not enter into an Agreement (or, where applicable, an ACC and an Agreement) until after the Owner has submitted to HUD the architect's certification on the prescribed form. Such certification shall be made by the architect responsible for the preparation of the working drawings and specifications.

(2) The architect's certification shall state that, to the best of the architect's knowledge, belief, and professional judgment, (i) the working drawings and specifications are consistent with the approved Final Proposal, and (ii) the proposed rehabilitation in accordance with these plans and specifications is permissible under the applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials. This certification shall also cover compliance with the appropriate HUD Minimum Design Standards for Rehabilitation for Residential Properties and other standards, guidelines and criteria applicable under this Part.

(3) One copy of the certified working drawings and specifications shall be submitted with the architect's certification to HUD, which shall retain it and any changes approved by HUD for at least three years from the date of acceptance of the project; provided, however, that receipt and retention by HUD of these working drawings and specifications shall not denote or constitute HUD review or approval of such drawings or specifications.

(4) If the Owner fails to submit the certification by the date specified in the notification, HUD shall rescind the notification (and may proceed in accordance with § 1277.210(c) (3)) unless it determines that a reasonable extension of time should be granted.

#### § 1277.212 Annual contributions contract and agreement (private-owner/PHA projects).

(a) *Preparation of ACC.* After receipt of a copy of the accepted notification (and, where required, the architect's certification with the working drawings and specifications), the HUD field office shall prepare the ACC, shown as Appendix III to this part. The ACC shall be transmitted to the PHA for execution and re-

turned to HUD. This transmittal shall advise the PHA that it must simultaneously submit for HUD approval its Initial Estimate of Required Annual Contributions (Preliminary Costs) and an Estimate of Total Required Annual Contributions (see § 1277.213).

(b) *Preparation of Agreement.* The Agreement shall be prepared by the HUD field office at the time the ACC is prepared (see § 1277.214), and shall conform to the prescribed form shown as Appendix IV. The Agreement shall include all required information and required attachments.

(c) *Execution of ACC and Agreement.* After receipt of the PHA-executed ACC, accompanied by the Estimates of Required Annual Contributions, HUD shall review the Estimates and, if approved, execute the ACC. HUD shall then transmit a fully executed copy of the ACC to the PHA, together with four copies of the unexecuted Agreement. After execution of the Agreement by the PHA and the Owner, all copies shall be returned by the PHA to HUD for approval. HUD shall return three copies to the PHA, retaining one for its records.

§ 1277.213 Submission of estimates of required annual contributions (private-owner/PHA projects).

(a) *Initial Submission.* An allowance may be provided for preliminary costs incurred by the PHA prior to the beginning of the first fiscal year. When the ACC is executed by the PHA, it shall submit an Initial Estimate of Required Annual Contributions (Preliminary Costs) together with an Estimate of Total Required Annual Contributions on the prescribed forms. This submission includes estimates of costs of administration and non-expendable equipment up to the beginning of the first fiscal year.

(b) *First Fiscal Year Submission.* Not earlier than 150 and not later than 90 days prior to the estimated date of the beginning of the first fiscal year, the PHA shall submit an Estimate of Required Annual Contributions (Housing Assistance and Administration) covering the estimated amount required for the first fiscal year for housing assistance payments and for the fee for administration together with an Estimate of Total Required Annual Contributions.

(c) *Subsequent Fiscal Year Submissions.* Not earlier than 150 and not later than 90 days prior to the beginning of each subsequent fiscal year, the PHA shall submit an Estimate of Required Annual Contributions (Housing Assistance and Administration) and an Estimate of Total Required Annual Contributions, with supporting documentation, for any requested changes in the amount of housing assistance payments and the fee for administration.

(d) *Revisions of Estimates.* Any of the above Estimates may be revised to reflect changes in circumstances and available data.

(e) *HUD Approval.* All Estimates of Required Annual Contributions and any revisions thereto submitted by the PHA shall be subject to HUD approval.

§ 1277.214 Preparation and execution of agreement (private-owner and PHA-owner projects).

After receipt of a copy of the accepted notification (and, where required, the architect's certification and the working drawings and specifications), the HUD field office shall prepare the Agreement in the prescribed form shown as Appendix I to this part. The Agreement shall include all required information and required attachments. HUD shall transmit to the Owner three copies of the unexecuted Agreement. After the Owner executes all copies of the Agreement, he shall return them to HUD. HUD shall execute the Agreement, returning one copy to the Owner and retaining two for its records.

§ 1277.215 Rehabilitation period.

(a) *Timely Performance of Work.* After execution of the Agreement, the Owner shall promptly proceed with the rehabilitation work as provided in the Agreement. In the event the work is not so commenced, diligently continued, and/or completed, HUD (or the PHA with HUD approval, as appropriate) reserves the right to rescind the Agreement, or take other appropriate action.

(b) *Delays.* Although extensions of time may be granted for the reasons specified in the Agreement, no increases in Contract Rents may be granted on that account.

(c) *Changes.* The Owner shall submit for HUD approval any changes from the approved Final Proposal which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. HUD may condition its approval of such changes on a reduction of Contract Rents. If such changes are made without prior HUD approval, HUD may determine that Contract Rents shall be reduced or that the Owner shall remedy the deficiency as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications.

(d) *Inspection of HUD-FHA Insured Projects.* For projects financed with HUD-FHA insured mortgages, required HUD inspection procedures shall be followed including compliance with equal opportunity requirements.

(e) *Equal Opportunity Review.* Equal opportunity review may be conducted with any scheduled HUD inspection or at any other time deemed advisable by HUD.

(f) *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 60 days prior to the estimated completion date. The Owner shall notify HUD (or the PHA in the case of a Private-Owner/PHA Project) of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify HUD (or the PHA in

the case of a Private-Owner/PHA Project) of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed (see § 1277.217), the Owner will be required to submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units, pursuant to § 1277.103(e)(2), only if he has fully complied with the requirements of that section and of this paragraph.

(g) *Management Certification.* Prior to acceptance of the project by HUD, the Owner must certify in writing that there has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by HUD in accordance with the Agreement.

(h) *Labor Standards Certification.* Prior to acceptance by HUD of any project consisting of nine or more Contract units, the Owner must certify in writing that he has complied with the provisions of the Agreement relating to the payment of not less than prevailing wage rates and that to the best of his knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner, HUD, or the PHA (if applicable), the Owner shall be required to place a sufficient amount in escrow, as determined by HUD, to assure such payments.

§ 1277.216 Project completion.

(a) *Notification of Completion.* The Owner shall notify HUD (with a copy to the PHA in the case of a Private-Owner/PHA Project) when the work is completed and shall submit to HUD the evidence of completion described in paragraph (b) of this section.

(1) A certification (i) from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (ii) by the Owner that these surfaces have been adequately treated or covered, all in accordance with these applicable HUD regulations issued pursuant to the Lead Base Paint Poisoning Prevention Act, 42 U.S.C. 4801.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) All work has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

(4) A certification (if working drawings and specifications for the work were

prepared and certified to by a registered architect) by the registered architect responsible for inspection of the work that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) All work has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified by the architect).

(c) *Inspection.* (1) Within ten working days of the receipt of the Owner's notification of project completion, a HUD representative (accompanied by a PHA representative, if applicable) shall inspect the project and review the evidence of completion listed in paragraph (b) of this section. Such inspection shall be sufficient to enable HUD to determine whether the project has been completed in accordance with the Agreement and, in particular, whether there are any observable conditions inconsistent with the certification of the Owner or the architect. As promptly as possible, HUD shall notify the Owner in writing as to whether or not the project has been completed in an acceptable manner.

(2) In the event the Owner disputes HUD's determinations, he may submit the controversy to third-party arbitration, at his expense, provided that the arbitration is advisory only.

(d) *Acceptance of Project.* If HUD determines that the project is not acceptable under paragraph (c) (1) of this section, the following shall apply:

(1) If the defects or deficiencies are only punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete such items within a reasonable time to the satisfaction of HUD, HUD may, upon 30 days notice, terminate or require termination of the Contract or exercise its other rights under the Contract.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, but HUD determines that the housing is Decent, Safe, and Sanitary and that the project is in good and tenantable condition, the project may be accepted after the Owner corrects the defects or deficiencies or the project may be accepted subject to a specified reduction of the Contract Rents as determined by HUD.

(3) If HUD determines that the project is not in good and tenantable condition or that the housing is not Decent, Safe, and Sanitary, HUD shall determine: (i) Whether the defects or deficiencies can be corrected, and (ii)

whether a reduction in Contract Rents will be required as a condition to acceptance of the project. If it is determined that the defects or deficiencies can be corrected, the Owner thereupon shall be notified of HUD's determinations under paragraphs (d) (3) (i) and (d) (3) (ii) of this section, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted.

(e) *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

#### § 1277.217 Execution of Housing Assistance Payments Contract.

(a) Upon acceptance of the project by the Government pursuant to §§ 1277.215 and 1277.216, the Contract shall be executed first by the Owner and then by HUD, or, in the case of a Private-Owner/PHA Project, executed by the Owner and the PHA and then approved by HUD.

(b) At the time of execution of the Contract, HUD (or the UHA, as appropriate) shall examine the lists of dwelling units leased and not leased, referred to in § 1277.215(f), and shall determine whether or not the Owner has met his obligations under that section with respect to any unleased units. HUD (or the PHA, as appropriate) shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished HUD in the case of a Private-Owner/PHA Project.

#### § 1277.218 Project operation.

(a) *Compliance with Equal Opportunity Requirements.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's HUD-approved Affirmative Fair Housing Marketing Plan, if required, and with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising. Projects shall be managed and operated without regard to race, color, creed, religion, sex, or national origin.

(b) *Eligibility, Selection and Admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family, in accordance with schedules and criteria established by HUD.

(2) For every family that wishes to apply for admission, the Owner and the applicant shall complete and sign the form of application prescribed by HUD, except that if there are no vacant units and the Owner's waiting list is such that there would be an unreasonable length of time before the applicant could be admitted, the Owner may advise the applicant that the Owner is not accepting applications for that reason. The Owner shall retain copies of all completed applications together with any related correspondence for three years. For each Family selected for admission, the Owner shall submit one copy of the completed and signed application to the HUD field office (in the case of Private-Owner/PHA Projects, the Owner simultaneously shall send a copy of the form to the PHA). Housing assistance payments will not be made on behalf of an admitted Family until after this copy has been received by the HUD field office.

(3) If the Owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable but the Owner does not have a suitable unit to offer, the Owner shall place such Family on his waiting list and so advise the Family.

(4) If the Owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable and if the Owner has a suitable unit, the Owner and the Family shall enter into a Lease. Such Lease shall be on the form of Lease included in the Owner's approved Final Proposal and shall otherwise be in conformity with the provisions of this Part.

(5) Records on applicant families and approved Families shall be maintained by the Owner so as to provide HUD with racial, ethnic and gender data and shall be retained by the Owner for three years.

(6) In the case of a PHA-Owner project, (i) if the PHA places a Family on its waiting list, it shall notify the Family of the approximate date of availability of a suitable unit insofar as such date can be reasonably determined, and (ii) if the PHA determines that an applicant is ineligible on the basis of income or family composition, or that the PHA is not selecting the applicant for other reasons, the PHA shall send the applicant a letter notifying him of the determination and the reasons and that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant shall not be admitted, the PHA shall so notify the applicant in writing and such notice shall inform the applicant that he has the right to request a review by HUD of the PHA's determination. The procedures of this subparagraph do not preclude the applicant from exercising his other rights if he believes he is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the letter, the applicant's response if any, the record of

any informal hearing, and a statement of final disposition.

(c) *Lease requirements.* The Lease shall contain all required provisions specified in paragraph (c) (2) of this section and none of the prohibited provisions listed in paragraph (c) (3) of this section and shall otherwise conform to the form of Lease included with the Owner's approved Final Proposal.

(1) *Term of lease.* The term of the Lease shall be generally for not less than one year. The Lease may (or, in the case of a Lease for a term of more than one year, shall) contain a provision permitting termination upon 30 days advance written notice by either party.

(2) *Required provisions.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporated in full in the Lease between \_\_\_\_\_ (Lessor) and \_\_\_\_\_ (Lessee) for the following dwelling unit: \_\_\_\_\_ In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

- a. The total rent shall be \$\_\_\_\_\_ per month.
- b. Of the total rent, \$\_\_\_\_\_ shall be payable by or at the direction of the Department of Housing and Urban Development ("HUD") as housing assistance payments on behalf of the Lessee and \$\_\_\_\_\_ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, or by reason of adjustment by HUD of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with HUD-established schedules and criteria and shall be effective as of the date stated in a notification to the Lessee.
- c. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.
- d. The Lessor shall provide the following services and maintenance: [Here insert the complete list as contained in the approved Final Proposal.]

Lessor \_\_\_\_\_  
 By \_\_\_\_\_  
 Date \_\_\_\_\_  
 Lessee \_\_\_\_\_  
 Date \_\_\_\_\_

(3) *Prohibited provisions.* Lease clauses which fall within the classifications listed below shall not be included in any Lease.

(i) *Confession of judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the landlord.

(ii) *Distraint for rent or other charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

(iii) *Exculpatory clause.* Agreement by tenant not to hold the landlord or land-

lord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

(iv) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

(v) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(vi) *Waiver of jury trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

(vii) *Waiver of right to appeal judicial error in legal proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

(viii) *Tenant chargeable with costs of legal actions regardless of outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

(d) *Termination of tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in § 1277.103 (e) (3) (ii).

(e) *Maintenance, operation and inspections—(1) Maintenance and operation.* The Owner shall maintain and operate the project so as to provide Decent, Safe, and Sanitary housing and he shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(2) *Inspection.* Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on the form prescribed by HUD, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed form. HUD (or the PHA, as appropriate) will inspect or cause to be inspected each Contract unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as HUD (or the PHA) may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. HUD (or the PHA) will take into account

complaints by occupants and any other information coming to its attention in scheduling inspections.

(f) *Units not decent, safe, and sanitary.* If HUD (or the PHA, as appropriate) notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, HUD (or the PHA) may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with Section 8 assistance and HUD (or the PHA) does not have other Section 8 funds for such purposes, HUD (or the PHA) may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if:

(1) The unit is restored to Decent, Safe, and Sanitary condition;

(2) The Family is willing to and does move back to the restored dwelling unit; and

(3) A deduction is made for the expenses incurred by the Family for both moves.

(g) *Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.* Reexamination of Family income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the Owner at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of the Family contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

(h) *Overcrowded and underoccupied units.* If HUD or the PHA, as the case may be, determines that a Contract unit assisted under this Part is not Decent, Safe, and Sanitary by reason of overcrowding, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, HUD (or the PHA) will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of § 1277.103 (e) (3) (i).

(i) *Adjustment of allowance for utilities and other services.* HUD shall determine, as part of its annual inspection and at such other times as it deems ap-

appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling units in the project, on grounds of changes in utility rates or other change of general applicability to all units in the project. If HUD determines that an adjustment should be made, HUD shall prescribe the amount of the adjustment and direct the Owner to make promptly a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payment.

(j) *Continued family participation.* A Family must continue to occupy its approved unit to remain eligible for participation in the Housing Assistance Payments Program except that if the Family (1) wishes to vacate its unit at the end of the Lease term (or prior thereto but in accordance with the provisions of the Lease), or (2) is required to move for reasons other than violation of the Lease on the part of the Family, and if the Family wishes to receive the benefit of housing assistance payments in another approvable unit, the Family should give reasonable notice of the circumstances to HUD or to the PHA, as appropriate, so that HUD or the PHA may have the opportunity to consider the Family's request.

(k) *Inapplicability of low-rent public housing model lease and grievance procedures.* Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are applicable only to PHA-Owner Projects under the Section 8 Housing Assistance Payments Program.

(1) *Reduction of number of contract units for failure to lease to eligible families*—(1) If at any time, beginning six months after the effective date of the Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract units leased or available for leasing by Eligible Families, HUD (or the PHA at the direction of HUD, as appropriate) may on 30 days notice reduce the number of Contract units to not less than the number of units under lease or available for leasing by Eligible Families, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

(2) At the end of the initial term of the Contract and of each renewal term, HUD (or the PHA at the direction of HUD, as appropriate) may, by notice to the Owner, reduce the number of Contract units to not less than (i) the number of units under lease or available for leasing by Eligible Families at that time or (ii) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

§ 1277.219 HUD review of contract compliance.

HUD will review project operations at such intervals as it deems necessary to ensure that the Owner is in full compli-

ance with the terms and conditions of the Contract. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

§ 1277.220 PHA reporting requirements. [Reserved]

APPENDIX I—AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION—PRIVATE-OWNER OR PHA-OWNER PROJECT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Part I

This Agreement To Enter Into Housing Assistance Payments Contract ("Agreement") is made and entered into by and between the United States of America acting through the Department of Housing and Urban Development ("Government") and ----- ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of the substantial rehabilitation of certain property as described in the approved Final Proposal; and

Whereas, the Owner and the Government propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible lower-income families ("Families") to occupy units in said project; and

Whereas, the Owner is also the rehabilitator, or, if the rehabilitator is other than the Owner, the rehabilitator's name is -----

Now therefore the parties hereto agree as follows:

1.1 *Contents of agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal including, among other things, evidence of management capability and, if required: the architect's certification, the Affirmative Fair Housing Marketing Plan, and management program;

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The schedule of completion in stages, if applicable;

Exhibit D: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the Government and the lender or any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of Completion*—a. *Time for Completion.* The project shall be completed in accordance with section 1.4 no later than ----- calendar days after the effective date of this Agreement, or in stages as provided for in Exhibit C which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than -----, 19\_\_\_\_, the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the Government reserves the right to rescind this Agreement or take other appropriate action. The Owner

shall report to the Government the date work was commenced and shall thereafter furnish the Government with periodic progress reports (quarterly unless more frequent reporting is required by the Government).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the Government, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increase in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Rehabilitation period*—a. *Changes.* The Owner shall submit for Government approval any changes from Exhibit A which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. The Government may condition its approval of such changes on a reduction of Contract Rents. If such changes are made without prior Government approval, the Government may determine that Contract Rents shall be reduced or that the Owner shall remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 60 days prior to the estimated completion date. The Owner shall notify the Government of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the Government of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to section 1.6b of the Contract only if he has fully complied with the requirements of this paragraph and the provisions of that Section.

c. *Management Certification.* Prior to acceptance of the project by the Government, the Owner shall certify in writing that there has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by the Government in accordance with paragraph a of this Section.

d. *Labor Standards Certification.*<sup>1</sup> Prior to acceptance of the project by the Government, the Owner shall certify in writing that he has complied with the provisions of sections 2.6 through 2.11 of this Agreement, and that to the best of his knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner or the Government, the Owner shall be required to place a sufficient amount in escrow as determined by the Government to assure payment thereof.

1.4 *Project completion*—a. *Conformance to Final Proposal.* The completed project shall be in accordance with Exhibit A. The Owner shall be solely responsible for completion of the project.

<sup>1</sup> Strike this paragraph if the project involves fewer than nine Contract units.

b. *Notification of Completion.* The Owner shall notify the Government when the work is completed and shall submit to the Government the evidence of completion described in paragraph c of this Section.

c. *Evidence of Completion.* Completion of the project shall be evidenced by furnishing the Government with all of the following:

(1) A certification (1) from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (11) by the Owner that these surfaces have been adequately treated or covered, all in accordance with the applicable HUD regulations issued pursuant to Lead Base Paint Poisoning Prevention Act, 42 USC 4801.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) All work has been completed in accordance with the requirements of this Agreement;

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

(4)\* A certification by the registered architect responsible for inspection of the work that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) All work has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

d. *Inspection.* (1) Within ten working days of the receipt of the Owner's notification of project completion, the Government representative shall inspect the project and review the evidence of completion listed in paragraph c of this Section. Such inspection shall be sufficient to enable the Government to determine whether the project has been completed in accordance with the Agreement and, in particular, whether there are any observable conditions inconsistent with the certification of the Owner or the architect. As promptly as possible, the Government shall notify the Owner in writing as to whether or not the project has been completed in an acceptable manner.

(2) In the event the Owner disputes the Government's determinations, he may submit the controversy to third-party arbitration, at his expense, provided that the arbitration is advisory only.

e. *Acceptance of Project.* If the Government determines that the project is not acceptable under paragraph d(1) of this section, the following shall apply:

(1) If the defects or deficiencies are only punchlist items or incomplete items awaiting seasonal opportunity, the project may be

accepted and the Contract executed. If the Owner fails to complete such items within a reasonable time to the satisfaction of the Government, the Government may, upon 30 days notice, terminate the Contract or exercise its other rights under the Contract.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, but the Government determines that the housing is Decent, Safe, and Sanitary and that the project is in good and tenantable condition, the project may be accepted after the Owner corrects the defects or deficiencies or the project may be accepted subject to a specified reduction of the Contract Rents as determined by the Government.

(3) If the Government determines that the project is not in good and tenantable condition or that the housing is not Decent, Safe, and Sanitary, the Government shall determine: (i) whether the defects or deficiencies can be corrected and (ii) whether a reduction in Contract Rents will be required as a condition to acceptance of the project. If it is determined that the defects or deficiencies can be corrected, the Owner shall be notified of the Government's determinations under (i) and (ii) of this subparagraph and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted. Prior to execution of the Contract, the Government will verify that appropriate corrective action has been taken.

f. *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

1.5 *Execution of Housing Assistance Payments Contract—*a. *Time of Execution.* Upon acceptance of the project by the Government pursuant to sections 1.3 and 1.4, the Contract shall be executed first by the Owner and then by the Government.

b. *Completion in Stages.* If completion is in stages, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract Rents shall be shown in Exhibit A-1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the Government, and Exhibits A-2, A-3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased Units at Time of Execution.* At the time of execution of the Contract, the Government shall examine the lists of dwelling units leased and not leased, referred to in section 1.3b, and shall determine whether or not the Owner has met his obligations under that Section with respect to any unleased units. The Government shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without the prejudice by reason of his signing the Contract.

d. *Contract Rents.* The Contract Rents by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract, except that in no case may the initial Contract Rents for units in projects financed with mortgages insured under the National Housing Act exceed the rents approved by

the Government in connection with the mortgage insurance for such projects.

e. *No Changes in Contract.* Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than in accordance with section 1.3a and paragraph d of this Section.

1.6 *Government assurance to owner.* The execution of this Agreement by the Government signifies that the faith of the United States is solemnly pledged to the payment of housing assistance payments pursuant to the Contract and that funds have been obligated by the Government for such payments.

1.7 *Relocation requirements.*<sup>3</sup>

[Alternative provisions—incorporate alternative 1 or 2, as applicable.]

*Alternative 1—For projects which were without site occupants as of the date indicated in this alternative.* The Owner hereby certifies that the property to be rehabilitated was without occupants as of the date of the Government notification to the Owner requesting the Owner to submit a Final Proposal.

*Alternative 2—For projects which do not qualify for alternative 1—*a. *Owner Compliance with Relocation Act.* The Owner agrees to comply with the provisions of sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and applicable Government regulations and requirements issued pursuant thereto.

b. *Relocation Payments Other than by Owner.* The Government has determined that satisfactory commitments have been made for the funding of relocation payments required by sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (e.g., funding pursuant to Title I of the Housing and Community Development Act of 1974) as follows:

c. *Relocation Payments by Owner.* If paragraph b is inapplicable, the following shall apply:

(1) The maximum potential amount of all relocation payments as estimated by the Government is \$.....

(2) The Owner has deposited this amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the Government for the purpose of meeting relocation payments.

(3) The Owner hereby voluntarily undertakes liability for all relocation payments and agrees that if the funds in the escrow account shall prove to be insufficient to meet all such relocation payments he will deposit such additional amounts as the Government determines to be necessary for such purpose.

(4) When the Government determines that there is no longer any potential liability for relocation payments, any balance in the escrow account shall be paid to the Owner.

(5) The Owner agrees to hold harmless and to indemnify the Government for any costs incurred under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the relocation of site occupants, and the Owner further agrees that the Government shall have the right to be reimbursed for any such costs by withholding from housing assistance payments payable to the Owner.

<sup>3</sup> Strike this Section in the case of a Private-Owner Project.

\* Strike this subparagraph (4) if the work is to be done other than in accordance with working drawings and specifications prepared and certified to by a registered architect.

**Effective date.** This Agreement shall be effective as of the date of execution by the Government.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts.

**WARNING:** 18 U.S.C. 1001 provides, among other things; that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

United States of America  
Secretary of Housing and  
Urban Development

By \_\_\_\_\_  
(Official Title)

Date \_\_\_\_\_, 19\_\_\_\_

OWNER \_\_\_\_\_

By \_\_\_\_\_  
(Official Title)

Date \_\_\_\_\_, 19\_\_\_\_

#### Part II

#### 2.1 Training, employment, and contracting opportunities for business and lower-income persons<sup>4</sup>—a.

The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135 (published in 38 FEDERAL REGISTER 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph (d) of this section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified

by this Agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of \$50,000 cost, the following clause:

#### EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 Equal employment opportunity<sup>5</sup>—a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

#### EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative or the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's non-compliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding

<sup>4</sup> Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are \$500,000 or less.

<sup>5</sup> As used in section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 *Cooperation in equal opportunity compliance reviews.* The Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*<sup>9</sup> In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et

seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to section 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every non-exempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Prevailing wage rates.*<sup>7</sup>—a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this Section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The Owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request

<sup>7</sup> As used in sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike sections 2.6 through 2.11 if the project involves less than nine Contract units.

the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this section.

(iii) On contracts in excess of \$10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR 5.2(c) shall also be subject to the provisions of paragraph g(2) of the Section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that:

(i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

<sup>9</sup> Strike this section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are \$100,000 or less.

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (1) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees; other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

**2.7 Submittal of payrolls and related reports**—a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The Owner shall submit weekly to the other party to this Agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic

conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

**2.8 Disputes concerning wage rates and classifications of labor**—a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

**2.9 Wage claims and adjustments.** In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

**2.10 Contract Work Hours and Safety Standards Act—overtime compensation**—a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this Section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this Section, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The Owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the Owner or any

subcontractor for liquidated damages as provided in paragraph b of this Section.

**2.11 Termination; debarment; subcontracts**—a. A breach of the provisions of the foregoing sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR 5.6.

b. The Owner shall insert in any subcontracts section 2.6 (and with respect to section 2.6g(2), copies of 29 CFR 5a.4, 5a.5, 5a.6, and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

**2.12 Disputes**—a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement between the Department of Housing and Urban Development field office and the Owner may be submitted by the Owner to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this Section, the Owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

**2.13 Interest of members, officers, or employees of public housing agency, members of local governing body, or other public officials**—No member, officer, or employee of the Public Housing Agency ("PHA"), no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official or such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

**2.14 Interest of member of or delegate to Congress**—No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

**2.15 Nonassignability**—a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different rehabilitator from the one named in the preamble of this Agree-

ment, except with the prior consent of the Government.

c. The Owner agrees that the approved rehabilitator has not made, and will not make, except with the prior consent of the Government, any assignment or transfer in any form of the rehabilitator's contract to construct the project, or of any part thereof, or any of the rehabilitator's interests therein.

d. The Owner agrees to notify the Government promptly of any proposed action covered by paragraph a or b or c of this section. The Owner further agrees to request the written consent of the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

e. For the purpose of this section, a transfer of stock in the Owner or rehabilitator in whole or in part, by a party holding ten percent or more of the stock of said Owner or rehabilitator, or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or rehabilitator or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the rehabilitation contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX II—HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION—PRIVATE-OWNER OR PHA-OWNER PROJECT  
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Part I

This Housing Assistance Payments Contract ("Contract") is entered into by and between the United States of America acting through the Department of Housing and Urban Development ("Government"), and \_\_\_\_\_ ("Owner"), pursuant to the United States Housing Act of 1937 ("Act"), 42 U.S.C. 1437, et seq., and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, et seq.

The parties hereto agree as follows:

1.1 *Contents of contract.* This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The Project Description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Contract, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 *Owner's warranties—*a. *Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract,

b. *Completion of Work.* The Owner warrants that the project as described in Exhibit B is in good and tenable condition and that all work has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of the Contract.

1.3 *Families to be housed; government assistance—*a. *Families to be Housed.* The Contract Units are to be leased by the Owner to eligible lower-income families ("Families") for use and occupancy by such Families solely as private dwellings.

b. *Government Assistance.* The Government hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

1.4 *Term of contract; fiscal year—*a. *Term of Contract.* The initial term of this Contract shall be \_\_\_\_\_ years (not to exceed five years) beginning with the effective date of this Contract and ending \_\_\_\_\_, 19\_\_\_\_. This Contract may be renewed, at the sole option of the Owner, for \_\_\_\_\_ additional term(s) of \_\_\_\_\_ years each (not to exceed five years each), provided that the total Contract term for any unit, including renewals, shall not exceed \_\_\_\_\_ years. [Insert number as specifically authorized by the Government, but in no event more than 20 years, or 40 years in the case of a project owned by, or financed by a loan or a loan guarantee from, a State or local agency.] Renewal shall be automatic unless the Owner notifies the Government, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; *Provided, however,* That the total Contract term for the units in all the stages, counting from the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the second sentence of this paragraph a, plus two years.

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending on \_\_\_\_\_ [insert March 31, June 30, September 30, or December 31, as determined by the Government] of each calendar year; *Provided, however,* That the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in section 1.5a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Maximum housing assistance commitment; project reserve—*a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other contract between the Government and the Owner, the Government shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of \$\_\_\_\_\_ per annum; *Provided, however,* that this amount

shall be reduced commensurate with any reduction in the number of units under this Contract.

b. *Project Reserve.* A project account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum Contract commitment stated in paragraph a of this Section exceeds amounts paid under this Contract for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this section to cover increases in Contract Rents or decreases in Family incomes (see section 1.8). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government as a receipt in accordance with section 10(b) of the Act.

1.6 *Housing assistance payments to owners—*a. *General.* Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will pay the Owner the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria. The amount of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family income, Family composition, extent of exceptional medical or other unusual expenses, or by reason of adjustment by the Government of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with the Government-established schedules and criteria, and shall be effective as of the date stated in a notification of such change to the Family.

b. *Vacancies During Rent-up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 70 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract; *Provided,* That the Owner (1) commenced marketing and otherwise complied with section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the Public Housing Agency ("PHA") and other appropriate sources to refer eligible applicants, and advertising the availability of the units, and (3) has not rejected any eligible applicant, except for good cause acceptable to the Government.

c. *Vacancies After Rent-up—*(1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 70 percent of the Contract Rent for a vacancy period not exceeding 60 days; *Provided, however,* That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also section 1.9b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (1) immediately upon learning of the vacancy, has notified the Government of the vacancy.

or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this section.

(2) If the Owner proposes to evict a Family, he shall not be entitled to any payment under paragraph c(1) of this section unless the request for such payment is supported by a certification that (i) he has given such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction is not in violation of the Lease or the Contract or any applicable law.

**d. Limitation on Payments for Vacant Units.** The Owner shall not be entitled to housing assistance payments with respect to vacant units under this Section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under section 1.9b of this Contract).

**e. Government Not Obligated for Family Rent.** The Government has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with section 1.9b of this Contract. The financial obligation of the Government is limited to making housing assistance payments on behalf of Families in accordance with this Contract.

**f. Owner's Monthly Requests for Payments.**—(1) The Owner shall submit monthly requests to the Government for housing assistance payments. Each such request shall set forth: (i) The name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit; and (v) the total amount of housing assistance payments requested by the Owner.

(2) If the Owner has received an excessive payment, the Government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(3) The statement set forth in each of the Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

**1.7 Maintenance, operation and inspection—****a. Maintenance and Operation.** The Owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the Government determines that the Owner is not meeting any of these obligations, the Government shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

**b. Inspection.**—(1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on the form prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe,

and Sanitary in accordance with the criteria provided in the prescribed form.

(2) The Government shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as the Government may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The Government shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections.

**c. Units Not Decent, Safe, and Sanitary.** If the Government notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the Government may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the Government does not have other section 8 funds for such purposes, the Government may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if—

(1) The unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

**d. Notification of Abatement.** Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The Government shall promptly notify the Family of any such abatement.

**e. Overcrowded and Underoccupied Units.** If the Government determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of overcrowding, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the Government will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of section 1.6c(1).

**1.8 Rent adjustments—****a. Funding of Adjustments.** Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this Section up to the maximum total annual housing assistance payments committed under section 1.5a of this Contract. The provisions of this Contract are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family incomes. The Government will take such additional steps authorized by section 8(c) (6) of the Act as may be necessary to carry out

this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

**b. Automatic Annual Adjustments.**—(1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the Federal Register. These published Factors will be reduced appropriately by the Government where utilities are paid directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents on the effective date of the Contract.

**c. Special Additional Adjustments.** Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulation by a public body or entity), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to the Government financial statements which clearly support the increase.

**d. Overall Limitation.** Notwithstanding any other provisions of this Contract, adjustments as provided in this Section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Government.

**e. Incorporation of Rent Adjustment.** Any adjustment in Contract Rents shall be incorporated into Exhibit A by a dated addendum to the exhibit.

**1.9 Marketing and leasing of units—****a. Compliance with Equal Opportunity.** Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

**b. Security Deposits.** The Owner shall not require Families to pay security deposits. In lieu thereof, the Owner may claim reimbursement from the Government under this Contract for unpaid rent by a departing Family and/or cost of repairs for damage caused by such Family not to exceed a total reimbursement in an amount equal to one month's Contract Rent.

**c. Eligibility, Selection and Admission of Families.**—(1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. In the initial renting of the Contract Units, the Owner shall lease at least 30 percent to Very Low-Income Families (determined in accordance with the Government-established schedules and criteria) and shall thereafter exercise his

best efforts to maintain at least 30 percent occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family income, composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government.

d. *Rent Redetermination After Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of a Government determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable Government requirements and shall maintain records and furnish such copies or other information as may be required by the Government.

f. *Government Review; Incorrect Payments.* In making housing assistance payments to Owners, the Government will review the Owner's determinations under this section. If as a result of this review, or other reviews, audits or information received by the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.10 *Termination of tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in section 1.6c.

1.11 *Reduction of number of contract units for failure to lease to eligible families—*  
a. *Twelve Months after Effective Date of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Families, the Government may on 30 days notice reduce the number of units under lease or available for leasing by Families, plus 10 percent of such number, if that number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the Government may, by notice to the Owner, reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

*Effective date.* The effective date of this Contract is \_\_\_\_\_, 19\_\_\_\_. [Insert date

which shall be no earlier than the date of execution by the Government.]

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

OWNER \_\_\_\_\_  
By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_\_\_

United States of America  
Secretary of Housing and  
Urban Development

By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_\_\_

[If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.]

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

Stage 1

This Contract is hereby executed with respect to the units described in Exhibit A-1.  
*Effective date.* The effective date of this Contract is \_\_\_\_\_, 19\_\_\_\_. [Insert date which shall be no earlier than the date of execution by the Government.]

OWNER \_\_\_\_\_  
By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_\_\_

United States of America  
Secretary of Housing and  
Urban Development

By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_\_\_

Stage 2

This Contract is hereby executed with respect to the units described in Exhibit A-2.

*Effective date.* The effective date of this Contract is \_\_\_\_\_, 19\_\_\_\_. [Insert date which shall be no earlier than the date of execution by the Government.]

OWNER \_\_\_\_\_  
By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_\_\_

United States of America  
Secretary of Housing and  
Urban Development

By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_\_\_

Stage 3

This Contract is hereby executed with respect to the units described in Exhibit A-3.

*Effective date.* The effective date of this Contract is \_\_\_\_\_, 19\_\_\_\_. [Insert date which shall be no earlier than the date of execution by the Government.]

OWNER \_\_\_\_\_  
By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_\_\_

United States of America  
Secretary of Housing and  
Urban Development

By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_\_\_

Part II

2.1 *Nondiscrimination in housing—*a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise, subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to benefit of the Government and the said Department, either of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Training, employment, and contracting opportunities for businesses and lower-income persons*<sup>1</sup>—a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FEDERAL REGISTER 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph (d) of this Section in all contracts for

<sup>1</sup> Strike this section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are \$500,000 or less.

work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of \$50,000 cost, the following clause:

**EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS**

A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon

the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 *Cooperation in equal opportunity compliance reviews.* The Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*<sup>2</sup> In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 F.R. 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every non-exempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Reports and access to premises and records.*—a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the Government.

b. The Owner shall permit the Government or any of its duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers, and records of the Owner that are pertinent to compliance with this Contract,

<sup>2</sup> Strike this section if the Contract Rents on the effective date of this Contract, over the maximum total term of this contract, are \$100,000 or less.

including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 *Default by the owner.*—a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the Government that a default has occurred, the Government shall notify the Owner of the nature of the default, of the actions required to be taken on account of the default (including the curbing of the default by the Owner, the abatement of housing assistance payments in whole or in part, where appropriate, or any combination of actions), and of the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the Government, the Government shall take appropriate actions to achieve compliance or to terminate the Contract in whole or in part.

c. The availability of any remedy under this Contract shall not preclude the exercise of any other remedy available under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.8 *Disputes.*—a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement between the Department of Housing and Urban Development field office and the Owner may be submitted by the Owner to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this section, the Owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section: *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.9 *Interest of members, officers, or employees of PHA, members of local governing body or other public officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.10 *Interest of member of or delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to

any share or part of this Contract or to any benefits which may arise therefrom.

2.11 *Nonassignability*—a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the Government; *Provided, however*, That in the case of an assignment as security for the purpose of obtaining financing of the project, the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the Government promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request the written consent of the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

c. For the purpose of this section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract or the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX III—ANNUAL CONTRIBUTIONS CONTRACT—SUBSTANTIAL REHABILITATION—PRIVATE-OWNER/PHA PROJECT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

[To be published for comment at a later date. The Annual Contributions Contract will conform to the provisions of Subparts A and B and Appendices IV and V of these regulations.]

APPENDIX IV—AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION—PRIVATE-OWNER/PHA PROJECT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Part I

This Agreement to Enter into Housing Assistance Payments Contract ("Agreement") is made and entered into by and between the ----- ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6), and ----- ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of the substantial rehabilitation of certain property as described in the approved Final Proposal; and

Whereas, the Owner and the PHA propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making

housing assistance payments to enable eligible lower-income families ("Families") to occupy units in said projects; and

Whereas, the PHA has entered into an Annual Contributions Contract dated -----, 19 ----, with the United States of America acting through the Department of Housing and Urban Development ("Government") with respect to Project No. ----- ("ACC"), under which the Government will provide financial assistance to the PHA pursuant to section 8 of the Act for the purpose of making housing assistance payments; and

Whereas, the Owner is also the rehabilitator, or, if the rehabilitator is other than the Owner, the rehabilitator's name is -----

Now therefore, the parties hereto agree as follows:

1.1 *Contents of agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal including, among other things, evidence of management capability and, if required: the architect's certification, the Affirmative Fair Housing Marketing Plan, and management program;

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The Annual Contributions Contract ("ACC");

Exhibit D: The schedule of completion in stages, if applicable;

Exhibit E: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the PHA and the lender or any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of completion*—a. *Time for Completion.* The project shall be completed in accordance with section 1.4 no later than ----- calendar days after the effective date of this Agreement, or in stages as provided for in Exhibit D which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than -----, 19 ----, the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the PHA reserves the right subject to Government approval, to rescind this Agreement or take other appropriate action. The Owner shall report to the PHA the date work was commenced and shall thereafter furnish the PHA with periodic progress reports (quarterly unless more frequent reporting is required by the PHA).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the PHA, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increases in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Rehabilitation period*—a. *Changes.* The Owner shall submit for PHA and Government approval any changes from Exhibit A which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. Approval of such changes may be conditioned on a reduction of Contract Rents. If such changes are made without prior approval by the PHA and the Government, the Owner may be required to reduce the Contract Rents or remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 60 days prior to the estimated completion date. The Owner shall notify the PHA of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the PHA of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to section 1.7b of the Contract only if he has fully complied with the requirements of this paragraph and the provisions of that Section.

c. *Management Certification.* Prior to acceptance of the project by the Government, the Owner shall certify in writing that there has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by the PHA and the Government in accordance with paragraph a of this section.

d. *Labor Standards Certification.* Prior to acceptance of the project by the Government, the Owner shall certify in writing that he has complied with the provisions of Sections 2.6 through 2.11 of this Agreement, and that to the best of his knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner or the PHA or the Government, the Owner shall be required to place a sufficient amount in escrow as determined by the Government to assure payment thereof.

1.4 *Project completion*—a. *Conformance to Final Proposal.* The completed project shall be in accordance with Exhibit A. The Owner shall be solely responsible for completion of the project.

b. *Notification of Completion.* The Owner shall notify the Government, with a copy to the PHA, when the work is completed and shall submit to the Government the evidence of completion described in paragraph c of this Section.

c. *Evidence of Completion.* Completion of the project shall be evidenced by furnishing the Government with all of the following:

- (1) A certification (i) from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (ii) by the Owner that these surfaces have been adequately treated or covered, all in accordance with the applicable

<sup>1</sup> Strike this paragraph if the project involves fewer than nine Contract units.

HUD regulations issued pursuant to the Lead Base Paint Poisoning Prevention Act, 42 USC 4801.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the Owner, which will be supported by the Owners' warranty in the Contract, that:

(i) All work has been completed in accordance with the requirements of this Agreement;

(ii) The project is in good and tenable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

(4)<sup>2</sup> A certification by the registered architect responsible for inspection of the work that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) All work has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

d. *Inspection*—(1) Within ten working days of the receipt of the Owner's notification of project completion, the Government representative, accompanied by a PHA representative, shall inspect the project and review the evidence of completion listed in paragraph c of this Section. Such inspection shall be sufficient to enable the Government to determine whether the project has been completed in accordance with the Agreement and, in particular, whether there are any observable conditions inconsistent with the certification of the Owner or the architect. As promptly as possible, the Government shall notify the Owner in writing, with a copy to the PHA, as to whether or not the project has been completed in an acceptable manner.

(2) In the event the Owner disputes the Government's determinations, he may submit the controversy to third-party arbitration, at his expense, provided that the arbitration is advisory only.

e. *Acceptance of Project*. If the Government determines that the project is not acceptable under paragraph d(1) of this section, the following shall apply:

(1) If the defects or deficiencies are only punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete such items within a reasonable time to the satisfaction of the PHA and the Government, the PHA may, upon 30 days notice, as directed by the Government, terminate the Contract or exercise the PHA's other rights under the Contract.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, but the Gov-

<sup>2</sup> Strike this paragraph (4) if the work is to be done other than in accordance with working drawings and specifications prepared and certified to by a registered architect.

ernment determines that the housing is Decent, Safe, and Sanitary and that the project is in good and tenable condition, the project may be accepted after the Owner corrects the defects or deficiencies or the project may be accepted subject to a specified reduction of the Contract Rents as determined by the Government.

(3) If the Government determines that the project is not in good and tenable condition or that the housing is not Decent, Safe, and Sanitary, the Government shall determine: (i) Whether the defects or deficiencies can be corrected and (ii) whether a reduction in Contract Rents will be required as a condition to acceptance of the project. If it is determined that the defects or deficiencies can be corrected, the Owner shall be notified of the Government's determinations under (i) and (ii) of this subparagraph, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted. Prior to authorizing execution of the Contract, the Government will verify that appropriate corrective action has been taken.

f. *Completion in Stages*. If the project is to be completed in stages, the procedures of this section shall apply to each stage.

1.5 *Execution of housing assistance payments contract*—a. *Time of Execution*. Upon acceptance of the project by the Government pursuant to sections 1.3 and 1.4, the Contract shall be executed by the Owner and the PHA and shall then be approved by the Government.

b. *Completion in Stages*. If completion is in stages, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract Rents shall be shown in Exhibit A-1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the PHA and approved by the Government, and Exhibits A-2, A-3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased Units at Time of Execution*. At the time of execution of the Contract, the PHA shall examine the lists of dwelling units leased and not leased, referred to in Section 1.3b, and shall determine whether or not the Owner has met his obligations under that Section with respect to any unleased units. The PHA shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished to the Government.

d. *Contract Rents*. The Contract Rents by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract, except that in no case may the initial Contract Rents for units in projects financed with mortgages insured under the National Housing Act exceed the rents approved by the Government in connection with the mortgage insurance for such projects.

e. *No Changes in Contract*. Each party has read or is presumed to have read the pro-

posed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than in accordance with section 1.3a and paragraph d of this section.

1.6 *Government assurance to owner*—a. The approval of this Agreement by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the PHA in the performance of its obligations under the Contract. The Government and the PHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of annual contributions payable thereunder for housing assistance payments except as authorized in the ACC and the Contract.

b. The ACC states that the ACC provisions quoted below in this paragraph are made for the benefit of the Owner, or his assignees who will have been specifically approved by the Government prior to such assignment, and that to enforce the performance of these provisions, the Owner and such assignees shall have the right to proceed against the Government by suit at law or in equity. Upon the determination by the Government that a default by the PHA has occurred, the following provisions of the ACC (which are hereby made a part of this Agreement), shall be applicable:

(a) *Failure or Inability of PHA to Comply with Agreement*. In the event the Government determines that the PHA is in default of its obligation under the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder as to the project. In such case, the Government will assume the PHA's rights and obligations under the Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

(d) *Return of Rights and Obligations to PHA*. All rights and obligations of the PHA assumed by the Government pursuant to this section 2.17 will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the project will thereafter be administered in accordance with all applicable requirements or (2) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

1.7 *Authority of the PHA*. The PHA warrants that it is a "public housing agency" as defined in section 3(6) of the Act and that it is in fact and in law authorized to execute this Agreement.

*Effective date*. This Agreement shall be effective as of the date of execution by the Government.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts.

WARNING: 18 U.S. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency

of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

APPROVED:  
 United States of America  
 Secretary of Housing and Urban Development  
 By \_\_\_\_\_  
 (Official Title)  
 Date \_\_\_\_\_, 19\_\_  
 OWNER  
 By \_\_\_\_\_  
 (Official Title)  
 Date \_\_\_\_\_, 19\_\_

Part II

2.1 Training, employment, and contracting opportunities for businesses and lower-income persons<sup>a</sup>—a. The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of \$50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Agreement is on a project assisted under a

<sup>a</sup> Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are \$500,000 or less.

program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 Equal employment opportunity<sup>a</sup>—a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Ch. 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

<sup>a</sup> As used in section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's non-compliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for non-compliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcon-

tractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist HUD in the discharge of HUD's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 *Cooperation in equal opportunity compliance reviews.* The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*<sup>5</sup> In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communications from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to

inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every non-exempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Prevailing wage rates.*<sup>6</sup>—a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this Section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plants, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The Owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the

event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this section.

(iii) On contracts in excess of \$10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR 5.2(c) shall also be subject to the provisions of paragraph g(2) of this section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that:

(i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (1) and (ii) immediately preceding;

<sup>5</sup> Strike this section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are \$100,000 or less.

<sup>6</sup>As used in sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike sections 2.6 through 2.11 if the project involves less than nine Contract units.

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

**2.7 Submittal of payrolls and related reports**—a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The Owner shall submit weekly to the other party to this Agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR, Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives

to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

**2.8 Disputes concerning wage rates and classifications of labor**—a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

**2.9 Wage claims and adjustments.** In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

**2.10 Contract Work Hours and Safety Standards Act—overtime compensation**—a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this Section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this Section, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The Owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the Owner or any subcontractor for liquidated damages as provided in paragraph b of this section.

**2.11 Termination; debarment; subcontracts**—a. A breach of the provisions of the foregoing sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR 5.6.

b. The Owner shall insert in any subcontracts sections 2.6 (and with respect to Section 2.6g(2)), copies of 29 CFR 5a.4, 5a.5,

5a.6, and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

**2.12 Disputes**—a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement of the PHA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Agreement and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs a and b of this section; *Provided, however*, That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

**2.13 Interest of members, officers, or employees of PHA, members of local governing body, or other public officials.** No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

**2.14 Interest of member of or delegate to Congress.** No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

**2.15 Nonassignability**—a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the Government; *Provided, however*, That in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different rehabilitator from the one named in the preamble of this Agree-

ment, except with the prior consent of the PHA and the Government.

c. The Owner agrees that the approved rehabilitator has not made, and will not make, except with the prior consent of the PHA and the Government, any assignment or transfer in any form of the rehabilitator's contract to construct the project, or of any part thereof, or any of the rehabilitator's interests therein.

d. The Owner agrees to notify the PHA and the Government promptly of any proposed action covered by paragraph a or b or c of this section. The Owner further agrees to request the written consent of the PHA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

e. For the purpose of this section, a transfer of stock in the Owner or rehabilitator in whole or in part, by a party holding ten percent or more of the stock of said Owner or rehabilitator, or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or rehabilitator, or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the rehabilitation contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX V—HOUSING ASSISTANCE PAYMENTS  
CONTRACT—SUBSTANTIAL REHABILITATION—  
PRIVATE-OWNER/PHA PROJECT

SECTION 8 HOUSING ASSISTANCE PAYMENTS  
PROGRAM

Part I

This Housing Assistance Payments Contract ("Contract") is entered into by and between the \_\_\_\_\_ ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6), and \_\_\_\_\_ ("Owner"), and approved by the United States of America acting through the Department of Housing and Urban Development ("Government"), pursuant to the Act and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, et seq.

The parties hereto agree as follows:

1.1 *Contents of contract.* This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The Project Description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Contract, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 *Owner's warranties.*—a. *Legal Capacity.* The Owner warrants that he has the

legal right to execute this Contract and to lease dwelling units covered by this Contract.

b. *Completion of Work.* The Owner warrants that the project as described in Exhibit B is in good and tenable condition and that all work has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of this Contract.

1.3 *Families to be housed; PHA assistance.*—a. *Families To Be Housed.* The Contract Units are to be leased by the Owner to eligible lower-income families ("Families") for use and occupancy by such Families solely as private dwellings.

b. *PHA Assistance.* The PHA hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

1.4 *Term of contract; fiscal year.*—a. *Term of Contract.* The initial term of this Contract shall be \_\_\_\_\_ years (not to exceed five years) beginning with the effective date of this Contract and ending \_\_\_\_\_ 19\_\_\_\_. This Contract may be renewed, at the sole option of the Owner, for \_\_\_\_\_ additional term(s) of \_\_\_\_\_ years each (not to exceed five years each), provided that the total Contract term for any unit, including renewals, shall not exceed \_\_\_\_\_ years. [Insert number as specifically authorized by the Government, but in no event more than 20 years, or 40 years in the case of a project owned by, or financed by a loan or a loan guarantee from, a State or local agency.] Renewal shall be automatic unless the Owner notifies the PHA, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage: *Provided, however,* That the total Contract term for the units in all the stages counting from the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the second sentence of this paragraph a, plus two years.

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending on \_\_\_\_\_ [insert March 31, June 30, September 30, or December 31, as determined by the Government] of each calendar year; *Provided, however,* that the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in Section 1.6a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Annual contributions contract.*—a. *Identification of Annual Contributions Contract.* The PHA has entered into an Annual Contributions Contract dated \_\_\_\_\_ 19\_\_\_\_, with the Government, with respect to Project No. \_\_\_\_\_ ("ACC"), under which the Government will provide financial assistance to the PHA pursuant to section 8 of the Act, for the purpose of making housing assistance payments. A copy of the ACC shall be provided upon request.

b. *PHA Pledge of Certain ACC Payments.* The PHA hereby pledges to the payment of housing assistance payments pursuant to this Contract the portion of annual contributions payable under the ACC for such housing assistance payments. The PHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of such annual contributions, except as authorized in the ACC and this Contract.

c. *Government Approval of Housing Assistance Payments Contract.* The approval of this Contract by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the PHA in the performance of its obligations under the Contract.

1.6 *Maximum housing assistance commitment; project reserve.*—a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other contract between the PHA and the Owner, the PHA shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of \$\_\_\_\_\_ per annum (the amount specified in the ACC for such housing assistance payments); *Provided, however,* that this amount shall be reduced commensurate with any reduction in the number of units under this Contract.

b. *Project Reserve.* As provided in the ACC, a project account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum annual ACC commitment exceeds amounts paid under the ACC for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this Section to cover increases in Contract Rents or decreases in Family incomes (see section 1.9). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government as a receipt in accordance with section 10(b) of the Act.

1.7 *Housing assistance payments to owners.*—a. *General.* Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will pay the Owner the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria. The amounts of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family income, Family composition, extent of exceptional medical or other unusual expenses, or by reason of adjustment by the Government of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with the Government-established schedules and criteria, and shall be effective as of the date stated in a notification of such change to the Family.

b. *Vacancies During Rent-up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 70 percent of the Contract Rent

for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, provided that the Owner (1) commenced marketing and otherwise complied with section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the PHA.

c. *Vacancies After Rent-up*—(1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 70 percent of the Contract Rent for a vacancy period not exceeding 60 days; Provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also section 1.10b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (1) Immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy and the reasons for the vacancy, and (2) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this section.

(2) If the Owner proposes to evict a Family, he shall not be entitled to any payment under paragraph c(1) of this Section unless the request for such payment is supported by a certification that (1) he has given such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days within which to present its objections to the Owner in writing or in person and (2) the proposed eviction is not in violation of the Lease or the Contract or any applicable law.

d. *Limitation on Payments for Vacant Units*. The Owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.10b of this Contract).

e. *PHA Not Obligated for Family Rent*. The PHA has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with section 1.10b of this Contract. The financial obligation of the PHA is limited to making housing assistance payments on behalf of Families in accordance with this Contract.

f. *Owner's Monthly Requests for Payments*—(1) The Owner shall submit monthly requests to the PHA or as directed by the PHA for housing assistance payments. Each such request shall set forth: (i) the name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or the number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit; and (v) the total amount of housing assistance payments requested by the Owner.

(2) If the Owner has received an excessive payment, the PHA or the Government, in addition to any other rights to recovery, may

deduct the amount from any subsequent payment or payments.

(3) The statement set forth in each of the Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

1.8 *Maintenance, operation and inspection*—a. *Maintenance and Operation*. The Owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the PHA determines that the Owner is not meeting any of these obligations, the PHA shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. *Inspection*—(1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on the form prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed form.

(2) The PHA shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as the PHA may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections.

c. *Units Not Decent, Safe, and Sanitary*. If the PHA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the PHA does not have other section 8 funds for such purposes, the PHA may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if (1) the unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

d. *Notification of Abatement*. Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The PHA shall promptly notify the Family of any such abatement.

e. *Overcrowded and Underoccupied Units*. If the PHA determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of overcrowding, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does

not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the PHA will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The owner may receive housing assistance payments for the vacated unit if he complies with the requirements of section 1.7c(1).

1.9 *Rent adjustments*—a. *Funding of Adjustments*. Housing assistance payments will be made in increased amounts commensurate with Contract Rent Adjustments under this Section up to the maximum total annual housing assistance payments committed under section 1.6a of this Contract. The provisions of the ACC which are referred to in section 1.6b of this Contract are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family incomes. The ACC further provides that the Government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

b. *Automatic Annual Adjustments*—(1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by the Government where utilities are paid directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents on the effective date of the Contract.

c. *Special Additional Adjustments*. Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulation by a public body or entity), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to the Government financial statements which clearly support the increase.

d. *Overall Limitation*. Notwithstanding any other provisions of this Contract, adjustments as provided in this Section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Government.

e. *Incorporation of Rent Adjustment*. Any adjustment in Contract Rents shall be incorporated into Exhibit A by a dated addendum to the exhibit.

1.10 *Marketing and leasing of units*—a. *Compliance with Equal Opportunity*. Marketing of units and selection of Families by the Owner shall be in accordance with the

## PROPOSED RULES

Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security Deposits.*—The Owner shall not require Families to pay security deposits. In lieu thereof, the Owner may claim reimbursement from the PHA under this Contract for unpaid rent by a departing Family and/or cost of repairs for damage caused by such Family not to exceed a total reimbursement in an amount equal to one month's Contract Rent.

c. *Eligibility, Selection and Admission of Families.*—(1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. In the initial renting of the Contract Units, the Owner shall lease at least 30 percent to Very Low-Income Families (determined in accordance with the Government-established schedules and criteria) and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government.

d. *Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of a Government determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable Government requirements and shall maintain records and furnish such copies or other information as may be required by the Government.

f. *Review; Incorrect Payments.* In making housing assistance payments to Owners, the PHA or the Government will review the Owner's determinations under this Section. If as a result of this review, or other reviews, audits or information received by the PHA or the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the PHA or the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.11 *Termination of tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in section 1.7c.

1.12 *Reduction of number of contract units for failure to lease to eligible families.*—

a. *Twelve Months after Effective Date of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Families, the PHA, with Government approval, may on 30 days notice reduce the number of Contract Units to not less than the number of units under lease or available for leasing by Families, plus 10 percent of such number, if that number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the PHA, with Government approval, may, by notice to the Owner, reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

*Effective date.* The effective date of this Contract is \_\_\_\_\_, 19\_\_ [Insert date which shall be no earlier than the date of approval by the Government.]

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

APPROVED: \_\_\_\_\_  
By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_

United States of  
America  
Secretary of Housing  
and Urban  
Development

By \_\_\_\_\_ PHA \_\_\_\_\_  
(Official Title) By \_\_\_\_\_  
Date \_\_\_\_\_, 19\_\_ Date \_\_\_\_\_, 19\_\_

[If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.]

EXECUTION OF CONTRACT WITH RESPECT TO  
CONTRACT UNITS COMPLETED AND ACCEPTED  
IN STAGES

## Stage 1

This Contract is hereby executed with respect to the units described in Exhibit A-1.

*Effective date.* The effective date of this Contract with respect to the units described in Exhibit A-1 is \_\_\_\_\_, 19\_\_ [Insert date which shall be no earlier than the date of approval by the Government.]

APPROVED: \_\_\_\_\_  
By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_

United States of America  
Secretary of Housing and  
Urban Development

By \_\_\_\_\_ PHA \_\_\_\_\_  
(Official Title) By \_\_\_\_\_  
Date \_\_\_\_\_, 19\_\_ Date \_\_\_\_\_, 19\_\_

## Stage 2

This Contract is hereby executed with respect to the units described in Exhibit A-2.

*Effective date.* The effective date of this Contract with respect to the units described

in Exhibit A-2 is \_\_\_\_\_, 19\_\_ [Insert date which shall be no earlier than the date of approval by the Government.]

APPROVED: \_\_\_\_\_  
By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_

United States of America  
Secretary of Housing and  
Urban Development

PHA \_\_\_\_\_ By \_\_\_\_\_  
By \_\_\_\_\_ (Official Title) (Official Title)  
Date \_\_\_\_\_, 19\_\_ Date \_\_\_\_\_, 19\_\_

## Stage 3

This Contract is hereby executed with respect to the units described in Exhibit A-3.

*Effective date.* The effective date of this Contract with respect to the units described in Exhibit A-3 is \_\_\_\_\_, 19\_\_ [Insert date which shall be no earlier than the date of approval by the Government.]

APPROVED: \_\_\_\_\_  
By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_

United States of  
America, Secretary of  
Housing and Urban  
Development

PHA \_\_\_\_\_  
By \_\_\_\_\_  
(Official Title)  
Date \_\_\_\_\_, 19\_\_

## Part II

2.1 *Nondiscrimination in housing.*—a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to benefit of the Government, the said Department, and the PHA any of which shall be entitled to invoke any remedies available by law to re-

dress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Training, employment, and contracting opportunities for businesses and lower-income persons*—a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of \$50,000 cost, the following clause:

**EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS**

A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all

applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 *Cooperation in equal opportunity compliance reviews*. The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance*. If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act*.<sup>2</sup> In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this section in every non-exempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Reports and access to premises and records*—a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA or the Government.

b. The Owner shall permit the PHA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 *Default by the owner*—a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the PHA that a default has occurred, the PHA, with approval of the Government, shall notify the Owner of the nature of the default, of the actions required to be taken on account of the default (including the curing of the default by the Owner, the abatement of housing assistance payments in whole or in part, where appropriate, or any combination of actions), and of the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall take appropriate actions as directed or approved by the Government, to achieve compliance or to terminate the Contract in whole or in part.

2.8 *Default by the PHA*. The ACC states that the ACC provisions quoted in this Section are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment, and that to enforce the performance of these provisions, the Owner and such assignees shall have the right to proceed against the Government by suit at law or in equity. Upon the determination by the Government that a default by the PHA has occurred, the following provisions of the ACC (which is hereby made a part of this Contract), shall be applicable:

<sup>1</sup> Strike this section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are \$500,000 or less.

<sup>2</sup> Strike this section if the Contract Rents on the effective date of this Contract, over the maximum total term of this Contract, are \$100,000 or less.

(b) *Failure or Inability of PHA to Comply with Contract.* In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Contract is not binding upon the PHA for any such reason, the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder. In such case, the Government will assume the PHA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the Government may have to cure the Default.

(d) *Return of Rights and Obligations to PHA.* All rights and obligations of the PHA assumed by the Government pursuant to this section 2.17 will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements or (2) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner."

2.9 *Remedies not exclusive and non-waiver of remedies.* The availability of any remedy under this Contract shall not preclude the exercise of any other remedy under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.10 *Disputes*—a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the PHA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director

who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This section does not preclude consideration of questions of law in connection with the decisions rendered under paragraphs a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.11 *Interest of members, officers, or employees of PHA, members of local governing body or other public officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.12 *Interest of members of or delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.13 *Nonassignability*—a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the Government; *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the PHA and the Government promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request the written consent of the PHA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

c. For the purpose of this section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract on the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

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

[FR Doc.74-27333 Filed 11-21-74; 8:45 am]

# federal register

FRIDAY, NOVEMBER 22, 1974

WASHINGTON, D.C.

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PART IV

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## 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

## Modifications and Supersedeas Decisions to General Wage Determination 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 determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of

every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

*Modifications and supersedeas decisions to general wage determination decisions.* Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

## NEW GENERAL WAGE DETERMINATION DECISIONS

Illinois	AR-3171
Maryland	AR-2085
North Carolina	AR-4058
Ohio	AR-3172
	AR-3173
Oklahoma	AR-80

## 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.

Connecticut:	
AR-3095; AR-3097; AR-3099; AR-3100; AR-3101	Aug. 12, 1974
Florida:	
AQ-4091	Mar. 22, 1974
Michigan:	
AR-3141	Aug. 23, 1974
Nebraska:	
AR-75	Nov. 1, 1974
Oklahoma:	
AR-50	Sept. 27, 1974
Pennsylvania:	
AQ-2016	Aug. 17, 1974
AQ-2043	Aug. 2, 1974
AQ-2050	Feb. 15, 1974
AQ-2099	Apr. 19, 1974
AR-2036	Sept. 20, 1974
Virginia:	
AR-2025	Aug. 23, 1974
Washington, D.C.:	
AR-2026	Aug. 23, 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.

Arkansas:	
AP-1107(AR-4057)	June 29, 1973
California:	
AQ-1092(AR-1047); AQ-1093(AR-1048)	Mar. 15, 1974
Louisiana:	
AP-1107(AR-4057)	June 29, 1973
Maryland:	
AR-2022(AR-2084)	Aug. 23, 1974
AR-2050(AR-2086)	Sept. 6, 1974
Mississippi:	
AP-1107(AR-4057)	June 29, 1973
New Jersey:	
AQ-2093(AR-2081)	Apr. 5, 1974
AQ-2097(AR-2082); AQ-2098(AR-2080)	Apr. 12, 1974
AQ-2102(AR-2083)	Apr. 19, 1974
Oklahoma:	
AR-15(AR-81)	Aug. 16, 1974
South Dakota:	
AP-908(AR-1050)	June 15, 1973
AR-1028(AR-1049)	Aug. 30, 1974
Tennessee:	
AP-1107(AR-4057)	June 29, 1973

Signed at Washington, D.C., this 15th day of November 1974.

RAY J. DOLAN,  
Assistant Administrator,  
Wage and Hour Division.

DECISION NO. AR-3171

ILL-HH-DIST. #3

NEW DECISION

STATES: Illinois  
 COUNTY: See Below  
 DATE: Date of Publication  
 DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall & Woodford

Carpenters:  
 Iroquois Co; Ford Co. (N. of Garber & Guthrie)  
 Remainder of Ford County  
 Woodford County  
 Marshall Co; LaSalle Co. (Peru, Ottawa & Streator & Vicinities)  
 Grundy Co; LaSalle Co. (Marseilles & Vicinity)  
 McLean County  
 Livingston County  
 Kankakee County  
 Cement Masons:  
 LaSalle County  
 Livingston County; McLean County; Woodford County (East of Roanoke)  
 Marshall Co; Remainder of Woodford County  
 Iroquois; Kankakee Counties  
 Ford County  
 Grundy County  
 Ironworkers:  
 Iroquois; Kankakee Counties  
 Grundy County  
 Ford Co; Livingston Co; McLean Co. (Eastern Part of Co.)  
 Woodford Co; Marshall Co. (S.W. Corner of Co.)  
 LaSalle Co; Remainder of Marshall County  
 Linemen:  
 Iroquois County  
 Kankakee County  
 Grundy County  
 Ford; LaSalle; Livingston; McLean; Marshall & Woodford Counties

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.80	.42	.35		.03
9.30	.42	.35		.03
9.80	.42	.35		.03
7.67	.35			
8.45	.40	.30		
6.70	a12.50	a11.00		
6.90	a12.50	a11.00		
7.10	a12.50	a11.00		
7.25	a12.50	a11.00		
6.60	a15.00	a19.00		
6.75	a15.00	a19.00		
6.95	a15.00	a19.00		
7.15	a15.00	a19.00		

Painters:  
 Grundy County:  
 Bridges W/Butt Plates & Hand Rails Only  
 Bridges W/O Superstructures  
 Bridges W/Superstructure & Lift Type  
 Kankakee; Iroquois Counties:  
 Brush  
 Marshall; Woodford Counties:  
 All Bridge Work  
 Truck Drivers:  
 Kankakee & Iroquois Counties:  
 2-3-Axle Trucks  
 4-Axle Trucks  
 5-Axle Trucks  
 6-Axle Trucks  
 Grundy County; Remainder of Livingston & Woodford Counties:  
 2-3-Axle Trucks  
 4-Axle Trucks  
 5-Axle Trucks  
 6-Axle Trucks

Footnote:  
 a.-Per Week Per Employee

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.90	.25	.60		.08
8.715	.30	.40		.02
8.51	.35	.25		.015
7.645	.25	.53		.01
8.93	.35	.35		
7.54	.25	.15		
8.15	.15			
7.85		.30		.05
9.00	.40	.65		.04
8.48	.50	.50		.03
7.85	1.75	.225		.02
8.95	.40	.60		.08
8.425	.40	.475		.02
9.87	.50	.375		.02
9.70	.30	1%+.30		.25%
9.25	.30	4%	8 1/2%	1/2%
8.70	.30	1%+.20	.65	.2%
9.025	.35	1%		.25%
10.02				
8.77				
9.50				
11.38				
8.78				

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
CLASS 1	\$7.35	.47	.85			
CLASS 2	7.30	.47	.85			
CLASS 3	7.20	.47	.85			
CLASS 4	7.60	.47	.85			
CLASS 5	7.85	.47	.85			
CLASS 6	7.10	.47	.85			

LABORERS

- CLASS 1
- CLASS 2
- CLASS 3
- CLASS 4
- CLASS 5
- CLASS 6

CLASSIFICATIONS

LABORERS

**CLASS 1:** Tunnel miners and all laborers inside tunnel, compressed air laborers, air-blow pipemen, mortaring men on sewer and drain pipe (the applying of mortar and composition mixers), all bottom men on sewer work-all sewer and drain pipe layers--multiple concrete duct or any other type of pipe used on public utility work--8 feet or more below ground level, and all other sewer and trench laborers 8 feet or more below ground level, all labor work inside cofferdam, the use of a 10 foot or more drill steel for hand-held drills, caisson laborers ground level down to 15 feet, all air tools 8 feet or more below ground level, and all laborers on swinging and suspended scaffolds, chimney and silo laborers working at a height of 48 to 100 feet, all tamping hammers over 150 lbs., all laborers working inside of a sphere or any type or make of tank at a height of 48 feet to 100 feet, all hydraulic, electric and air tools, or any other type 8 feet or more below ground level

**CLASS 2:** Asphalt rakers, hod carriers, plaster laborers, gunnite laborers, road form setters, wagon and tower drillers on land and floating plant used on dredging, asphalt gunners and plug men (undercoating on road work), mortar pump laborers and plaster pump laborers

**CLASS 3:** Outside tunnel miner helpers, sewer and drain pipe layers and multiple concrete duct or any other type of pipe used on public utility work, ground level down to 8 feet, blasting men helpers, pumcrete pipe handlers

**CLASS 4:** Gunnite nozzle men, caisson laborers from 15 feet below ground level down to 50 feet

**CLASS 5:** Caisson laborers 50 feet or more below ground level, laborers working under radio active conditions, blasting men (powdermen)

**CLASS 6:** Mortar mixers, handling asphalt shingles, patented scaffolds, sewer and trench work - ground level down to 8 feet, catch basin and manhole diggers, mesh handling on road work, cement and mineral filler handler, concrete puddlers, batch dumpers, (cement and asphalt) vibrator operators, sand and stone wheelers to mixer (handlers), concrete wheelers, air-tamping hammermen concrete and paving breakers, rock drillers, jamchammermen, l-bag mixer, asphalt laborers, chain and power saw, pit men, all fence laborers, mason tenders, (mortar and brick wheeler), wagon and tower drill helpers, kettlemen and tarmen, tank cleaners, scaffold and staging laborers, pot firemen (tarmen), Salamander tenders for any purpose, water pumps,

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation	Others	
LASALLE COUNTY						
UNSKILLED	\$7.42	.30	.20	.20	.035	
SEMI-SKILLED	7.62	.30	.20	.20	.035	
SKILLED	7.82	.30	.20	.20	.035	
REMAINDER OF DISTRICT #3						
UNSKILLED	7.15	.30	.20	.20	.035	
SEMI-SKILLED	7.35	.30	.20	.20	.035	
SKILLED	7.75	.30	.20	.20	.035	

CLASSIFICATIONS

**UNSKILLED**  
 Unskilled laborer, carpenter tenders, tool cribmen, firemen or salamander tenders, flag-men, gravel box men, dumpmen and spotters, form handlers, material checkers, dispatchers, landscapers, unloading explosives, laying of sod, planting of trees, removal of trees, asphalt plant laborers, wrecking laborers, writer of scale tickets, fire shop laborers, fireproofing laborers, janitors, wrecking, dismantling buildings, wallmen and house-movers, driving of stakes, stringlines for all machinery.

SEMI-SKILLED

Handling of materials treated with oil, creosote asphalt or any foreign material, track laborers, cement handlers, chloride handlers, the unloading & laborers with steel workers & re-bars, concrete workers, (wet); tunnel helpers in free air, batch dumpers, mason & plasterer tenders & material wheelers, kettle & tarmen, tank cleaners, plastic installers, scaffold workers, motorized buggies or motorized unit used for wet concrete or handling of building materials, laborers with de-watering systems, all sewer workers plus depth, rod & chainmen with technical engineers, rod & chainmen with surveyors, vibrator operators, mortar mixer operators, cement silica, clay, fly ash, lime and plasters, handlers (bulk or bag), cofferdam workers plus depth, on concrete paving, placing, cutting & trying or reinforcing, deck hand, dredge hand & shore laborers, bankmen on floating plant, asphalt workers with machine, asphalt raker, grade checker.

SKILLED

Dynamite man or blasters, caisson workers plus depth, gunnite nozzle men, leadman on sewer work, welders, cutters, burners, and torchmen, chainsaw operators, jackhammer and drill operators, layout man, steel form setters-street and highway, air tamping hammerman, signal man on crane, concrete saw operators, screenman on asphalt pavers, laborers tending masons with hot materials are used, multiple concrete duct-leadman, luteman, curb asphalt machine operator, ready mix scalmen, portable or temporary plant, laborers handling masterplate or similar materials, laser beam operator, concrete burning machine operator, coring machine operator.

## LABORERS (Cont d)

CLASS 6 (Cont d): water pumps, rip rap, electrician, plumber and finisher helpers (minimum), handling of slab steel road forms in any type manner, except form setting, setting center strips, contraction and expansion joints (road work), unloading and handling thereof the following; brick, transit materials, cast iron water pipe, reinforced concrete rods, sewer and drain tile, railroad ties and all other creosoted materials, paving blocks and concrete forms, handling of insulation of any type, all mortar and composition mixers for sewer work, track laborers, chimney and silo laborers working at a height of one to 48 feet, all laborers working on swinging, suspended or any type or make or scaffolding one foot to 48 feet, all laborers working inside a sphere or any type or make of tank--minimum rate, all laborers working inside a sphere or any type or make of tank from bottom to a height of 48 feet--minimum rate, form strippers (any type), mechanical or motized buggies, handling multiple concrete duct or any type of pipe used in public utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, concrete or asphalt clipper type saws and self-propelled saws, shoulder and grade laborers, all hydraulic electric and air or any other type of tools, grouting and caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand and caulkers, barmen on floating plant, tool and material checkers, signalmen and flagmen on all construction work defined herein, cleaning, of debris, removal of trees, concrete curing, temporary concrete protection, regardless of manner or materials used, truck helpers, wrecking and demolition laborers, all laborers, all landscaping, laying or sod, and planting of trees

LASALLE, GRUNDY, KANKAKEE &  
LIVINGSTON COS.

ILLINOIS-10-20-2-3

	Basic Hourly Rates	Fringe Benefits Payments		
		H & V	Pensions	Vacation
CLASS I	\$9.60	.50	.50	.20
CLASS II	9.05	.50	.50	.20
CLASS III	8.40	.50	.50	.20
CLASS IV	7.40	.50	.50	.20
CLASS V	6.40	.50	.50	.20

## POWER EQUIPMENT OPERATORS

CLASS I: Asphalt plant, asphalt heater & planer combination, asphalt spreader, auto-grade, belt loader, calson rigs, central redmix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 275 cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1, 2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drillcrane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring & /or mining machine under 5 ft., wheel excavator widener (Apsco)

CLASS II: Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 75 Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), auto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc, compactor, etc. tug boats

CLASS III: Boilers, boiler & throttle valve, brooms, all power propelled, cement, supply tender, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoists, automatic, hoists, all elevators, hoists, tugger single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form, motor driven

CLASS IV: Air compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V: Oilers

AR-3171 P. 6

ILL-21-PEO-2-3

FORD AND IRROQUOIS COS.

POWER EQUIPMENT OPERATORS:

CLASS I  
CLASS II  
CLASS III

CLASSIFICATIONS:

Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
\$8.10	.30	.50		.05
7.97	.30	.50		.05
6.03	.30	.50		.05

POWER EQUIPMENT OPERATORS:

**CLASS I:** Power cranes, draglines, derricks, shovels, gradalls, shovels, mechanics, tractor high-lift tounadozer, concrete mixers with skep, tounadozer, towdrum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck winch or hydraulic boom truck, truck crane, tounadozer, tractor operating scoops, bulldozer push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt in road carrier or similar machine, gravel processing machine, asphalt farm tractor with half yard bucket and/or hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinky locomotives, scoomobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apcco paver, boring machine (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader

**CLASS II:** Power Sub grader, bull float, from grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6', curbing machine, truck crane oiler-driver, one drum machines without tower or boom, air tuggler, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 100 ft. rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket

**CLASS III:** One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gumite machine, house elevators when used for hoisting materials, engine tenders, fireman, wagon drill, flex plane, conveyors, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plant distributor operator on trucks, tamers self-propelled power broom, striping machine (motor driven), form tamper seaman tiller, bulk cement plant equipment greaser, deck hand

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ILL-20-PEO-2-3

MARSHALL, MCLEAN & WOODFORD COS.

POWER EQUIPMENT OPERATORS

GROUP I  
GROUP II  
GROUP III  
GROUP IV  
GROUP V

Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
\$8.895	.45	.55		.05
8.695	.45	.55		.05
8.42	.45	.55		.05
8.145	.45	.55		.05
8.035	.45	.55		.05

CLASSIFICATIONS:

**GROUP I:** Crane, hydro crane, shovels, crane type backfiller, tower cranesmobile & crawler & stationary, derricks & hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver & skid rigs, clam shells, locomotive cranes, road pavers-single drumal drum & tri battery, motor patrols & power blades-bumore, elevating similar types, mechanics central concrete mixing plant oper. Blacktop plant operators & plant engineers gradall, calsson rigs-requires oiler, skimmerscoopering scooper, dredges (all types) hop-toe-crane type (require oiler). Escalated rate on crane & derricks booms, .01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tounadozer

**GROUP II:** Asphalt heater & planter combination (used to plant streets), trench machines, pump crete-belt crete-squeeze crete-soew type pumps & gysum, bulker & pump, dinkys, tounadozer-all, and similar types, multiple unit earth movers (.25 per hour for each scoop over one, scoops (all sizes), pushcarts, endloaders (all types), side booms, P-H one-pass soil cement machines & similar types, wheel tractors (industrial or farm-type with dozer hoe-end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tumeluger, rockcrusher, automatic cement & gravel batching mobile drills (soil testing) & similar types, pugmill with pump, flaberty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C. M. I. & similar types (require oiler), all (10 & (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-seeder, boring machine, hydroboom, starting engineer on pipeline, F.M.D. & similar types

**GROUP III:** Apcco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt-break or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tamers (all similar types) self-propelled, mechanical bull floats, mixers over three feet 27E, winch & boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors w/power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

**GROUP IV:** Power subgrader, oil distributor, straight tractor, tractair (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hop-toe oilers

**GROUP V:** Herman Nelson Heater, Dravo, Warner, silent glo. & similar types, one engineer will operator 1-5 & after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton & under on earth and gravel, from graders, pump (1) or (20), light plant (10 or (2)), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags & under, and bulk cement plant

ILL. -1-JD

MARSHALL COUNTY & THE N.W.  
CORNER OF WOODFORD COUNTY

## TRUCK DRIVERS:

GROUP I  
GROUP II  
GROUP III  
GROUP IV

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.875	.35	a		
7.075	.35	a		
7.275	.35	a		
7.475	.35	a		

## GROUP I

Drivers on 4-wheel trucks, dumpcrites, scoomobile 5 cu. yds. & under or less than 7- $\frac{1}{2}$  tons, mixer trucks 3 cu. yds. & under, air compressors and welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34-E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, pick-up trucks, drivers, on dumpsters, or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, & small pallet type fork-lift op.

## GROUP II

Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7 $\frac{1}{2}$  tons, 6-wheel trucks, koehring or similar dumpsters, track truck, Euclids, hug bottom dumps, Tournapulls, Tournatrailers, dumps, Tournapulls, Tournatrailers, Tournarockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13 $\frac{1}{2}$  tons tandems & semitrailer service trucks, 6-wheel pole-trailer, mixer trucks over 3 cu. yds. & including 6 $\frac{1}{2}$  cu. yds., fork-lifts, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including, 4-34-E batches, mechanics, drivers on oil distributors, 2 men operation

## GROUP III

Drivers on heavy equipment over 9 cu. yds. or more than 13 $\frac{1}{2}$  tons up to and including 16 cu. yds. or 24 tons, such as koehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixer trucks over 6 $\frac{1}{2}$  cu. yds. batch trucks - wet or dry - over 4 - 34-E batches, poletrailers, 8-wheel combination or voer, lowboy

## GROUP IV

Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as koehring or similar dumpsters, track trucks, Euclids, hug-bottom dumps, Tournarockers, or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation

## FOOTNOTES:

A. - Employer contributes 10.00 per week per employee.

LASALLE, MCLEAN, FORD COS:  
AMITY, LONG POINT, NEWTON,  
READING & SUNBURY TOWNS, IN  
LIVINGSTON COUNTY.

ILL-4/5-TD

## TRUCK DRIVERS

Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:

2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydro-lift trucks, or similar equipment when used for transportation purposes:

2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.90	.40	a12.00		
7.30	.40	a12.00		
7.50	.40	a12.00		

FOOTNOTE: a. - Employer contributes \$12.00 per week per employee.

NEW DECISION

STATE: Maryland

COUNTIES: Anne Arundel, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys, and Washington

DATE: Date of Publication

DECISION NO.: AR-2085

DESCRIPTION OF WORK: Highway Construction

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Bricklayers	\$8.20				
Carpenters	5.60				
Cement Masons					
Finishers	5.20				
Ironworkers, Structural	6.55				
Ironworkers, Reinforcing	5.40				
Laborers, Unskilled	3.60				
Airtool Operators					
(Jackhammer, vibrator, etc.)	3.65				
Asphalt Rakers-Spreaders	4.00				
Form Setters	4.55				
Pipelayers					
(concrete, clay & drainage)	4.60				
Saw Operator - Chain	4.05				
Electricians	6.45				
Linemen	8.95				
Groundmen	5.70				
Painters, Structural					
Steel & Bridge	5.65				
Piledrivermen	5.83				
Asphalt Distributors					
Liquid	4.00				
Backhoes	5.30				
Bituminous					
Concrete Paver	4.30				
Bulldozer	4.70				
Cranes, Derricks, Draglines	6.80				
Concrete Finishing Machine	5.00				
Concrete Paving Machine	4.85				
Gradall	5.00				
Hydro-seeder	4.30				
Loaders (all types)	4.85				
Mechanics	5.55				
Motor Patrols	5.10				
Mulch Blower	3.60				
Oiler - Greaser	4.20				
Power Broom	3.95				
Rollers, Base	4.00				
Rollers, Finish	4.20				
Scrapers	4.60				
Tractors, Wheel	3.75				
Tractors, Wheel with Attachments	4.00				
Truck Drivers	4.30				

NEW DECISION

STATE: NORTH CAROLINA  
 DECISION NUMBER: AR-4058  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: See below\*  
 DATE: Date of Publication

11-NC-1-D

\*Counties: Buncombe, Haywood, Henderson, Jackson, McDowell, Madison, & Transylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr. Oth.
Air conditioning mechanic	4.36				
Bricklayers	5.61				
Carpenters	4.50				
Cement masons	4.34				
Drywall finishers	5.00				
Drywall hangers	5.25				
Electricians	4.40				
Ironworkers, structural & ornamental	4.00				
Labors:					
Asphalt raker	2.89				
Labors	2.50				
Mason tenders	3.00				
Mortar mixers	2.50				
Pipelayers	2.50				
Painters, brush	3.57				
Plasterers	5.50				
Plumbers & pipefitters	4.30				
Roofers	3.85				
Sheet metal workers	3.56				
Soft floor layers	5.55				
Tile setters	5.50				
Truck drivers	2.50				
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt screed	3.06				
Backhoe	3.25				
Bulldozer	3.46				
Crane, Derricks, Dragline	3.38				
Distributor	3.23				
Front end loader	3.36				
Grader	3.65				
Pan	3.25				
Paver operator	3.40				
Roller	3.23				
Scraper	3.25				
Mechanic	3.08				

AR-3172 P. 2

2 of 3

NEW DECISION

STATE: Ohio  
 COUNTRIES: Erie, Huron, Ottawa & Sandusky  
 DATE: Date of Publication  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NUMBER: AR-3172

Asbestos Workers:  
 Sandusky, Ottawa Counties and Western half of Erie County  
 Huron and Eastern half of Erie County

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vocallon	
\$10.08	.35	.15		.02
11.38				
10.45	.30	.50		.01
9.90		.35		.01
9.45	.55	.25		.01
9.41	.45	.40		.04
10.75	.30	1/4+.55		.1%
10.35	.48	1%		.1%
9.40	.33	1/4+.25		.1%
9.65	.39	.26	2 1/2+a+b	.02
6.755	.39	.26	2 1/2+a+b	.02
59%JR				
9.50	.39	.26	2 1/2+a+b	.02
6.65	.39	.26	2 1/2+a+b	.02
50%JR				
9.73	.40	.65		.01
8.325	.50	.45		.01
9.17	.50	.80	1.00	.03
10.32	.55	7%		.04
10.55	.25	.10		.01
8.75		.35	d	.01

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vocallon	
9.90		.35		.01
9.45	.55	.25		.01
10.50	.47	.60		.03
9.60	.50	.35		.025
7.00	.35	.35		
7.25	.35	.35		
8.10	.35	.35		
7.80	.35	.35		
8.44	.50	.15		
8.69	.50	.15		
8.99	.50	.15		
10.30	.47	.80		.03
9.60	.50	.35		.025
9.64	.45	.40		.03
10.635	.25	.75		.06
10.63	.25	.50		
10.58	.35	.40		.04
9.825	.50	.40		.02
9.80	.50	.70		.08
9.90		.35		.01
9.45	.55	.25		.01

Marble Masons:  
 Erie, Huron Counties and Bass Island, Catawba Island, Danbury & Portage Townships in Ottawa County  
 Sandusky and Remainder of Ottawa County  
 Millwrights:  
 Huron County and Erie County, east of B & O tracks  
 Erie County, West of B & O tracks and Ottawa, and Sandusky Counties  
 Painters:  
 Erie, Huron and Sandusky Counties  
 Brush; roller; washing & cleaning dry wall  
 Work between 40 ft. and 60 ft. above ground level  
 60 ft above ground or floor level  
 structural steel  
 Ottawa County:  
 Brush; paperhangers; drywall  
 tapers & finishers  
 Open structural steel-brush  
 Spray,sandblasting & pressure cleaning  
 Piledrivemen:  
 Huron County and Erie County east of B & O RR Tracks  
 Ottawa and Sandusky Counties and Erie County West of B & O RR tracks  
 Plumbers; Steamfitters:  
 Erie and Huron Counties  
 Ottawa and Sandusky Counties  
 Roofers  
 Sheet metal workers:  
 Erie, Huron & Sandusky Counties  
 Ottawa County  
 Sprinkler fitters  
 Terrazzo workers; Tile Setters:  
 Erie & Huron Counties & Bass & Catawba Islands and Portage & Danbury Townships in Ottawa Co.  
 Remainder of Ottawa County and Sandusky County

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Truck Drivers: Single axle, Tandem axle, Semi Heavy Duty Trucks, 5 axles or over Winch trucks; Carryalls; Low Boys	7.56 7.79	64.25e 64.25e	11.00f 11.00f		

**PAID HOLIDAYS: (WHERE APPLICABLE)**

A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

**FOOTNOTES:**

- a. Six paid holidays; A through F providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).
- b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
- c. Two paid holidays: Memorial Day and Labor Day.
- d. Nine paid holidays, A through F plus, Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
- e. Per month per employee.
- f. Per week per employee.

## NOTICES

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LABORERS: Building Construction	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Group A Building & construction laborers, signalman, flagman, tool cribman, carpenter tenders, Finisher tender, concrete handler, utility construction laborer, guardrail erectors	\$ 8.16	.50	.30		.02
Group B Bottom men, scaffold, tunnel laborers, pipelayers, air & power driven tools burner on demolition work, swinging scaffold, mucker, caisson workers, cofferdam worker, power men and dynamite blasters, cressote workers, mortar mixer, form setter, mason tender, plaster tender, hod carrier, laser beam set up men	8.36	.50	.30		.02
Group C Gummite Operator	8.76	.50	.30		.02

BUILDING CONSTRUCTION

	AREA #1		AREA #2		Fringe Benefits Payments			App. Tr.
	BHR	BHR	BHR	BHR	H & W	Pensions	Vacation	
Power Equipment Operators	\$9.89	\$10.17	.45	.80	.45	.80	.11	.11
GROUP A	9.73	10.02	.46	.80	.46	.80	.11	.11
GROUP B	9.38	9.67	.46	.80	.46	.80	.11	.11
GROUP C	8.57	8.89	.46	.80	.46	.80	.11	.11
GROUP D	8.24	8.57	.46	.80	.46	.80	.11	.11
GROUP E	7.48	7.84	.46	.80	.46	.80	.11	.11
GROUP F								

AREA #1 - Ottawa and Sandusky Counties.  
 AREA #2 - Erie and Huron Counties.

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on train (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoses (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat. GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat. GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under. GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one-bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator. GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burrap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finish machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power). GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge).

LINE CONSTRUCTION

Sandusky & Ottawa Counties:  
 Linemen; Welders; Technicians  
 Cable Splicers  
 Erie and northern half of Huron Counties:  
 Linemen; Technicians; Equipment Operators  
 Southern half of Huron County:  
 Linemen; Equipment Operators  
 Line truck driver  
 Groundman

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	10.65	.30	1%	a	.25%
	10.90	.30	1%	a	.25%
	10.35	.48	1%		.1%
	9.40	.33	1%+.25		.25%
	6.11	.33	1%+.25		.25%
	5.64	.33	1%+.25		.25%

FOOTNOTE:

a. Six Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

STATE: Ohio  
 DECISION NUMBER: AR-3173  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTY: Hancock  
 DATE: Date of Publication  
 PAID HOLIDAYS: (Where Applicable)  
 A-New Year's Day; B-Memorial Day; C-Independence Day;  
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day

**FOOTNOTES:**

- a. Six paid holidays; A through F providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).
- b. Employer contributes 1/4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
- c. Nine paid holidays; A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 1/2 whole days during the 120 calendar days prior to the holiday, and the regular scheduled work days preceding and following the holiday.
- d. Per month per employee
- e. Per week per employee
- f. One paid holiday; Labor Day
- g. Five paid holidays; B.C.D.E.F. Providing the employee worked the last scheduled work days preceding the holiday and the first scheduled work day after the holiday.
- h. Two paid holidays; Labor Day and Memorial Day

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	\$10.08	.35	.15		.02
Boilermakers	10.45	.30	.50		.01
Bricklayers, Stonemasons, Marble setters, Terrazzo workers, Tile setters	9.45	.50	.30		.01
Carpenters - that part of the city of Fostoria in Hancock County	9.41	.45	.40	h	.04
Carpenters - (Remaining part of County)	9.60	.50	.35		.025
Cement masons	10.04	.40			.02
Electricians	10.75	.30	1/4+.55		1/10 or 1%
Elevator constructors	9.50	.39	.26	b+o+2 3/4%	.02
Elevator constructors' helpers	6.65	.39	.26	b+o+2 3/4%	.02
Elevator constructors' helpers (prob.)	50¢/HR				
Glaziers	6.70		.30		
Ironworkers	10.32	.55	7 3/4%		.04
Lathers	10.55	.25	.10		.01
Leadburners	8.75		.30	c	.01
Line construction	10.65	.30	1%	a	of 1%
Linemen	10.90	.30	1%	a	of 1%
Cable splitters	9.60	.50	.35		.01
Millwrights & Piledrivermen					
Painters:					
Brush, Roller, Washing & Cleaning Drywall	7.00	.35	.35		
Work between 40' and 60' above ground level	7.25	.35	.35		
60' above ground or floor level	8.10	.35	.35		
Plasterers	9.60	.50			.01
Plumbers & Steamfitters	9.785	.45	.70	f	.035
Roofers	9.64	.50	.20		.01
Sheetmetal worker	9.826	.50	.40		.02
Truck Driver - Single axle, Tandem axle or Semi	7.56	64.25a	14.00e	g	

**LABORERS:**

- GROUP A  
Building & construction laborers, signalman, flagman, tool cribman, carpenter tenders, finisher tenders, concrete handler, utility construction laborer, guardrail erectors
- GROUP B  
Bottom men, scaffold builders, tunnel laborers, pipelayers, air & power driven tools, burner on demolition work, swinging scaffold, mucker, caisson work, cofferdam worker, powder men and dynamite blasters, creosote workers, mortar mixers tenders, plaster tender, hod carrier, laser beam set up men
- GROUP C  
Gummitte Operators

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
	7.01	.50	.30		.02
	7.21	.50	.30		.02
	7.61	.50	.30		.02

**OHIO 4-PEO R**

**POWER EQUIPMENT OPERATORS**

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
GROUP A	\$9.89	.46	.80		.11
GROUP B	9.73	.46	.80		.11
GROUP C	9.38	.46	.80		.11
GROUP D	8.57	.46	.80		.11
GROUP E	8.24	.46	.80		.11
GROUP F	7.48	.46	.80		.11

**CLASSIFICATION DEFINITIONS**

**GROUP A** - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on train (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floaters equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

**GROUP B** - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kehlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

**GROUP C** - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

**GROUP D** - Compressors on building construction, conveyors (building material), generators, granite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

**GROUP E** - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hand, drum firemen (asphalt), farm type tractors pulling attachments, finisher machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

**GROUP F** - Oiler, helyer, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge).

STATE: Oklahoma COUNTY: Comanche  
 DECISION NO: AR-80 DATE: Date of Publication  
 Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. AR-80

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.50		.60	\$1.00	.05
8.75		.60	1.00	.05
9.00		.60	1.00	.05

PLUMBERS & STEAMFITTERS:

Free Zone  
 Zone I  
 Zone II

PLUMBERS & STEAMFITTERS ZONE DEFINITION  
 Free Zone - Within 10 miles of Lawton Union Hall  
 Zone I - Within 20 miles of Lawton Union Hall  
 Zone II - Within 40 miles of Lawton Union Hall

POWER EQUIPMENT OPERATORS:

Group I  
 Group II  
 Group III  
 Group IV  
 Group V  
 Group VI  
 Group VII  
 Group VIII

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I  
 All crane type equipment with 100' of boom or over (including jib), all tower cranes and all crane type of 3 cu. yd. or more  
 Group II  
 Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operator; derrick; piledriver; engineer; dragline; shovel, clamshell; backhoe; sideboom; gradall; hydro crane; cherry picker; hoists while operating 2 or more drums  
 Group III  
 Motor patrol (blade); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; Tournapull, D7 10, 15, 16, 20, 21 and similar rubber-tired equipment; Bucld, TS-24 and similar; Loader operator or hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger; trenching machine; concrete pump-boom type

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$8.45	.30	.60		.02
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.65		.20		.10
CARPENTERS:					
Carpenters	6.30				.02
Millwrights	6.80				.02
Piledriversmen	6.80				.02
Power saw operator	6.425				.02
CEMENT MASONS	6.15				
ELECTRICIANS	7.45	.20	1%	2 1/2%+a+b	1/2%
ELEVATOR CONSTRUCTORS	7.51	.395	.26	2 1/2%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.395	.26	2 1/2%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR				
IRONWORKERS	8.34	.30	.35		.08
LABORERS:					
Common laborers	4.20	.25	.20		
Air tool operator, mason and plasterers tender, mortar mixer, pipelayers (concrete & clay)	4.45	.25	.20		
Powderman (make-up) & wagon drill operators	4.95	.25	.20		
LINE CONSTRUCTION:					
Linemen	8.00		1%		1/2%
Cable splicers	8.48		1%		1/2%
Hole digger operator	7.26		1%		1/2%
Heavy equipment operators (or pole cat equivalent)	7.26		1%		1/2%
Line truck driver (winch operator)	6.57		1%		1/2%
Jack hammerman	5.99		1%		1/2%
Powdermen	7.26		1%		1/2%
Groundmen	5.34		1%		1/2%
Truck driver (flat bed, ton and half and under)	5.70		1%		1/2%
MARBLE SETTERS	7.35		.20		
PAINTERS:					
Brush and roller	6.25				.05
Brush & roller (structural steel)	6.50				.05
Spray	7.00				.05
Swing stage, bosun chair work	6.50				.05
Taping & bedding (hand tools)	6.65				.05
Sandblasting	7.00				.05
PLASTERERS	6.40				

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Group IV

Locomotive engine; boring machine, tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist when operating one drum; welding machine, 3 to 6; air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps; battery, 3 to 6; fork-lift; bobcat and similar equipment; generator plant engine, Diesel electric; winch trucks with A-frame; rollers all types; outside elevator or building of personnel hoist; concrete buster or tamper; heater under jurisdiction of op.; engineers, fireman; boiler operator; crushing plants; oiler distributor; pulverizer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt, bulk handling, screened operator; concrete pump; form grader; screening plant; well point pump operator; signal man on large wharves when and if required, operator for rotary drilling machine when operated from console or machines

Group V

Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor 500 cu. ft. and under (1 or 2); welding machine (1 or 2); fuelman; conveyor operator-single continuous belt bulk handling

Group VI

Greaser, tilt top trailer operator

Group VII

Asphalt lay machine back end man helpers

Group VIII

Truck crane oiler driver or truck crane oiler  
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.  
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above listed rates.

CLASSIFICATION DEFINITION  
TRUCK DRIVERS

Group I - Truck drivers for heavy equipment such as lowboys, heavy winch, and floats  
Group II - Heavy earth moving equipment such as Euclids, Mississippi wagons, 10 yards, and tail dumps  
Group III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4 and 1/2 ton pick-up trucks  
WELDERS - received 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 Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
ROOFERS	7.00	.25	.25		.04	
SHEET METAL WORKERS	8.00	.40	.40		.05	
SOFT FLOOR LAYERS:						
Resilient floor layers and carpet layers	7.20	.40	.70		.08	
Terrazzo workers	9.05	.50	.20			
SPRINKLER FITTERS	7.35					
TERRAZZO WORKERS:	5.95					
Terrazzo workers' helpers	6.15					
Terrazzo workers floor machine op	6.45					
Terrazzo base machine operator	7.35		.20			
TILE LAYERS	5.20					
TITLE & MARBLE HELPERS (EXPERIENCED)						
TRUCK DRIVERS:						
Group I	5.32					
Group II	5.52					
Group III	5.22					

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 9.95	.75	1/4+.15		3%
<p>DECISION #AR-3095 - Mod. #3 (39 FR 29735 - August 12, 1974) Hartford County, Connecticut</p> <p>Change: Electricians Remainder of County</p>				
9.95	.75	1/4+.15		3%
<p>DECISION #AR-3097 - Mod. #3 (39 FR 29713 - August 12, 1974) Middlesex County, Connecticut</p> <p>Change: Electricians Cromwell, Middlefield, Middletown and Portland</p>				
9.95	.75	1/4+.15		3%
<p>DECISION #AR-3099 - Mod. #3 (39 FR 29752 - August 12, 1974) New London County, Connecticut</p> <p>Change: Electricians Remainder of County</p>				
9.95	.75	1/4+.15		3%
<p>DECISION #AR-3100 - Mod. #3 (39 FR 29756 - August 12, 1974) Tolland County, Connecticut</p> <p>Change: Electricians</p>				
9.95	.75	1/4+.15		3%
<p>DECISION #AR-3101 - Mod. #3 (39 FR 2976 - August 12, 1974) Windham County, Connecticut</p> <p>Change: Electricians</p>				
9.95	.75	1/4+.15		3%

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
7.75	.30	.10	.20	.03
8.40	.38	.35		

DECISION #AR-1091 - Mod. #4  
(30-FR-10911 - March 22, 1974)  
Broward County, Florida

Change:  
Roofer  
Tile Setter

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
Zone 1*				
\$ 7.12	18.00a	17.00a		
6.87	18.00a	17.00a		

DECISION #AR-3141 - Mod. #1  
(39 FR 30765 - August 23, 1974)  
Statewide Michigan

Add:  
Sign Installers  
Class A: (performs all necessary labor and uses all tools and equipment required to construct and set concrete forms required in the installation of highway and street signs)  
Class B: (performs all miscellaneous labor, uses all hand and power tools and operates all other equipment, mobile or otherwise, required for the complete installation of highway and street signs)

FOOTNOTE:

a. per week, per employee

\* Zone 1: Genesee, Macomb, Monroe, Oakland, Washtenaw and Wayne

\*\* Zone 2: Remainder of State

Description	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Decision # AQ-2016 - Mod. # 3 (39 FR 22356 - August 17, 1974) Northampton County, Pennsylvania	\$8.14 9.18	.35 .52	.10 .50		.01 .01
Change: Glaziers Sheet metal workers					
Decision #AQ-2043 - Mod. # 4 (39 FR 28008 - August 2, 1974) Venango County, Pennsylvania	9.15 6.75 6.90 6.85 7.10 7.30 6.825	.45 .40 .40 .40 .40 .40 .40	.20 .40 .40 .40 .40 .40 .40		
Change: Bricklayers, cement masons, marble setters, plasterers, stonemasons, terrazzo workers & tile setters Laborers: Unskilled Air tool op., jackhammer, mortar mixer, scaffold builder, hod carriers Mason tenders, pipelayers, bottom man (10' below grade) Blaster helpers Blaster, wagon drill operator Powered wheelbarrows & bugzies When working on piers, trenches, open coffer dams & caissons at depths more than 10' below the lowest adjacent grade shall receive 15 cents an hour above the regular rate Jackhammer & drillman Painters: Brush Roller Spray Plumbers & Steamfitters: Contracts under \$10,000 Contracts over \$10,000					

Description	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
DECISION NO. AR-75 - Mod. #1 (39 FR 38798 - November 1, 1974) That portion of Missouri River in Iowa and Nebraska down stream to the Kansas-Missouri Line, Iowa and Nebraska.					
Change Description of Work to read "Channel stabilization and associated work"					
DECISION NO. AR-50 - Mod. #2 (39 FR 35046 - September 27, 1974) Tulsa and Creek Counties, Oklahoma.	\$7.00 7.40 7.65 8.30 7.00 7.35 9.20	.25 .25 .25 .25 .25 .25 .25	.35 .35 .35 .35 .35 .35 .35		.02 .02 .02 .02 .02 .02 .02
Change: PAINTERS: Brush High work and stage Spray and sandblasting Hot or bituminous Sheetrock hand tools Sheetrock power tools Hazardous work					

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
<p>Decision # AQ-2050 - Mod. # 4 (39 FR 5938 - February 15, 1974) Schuylkill County, Pennsylvania</p> <p>Change: Carpenters Millwrights Soft floor layers</p>	<p>\$8.13 9.18 7.79</p>	<p>.25 .25 .25</p>	<p>.35 .35 .35</p>	<p>.02 .02 .02</p>	
<p>Decision # AQ-2099 - Mod. # 2 (39 FR 14175 - April 19, 1974) Lehigh County, Pennsylvania</p> <p>Change: Glaziers Sheet metal workers</p>	<p>8.14 9.18</p>	<p>.35 .52</p>	<p>.10 .50</p>	<p>.01 .01</p>	
<p>Decision # AR-2036 - Mod. # 1 (39 FR 33988 - September 20, 1974) Butler &amp; Fayette Counties, Pennsylvania</p> <p>Change: Painters: Butler County: Brush Roller Spray</p>	<p>7.70 8.00 8.70</p>	<p>.40 .40 .40</p>	<p>.50 .50 .50</p>		
<p>DECISION #AR-2025 - Mod. #5 (39 FR 30763 - August 23, 1974) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the city of Alexandria and Dulles International Airport, Virginia</p> <p>Change: Steamfitters, Refrigeration &amp; Air Conditioning Mechanics</p>	<p>\$9.45</p>	<p>.52</p>	<p>.65</p>		<p>.12</p>
<p>DECISION #AR-2026 - Mod. #5 (39 FR 30874 - August 23, 1974) Washington, D.C.</p> <p>Change: Steamfitters, Refrigeration &amp; Air Conditioning Mechanics Highway Construction</p>	<p>\$9.45</p>	<p>.52</p>	<p>.65</p>		<p>.12</p>

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MODIFICATIONS P. 7

HIGHWAY CONSTRUCTION

Asphalt shoveler  
 Asphalt raker  
 Asphalt tamper  
 Bricklayers  
 Carpenters  
 Cement masons  
 Concrete saw operator  
 Concrete shoveler  
 Form setter  
 Laborers:  
 Laborers  
 Jackhammer  
 Hand burner operator  
 Power Equipment Operators:  
 Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1- $\frac{1}{2}$  cu. yds., or less), asphalt plant mixer  
 Loader operator tracks (2- $\frac{1}{2}$  cu. yds. or less), burner planer, bulldozer, mechanic or welder, rubber tired loader (over 1- $\frac{1}{2}$  cu. yds.)  
 Asphalt spreader, hydraulic backhoe ( $\frac{1}{2}$  cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)  
 Crane operator, concrete paving op.  
 Shovel operator  
 Gradall operator (1- $\frac{1}{2}$  cu. yds., or less), motor grader, loader op. tracks (over 2- $\frac{1}{2}$  cu. yds.)  
 G-1000 Gradall operator (over 1- $\frac{1}{2}$  cu.yds.)  
 Power broom, oiler  
 Sand setter  
 Truck Drivers:  
 Truck drivers (standard)  
 Tandem  
 Tractor trailer (capable of moving heavy equipment)

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others
\$5.25	.22	.20			
6.05	.22	.20			
5.95	.22	.20		.10	
9.55	.45	.39		.07	
8.50	.35	.20			
6.30	.22	.20			
6.05	.22	.20			
5.95	.22	.20			
6.30	.22	.20			
5.80	.22	.20			
6.00	.22	.20			
5.95	.22	.20			
6.05	.22	.20			
6.25	.22	.20			
6.30	.22	.20			
6.45	.22	.20			
6.55	.22	.20			
7.20	.22	.20			
7.45	.22	.20			
5.95	.22	.20			
6.30	.22	.20			
5.80	.22	.20			
5.92	.22	.20			
6.30	.22	.20			

SUPERSEDEAS DECISION

STATES: Arkansas, Louisiana, Mississippi and Tennessee      COUNTY: \*See Below  
 DECISION NUMBER: AR-4057      DATE: Date of Publication  
 Superseades Decision No. AP-1107, dated June 29, 1973 in 38 FR 17338  
 DESCRIPTION OF WORK: For construction of all River, Harbor, and Flood Control  
 Work on the Mississippi River and Tributaries in Tenn., Miss., La., and  
 Ark., excluding the metropolitan areas of Vicksburg, Greenville and Natchez,  
 Mississippi; Pine Bluff, Little Rock and Fort Smith, Arkansas; and New  
 Orleans, Baton Rouge, Alexandria, Monroe, and Shreveport, Louisiana.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
<b>LABORERS:</b> Unskilled Revetment and dikes Chain saw operator or filler Air tool operator Powderman	\$ 2.10 2.10 2.50 2.75 3.30				
<b>POWER EQUIPMENT OPERATORS:</b> Pile driver operator, mechanic (heavy equipment), cranes, der- ricks, draglines, welder, power shovels and backhoes, mixer (concrete, 21 cu. ft. & Over), asphalt plant operator, trenching machine (over 18")	4.75				.05
<b>BULLDOZER:</b> (Finisher, push cat & on barges), motor patrol finisher, scrapers and like equipment, front end loader, Backhoe (tractor mount- ed), asphalt finisher or spread- ing machine, well point system operator, self-propelled loader (conveyor type)	4.25				.05
<b>FIREMAN:</b> (Heavy Construction), pile driver leadsman, winchman	3.65				.05
<b>ASPHALT PLANT DRYER OPERATOR:</b> Asphalt distributor, asphalt roller, bulldozer (rough, including disc, plow or roller), motor patrol (haul roads), trenching machine (18" and under), self-propelled roller (except asphalt), end dump equipment (off highway), mixer (concrete up to 21 cu. ft.), Bottom dump euclids (and like equipment)	3.35				.05
<b>OTLER:</b> Pump, mechanic helper, greaser, welder helper, tractor (farm type including disc, plow or roller)	2.70				.05
<b>TRUCK DRIVERS:</b> 1 1/2 tons or less Over 1 1/2 tons	2.25 2.35				

AR-1047 P. 2

SUPERSEDES DECISION

STATE: California  
 COUNTY: San Diego  
 DATE: Date of Publication  
 Decision Number: AR-1047  
 Supersedes Decision No. AQ-1092 dated March 15, 1974, in 39 FR 10086.  
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$ 10.17	.78	.72	.50	.045	
BOILERMAKERS	8.50	.65	1.00	.50	.02	
BRICKLAYERS; Stonemasons	9.00	.70	.90	.50	.06	
BRICK, BLOCK & STONEMASONS' TENDERS	6.65	.60	1.35	.50		
CARPENTERS:						
Carpenters	7.51	.56	.85	.50	.02	
Piledrivemen	7.64	.56	.85	.50	.02	
Millwrights; Pneumatic nailer;						
Hardwood floorlayers	7.76	.56	.85	.50	.02	
CEMENT MASONS:						
Cement masons	6.74	.55	.96	.75	.045	
Cement masons color work - curb machine operator	6.865	.55	.96	.75	.045	
Composition, mastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045	
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04	
ELECTRICIANS:						
Electricians	9.72	.48	1% + .23			
Cable splicers	10.02	.48	1% + .23			
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	9.69	.55	.60			
IRONWORKERS:						
Fence erectors	8.89	.73	.975	.85	.02	
Reinforcing	9.78	.73	.975	.85	.02	
Ornamental; Structural	9.78	.73	.975	.85	.02	
IRRIGATION AND LAWN SPRINKLERS	8.00	10%	16%	13%	3/4%	
LATHERS (Northern portion of San Diego County from center of City of Del Mar)						
LATHERS (Remainder of County)	7.67	.30	.75	.50	.02	
LINE CONSTRUCTION:	9.45	.45	.70	.70		
Linemen						
Cable splicers	9.72	.48	1% + .23			
MARBLE SETTERS	10.02	.48	1% + .23			
MARBLE SETTERS' HELPERS	7.76	.55	.75	.60		
	5.69	.20	.45	.60		

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
PAINTERS:						
Brush; Paint Burner	\$ 8.23	.64	.44	.50	.04	
Swing Stage, brush; Spray; Iron, steel and bridge painter (ground work)	8.48	.64	.44	.60	.04	
Paperhanger; Spray, swing stage; Sandblaster; Iron, steel & bridge, swing stage; Iron, steel & bridge, spray (ground); Riggers, Climbing steel; Brush, Climbing steel & bridge	8.73	.64	.44	.60	.04	
Sandblaster, swing stage; Iron, steel & bridge, spray swing stage; Spray, Climbing steel & Bridge	8.98	.64	.44	.60	.04	
Steeplejack	9.63	.64	.44	.60	.04	
Parking Lot Stripping Work and/or Highway Markers:						
Traffic delineating device applicator	6.82	.40	.20	b		
Wheel stop installer; Traffic surface sandblaster; Stripper; Traffic surface protective coating applicator	6.43	.40	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator; stripper)						
PLASTERERS	5.43	.40	.20	b	.06	
PLASTERERS' TENDERS	8.71	.45	1.00	.85		
PLUMBERS; Steamfitters	9.02	.40	1.15	.50		
ROOFERS	10.24	10%	16%	13%	3/4%	
SHEET METAL WORKERS	7.14	.40	.25	1.00		
SOFT FLOOR LAYERS	8.93	.74	1.20	.60	.06	
SPRINKLER FITTERS	8.33	.45	.90	.70	.08	
TERRAZZO WORKERS	11.85	.50	.75	.60		
TILE SETTERS	7.76	.55	.75	.75		
	7.76	.55	.75	.75		
RIGGERS: Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental						

## FOOTNOTES:

- a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.
- b. Employer contributes \$.17 per hour to Holiday Fund plus \$.10 per hour to Vacation Fund for one year's service, \$.30 per hour after one year, but less than 5 years' service, \$.40 per hour after 5 years' service, but less than 10 years and \$.50 per hour after 10 years' service.

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

## NOTICES

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	\$5.495	.40	1.15	.50	.10
CUTTING TORCH OPERATOR (demolition); Scaler	5.545	.40	1.15	.50	.10
GUINEA CHASER	5.575	.40	1.15	.50	.10
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	5.595	.40	1.15	.50	.10
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.62	.40	1.15	.50	.10
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.625	.40	1.15	.50	.10
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	5.645	.40	1.15	.50	.10
CESSPOOL DIGGER AND INSTALLER	5.675	.40	1.15	.50	.10
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipe- layer backup man, coating, grouting, making of joints, sealing, caulking diaphrag, and incl. rubber gasket joints; Pointing and any and all other services	5.685	.40	1.15	.50	.10

## LABORERS (cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	
	H & W	Pensions	Vacation		
ASPHALT RAKER, IRONER, SPREADER; Buggyman; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	\$5.705	.40	1.15	.50	.10
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	5.755	.40	1.15	.50	.10
DRILLERS, all others where drilling is for use of explosives	5.785	.40	1.15	.50	.10
PIPELAYER, METALLIC OR NON-METALLIC (incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.805	.40	1.15	.50	.10
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.835	.40	1.15	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.855	.40	1.15	.50	.10
STEEL HEADERBOARD MAN	5.92	.40	1.15	.50	.10
DRILLERS - (all power drills, incl. jackhammer, wether core, diamond wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	5.945	.40	1.15	.50	.10
POWDERMAN, BLASTERS	5.98	.40	1.15	.50	.10
HEAD ROCK SLINGER	6.015	.40	1.15	.50	.10

LABORERS  
(TUNNEL and SHAFT WORK)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	
	H & W	Pensions	Vacation		
BULL GANG; Concrete crew (incl. rodders and spreaders); Dumpmen; Grout crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakemen and switchmen to tunnel work)	\$5.785	.40	1.15	.50	.10
CHUCKTENDER; Cable tender; Nipper; Steel form raiser and setters' helper; Vibratorman; Jackhammer; Pneumatic tools (except drillers)	5.885	.40	1.15	.50	.10
GROUT GUNMEN	5.985	.40	1.15	.50	.10
BLASTERES; Drillers; Cherry Pickermen; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highway and similar places; Miners, tunnel (hand or machine); Powdermen; Primerhouse; Timbermen; Retimbermen; (Wood or steel); Steel form raisers and setters	6.035	.40	1.15	.50	.10
SHAFT AND RAISE MINER	6.285	.40	1.15	.50	.10
GUNNITE WORKERS:					
Nozzlemen and Rodmen	6.225	.40	1.15	.50	.10
Gunmen	5.905	.40	1.15	.50	.10
Reboundmen	5.485	.40	1.15	.50	.10

## NOTICES

AR-1047 P. 7

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.27	.65	.65	.90	
5.47	.65	.65	.90	
5.60	.65	.65	.90	
5.63	.65	.65	.90	
5.68	.65	.65	.90	
5.75	.65	.65	.90	
5.76	.65	.65	.90	
5.78	.65	.65	.90	
5.84	.65	.65	.90	
5.90	.65	.65	.90	
5.93	.65	.65	.90	
5.98	.65	.65	.90	
6.03	.65	.65	.90	

TRUCK DRIVERS:

PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)

TRUCK REPAIRMAN; Welder helper

INDUSTRIAL LIFT

DUMP (Less than 8 yds.); Dump of flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)

DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman

FORKLIFT (15,000 lbs and over); Ross carrier

DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)

WATER TRUCKS (2 axle); Erosion control nozzle; Pelli truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman

DUMPCRETE (less than 6-1/2 yds.)

EROSION CONTROL TRUCK, Water trucks (3 axles)

FUEL OR DYNAMITE AND EXPLOSIVES

DUMP (16 yds. and under 25 yds.); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dmpcrete (6-1/2 yds. and over); Dumpster

DUMP (25 yds. and under 35 yds.)

AR-1047 P. 8

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.05	.65	.65	.90	
6.06	.65	.65	.90	
6.105	.65	.65	.90	
6.12	.65	.65	.90	
6.16	.65	.65	.90	
6.18	.65	.65	.90	
6.25	.65	.65	.90	
6.33	.65	.65	.90	
6.35	.65	.65	.90	
6.48	.65	.65	.90	

TRUCK DRIVERS (cont'd)

DW 10's, DW 20's OR EUCLID TYPE EQUIPMENT or LeTourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments

TRUCK GREASER

7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load

TRANSIT MIX (8 yds. and over)

TIREMEN

DUMP (35 yds. and under 50 yds.)

A-FRAME or Swedish crane; Water pull tankers; Welders

DUMP (50 yds. and under 65 yds.)

TRUCK REPAIRMAN

DUMP (65 yds. and over)

AR-1047 P. 10

POWER EQUIPMENT OPERATORS  
(Except Piledriving and Steel  
Erection)

- GROUP 1:
- GROUP 2:
- GROUP 3:
- GROUP 4:
- GROUP 5:
- GROUP 6:
- GROUP 7:
- GROUP 8:
- GROUP 9:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.28	.75	1.50	.30	.02
7.52	.75	1.50	.30	.02
7.76	.75	1.50	.30	.02
7.87	.75	1.50	.30	.02
8.06	.75	1.50	.30	.02
8.16	.75	1.50	.30	.02
8.26	.75	1.50	.30	.02
8.40	.75	1.50	.30	.02
8.50	.75	1.50	.30	.02

AR-1047 P. 9

POWER EQUIPMENT OPERATORS  
DREDGING  
(Hydraulic Suction Dredges)

- LEVERMAN
- WATCH ENGINEER; Welder
- DECKMATE
- WINCHMAN (stern winch or dredge)
- BARGE MAN; Deckhand; Fireman;  
Oiler; Leveehand
- DREDGING  
(Clam Shell Dredges)
- LEVERMAN
- WATCH ENGINEER
- DECKMATE
- BARGE MATE
- BARGE MAN; Deckhand; Fireman;  
Oiler

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.65	.75	1.50	.30	.015
8.16	.75	1.50	.30	.015
7.76	.75	1.50	.30	.015
7.70	.75	1.50	.30	.015
7.24	.75	1.50	.30	.015
8.65	.75	1.50	.30	.015
8.16	.75	1.50	.30	.015
7.76	.75	1.50	.30	.015
7.70	.75	1.50	.30	.015
7.24	.75	1.50	.30	.015

POWER EQUIPMENT OPERATORS  
(Except Filedriving and Steel Erection)

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radio-man (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Scream; Rodman and chair-man; Trenching machine (up to 6')

Group 5: A-Frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stamper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Factor, Wagner Factor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gracall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type);

POWER EQUIPMENT OPERATORS (CONT'D):  
(Except Filedriving and Steel Erection)

Hoist (2 to 3 drum); Kolman belt loader and similar type; Letourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswall or similar type); Pneumatic heading shield (Tunnel); Pumcrete gun; Rotary drill (excl. Caeson type); Rubber-tired earth moving equipment (single engine-Caterpillar, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - \$.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment (\$1.00 p/h additional to base rate); Wheel excavator operator (over 750 cu. y.)

AR-1048 P. 2

SUPERSEDES DECISION

STATE: California  
 COUNTY: San Diego  
 DECISION NUMBER: AR-1048  
 DATE: Date of Publication  
 Supersedes Decision No. AQ-1093 dated March 15, 1974, in 39 FR 10092.  
 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			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 10.17	.78	.72	.50	.045
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.00	.70	.90	.50	.06
BRICK, BLOCK & STONEMASONS' TENDERS	6.65	.60	1.35	.50	
CARPENTERS:					
Carpenters	7.51	.56	.85	.50	.02
Piledrivers	7.64	.56	.85	.50	.02
Millwrights; Pneumatic nailer;					
Hardwood floorlayers	7.76	.56	.85	.50	.02
CEMENT MASONS:					
Cement masons	6.74	.55	.96	.75	.045
Cement masons color work - curb machine operator	6.865	.55	.96	.75	.045
Composition, mastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045
DEYHALL INSTALLERS	8.60	.56	.85	.50	.04
ELECTRICIANS:					
Electricians	9.72	.48	1% + .23		
Cable splicers	10.02	.48	1% + .23		
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence erectors	8.89	.73	.975	.85	.02
Reinforcing	9.78	.73	.975	.85	.02
Ornamental; Structural	9.78	.73	.975	.85	.02
IRRIGATION AND LAWN SPRINKLERS	8.00	10%	16%	13%	3/4%
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50	.02
LATHERS (Remainder of County)	9.45	.45	.70	.70	
LINE CONSTRUCTION:					
Linemen	9.72	.48	1% + .23		
Cable splicers	10.02	.48	1% + .23		
MARBLE SETTERS	7.76	.55	.75	.60	
MARBLE SETTERS' HELPERS	5.69	.20	.45	.60	

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
PAINTERS:					
Brush	8.23	.64	.44	.60	.04
Spray; Swing stage, brush Paperhangers; Spray, Swing Stage; Sandblaster	8.48	.64	.44	.60	.04
PLASTERERS	8.73	.64	.44	.60	.04
PLASTERERS' TENDERS	8.71	.45	1.00	.50	.06
PLUMBERS; Steamfitters	9.02	.40	1.15	.50	
ROOFERS	10.24	10%	16%	13%	3/4%
SHEET METAL WORKERS	7.14	.40	.25	1.00	
SOFT FLOOR LAYERS	8.93	.74	1.20	.60	.06
SPRINKLER FITTERS	8.33	.45	.90	.60	.08
TERRAZZO WORKERS	11.85	.50	.70	.60	
TILE SETTERS	7.76	.55	.75	.60	
7.76	7.76	.55	.75	.60	
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					
FOOTNOTES:					
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

LABORERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	\$5.705	.40	1.15	.50	.10
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	5.755	.40	1.15	.50	.10
DRILLERS, all others where drilling is for use of explosives	5.785	.40	1.15	.50	.10
PIPELAYER, METALLIC OR NON-METALLIC (incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.805	.40	1.15	.50	.10
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.835	.40	1.15	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.855	.40	1.15	.50	.10
STEEL HEADERBOARD MAN	5.92	.40	1.15	.50	.10
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	5.945	.40	1.15	.50	.10
POWDERMAN, BLASTERS	5.98	.40	1.15	.50	.10
HEAD ROCK SLINGER	6.015	.40	1.15	.50	.10

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	\$5.495	.40	1.15	.50	.10
CUTTING TORCH OPERATOR (demolition); Scaler	5.545	.40	1.15	.50	.10
GUINEA CHASER	5.575	.40	1.15	.50	.10
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	5.595	.40	1.15	.50	.10
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.62	.40	1.15	.50	.10
DRILLER'S HELPER (Caisson) incl. bellows; Boring machine	5.625	.40	1.15	.50	.10
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	5.645	.40	1.15	.50	.10
CESSPOOL DIGGER AND INSTALLER	5.675	.40	1.15	.50	.10
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipe-layer backup man, coating, grouting, making of joints, sealing, caulking diaphragms, and incl. rubber gasket joints; Pointing and any and all other services	5.685	.40	1.15	.50	.10

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
<b>TRUCK DRIVERS:</b>				
PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	5.27	.65	.90	
TRUCK REPAIRMAN; Welder helper	5.47	.65	.90	
INDUSTRIAL LIFT	5.60	.65	.90	
DUMP (Less than 8 yds.); Dump of flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	5.63	.65	.90	
DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman	5.68	.65	.90	
FORKLIFT (15,000 lbs and over); Ross carrier	5.75	.65	.90	
DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)	5.76	.65	.90	
WATER TRUCKS (2 axle); Erosion control nozzlemen; Prell truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman	5.78	.65	.90	
DUMPCRETE (less than 6-1/2 yds.)	5.84	.65	.90	
EROSION CONTROL TRUCK, Water trucks (3 axles)	5.90	.65	.90	
FUEL OR DYNAMITE AND EXPLOSIVES	5.93	.65	.90	
DUMP (16 yds. and under 25 yds.); Dump or flatbed ( 4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dmpcrete (6-1/2 yds. and over); Dumpster	5.98	.65	.90	
DUMP (25 yds. and under 35 yds.)	6.03	.65	.90	

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
<b>TRUCK DRIVERS (cont'd)</b>				
DW 10's, DW 20's OR EUCLID TYPE EQUIPMENT or Lefourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	6.05	.65	.90	
TRUCK GREASER	6.06	.65	.90	
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	6.105	.65	.90	
TRANSIT MIX (8 yds. and over)	6.12	.65	.90	
TIREMEN	6.16	.65	.90	
DUMP (35 yds. and under 50 yds.)	6.18	.65	.90	
A-FRAME or Swedish crane; Water pull tankers; Welders	6.25	.65	.90	
DUMP (50 yds. and under 65 yds.)	6.33	.65	.90	
TRUCK REPAIRMAN	6.35	.65	.90	
DUMP (65 yds. and over)	6.48	.65	.90	

AR-1048 P. 7

AR-1048 P. 8

POWER EQUIPMENT OPERATORS  
(Except Piledriving and Steel Erection)

GROUP 1:  
GROUP 2:  
GROUP 3:  
GROUP 4:  
GROUP 5:  
GROUP 6:  
GROUP 7:  
GROUP 8:  
GROUP 9:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.28	.75	1.50	.30	.02
7.52	.75	1.50	.30	.02
7.76	.75	1.50	.30	.02
7.87	.75	1.50	.30	.02
8.06	.75	1.50	.30	.02
8.16	.75	1.50	.30	.02
8.26	.75	1.50	.30	.02
8.40	.75	1.50	.30	.02
8.50	.75	1.50	.30	.02

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radio-man (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screenshot; Rodman and chairman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Roxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Factor, Wagner Factor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Grapple; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type);

AR-1048 P. 9

POWER EQUIPMENT OPERATORS (CONT'D):  
(Except Pile-driving and Steel Erection)

Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpillar, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - \$.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor. (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment (\$1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

AR-2084 P. 2

SUPERSEDES DECISION

STATE: Maryland  
 DECISION NO: AR-2084  
 COUNTRIES: Allegany and Garrett  
 DATE: Date of Publication  
 Superedes Decision No. AR-2022, dated August 23, 1974 in 39 FR 30661.  
 DESCRIPTION OF WORK: Heavy and Highway Construction.

HEAVY CONSTRUCTION

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Bricklayers	\$8.24				
Carpenters	8.42	.35	.40		.02
Cement masons	8.45	.35	.25		
Electricians - Allegany Co.	8.85	.30	1%	1%	1%
Electricians - Garrett Co.	9.25	.30	1%	1%	1%
Ironworkers:					
Structural & reinforcing	8.67	.50	.50		
Laborers:					
Laborers unskilled & dumpman	6.50	.40	.50		
Power tool operator, mason & plasterer's tender, mortar mixers by hand, scaffold bldrs. hod carriers, concrete puddler, pipe layers, rammers	6.61	.40	.50		
Mortar mixers by machine	6.67	.40	.50		
Blower (dynamite), wagon drill	6.78	.40	.50		
Barco tamper	6.74	.40	.50		
Tunnel Workers:					
Caisson, driller, mucker	7.26	.40	.50		
Unskilled laborer	6.92	.40	.50		
Gunnite Workers:					
Nozzelman, gun operator	6.78	.40	.50		
Laborers on scaffold	6.61	.40	.50		
Laborers on ground	6.50	.40	.50		
Filedriermen	8.69	.35	.25		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

POWER EQUIPMENT OPERATORS

GROUP 1  
 Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:  
 130' to 169' plus \$ .40  
 170' to 209' " .60  
 210' to 249' " .80  
 250' and over " 1.00

GROUP 2  
 GROUP 3  
 GROUP 4  
 GROUP 5  
 GROUP 6

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	\$8.28	.50	.50	a	.07
	7.90	.50	.50	a	.07
	7.58	.50	.50	a	.07
	7.36	.50	.50	a	.07
	7.26	.50	.50	a	.07
	6.93	.50	.50	a	.07

FOOTNOTE: a. 7 paid holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating greder, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6, another man), silco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader

GROUP 2 - Tractor with attachments (2 or more)

GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), bulldozer, excavating scoop

GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader

GROUP 5 - Fireman, truck crane oiler, wheel tractor, grease truck operator

GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

AR-2084 P. 4

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$6.65	.35	.40		
GROUP 2	6.79	.35	.40		
GROUP 3	6.97	.35	.40		
GROUP 4	7.16	.35	.40		
GROUP 5	7.37	.35	.40		

CLASSIFICATIONS

- GROUP 1 - Dumpmen and Flagmen
- GROUP 2 - Pick-ups, dumps (under 5 yds., capacity), straight trucks
- GROUP 3 - Helpers, panel trucks, straight trucks with multiple axle dumpsters (under 5 yds., capacity), Transit mix, dumps (5 to 9 yd., capacity), flatbody material trucks (straight jobs), greasers, tiremen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks
- GROUP 4 - Dump trucks (10 to 15 yd., capacity)
- GROUP 5 - Dump trucks (over 15 yd., capacity), bottom and end dump euclids, all other euclid type trucks, turnrockers, ross carriers, atney wagons, A-frames, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumcetes or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loosed)

AR-2084 P. 3

HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$ 8.12	.50	.50		.07
GROUP 2	7.69	.50	.50		.07
GROUP 3	7.42	.50	.50		.07
GROUP 4	7.20	.50	.50		.07
GROUP 5	7.09	.50	.50		.07
GROUP 6	6.77	.50	.50		.07

- Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:
  - 130' to 169' " .40
  - 170' to 209' " .60
  - 210' to 249' " .80
  - 250' and over " 1.00

CLASSIFICATIONS

- GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6 another man),eimco type overhead loader, wellpoint system, mighty midgct with compressor, twin engine scraper (25 yds. end over), mechanic, mechanic's welder, grader
- GROUP 2 - Tractor with attachments (2 or more)
- GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), wall drill, engine drive welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, bl-lift, front end loader (up to and including 2 yds.), bulldozer, excavating scoop
- GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader
- GROUP 5 - Fireman, truck crane oiler, wheel tractor, gresse truck operator
- GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

AR-2086 P. 2

SUPERSEDES DECISION

STATE: Maryland  
 COUNTY: Anne Arundel  
 DECISION NO: AR-2086  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. AR-2050, dated September 6, 1974 in 39 FR 32451.  
 DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories) and Heavy Construction (excluding sewer and water lines).

**BUILDING & HEAVY CONSTRUCTION**

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Leathers	8.84	.35	.35	c	.01
Lead Burners	9.25				.01
Line Construction:					
Linemen, Cable Splicers	8.95	.25	1%		1%
Groundmen (experienced)	5.70	.25	1%		1%
Marble Setters:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	9.00	.40	.50	e	.07
Remainder of County	8.95	.25			
Millwrights:					
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadens, Arminger & Ft. Smallwood	8.20	.60	.54		.05
Remainder of County	8.81	.35	.39		.07
Painters:					
Brush	7.445	.85	.45		.05
Structural steel, spray (steel), steamcleaning & sandblasting	7.945	.85	.45		.05
Speckling, taping & wall coverings	7.595	.85	.45		.05
Spray (except steel)	7.695	.85	.45		.05
Piledrivermen:					
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadens, Arminger and Fort Smallwood	8.10	.60	.54		.05
Remainder of County	8.665	.35	.39		.07
Plasterers:					
The D. C. Training School	9.27	.45	.25	e	.06
Remainder of County	8.95	.25			
Plumbers	8.68	.35	.45		.10
Roofers:					
Roofers, damp & waterproofers	6.40	.35	.40		.05
Slate, tile, asbestos & asphalt	6.85	.35	.40		.05
Precast & wood block	7.40	.35	.40		.05

**BUILDING & HEAVY CONSTRUCTION**

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Asbestos Workers	\$7.65	.60	.75		.02
Boilermakers	8.65	.60	.70		.02
Bricklayers:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	9.00	.40	.50	e	.07
Remainder of County	8.95	.25			
Carpenters:					
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadens, Arminger and fort Smallwood	8.10	.60	.54		.05
Remainder of County	8.50	.35	.39		.07
Cement Masons:					
North of end including Benfield, Arminger and Pasadens but excluding the D. C. Training School	8.62	.25	.30		.07
The D. C. Training School	9.90	.335	.35		
Remainder of County	8.95	.25			
Electricians	8.80	.50	1%+.20	e	1%
Elevator Constructors, Helpers	8.45	.395	.26	2 1/4+abb	.02
Elevator Constructors, Helpers (probationary)	5.915	.395	.26	2 1/4+abb	.02
Glaziers:					
Swinging scaffold or boson chair	4.225				
Glaziers	7.70	.25	.30		
Ironworkers:	7.95	.25	.30		
Structural, ornamental, rodmen, finishers, pre-cast & pre-stress erectors	8.47	.60	1.05		.04
Sheeters	8.72	.60	1.05		.04
Labors:					
Unskilled	5.75	.275	.30		.05
Hod carriers	6.15	.275	.30		.05
Plasterers, laborers	5.90	.275	.30		.05
Power tool operator	5.85	.275	.30		.05
Pipelayers	5.95	.275	.30		.05
Wagon Drill operator	6.00	.275	.30		.05
Mason tenders	6.05	.275	.30		.05
Scaffold builders	6.25	.275	.30		.05

AR-2086 P. 4

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Truck Drivers (contd.):					
Mixers with agitator over 12 yds., capacity	\$5.48	.50	.30	dte	
Euclid wagons and dumpsters	5.97	.50	.30	dte	
Dump trucks	5.66	.50	.30	dte	
Truck Drivers (Excavation):					
Dump trucks	5.89	.50	.30	hr-j	
Euclid wagon and dumpster	6.20	.50	.30	hr-j	
Drop frame, goose neck & trailer	6.09	.50	.30	hr-j	
Pick-up	5.71	.50	.30	hr-j	
Helpers	5.76	.50	.30	hr-j	
Welders - receive rates prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (Where Applicable):  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Holidays: A through F.
- Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. Employee with one year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
- Holidays: A through F plus the employee's birthday, the day after Thanksgiving and Christmas Eve, provided the employee has worked one day and has been available for work during the holiday week.
- \$37.92 per man per month.
- One paid holiday: Christmas Day.
- Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 100 days in the contract year.
- Holidays: A through F plus Good Friday, Employee's birthday and Christmas Eve, provided the employee has worked one day and was available for work during the holiday week.

AR-2086 P. 3

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Sheet Metal Workers	\$8.17	.55	.50		.05
Soft Floor Layers:					
All areas north of a line start- ing at Priest Bridge & con- tinuing northeast to Benfield, Pasadena, Armingar and Fort Smallwood	8.10	.60	.54		.05
Remainder of County	8.50	.35	.39		.07
Sprinkler Fitters	9.40	.50	.70		.08
Steamfitters	8.41	.45	.60		.12
Stone Masons:					
From Bodkin Point including Fort Meade but excluding the D. C. Training School	9.00	.40	.50	g	.07
Remainder of County	8.95	.25			
Terrazzo Workers:					
Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	7.26	.40	.40		.04
The D. C. Training School	8.81	.40	.30		
Remainder of County	8.95	.25			
Terrazzo Workers Helpers:					
The D. C. Training School	7.59	.40	.40		
Remainder of County	6.00	.20	.20		
Tile Setters:					
Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	7.26	.40	.40		.04
The D. C. Training School	8.81	.40	.30		
Remainder of County	8.95	.25		g	
Tile Setters Helpers:					
The D. C. Training School	7.59	.40	.40		
Remainder of County	6.00	.20	.20		
Truck Drivers:					
Goose-necks, drop frame trailers	7.35	.50	.30	dte	
All A-Frames, winch trucks, fork lifts and trailers	7.15	.50	.30	dte	
Flat beds and pick-ups	6.70	.50	.30	dte	
Helpers	6.40	.50	.30	dte	
Mixers with agitator of 12 yds. capacity	5.05	.50	.30	dte	

AR-2086 P. 5

BUILDING & HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
GROUP 1	\$7.93	.50	.50	a	.07
GROUP 2	7.48	.50	.50	a	.07
GROUP 3	7.37	.50	.50	a	.07
GROUP 4	7.25	.50	.50	a	.07
GROUP 5	7.14	.50	.50	a	.07
GROUP 6	6.97	.50	.50	a	.07
GROUP 7	6.80	.50	.50	a	.07
GROUP 8	6.62	.50	.50	a	.07
GROUP 9	6.30	.50	.50	a	.07
GROUP 10	6.09	.50	.50	a	.07
GROUP 11	5.98	.50	.50	a	.07

FOOTNOTE: a. 6 paid holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yds., and over), hoist (2 active drums or more), pile driving machine, tower crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Elmcro type overhead loader, whirley rig, welder, concrete paver, double concrete pump, front end loader (1-3/4 yds., and over), multiple conveyor, mighty midget with compressor, repair mechanic, twin engine scraper, gradall

GROUP 2 - Tractor with attachments (2 or more)

GROUP 3 - Compressors (2 or more), conveyors (2 or more), autopatrol type grader over 4 welders (more than 6, another man), well point system

GROUP 4 - Front end tractor loader (under 1-3/4 yds.), bulldozer

GROUP 5 - Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift

GROUP 6 - Excavating scoop (under 2 1/2 yds.), caterpillar type tractor

GROUP 7 - Finishing machine, bull fleet, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader

GROUP 8 - Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor

GROUP 9 - Fireman, truck crane oiler, grease truck, fuel truck

GROUP 10 - Wheel tractor

GROUP 11 - Oiler, deck hand, mechanic's helper

SUPERSEDES DECISION COUNTY: BURLINGTON

STATE: NEW JERSEY

DECISION NO.: AR-2080 DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2098 dated April 12, 1974, in 39 FR 13491.  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

DECISION NO. AR-2080

LABORERS, BUILDING: (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS: Tps. of Bordentown, Burlington, Chesterfield, E. Hampton, Florence, Mansfield, Mt. Holly, New Hanover, Pemberton, Roebing, Springfield, Wrightstown, Woodlawn and North Hanover. Bass River and Washington Tps. Remainder of County	\$9.85 9.22 10.52 9.48 8.95	.50 .50 .50 8% 8%	.50 .50 .50 19% 19%		.025 .01 .01
BOILERMAKERS BOILERMAKERS HELPERS BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS & TILE SETTERS: Bordentown, Croswicks, Chesterfield and Mansfield. Remainder of County	9.50 8.70	.50 .35	.70 .40		.03 .03
CARPENTERS, MILLWRIGHTS & INSULATORS: Bordentown Remainder of County: Carpenters & Insulators Millwrights	9.85 9.73 9.98	.50 6% 6%	.55 6% 6%		.03 .02 .02
ELECTRICIANS: Electricians & Cable Splicers Groundmen & Winch Operators	11.35 9.10	.43 .43	17+.40 17+.40		.10 .10
ELEVATOR CONSTRUCTORS: Mechanics Helpers Probationary Helpers	10.23 7.16 5.115	.44 .44	.29 .29	2 1/2%+a+b 2 1/2%+a+b	.02 .02
IRONWORKERS - Nearest Towns as listed below: Trenton Camden Atlantic City	9.74 10.00 10.10	.64 .64 .64	1.06 1.06 1.06	10%	.05 .03 .05
LABORERS, BUILDING CONSTRUCTION: Tps. of Burlington, Chesterfield, North Hanover, Florence, Bordentown, Mansfield, New Hanover, Springfield and Wrightstown: Laborers, Mortar Mixers, Mason Tenders, Pneumatic, Gas, Elec-	6.35 6.45 6.35 6.80 6.80 6.35 6.70 6.80 6.925 7.05 7.20 7.75 9.25 8.40 8.55 9.00 9.00 9.00 9.92 10.39	.40 .40 .55 .55 .55 .55 .35 .35 .35 .35 .35 .35 .35 .50 .50 .50 .50 1.28 .57	.55 .55 .15 .15 .15 .15 .40 .40 .40 .40 .40 .25 .25 .50 .50 .50 .50 .90 .80		.02 .01 .10 .10 .10 .10 .07 .05

DECISION NO. AR-2080  
 PLUMBERS & STEAMFITTERS: (Cont'd)

Chatsworth, Green Banks, Herman, Jenkins, Quaker Bridge, Washington, Washington Twp. Remainder of County

ROOFERS:  
 Beverly, Charleston, Rancocas, Lambertton, Medford, Fairview, Medford Lakes, Smalls, Atsion, and areas inclusive to the Camden County line:  
 Composition  
 Composition Helpers  
 Slate, Tile & Asbestos Shingle  
 Slate, Tile & Asbestos Shingle Helpers  
 Asphalt Shingle  
 Asphalt Shingle Helpers  
 Remainder of County:  
 Composition, Waterproofing & Slate  
 Asphalt Shingle  
 SHEET METAL WORKERS  
 SPRINKLER FITTERS  
 SOFT FLOOR LAYERS

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. AR-2080

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Paid Holidays: A through F
- b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service vice as Vacation Pay Credit.
- c. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Labor Day; Presidential Election Day; Veterans Day or Thanksgiving Day.
- e. Paid Holiday: Election Day

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	\$10.58	.42	.42		.025
	8.80	.37	.85	1.00	.05
	9.97	1.15	.75	e	
	4.70	.80	.55	e	
	9.40	1.00	.50		
	5.83	1.00	.50		
	7.94	1.00	.50		
	5.83	1.00	.50		
	9.70	.40	.50		
	9.70	.40	.50		
	8.93	.30	.50		
	10.00	.50	.70		.08
	9.43	6%	5%	.37	

HEAVY AND HIGHWAY CONSTRUCTION

**Laborers:**  
 Blasters  
 Finishers, rammer, paver & gunnite nozzle man and stonecutter  
 Timberman  
 Form setters  
 Gradenan  
 Sewer pipe, laser men, conduit & duct line layers  
 Wagon drill op., & drill masters  
 Wagon drill op. helper & drill masters helper, powder carrier, magazine tender  
 Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually  
 Signal man  
 Wrapping and coating of all pipe  
 Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen

FREE AIR TUNNEL WORK

**Blasters**  
 Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)  
 Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)  
 All others (including powder watchmen, change house attendants, top laborers)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$7.40	.50	.75	a	
7.10	.50	.75	a	
7.05	.50	.75	a	
7.10	.50	.75	a	
7.10	.50	.75	a	
6.80	.50	.75	a	
6.90	.50	.75	a	
6.55	.50	.75	a	
6.90	.50	.75	a	
6.60	.50	.75	a	
6.50	.50	.75	a	
6.40	.50	.75	a	
8.27	.50	.75	a	
7.87	.50	.75	a	
7.71	.50	.75	a	
7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

**Laborers, Asphalt**

Street;  
Head raker  
Rakers and screed board man  
Tampers, smoothers, kettlemen,  
painters, top shovelers and  
roller boys  
Plant:  
Scale mixers and burner men  
Feeders and dust men

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**FOOTNOTES:**

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employee within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	\$7.05	.50	.75	a	.05
	6.90	.50	.75	a	.05
	6.65	.50	.75	a	.05
	6.90	.50	.75	a	.05
	6.65	.50	.75	a	.05

**BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:**

**GROUP I:** Autograder - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograder placer-trimmer-spreader-combn. (CMI & similar types), autograder slipform paver (CMI & similar types), backhoes (all types), including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

**GROUP II:** "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumcrete, squeezecrete & similar types, conveyors (125' & over), automobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

**GROUP III:** Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary (except Chicago boom type), elevators or house cars, roof hoist

**GROUP IV:** Asphalt curbing machine, asphalt plant engineer, autograder tube finisher & texturing machine (CMI & similar), autograder curecrete machine (CMI & similar), autograder curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe graders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddevator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING AND HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of their use), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, multiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$11.28	7%	10%+5%	a	3%
10.40	7%	10%+5%	a	3%
10.20	7%	10%+5%	a	3%
9.51	7%	10%+5%	a	3%
9.36	7%	10%+5%	a	3%
9.31	7%	10%+5%	a	3%
8.60	7%	10%+5%	a	3%
8.45	7%	10%+5%	a	3%
8.15	7%	10%+5%	a	3%
9.46	7%	10%+5%	a	3%
8.05	7%	10%+5%	a	3%
10.50	7%	10%+5%	a	3%
8.96	7%	10%+5%	a	3%
12.88	7%	10%+5%	a	3%
9.76	7%	10%+5%	a	3%
10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-comb, subgrader, base MTL, spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-comb, (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types), including all combination hoe loaders, central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarry-master (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, pile-driver, scoopor (loader and shovel), Koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hysler and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumcrete (unit type), pumcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instantcrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill dozer (duties include dust collector, maintenance, dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gruite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), ladderator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:  
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery)

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintenance, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

DECISION NO. AR-2080 P. 13

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION

NJ-2-FEO-3-B

DECISION NO. AR-2080 P. 14

STEEL ERECTION

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$11.28	7%	5%+10%	a		3%
10.40	7%	5%+10%	a		3%
9.51	7%	5%+10%	a		3%
9.31	7%	5%+10%	a		3%
8.60	7%	5%+10%	a		3%
9.16	7%	5%+10%	a		3%
12.88	7%	5%+10%	a		3%
10.50	7%	5%+10%	a		3%
8.96	7%	5%+10%	a		3%
9.46	7%	5%+10%	a		3%
9.21	7%	5%+10%	a		3%
8.45	7%	5%+10%	a		3%
10.20	7%	5%+10%	a		3%
8.15	7%	5%+10%	a		3%
9.76	7%	5%+10%	a		3%
10.65	7%	5%+10%	a		3%

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:  
 a. Paid holidays: A through F, Washington's Birthday, Presidential Election Day and Veterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

NJ-4-FEO-2-X

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$12.08	7%	15%	a		3%
12.88	7%	15%	a		3%
11.43	7%	15%	a		3%
9.86	7%	15%	a		3%
9.05	7%	15%	a		3%
9.38	7%	15%	a		3%
8.55	7%	15%	a		3%
9.80	7%	15%	a		3%
8.50	7%	15%	a		3%

Power Equipment Operators:  
 Cranes and derricks (land or floating), with booms (including jib), less than 140' Cranes and derricks (land or floating), with booms (including jib), 140' and over A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power Firemen Oilers, straddle carrier Water Operations:  
 On all power boats used in conjunction with pipe line, river crossings and all types of construction work:  
 Captain, tugmaster Deckhand

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:  
 a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

DECISION NO. AR-2080-F. 16

NJ-3-TD-1-2-3-K

DECISION NO. AR-2080 F. 15

New Jersey 1-TD-1-2-3-G 1 of 2

**BUILDING, HEAVY & HIGHWAY CONSTRUCTION**

**TRUCK DRIVERS:**  
 Winch Trailers  
 Euclid, International Harvester, Wabco, caterpillar, Koehring, tractors and wagons, dumpers, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles  
 tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles  
 Straight three-axle materials:  
 Truck and floats  
 Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-O-matic, dynamite, powder, X-ray, welding, skid, Jeep, station wagon, stringer, A-frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader,

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
\$7.25	.61½	.69	a + b
7.15	.61½	.69	a + b
7.05	.61½	.69	a + b
7.00	.61½	.69	a + b

**BUILDING, HEAVY & HIGHWAY CONSTRUCTION**

**TRUCK DRIVERS: BUILDING, HEAVY & HIGHWAY**  
**GROUP I:** Warehouseman, Fork lift truck and part men  
**GROUP II:** Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, pickup trucks (only when transporting material), flat bed trucks, seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type equipment  
**GROUP III:** Straight truck driver (helper)  
**GROUP IV:** Winch straight tractor & trailer truck driver and Euclid trailer dump (not self loading), fuel truck drivers & asphalt oil distributors on dumpcrete trucks, transit-mixers, flat bed trucks, low bed trucks, tanks, water tank, fuel trucks, euclid water sprinkler, asphalt distributor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar types of equipment  
**GROUP V:** Ten wheel dump truck driver and trailer dump driver off site  
**GROUP VI:** Mechanics  
**GROUP VII:** Mechanics (helper)  
**GROUP VIII:** All truck towing

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.45	a	b	c&d	Others
6.50	a	b	c&d	
6.30	a	b	c&d	
6.85	a	b	c&d	
5.80	a	b	c&d	
7.00	a	b	c&d	
6.50	a	b	c&d	
6.65	a	b	c&d	

**FOOTNOTE:**  
 a. Employer contributes \$2.70 per day to Health and Welfare.  
 b. Employer contributes \$2.20 per day to a Pension Fund.  
 c. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours; straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 yrs but less than 15 years-125 hours; 15 years or more-165 hours.  
 d. Paid holidays for employees available for work on at least 2 days in the week in which the holiday falls include A-F plus Washingtons Birthday, President Election date and Armistice Day.

DECISION NO. AN-2080 P. 17  
 BUILDING, HEAVY & HIGHWAY  
 CONSTRUCTION

TRUCK DRIVERS (CONT'D)  
 nipper, fuel trucks (driver on  
 fuel including handling of hose  
 and nozzle-entire unit), team  
 drivers, vacuum or vac-all  
 trucks, skid truck (debris  
 container-entire unit), concrete  
 mobile trucks (entire unit),  
 belcrete trucks, pump-crete  
 trucks, line trucks, reel,  
 wreckers or tow trucks, utility,  
 tack trucks, broyhill coal tar  
 epoxy, little ford bituminous  
 distributor, slurry seal truck  
 or vehicle, thickol track master  
 pick-up (swamp cat pick-up),  
 bucket loader dump, rubber tired  
 tractor used in pulling and  
 towing farm wagon and trailers  
 of any description  
 Teamster mechanic  
 Mechanic helper

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$7.00	.61½	.69	a + b	
7.00	.61½	.69	a + b	
6.77	.61½	.69	a + b	

FOOTNOTES:

- a. Employees working or receiving pay for 80 days within a year receive one week paid vacation (48 hrs.), 125 days receive two weeks vacation (96 hrs.), 145 days receive 15 days (120 hrs.), 15 years seniority and 145 days receive 4 weeks vacation (160 hrs.).
- b. Paid Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day, provided the employee has been assigned to work or shapes one day of the calendar week during which the holiday falls.

COUNTIES: CAMDEN & GLOUCESTER

DATE: DATE OF PUBLICATION

STATE: NEW JERSEY

DECISION NO.: AR-2081

Supersedes Decision No. AQ-2093 dated April 5, 1974, in 39 FR 12651  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

DECISION NO. AR-2081

PAINTERS: (Cont'd)

Brushing Hazardous Material on Steel, Spraying Steel or Tanks  
 Spraying Hazardous Material  
 Spraying Hazardous Material on Steel Tanks  
 PILEDRIVERS & DOCK BUILDERS  
 PLASTERERS  
 PLUMBERS & STEAMFITTERS:  
 Gloucester County:  
 Blue Belle, Malega & New Field  
 Camden County & Remainder of Gloucester County  
 ROOFERS:  
 Composition  
 Slate, Tile & Asbestos  
 Slate, Tile & Asbestos Helpers  
 Asphalt Shingle  
 Asphalt Shingle Helpers  
 SHEET METAL WORKERS  
 SPRINKLER FITTERS

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Paid Holidays: A through F
- b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- c. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Labor Day; Presidential Election Day; Veterans' Day or Thanksgiving Day.
- e. Paid Holiday: Election Day

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.52	.50	.50		
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS	9.10	.80	.80		
CARPENTERS, INSULATORS, MILLWRIGHTS & SOFT FLOOR LAYERS	10.00	.30	6%		.02
CEMENT MASONS	9.15	.55	.70		
ELECTRICIANS & CABLE SPLICERS	10.70	4%	17+.15		.05
ELEVATOR CONSTRUCTORS:					
Mechanics	10.23	.44	.29	2½+a+b	.02
Helpers	7.16	.44	.29	2½+a+b	.02
Probationary Helpers	5.115				
GLAZIERS:					
Glaziers, working 30' above ground	8.38	.35	.30		.01
Glaziers, working 30' below ground	8.68	.35	.30		.01
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.30	.64	1.06		.03
LABORERS, BUILDING:					
Construction Laborers	6.70	.35	.40		
Brick Tenders, Mortar Mixers, Scaffold Builders (brick), Hod Carriers (brick), Power Tool Operators	6.80	.35	.40		
Motorized Buggy, Burners, Nozzle Men (gunite work)	6.925	.35	.40		
Jackhammer Operators, Concrete Vibrators (28½ lbs.), Barco Tamper Operators	7.05	.35	.40		
Plasterers' Tenders & Lathers' Tenders	7.20	.35	.40		
LATHERS	8.61	.225	.10		.01
LEAD BURNERS	9.25	.35			
LINEMEN:					
Linemen & Cable Splicers	10.70	4%	17+.15		3/8of1%
Groundmen and Winch Operators	8.55	4%	17+.15		3/8of1%
PAINTERS:					
Commercial & Industrial	8.25	.50	.50		
Packling & Taping	8.25	.50	.50		
Swing, Steel & Bosum Chair	8.65	.50	.50		
Commercial Spray & Dipping	9.05	.50	.50		
Brushing Hazardous Material	9.35	.50	.50		
Roller on Tanks, Sandblasting	9.30	.50	.50		

HEAVY AND HIGHWAY CONSTRUCTION

Laborers:  
 Blasters  
 Finishers, rammer, paver & gunnite nozzle man and stonecutter  
 Timberman  
 Form setters  
 Graderman  
 Sewer pipe, laser men, conduit & duct line layers  
 Wagon drill op., & drill masters  
 Wagon drill op. helper & drill masters helper, powder carrier, magazine tender  
 Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually  
 Signal man  
 Wrapping and coating of all pipe  
 Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen

FREE AIR TUNNEL WORK

Blasters  
 Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)  
 Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)  
 All others (including powder watchmen, change house attendants, top laborers)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensioners	Vocational	
\$7.40	.50	.75	a	
7.10	.50	.75	a	
7.05	.50	.75	a	
7.10	.50	.75	a	
7.10	.50	.75	a	
6.80	.50	.75	a	
6.90	.50	.75	a	
6.55	.50	.75	a	
6.90	.50	.75	a	
6.60	.50	.75	a	
6.50	.50	.75	a	
6.40	.50	.75	a	
8.27	.50	.75	a	
7.87	.50	.75	a	
7.71	.50	.75	a	
7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

4. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

Laborers, Asphalt Street:  
 Head raker  
 Rakers and screed board man  
 Tampers, smoothers, kettlemen,  
 painters, top shovelers and  
 roller boys  
 Plant:  
 Scale mixers and burner men  
 Feeders and dust men

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**FOOTNOTES:**

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employee within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	\$7.05	.50	.75	a	.05
	6.90	.50	.75	a	.05
	6.65	.50	.75	a	.05
	6.90	.50	.75	a	.05
	6.65	.50	.75	a	.05

**BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:**

**GROUP I:** Autograde - combn. subgrader, base HIL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types), including all combination hoe loaders, central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhall), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

**GROUP II:** "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumcrete, squeezecrete & similar types, conveyors (125' & over), econobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pump-crete (unit type), pumcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

**GROUP III:** Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary (except Chicago boom type), elevators or house cars, roof hoist

**GROUP IV:** Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe graders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

**BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:**  
 curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 24-E), pave-cut breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jermies and boilers (irrespective of their use), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

**GROUP V:** Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, multiple (rectifier transformer type)

**GROUP VI:** Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

**GROUP VII:** Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

**GROUP VIII:** Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

**GROUP IX:** Assistant engineer/oiler, mechanics helper, tire repair & maintenance

**GROUP X:** Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

**GROUP XI:** Water Operations: Deckhand

**GROUP XII:** Pump (staging)

**GROUP XIII:** Rollers (grade fill or stone base), tractors under D-8

**GROUP XIV:** Helicopters (pilot/engineer)

**GROUP XV:** Asphalt spreaders, bridge deck finisher, grader finish only

**GROUP XVI:** Roller blacktop

**BUILDING AND HEAVY CONSTRUCTION**

**POWER EQUIPMENT OPERATORS**

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	8.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**FOOTNOTE**

a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:  
 GROUP I: Autograde-comb, subgrader, base mill, spreader & base trimmer (CMI & similar types), autograde placer-trimmer-comb. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types), including all combination hoe loaders, central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarry-master (large diesel hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scoops (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, paus (letourneau, dw's ukes), pumcrete (unit type), pumcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), slide booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, betzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance, dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION CONT'D.:  
 compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas of flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic imaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintenance, mechanics helpers & oller

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

DECISION NO. AR-2081 P. 11

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION

NJ-2-FEO-3-B

3 of 3

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$11.28	7%	5%+10%	a	3%
10.40	7%	5%+10%	a	3%
9.51	7%	5%+10%	a	3%
9.31	7%	5%+10%	a	3%
8.60	7%	5%+10%	a	3%
9.16	7%	5%+10%	a	3%
12.88	7%	5%+10%	a	3%
10.50	7%	5%+10%	a	3%
8.96	7%	5%+10%	a	3%
9.46	7%	5%+10%	a	3%
9.21	7%	5%+10%	a	3%
8.45	7%	5%+10%	a	3%
10.20	7%	5%+10%	a	3%
8.15	7%	5%+10%	a	3%
9.76	7%	5%+10%	a	3%
10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:  
 a. Paid holidays; A through F, Washington's Birthday, and Veterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

DECISION NO. AR-2081 P. 12

STEEL ERECTION

NJ-4-FEO-2-X

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$12.08	7%	15%	a	3%
12.88	7%	15%	a	3%
11.43	7%	15%	a	3%
9.86	7%	15%	a	3%
9.05	7%	15%	a	3%
9.38	7%	15%	a	3%
8.55	7%	15%	a	3%
9.80	7%	15%	a	3%
8.50	7%	15%	a	3%

Power Equipment Operators:  
 Cranes and derricks (land or floating), with booms (including jib), less than 140' Cranes and derricks (land or floating), with booms (including jib), 140' and over A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power Firemen Oilers, straddle carrier Water Operations:  
 On all power boats used in conjunction with pipe line, river crossings and all types of construction work:  
 Captain, tugmaster Deckhand

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:  
 a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

DECISION NO. AR-2081 P. 13

NJ-3-TD-1-2-3-K

TRUCK DRIVERS: BUILDING, HEAVY & HIGHWAY  
GROUP I: Warehousemen, fork lift truck and part men

GROUP II: Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, pickup trucks (only when transporting material), flat bed trucks, seeding trucks, fertilizing trucks, dumporete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type equipment

GROUP III: Straight truck driver (helper)

GROUP IV: Winch straight tractor & trailer truck driver and Euclid trailer dump (not self loading), fuel truck drivers & asphalt oil distributors on dumporete trucks, transit-mixers, flat bed trucks, low bed trucks, tanks, water tank, fuel trucks, euclid water sprinkler, asphalt distributor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar types of equipment

GROUP V: Ten wheel dump truck driver and trailer dump driver off site

GROUP VI: Mechanics

GROUP VII: Mechanics (helper)

GROUP VIII: All truck towing

- GROUP I:
- GROUP II:
- GROUP III:
- GROUP IV:
- GROUP V:
- GROUP VI:
- GROUP VII:
- GROUP VIII:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr. Others
GROUP I:	\$6.45	a	b	c&d	
GROUP II:	6.50	a	b	c&d	
GROUP III:	6.30	a	b	c&d	
GROUP IV:	6.85	a	b	c&d	
GROUP V:	5.80	a	b	c&d	
GROUP VI:	7.00	a	b	c&d	
GROUP VII:	6.50	a	b	c&d	
GROUP VIII:	6.65	a	b	c&d	

FOOTNOTE:

- a. Employer contributes \$2.70 per day to Health and Welfare.
- b. Employer contributes \$2.20 per day to a Pension Fund.
- c. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 yrs but less than 15 years-125 hours; 15 years or more-165 hours.
- d. Paid holidays for employees available for work on at least 2 days in the week in which the holiday falls include A-F plus Washingtons Birthday, President Election date and Armistice Day.

SUPERSEDES DECISION

STATE: NEW JERSEY

COUNTY: CUMBERLAND

DECISION NO.: AR-2082

DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2097 dated April 12, 1974, in 39 FR 13485.  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

DECISION NO. AR-2082

LABORERS, BUILDING: (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$9.22	.50	.50		
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS, AND TILE SETTERS	8.60	.35	.25		.02
CARPENTERS, INSULATORS, MILL-WRIGHTS AND SOFT FLOOR LAYERS	10.00	.30	6%		.02
ELECTRICIANS & CABLE SPlicERS	10.17	4%	17+.15		.04
ELEVATOR CONSTRUCTORS:					
Mechanics	10.23	.44	.29	24%+a+b	.02
Helpers	7.16	.44	.29	24%+a+b	.02
PROBATIONARY HELPERS	5.115				
IRONWORKERS - Nearest Towns as listed below:					
Atlantic City	10.10	.64	1.06		.05
Camden	10.30	.64	1.06		.03
LABORERS, BUILDING:					
Fairfield, Lawrence, Millville, Downe, Commercial & Maurice River Twp.s.:					
Common Laborers, Mason Tenders, Plasterers' Tenders, Concrete Laborers,	6.35	.55	.15		
Air-Gas-Electric Tool Operators, Gunite Men, Nozzle and Gun Operators	6.80	.55	.15		
Greenwich, Stove Creek, Hope-well, Deerfield, Upper Dear-field and Vineland Twp.s.:					
Common Laborers	6.70	.35	.40		
Brick Tenders, Mortar Mixers, Scaffold Builders (brick), Hod Carriers (brick), Power Tool Operators	6.80	.35	.40		
Motorized Buggy, Burners, Nozzle Men (gunite work)	6.925	.35	.40		
Jackhammer Operators, Concrete Vibrators (28½ lbs.), Barco Tamper Operators	7.05	.35	.40		

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Plasterers' Tenders & Lathers' Tenders	\$7.20	.35	.40		
LATHERS	8.61	.225	.10		
LEAD BURNERS	9.25	.35		C	.01
PAINTERS:					
Brush - Steel & Swing	7.20				
Brush - Steel & Swing over 70'	7.45				
Spray & Roller	7.80				
Spray & Roller - Exotic Material	8.80				
Spray & Roller - Steel & Swing	8.05				
Exotic Material Steel	9.05				
Exotic Material Steel over 70'	9.45				
Sandblasting	7.80				
Sandblasting - Steel & Swing	8.05				
PILEDRIVERSMEN & DOCK BUILDERS	9.92	1.28	.90	d	.01
PLUMBERS & STEAMFITTERS	10.58	.42	.42		.025
ROOFERS:					
Composition, Rollermen & Kettle-men	8.60	.30	.30		
Slate, Tile & Dampproofing	8.85	.30	.30		
SHEET METAL WORKERS	9.45	.40	.50		
SPRINKLER FITTERS	10.00	.50	.70		.08

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Paid Holidays: A through F
- b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- c. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Labor Day; Presidential Election Day; Veterans' Day or Thanksgiving Day.

HEAVY AND HIGHWAY CONSTRUCTION

Laborers:  
 Blasters  
 Finishers, rammer, paver & gunnite  
 nozzle man and stonecutter  
 Timberman  
 Form setters  
 Gradamen  
 Sewer pipe, laser men, conduit & duct  
 line layers  
 Wagon drill op., & drill masters  
 Wagon drill op. helper & drill masters  
 helper, powder carrier, magazine  
 tender  
 Jackhammer, chipping hammer, pavement  
 breaker, power buggy, concrete cutter,  
 asphalt cutter, sheet hammer & tree  
 cutter op., & such other power tools used  
 for work previously done manually  
 Signal man  
 Wrapping and coating of all pipe  
 railroad track man, flagmen, salamander  
 tenders, pitmen & dumpmen

FREE AIR TUNNEL WORK

Blasters  
 Skilled men (including miners, drill  
 runners, iron men, maintenance men,  
 conveyor men, safety miners, riggers,  
 block layers, powder carriers, all other  
 skilled men)  
 Semi-skilled men (including miners,  
 helpers, chuck tenders, track men,  
 nippers, brake men, detail men, cable  
 men, hose men, grout men, gravel men,  
 form men, bell or signal men (top or  
 bottom), form workers and movers,  
 concrete workers, shaft men, tunnel  
 laborers, caulkers' helpers, all  
 other semi-skilled men)  
 All others (including powder watchmen,  
 change house attendants, top laborers)

Basic Hourly Rates	Fringe Benefits Payments			Dep. Tr.
	K & W	Pension	Vacation	
\$7.40	.50	.75	a	
7.10	.50	.75	a	
7.05	.50	.75	a	
7.10	.50	.75	a	
7.10	.50	.75	a	
6.80	.50	.75	a	
6.90	.50	.75	a	
6.55	.50	.75	a	
6.90	.50	.75	a	
6.60	.50	.75	a	
6.50	.50	.75	a	
6.40	.50	.75	a	
8.27	.50	.75	a	
7.87	.50	.75	a	
7.71	.50	.75	a	
7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;  
 F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

Laborers, Asphalt Street:  
 Head raker  
 Rakers and screed board man  
 Tampers, smoothers, kettlemen, painters, top shovelers and roller boys  
 Plant:  
 Scale mixers and burner men  
 Feeders and dust men

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**FOOTNOTES:**

a. Holidays: A through F, Washington's Birthday, Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employee within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$7.05	.50	.75	a		.05
6.90	.50	.75	a		.05
6.65	.50	.75	a		.05
6.90	.50	.75	a		.05
6.65	.50	.75	a		.05

**BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:**

**GROUP I:** Autograder - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograder placer-trimmer-spreader-combn. (CMI & similar types), autograder slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type)), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scoopper (loader and shovel) koebring, shovels, tree chopper, trench machines

**GROUP II:** "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumcrete, squeezecrete & similar types, conveyors (125' & over), econombiles (hilo, lull, hyster similar type, equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

**GROUP III:** Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

**GROUP IV:** Asphalt curbing machine, asphalt plant engineer, autograder tube finisher & texturing machine (CMI & similar), autograder curecrete machine (CMI & similar), autograder curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators graffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated, ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

**NOTICES**

**BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D. I**

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of their use), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

**GROUP V:** Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, multiple (rectifier transformer type)

**GROUP VI:** Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

**GROUP VII:** Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

**GROUP VIII:** Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

**GROUP IX:** Assistant engineer/oiler, mechanics helper, tire repair & maintenance

**GROUP X:** Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

**GROUP XI:** Water Operations: Deckhand

**GROUP XII:** Pump (staging)

**GROUP XIII:** Rollers (grade fill or stone base), tractors under D-8

**GROUP XIV:** Helicopters (pilot/engineer)

**GROUP XV:** Asphalt spreaders, bridge deck finisher, grader finish only

**GROUP XVI:** Roller blacktop

**BUILDING AND HEAVY CONSTRUCTION**

**POWER EQUIPMENT OPERATORS**

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**FOOTNOTE**

a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-comb, subgrader, base mix, spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-comb. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types), including all combination hoe loaders, central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarry-master (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezeconcrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezeconcrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezeconcrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde concrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instaurcrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), ladderator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION CONT'D.: compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery)

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintenance, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

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HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION

NJ-2-FEO-3-B

3 of 3

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$11.28	7%	5%+10%	a	3%
10.40	7%	5%+10%	a	3%
9.51	7%	5%+10%	a	3%
8.21	7%	5%+10%	a	3%
8.60	7%	5%+10%	a	3%
9.16	7%	5%+10%	a	3%
12.88	7%	5%+10%	a	3%
10.50	7%	5%+10%	a	3%
8.96	7%	5%+10%	a	3%
9.46	7%	5%+10%	a	3%
9.21	7%	5%+10%	a	3%
8.45	7%	5%+10%	a	3%
10.20	7%	5%+10%	a	3%
8.15	7%	5%+10%	a	3%
9.76	7%	5%+10%	a	3%
10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:  
a. Paid holidays: A through F, Washington's Birthday, and Veterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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STEEL ERECTION

Power Equipment Operators;  
Cranes and derricks (land or floating), with booms (including jib), less than 140' Cranes and derricks (land or floating), with booms (including jib), 140' and over A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power Firemen Oilers, straddle carrier Water Operations:  
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:  
Captain, tugmaster  
Deckhand

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:  
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$12.08	7%	15%	a	3%
12.88	7%	15%	a	3%
11.43	7%	15%	a	3%
9.86	7%	15%	a	3%
9.05	7%	15%	a	3%
9.38	7%	15%	a	3%
8.55	7%	15%	a	3%
9.80	7%	15%	a	3%
8.50	7%	15%	a	3%

TRUCK DRIVERS: BUILDING, HEAVY & HIGHWAY

GROUP I: Warehouseman, fork lift truck and port men

GROUP II: Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, pickup trucks (only when transporting material), flat bed trucks, seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type equipment

GROUP III: Straight truck driver (helper)

GROUP IV: Winch straight tractor & trailer truck driver and Euclid trailer dump (not self loading), fuel truck drivers & asphalt oil distributors on dumpcrete trucks, transit-mixers, flat bed trucks, low bed trucks, tanks, water tank, fuel trucks, euclid water sprinkler, asphalt distributor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar types of equipment

GROUP V: Ten wheel dump truck driver and trailer dump driver off site

GROUP VI: Mechanics

GROUP VII: Mechanics (helper)

GROUP VIII: All truck towing

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Fansions	Vacation	App. Tr. Others
GROUP I:	\$6.45	a	b	c&d	
GROUP II:	6.50	a	b	c&d	
GROUP III:	6.30	a	b	c&d	
GROUP IV:	6.85	a	b	c&d	
GROUP V:	5.80	a	b	c&d	
GROUP VI:	7.00	a	b	c&d	
GROUP VII:	6.50	a	b	c&d	
GROUP VIII:	6.65	a	b	c&d	

**FOOTNOTE:**

- Employer contributes \$2.70 per day to Health and Welfare.
- Employer contributes \$2.20 per day to a Pension Fund.
- Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours; straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 yrs but less than 15 years-125 hours; 15 years or more-165 hours.
- Paid holidays for employees available for work on at least 2 days in the week in which the holiday falls include A-F plus Washingtons Birthday, President Election date and Armistice Day.

STATE: NEW JERSEY

DECISION NO.: AR-2083

COUNTY: ESSEX

DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2102 dated April 19, 1974, in 39 FR 14161.  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	9.202	.5803	.4974	10%	.02
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, CEMENT MASONS, PLASTERERS & STONEMASONS:					
Millburn	9.25	.75	.70		.02
Remainder of County	9.85	.70	.60		.02
CARPENTERS, MILLRIGHTS & INSULATORS:					
Millburn:					
Carpenters & Insulators	9.73	6%	6%	10%	.02
Millwrights	9.98	6%	6%		.02
Remainder of County	9.73	6%	6%		.02
ELECTRICIANS & CABLE SPLICERS	10.35	5%	6%+1%	10%	1/2 of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.10	.395	at+.26	b+c	.015
Helpers	6.83	.395	at+.26	b+c	.015
Probationary Helpers	4.55	.395	at+.26	b+c	.015
Modernization	8.33	.395	at+.26	b+c	.015
Modernization Helpers	6.25	.395	at+.26	b+c	.015
Repair	7.48	.395	at+.26	b+c	.015
Repair Helpers	5.61	.395	at+.26	b+c	.015
GLAZIERS	8.70	.70	.65	d	.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
LABORERS, BUILDING:					
Millburn:					
Common Laborers	6.95	.60	.50		
City of East Orange; South Orange & Maplewood Twp.s.:					
Common Laborers, Pneumatic Hammer Operators, Mason Tenders, Mortar Mixers, & Scaffold Men.	6.85	.40	.30		
Remainder of County:					
Common Laborers, Air Tool Operators, Mason Tenders, Mortar Mixers, Pipe Layers, Concrete & Clay.	7.20	.40	.45	e	.01
LEAD BURNERS	9.25	.55			
LINE CONSTRUCTION:					
Linemen, Cable Splicers,					

DECISION NO. AR-2083

LINE CONSTRUCTION: (Cont'd)

Linemen, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen & Welders  
 MARBLE SETTERS  
 MARBLE SETTERS HELPERS  
 PAINTERS:  
 Brush  
 Structural Steel & Tanks under 30'  
 Structural Steel & Tanks 30' & over  
 Bridges, TV, Radio, Water Towers & Stacks  
 Sandblasting, Steam Cleaning  
 PILEDRIVERS & DOCK BUILDERS  
 PLUMBERS:  
 Short Hills & Millburn  
 Orange, West Orange, East Orange, South Orange, Maplewood & Livingston  
 Remainder of County  
 ROOFERS:  
 Composition, Damp & Waterproofing  
 Slate & Tile  
 Slate & Tile Helpers  
 SHEET METAL WORKERS  
 SOFT FLOOR LAYERS  
 SPRINKLER FITTERS  
 STEAM FITTERS  
 TERRAZZO WORKERS  
 TERRAZZO WORKERS HELPERS  
 TORS  
 TILE SETTERS  
 TILE SETTERS HELPERS  
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	\$10.35	5%	6%+1%	10%	1/2 of 1%
	7.80	.78	.94		
	7.33	.74	.88		
	8.40	.50	.50	.10	
	8.55	.50	.50	.10	
	9.00	.50	.50	.10	
	9.00	.50	.50	.10	
	9.56	.90	1.53	.56	.02
	9.57	.40	.90	.75	.10
	9.57	.40	.90	.85	.10
	9.525	.40	.90	.85	.10
	10.27	.70	.50		
	9.05	.30	.20		
	7.95	.30	.20		
	9.14	4%+.055	4%+.055	8%	.01
	9.43	6%	5%	.37	.07
	10.53	.50	.70		1/2 of 1%
	9.85	6%	7%		
	8.71	4.5%+.62	1.19		
	7.43	.925	.475		
	7.68	.925	.475		
	8.20	.55	.65+1.10		
	8.01	6%	7%		

DECISION NO. AR-2083

HEAVY AND HIGHWAY CONSTRUCTION

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanks-giving Day; F-Christmas Day.

**FOOTNOTES:**

- a. Employer contributes \$8.00 per day to an Annuity Fund.
- b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birth-day, Columbus Day, Election Day, Armistice Day.
- c. Employer contributes 6.4% of the basic hourly rate for 5 years or more of service or 4.2% of the basic hourly rate for 6 months to 5 years of ser-vice as Vacation Pay Credit.
- d. One week's vacation after one year's work; two weeks vacation after 4 years work; 3 weeks vacation after 15 years work.
- e. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

**Laborers:**  
 Blasters  
 Finisher, rammer, paver, gunite nozzle  
 men and stone cutter  
 Timberman  
 Form setter  
 Sewer pipe, laser men, conduit and duct  
 line layers  
 Wagon drill op. and drill master  
 Wagon drill op. helper, drill master  
 helper, powder carrier and magazine  
 tender  
 Jackhammer, chipping hammer, pavement  
 breaker, power buggy, concrete cutter,  
 asphalt cutter, sheet hammer and tree  
 cutter op. and such other power tools  
 used to perform work usually done  
 manually by laborers  
 Signal man  
 Wrapping and coating of all pipe  
 Common laborers, landscape laborers,  
 railroad track laborers, flagmen,  
 traffic directors, salsmarder tenders,  
 pitman and dumpmen  
 Rakers and tampers on cold patch work

**FREE AIR TUNNEL WORK**

**Blafter**  
 Skilled men (including miners, drill  
 runners, iron men, maintenance men,  
 conveyor men, safety miners, riggers,  
 block layers, powder carriers, all other  
 skilled men)  
 Semi-skilled men (including miners'  
 helpers, chuck tenders, track men,  
 nippers, brake men, derail men, cable  
 men, hose men, grout men, gravel men,  
 form men, ball or signal men (top or  
 bottom), form workers and movers,  
 concrete workers, shaft men, tunnel  
 laborers, caulikers' helpers, all  
 other semi-skilled men)  
 All others (including powder watchmen,  
 change horse attendants, top laborers)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.90	.50	.75	a	
7.75	.50	.75	a	
7.50	.50	.75	a	
7.45	.50	.75	a	
7.25	.50	.75	a	
7.35	.50	.75	a	
7.00	.50	.75	a	
7.35	.50	.75	a	
7.05	.50	.75	a	
6.85	.50	.75	a	
6.80	.50	.75	a	
6.80	.50	.75	a	
8.27	.50	.75	a	
7.87	.50	.75	a	
7.71	.50	.75	a	
7.20	.50	.75	a	

DECISION NO. AR-2083 P. 6

2 of 2

N.J.-2-LAB-2-3-G

DECISION NO. AR-2083 P. 5

LABORERS, ASPHALT

Streets:  
 Head rakers  
 Rakers  
 Tamperers and smoothers, kettleman,  
 painters, top shovelers and roller  
 boys  
 Plant:  
 Scale mixer and burner men  
 Feeders and dust men

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;

FOOTNOTE:  
 a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;

FOOTNOTE:  
 a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing an employee works or is available for work 3 days in the work week in which the holiday falls).

N.J.-5-LAB-5-L

	Fringe Benefits Payments					
	Basic Hourly Rates	H & V	Pensions	Vacation	App. Tr.	Others
	\$ 7.20	.51	.54	a		
	7.05	.51	.54	a		
	6.80	.51	.54	a		
	7.05	.51	.54	a		
	6.80	.51	.54	a		

## BUILDING &amp; HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-comb. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types), including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broynill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, pilledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), econobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instaurcrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rextomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe graders, graders and motor patrols, guinite machines (exclaiming nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), ladderator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

## BUILDING &amp; HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of their use), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

**BUILDING AND HEAVY CONSTRUCTION**

**POWER EQUIPMENT OPERATORS**

GROUP	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vocation	
GROUP I	\$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**FOOTNOTE**

a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

**POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:**

GROUP I: Autograde-comb., subgrader, base ML, spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-comb. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types), including all combination hoe loaders, central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarry-master (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile lead test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, bryhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumcrete, squeezecrete and similar types, conveyors (125' and over), economies (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumcrete (unit type), pumcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instantcrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), ladderator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:  
 compressor or hydraulic unit, pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic imaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors ( 2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintenance, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION

GROUP	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.25	a	.71	b+c	
7.15	a	.71	b+c	
7.15	a	.71	b+c	
7.05	a	.71	b+c	

**TRUCK DRIVERS:**  
 Hitch Trailers  
 Euclids, international harvesters  
 wabcos, caterpillar, koehring,  
 tractors and wagons, dumpster,  
 straight, bottom, rear and side  
 dump, carry-alls and scrapers  
 (not self-loading - loading  
 over the top), water sprinkler  
 trailers, water pulls and  
 similar types of vehicles  
 Tractor and trailer type vehicles,  
 flat, floats, I-Beams, low beds,  
 water sprinkler, bituminous,  
 transit mix, road oil, fuel,  
 bottom dump hopper, rear dump,  
 office, stanty, epoxy, asphalt,  
 agitator mixer, mulching  
 stringer, seeding, fertilizing  
 pole, spread bituminous  
 distributor, water pulls (entire  
 unit) (tractor trailer), reel  
 trailer  
 Straight three axle materials:  
 Trucks and floats  
 Straight dumps, flats, floats,  
 pickups, container haulers,  
 fuel, water sprinkler, road oil,  
 stringer, bead, hot pass, bus,  
 dumperete transit mixers,  
 agitator mixer, half track,  
 winch truck, side-o-matic,  
 dynamite, powder, x-ray, welding  
 skid, jeep, station wagon,  
 stringer A-frame, all dual pur-  
 pose trucks, trucks with  
 mechanical tail gates, asphalt  
 distributor, batch trucks,  
 seeding, mulching, fertilizer,  
 air compressor trucks (in  
 transit), escort, scissor,

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.00	a	.71	b+c	
7.00	a	.71	b+c	
7.00	a	.71	b+c	
6.77	a	.71	b+c	

**TRUCK DRIVERS: (Cont'd)**  
 hi-lift, telescope, concrete  
 breaker, gin pole, stone, sand,  
 asphalt distributor and spreader  
 nipper, fuel trucks (drivers on  
 fuel trucks including handling  
 of hose and nozzle - entire unit)  
 team drivers, vacuum or vac-all  
 trucks (entire-unit), concrete  
 mobile trucks (entire unit),  
 expditer, belcrete trucks,  
 line truck reel truck, wreckers  
 or tow trucks, utility trucks,  
 tack trucks  
 Helper, when required on broybill  
 coal tar epoxy truck, asphalt,  
 bituminous distributor truck  
 Drivers on broyhill coal tar  
 epoxy trucks, littleford  
 bituminous distributor, slurry  
 seal truck or vehicle, thiookol  
 trackmaster pickup (swamp cat  
 pickup), bucket loader dump  
 truck or any rubber tired  
 tractor used in pulling and  
 towing farm wagons and trailers  
 of any description  
 Teamster mechanic  
 Mechanic helper

**FOOTNOTES:**  
 b. Paid Vacations: Employees working 80 days within a year shall receive 1 week, 125 days receive two weeks vacation, 145 days receive 2 weeks vacation, 15 years seniority and 145 days worked shall receive 4 weeks vacation.  
 c. Paid Holidays: A-F, Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day providing the employee has been assigned to work or shapes one day of the calendar week during which the holiday occurs.

SUPERSEDES DECISION

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Canadian, Lincoln, McClain, Pottawatomie & Seminole

DECISION NO.: AR-81  
 SUPERSEDES DECISION NO. AR-15 dated August 16, 1974 in 39 FR 29907  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. AR-81

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$8.45	.30	.60		.02
BOILERMAKERS	7.80	.30	.76		.03
BRIKLAYERS-STONEMASON: Oklahoma, Cleveland, Canadian and McClain Counties	8.17	.40	.35		.05
Lincoln, Pottawatomie and Seminole Counties	8.00				
CARPENTERS - ZONE I	6.70				
Carpenters	6.95				
Power saw operator	8.25	.20			.04
MILLWRIGHTS-PAILEDRIEVERMEN	8.00	.20			.04
Carpenters	8.25	.20			.04
Power saw operator	6.55	.20	.25		.02
CARPENTERS - ZONE III	6.30	.20	.25		.02
Power saw operator	6.80	.20	.25		.02
MILLWRIGHTS-PAILEDRIEVERMEN	6.25	.25			.02
CARPENTERS - ZONE IV	6.95	.25			.02
Carpenters					
MILLWRIGHTS-PAILEDRIEVERMEN					

CARPENTERS AREA DEFINITION

ZONE I - Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99  
 ZONE II - Pottawatomie County and part of Lincoln County south of Turner Turnpike; the City limits of Moore in Cleveland County; all of Oklahoma and Canadian Counties  
 ZONE III - McClain County and Cleveland County (except that area covered by the City limits of Moore)  
 ZONE IV - Seminole County

CEMENT MASONS:

Lincoln, Oklahoma, McClain, Cleveland and Canadian Counties

7.73

.25

ELECTRICIANS:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Zone I	\$8.20	.30	1 1/2+.20		1/2%
Zone II	8.45	.30	1 1/2+.20		1/2%
Zone III	8.70	.30	1 1/2+.20		1/2%
CABLE SPLICERS:					
Zone I	8.45	.30	1 1/2+.20		1/2%
Zone II	8.70	.30	1 1/2+.20		1/2%
Zone III	8.95	.30	1 1/2+.20		1/2%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

Zone I - the area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City  
 ZONE II - the area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.  
 ZONE III - the area outside zones 1 & 2 and within the local union area

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ELEVATOR CONSTRUCTORS	7.51	.395	.26	2 1/2+ta+tb	.02
ELEVATOR CONSTRUCTORS' HELPER	70%JR	.395	.26	2 1/2+ta+tb	.02
ELEVATOR CONSTRUCTORS' HELPER(Prob.)	50%JR				
GLAZIERS	6.82				
IRONWORKERS	8.34	.30	.35		.08
LABORERS:					
ZONE I - Oklahoma, Canadian, Pottawatomie, Lincoln and Cleveland Counties:					
Group I - Unskilled laborers	5.50	.10	.15		
Group II - Air tool operator (jackhammer, vibrator), mason tenders; mortar mixers; pipe-layers (concrete and clay); Plasterers' tenders	5.70	.10	.15		
ZONE II - McClain County					
Group I - Unskilled Laborers	4.20	.20	.20		
Group II - Air tool op. (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete & clay); plasterers tender	4.45	.20	.20		
ZONE III - Seminole County					
Group I - Unskilled laborers	4.55	.25	.20		
Group II - Air tool op. (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete & clay); plasterer tender	4.85	.25	.20		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Group III

Motor patrol (blade); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; Tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment; Euclid, TS-24 and similar; Loader operator or hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger; trenching machine; concrete pump-boom type Group IV  
 Locomotive engineer; boring machine, tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist when operating one drum; welding machine, 3 to 6; air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps; battery, 3 to 6; fork-lift; bobcat and similar equipment; generator plant engineer, Diesel electric; winch trucks with A-frame rollers all types; outside elevator or building of personnel hoist; concrete buster or tamper; heater under jurisdiction of ops.; engineers, fireman; boiler operator; crushing plants; oiler distributor; pulvimeter; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt, bulk handling, screened operator; concrete pump; form grader; screening plant; well point pump operator; signal man on large wharves when and if required, operator for rotary drilling machine when operated from console or machines

Group V

Permanent elevator - building; type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor 500 cu. ft. and under (1 or 2); welding machine (1 or 2); fuelman; conveyor operator-single continuous belt bulk handling

Group VI

Greaser, tilt top trailer operator

Group VII

Asphalt lay machine back end man helpers

Group VIII

Truck crane oiler driver or truck crane oiler  
 Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.  
 Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
LATHES	\$8.00				.01
LINE CONSTRUCTION:					
Linemen	8.00		1%		1/2%
Cable splicers	8.48		1%		1/2%
Hole digger operator	7.26		1%		1/2%
Heavy equipment operators (or pole cat equivalent)	7.26		1%		1/2%
Line truck driver (winch operator)	6.57		1%		1/2%
Jack hammerman	5.99		1%		1/2%
Powdermen	7.26		1%		1/2%
Truck driver (flat bed, ton and half and under)	5.70		1%		1/2%
MARBLE MASONS	7.35		.20		
PAINTERS:					
Brush	6.80	.40	.35	.20	.02
Spray under 30 feet	7.30	.40	.35	.20	.02
Spray over 30 feet	7.80	.40	.35	.20	.02
Sandblaster	7.30	.40	.35	.20	.02
PLASTERERS (Pottawatomie County)	7.475				.01
PLASTERERS (Canadian, Cleveland, McClain, Oklahoma and Lincoln Cos.)	8.60				.01
PLUMBERS	8.40	.55	.40		.10
PIPEFITTERS	8.22	.55	.55		.10
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.25		.12
Group II	8.00	.35	.25		.12
Group III	7.75	.35	.25		.12
Group IV	7.50	.35	.25		.12
Group V	7.00	.35	.25		.12
Group VI	7.10	.35	.25		.12
Group VII	6.80	.35	.25		.12
Group VIII	6.50	.35	.25		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I  
 All crane type equipment with 100' of boom or over (including jib), all tower cranes and all crane type of 3 cu. yd. or more

Group II

Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operator; derrick; piledriver; engineer; draughting shovel, clamshell; backhoe; sideboom; gradall; hydro crane; cherry picker; hoists while operating 2 or more drums

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$7.00	.25	.25		.04
SHEET METAL WORKERS	8.00	.40	.40		.05
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	7.20	.40			
SPRINKLER FITTERS	9.05	.40	.70		.08
TERRAZZO WORKERS	7.35		.20		
TERRAZZO WORKERS' HELPERS	5.95				
TERRAZZO FLOOR MACHINE MAN	6.15				
TERRAZZO BASE MACHINE MAN	6.45				
TILE SETTERS	7.35		.20		
TILE AND MARBLE HELPERS:					
Experienced helpers	5.20				

DECISION NO. AR-81

Basic Hourly Rates	Fringe Benefits: Payments			
	H & W	Pensions	Vacation	App. Tr.
\$5.32				
5.52				
5.22				

**TRUCK DRIVERS:**

- Group I
- Group II
- Group III

**CLASSIFICATION DEFINITION.**

**TRUCK DRIVERS**

**Group I -**  
Truck drivers for heavy equipment such as lowboys, heavy winch, and floats

**Group II**  
Heavy earth moving equipment such as Euclids, Mississippi wagons, 10 yards, and tail dumps

**Group III**  
Truck drivers and swamper, such as dump trucks, flat beds, stake bodies, and 3/4 and 1/2 ton pick-up trucks

**WELDERS -** received 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 Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; F-Christmas Day

AR-1049 P. 2

SUPERSSEDEAS DECISION

STATE: South Dakota

COUNTIES: Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Harding, Hughes, Hutchinson, Jackson, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, Meade, Mellette, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Shannon, Spink, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton and Ziebach

DECISION NUMBER: AR-1049  
Supersedes Decision No. AR-1028 dated August 30, 1974, in 39 FR 31867  
DESCRIPTION OF WORK: Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vocellon	
Concrete Finisher	\$ 4.66				
Form Builder	4.66				
Form Setter	4.66				
Painter	3.86				
<b>LABORERS:</b>					
Air tool operator	3.46				
Common laborer	3.46				
Landscape workers	3.46				
Form builder helpers (bridge and culvert)	3.86				
Manhole builder	4.40				
Piledriver (leadman)	4.30				
Pipelayer (other than culvert)	4.30				
Powderman (blaster)	5.10				
<b>POWER EQUIPMENT OPERATORS:</b>					
Asphalt distributor	4.60				
Asphalt distributor helper	3.86				
Asphalt paving machine	4.70				
Asphalt paving machine helper	3.46				
Asphalt plant helper	3.46				
Asphalt plant, stationary and traveling	4.70				
Auger operator (truck type)	3.86				
Automatic fine grader operator	4.80				
Beginner operator (1 year or less experience as Power Equipment Op.)	4.00				
Brom, self-propelled	3.86				
Bulldozer, 80 h.p. or less	4.20				
Bulldozer, over 80 h.p.	4.70				
Bullfloat machine	4.50				
Concrete batch plant	4.70				
Concrete mixer	4.00				
Concrete paver	5.10				
Concrete paving cure machine	4.10				

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vocellon	
<b>POWER EQUIPMENT OPERATORS (Cont'd):</b>					
Concrete paving finishing machine	\$ 4.80				
Concrete paving form grader	4.80				
Concrete paving joint machine	4.60				
Concrete paving joint sealer	4.10				
Concrete paving saw	4.50				
Concrete paving spreader	4.80				
Concrete paving subgrader	4.70				
Conveyor	3.46				
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, 1 1/4 cu. yds. or less	4.70				
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, over 1 1/4 cu. yds.	5.10				
Crusher (incl. those with integral screening plant)	4.70				
Curb machine	4.10				
Fireman (boiler and retort)	3.90				
Front End Loader, 1 1/4 cu. yds. or less	4.00				
Front End Loader, 1 1/4 cu. yds. to 3 1/4 cu. yds.	4.50				
Front End Loader, over 3 1/4 cu. yds.	4.70				
Mechanic, heavy duty	5.00				
Mechanic, helper	4.00				
Mechanic, maintenance	4.50				
Motor grader, (finish)	5.10				
Motor grader, (rough)	4.60				
Oilier and greaser	4.50				
Roller, self-propelled (hot mix)	4.20				
Roller, self-propelled (other)	3.86				
Roller, sheepsfoot or 50 ton pneumatic	4.20				
Scrapers	5.30				
Spreader (materials)	4.50				
Stationary plant	4.10				
Stationary plant	4.10				
Tractor (crawler or pneumatic)	4.10				
Tractor, farm type w/attachments (including loader)	3.46				
Tractor - push	4.90				
Traveling plant (stabilization)	4.70				
Traveling plant, helper	3.46				
Trenching machine	3.46				
Wagon drill (including airtrac-trac-drill, etc.)	4.50				
<b>TRUCK DRIVERS:</b>					
Euclid or dumptor	\$ 3.82				
Truck crane	3.72				
Truck driver, single axle	3.46				
Truck driver, tandem or semi-trailer	3.62				
<b>WELDER:</b>					
Welder, certified	4.80				
Welder, general	4.50				

AR-1050 P. 2

SUPERSEDES DECISION

STATE: South Dakota  
 DECISION NUMBER: AR-1050  
 SUPERSEDES DECISION No. AP-908 dated June 15, 1973, in 38 FR 15807  
 DESCRIPTION OF WORK: Highway Construction

COUNTIES: Statewide  
 DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Concrete Finisher	\$ 4.66				
Form Builder	4.66				
Form Setter	4.66				
Painter	3.86				
LABORERS:					
Air tool operator	3.46				
Common laborer	3.46				
Landscape workers	3.46				
Form builder helpers (bridge and culvert)	3.86				
Manhole builder	4.40				
Piledriver (Leadsmen)	4.30				
Pipelayer (other than culvert)	4.30				
Powderman (blaster)	5.10				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.60				
Asphalt distributor helper	3.86				
Asphalt paving machine	4.70				
Asphalt paving machine helper	3.46				
Asphalt plant helper	3.46				
Asphalt plant, stationary and traveling	4.70				
Auger operator (truck type)	3.86				
Automatic fine grader operator	4.80				
Beginner Operator (1 year or less experience as Power Equipment Op.)	4.00				
Broom, self-propelled	3.86				
Bulldozer, 80 h.p. or less	4.20				
Bulldozer, over 80 h.p.	4.70				
Bullfloat machine	4.50				
Concrete batch plant	4.70				
Concrete mixer	4.00				
Concrete paver	5.10				
Concrete paving cure machine	4.10				
Concrete paving finishing machine	4.80				
Concrete paving form grader	4.80				
Concrete paving joint machine	4.60				
Concrete paving joint sealer	4.10				
Concrete paving saw	4.50				
Concrete paving spreader	4.80				
Concrete paving subgrader	4.70				
Conveyor	3.46				
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, 1 1/4 cu. yds. or less	4.70				
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, over 1 1/4 cu. yds.	5.10				
Crusher (incl. those with integral screening plant)	\$ 4.70				
Curb machine	4.10				
Fireman (boiler and retort)	3.90				
Front End Loader, 1 1/4 cu. yds. or less	4.00				
Front End Loader, 1 1/4 cu. yds. to 3 1/4 cu. yds.	4.50				
Front End Loader, over 3 1/4 cu. yds.	4.70				
Mechanic, heavy duty	5.00				
Mechanic, helper	4.00				
Mechanic, maintenance	4.50				
Motor grader, (finish)	5.10				
Motor grader, (rough)	4.60				
Oilier and greaser	4.50				
Roller, self-propelled (hot mix)	4.20				
Roller, self-propelled (other)	4.20				
Roller, sheepfoot or 50 ton pneumatic	3.86				
Scrapers	4.20				
Spreader (materials)	5.30				
Stationary plant	4.50				
Tractor (crawler or pneumatic)	4.10				
Tractor, farm type w/attachments (including loader)	4.10				
Tractor - push	3.46				
Traveling plant (stabilization)	4.70				
Traveling plant, helper	3.46				
Trenching machine	4.50				
Wagon drill (including airtrac-trac-drill, etc.)	4.50				
TRUCK DRIVERS:					
Euclid or dumptor	3.82				
Truck crane	3.72				
Truck driver, single axle	3.46				
Truck driver, tandem or semi-trailer	3.62				
WELDER:					
Welder, certified	4.80				
Welder, general	4.50				

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