AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
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federal register

FRIDAY, NOVEMBER 29, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 231

Pages 41497–41703

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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

A REMINDER:

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federal register

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Title 3—The President

PROCLAMATION 4336

Wright Brothers Day, 1974

By the President of the United States of America

A Proclamation

On December 17, 1903, near Kitty Hawk, North Carolina, Orville and Wilbur Wright revolutionized transportation in America and the world. The two brothers made the first successful flight in a heavier-than-air, mechanically-propelled airplane designed and built by them after years of difficult experimentation.

In the 71 years since their epic flight, aviation and space technology has contributed to closer ties among the peoples of the world by igniting their imagination, promoting commerce, and encouraging travel.

To commemorate the historic achievements of the Wright brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402), designated the seventeenth day of each December as Wright Brothers Day. It requested that the President issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1974, with appropriate ceremonies and activities to recall the accomplishments of the Wright brothers and to encourage further aviation advances in this country and throughout the world.

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

Gerald R. Ford

[FR Doc.74-28155 Filed 11-27-74;12:08 pm]

EXECUTIVE ORDER 11820

International Council on Archives—Bicentennial Year Meeting

By virtue of the authority vested in me by section 104 of the Mutual Educational and Cultural Exchange Act of 1961, 22 U.S.C. 2454 (hereinafter referred to as the Act); section 301 of title 3 of the United States Code; and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Administrator of General Services is authorized, with respect to the meeting of the International Council on Archives to be held in Washington, D.C. in 1976, to perform the functions conferred by sections 102(b)(8) and 104(e) of the act.

SEC. 2. I find that the delegation made by section 1 of this order is in the interest of the purposes expressed in the act and the efficient administration of the meeting of the International Council on Archives to be held during the celebration of the Nation's bicentennial.

SEC. 3. The delegation made by this order shall become effective upon the expiration of sixty days while the Congress is in session. In computing that sixty days, there shall be excluded days on which either House is not in session because of an adjournment of more than three days.

Gerald R. Ford

THE WHITE HOUSE,
November 27, 1974.

[FR Doc.74-28156 Filed 11-27-74;12:08 pm]

EXECUTIVE ORDER 11821

Inflation Impact Statements

In my address to the Congress on October 8, 1974, I announced that I would require that all major legislative proposals, regulations, and rules emanating from the executive branch of the Government include a statement certifying that the inflationary impact of such actions on the Nation has been carefully considered. I have determined that this objective can best be achieved in coordination with the budget preparation, legislative clearance, and management evaluation functions of the Director of the Office of Management and Budget.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States, it is hereby ordered as follows:

SECTION 1. Major proposals for legislation, and for the promulgation of regulations or rules by any executive branch agency must be accompanied by a statement which certifies that the inflationary impact of the proposal has been evaluated. Such evaluation must be in accordance with criteria and procedures established pursuant to this order.

SEC. 2(a) The Director of the Office of Management and Budget is designated and empowered, to the extent permitted by law, to develop criteria for the identification of major legislative proposals, regulations, and rules emanating from the executive branch which may have a significant impact upon inflation, and to prescribe procedures for their evaluation.

(b) The Director, in carrying out the provisions of this order, may delegate functions to the head of any department or agency, including the Chairman of the Council on Wage and Price Stability, when appropriate in the exercise of his responsibilities pursuant to this order.

SEC. 3. In developing criteria for identifying legislative proposals, regulations, and rules subject to this order, the Director must consider, among other things, the following general categories of significant impact:

a. cost impact on consumers, businesses, markets, or Federal, State or local government;

b. effect on productivity of wage earners, businesses or government at any level;

c. effect on competition;

d. effect on supplies of important products or services.

SEC. 4. Each Federal department and agency must, to the extent permitted by law, cooperate with the Director of the Office of Management and Budget in the performance of his functions under this order,

furnish him with such information as he may request, and comply with the procedures prescribed pursuant to this order.

SEC. 5. This order expires December 31, 1976, unless extended prior to that time.

Gerald R. Ford

THE WHITE HOUSE,
November 27, 1974.

[FR Doc.74-28157 Filed 11-27-74;12:09 pm]

rules and regulations

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

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

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 410]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Chambers	Five Points, town of.	H 010027 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, Five Points, Ala. 36855.	Nov. 15, 1974.
Do	Baldwin	Elberta, town of	H 010212 01 through H 010212 02	do	Mayor, Town of Elberta, Elberta, Ala. 36530.	Do.
California	Los Angeles	Bradbury, city of.	H 065017 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012. and 1407 Market St., San Francisco, Calif. 94103.	City Hall, City of Bradbury, 610 Winston Ave., Bradbury, Calif. 91010.	Do.
Colorado	Sedgwick	Ovid, town of	H 080170 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, Town of Ovid, Ovid, Colo. 80744.	Do.
Delaware	Sussex	Slaughter Beach, town of.	H 100050 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Slaughter Beach Fire Hall, Second Floor, Rural Delivery #1, Town of Slaughter Beach, Milford, Del. 19963.	Do.
Georgia	Hall	Bowden, city of	H 130244 01 through H 130244 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlantia, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City of Bowden, Bowden, Ga.	Do.
Illinois	Edwards	Browns, village of.	H 170226 01	Governor's Task Force on Flood, Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, Village of Browns.	Do.
Do	Hancock	Bowen, village of	H 170268 01	do	Mayor, Bowen, Ill. 62316.	Do.
Do	Knox	Maquon, village of.	H 170351 01	do	Village President, Village Hall, Maquon, Ill. 61458.	Do.
Do	Mason	Mason City, city of.	H 170466 01	do	Mayor, City Hall, Mason City, Ill. 62664.	Do.
Do	Kankakee	Aroma Park, village of.	H 170740 01	do	Mayor, Village of Aroma Park, Aroma Park, Ill. 60910.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Henry	Cleveland, village of.	H 170748 01	do.	Mayor, Village of Cleveland, Henry, Ill. 61537.	Do.
Do.	Stark	Lafayette, village of.	H 170759 01	do.	Chairman, Stark County Planning Commission, Village of Lafayette, Toulon, Ill. 61483.	Do.
Indiana	Wells	Uniondale, town of.	H 180292 01	Division of Water, Department of Natural Resources, 608 State, Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	County Area Plan Commission, Wells County Courthouse, Town of Uniondale, Bluffton, Ind. 46714.	Do.
Kansas	Franklin	Rantoul, city of	H 20017 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Rantoul, Kans. 66079.	Do.
Maine	Cumberland	Gorham, town of	H 230047 01 through H 230047 07.	Maine Soil and Water Conservation, Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Planning Board, Gorham, Maine 04038.	Do.
Maryland	Anne Arundel	Unincorporated areas.	H 250008 01 through H 240008 112.	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Planning and Zoning Office, Anne Arundel County, Annapolis, Md. 21404.	Do.
Minnesota	McLeod	Biscay, city of	H 270261 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Biscay, Biscay, Minn.	Do.
Do.	Becker	Frazee, city of	H 270570 01	do.	Mayor, City of Frazee, Frazee, Minn. 56544.	Do.
Do.	Dodge	Mantorville, city of.	H 270585 01	do.	Mayor, City of Mantorville, Mantorville, Minn. 55955.	Do.
Do.	Chippewa	Maynard, city of	H 270587 01	do.	Mayor, City of Maynard, Maynard, Minn. 56260.	Do.
Nebraska	Antelope	Orchard, village of.	H 310005 01	NB Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. NB Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village of Orchard, Orchard, Nebr. 68764.	Do.
Do.	Nuckolls	Oak, village of	H 310159 01	do.	Mayor, Village of Oak, Oak, Nebr. 68964.	Do.
Do.	Saunders	Prague, village of	H 310202 01	do.	Village Board, City Hall, Prague, Nebr. 68050.	Do.
Do.	Washington	Herman, village of	H 310229 01	do.	Mayor, Herman, Nebr. 68034.	Do.
New York	Oswego	Altmar, village of	H 360646 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Mayor, Altmar, N.Y. 13302.	Do.
Do.	do.	Mexico, town of	H 360654 01 through H 360654 07	do.	Mayor, Mexico, N.Y. 13114.	Do.
Do.	Herkimer	Newport, town of	H 361111 01 through H 361111 05	do.	Mayor, Town of Newport, Newport, N.Y. 13416.	Do.
Do.	Franklin	Moira, town of	H 361125 01 through H 361125 12	do.	Mayor, Town of Moira, Moira, N.Y. 12957.	Do.
Do.	Fulton	Stratford, town of	H 361136 01 through H 361136 10	do.	Mayor, Town of Stratford, Stratford, N.Y. 13470.	Do.
Do.	Dutchess	Union Vale, town of.	H 361146 01 through H 361146 05	do.	Mayor, Town of Union Vale, Union Vale, N.Y.	Do.
Do.	St. Lawrence	Hopkinton, town of.	H 361179 01 through H 361179 14	do.	Mayor, Town of Hopkinton, Hopkinton, N.Y. 12940.	Do.
Do.	do.	Potsdam, town of.	H 361185 01 through H 361185 06	do.	Town Clerk's Office, Civic Center, Park St., Potsdam, N.Y. 13676.	Do.
Do.	Saratoga	Day, town of	H 361188 01 through H 361188 09	do.	Mayor, Town of Day, Day, N.Y.	Do.
Do.	do.	Providence, town of.	H 361190 01 through H 361190 04	do.	Mayor, Town of Providence, Providence, N.Y.	Do.
Do.	Schuyler	Cayuta, town of	H 361203 01 through H 361203 06	do.	Mayor, Town of Cayuta, Cayuta, N.Y. 14824.	Do.
Do.	Orange	Crawford, town of.	H 361250 01 through H 361250 13	do.	Mayor, Town of Crawford, Crawford, N.Y.	Do.
Do.	Oswego	Amboy, town of	H 361260 01 through H 361260 04	do.	Town Clerk, Town of Amboy, Oswego, N.Y. 13126.	Do.
Do.	Otsego	Morris, town of	H 361273 01 through H 361273 03	do.	Mayor, Town of Morris, Morris, N.Y. 13808.	Do.
Do.	Columbia	Ancram, town of	H 361312 01 through H 361312 04	do.	Mayor, Town of Ancram, Ancram, N.Y. 12502.	Do.
Do.	do.	Germantown, town of.	H 361317 01 through H 361317 03	do.	Mayor, Town of Germantown, Germantown, N.Y. 12526.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Otsego	Laurens, village of.	H 361351 01	do	Mayor, Village of Laurens, Laurens, N.Y. 13796.	Do.
Do	do	Morris, village of.	H 361353 01	do	Mayor, Village of Morris, Morris, N.Y. 13808.	Do.
Do	Oneida	Prospect, village of.	H 361356 01	do	Mayor, Village of Prospect, Prospect, N.Y. 13435.	Do.
Do	Oswego	Sandy Creek, village of.	H 361358 01	do	Mayor, Village of Sandy Creek, Sandy Creek, N.Y. 13145.	Do.
Do	Otsego	Schenevus, village of.	H 361359 01	do	Mayor, Village of Schenevus, Schenevus, N.Y. 12155.	Do.
Do	do	Richfield Springs, village of.	H 361360 01	do	Mayor, Village of Richfield Springs, Richfield Springs, N.Y. 13439.	Do.
Do	do	Cherry Valley, village of.	H 361449 01	do	Mayor, Village, of Cherry Valley, Cherry Valley, N.Y. 13320.	Do.
Do	Lewis	Harrisville, village of.	H 361451 01	do	Mayor, Village of Harrisville, Harrisville, N.Y. 13648.	Do.
Do	Livingston	Geneseo, village of.	H 361452 01 through H 361452 02	do	Town Supervisor, Geneseo, N.Y. 14454.	Do.
Do	Allegany	Clarksville, town of.	H 361461 01 through H 361461 05	do	Mayor, Town of Clarksville, Clarksville, N.Y. 12041.	Do.
Do	St. Lawrence	Edwards, village of	H 361463 01	do	Mayor, Village of Edwards, Edwards, N.Y. 13635.	Do.
Do	do	Rensselaer Falls, village of.	H 361466 01	do	Mayor, Village of Rensselaer Falls, Rensselaer Falls, N.Y. 13680.	Do.
Do	do	Waddington, village of.	H 361468 01	do	Mayor, Village of Waddington, Waddington, N.Y. 13694.	Do.
Do	Tioga	Spencer, village of.	H 361471 01 through H 361471 02	do	Mayor, Village of Spencer, Spencer, N.Y. 14883.	Do.
Do	Sullivan	Bloomingburg, village of.	H 361473 01	do	Chairman, Village of Bloomingburg, Bloomingburg, N.Y. 12721.	Do.
Do	do	Woodridge, village of.	H 361475 01	do	Mayor, Village of Woodridge, Woodridge, N.Y. 12789.	Do.
Do	Franklin	Brushton, village of.	H 361480 01	do	Mayor, Village of Brushton, Brushton, N.Y. 12916.	Do.
Do	Fulton	Mayfield, village of.	H 361483 01 through H 361483 03	do	Mayor, Village of Mayfield, Mayfield, N.Y. 12117.	Do.
Do	Essex	Bloomingdale, village of.	H 361490.01	do	Mayor, Village of Bloomingdale, Bloomingdale, N.Y. 12913.	Do.
Do	do	Lake Placid, village of.	H 361492 01 through H 361492 03	do	Mayor, Village of Lake Placid, Lake Placid, N.Y. 12946.	Do.
Do	do	Ticonderoga, village of.	H 361494 01	do	Mayor, Village of Ticonderoga, Ticonderoga, N.Y. 12883.	Do.
Do	Genesee	Corfu, village of.	H 361498 01 through H 361498 02	do	Mayor, Village of Corfu, Corfu, N.Y. 14036.	Do.
Do	do	Oakfield, village of.	H 361500 01 through H 361500 02	do	Mayor, Village of Oakfield, Oakfield, N.Y. 14125.	Do.
Do	Ulster	Rosendale, village of.	H 361503 01 through H 361503 04	do	Mayor, Village of Rosendale, Rosendale, N.Y. 12472.	Do.
Do	do	Saugerties, village of.	H 361504 01 through H 361504 05	do	Mayor, Village of Saugerties, Saugerties, N.Y. 12477.	Do.
Do	Wayne	Savannah, village of.	H 31505 01	do	Mayor, Village of Savannah, Savannah, N.Y. 13146.	Do.
Do	Suffolk	Shoreham, village of.	H 361506 01	do	Mayor, Village of Shoreham, Shoreham, N.Y. 11786.	Do.
Do	Columbia	Valatie, village of.	H 361508 01	do	Mayor, Village of Valatie, Valatie, N.Y. 12184.	Do.
Do	Wayne	Wolcott, village of.	H 361509 01	do	Mayor, Village of Wolcott, Wolcott, N.Y. 14590.	Do.
Do	Columbia	Hudson, city of.	H 361512 01 through H 361512 03	do	Mayor, City Hall, City of Hudson, Hudson, N.Y. 12534.	Do.
Do	Suffolk	Head of the Harbor, village of.	H 361513 01 through H 361513 07	do	Mayor, Village of Head of the Harbor, Head of the Harbor, N.Y.	Do.
Do	do	Poquott, village of	H 361518 01 through H 361518 02	do	Mayor, Village of Poquott, Poquott, N.Y.	Do.
North Dakota	Benson	Maddock, city of.	H 380004 A 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City of Maddock, Maddock N. Dak. 58348.	Mar. 8, 1974: Nov. 15, 1974.
Do	Bottineau	Willow City, city of.	H 380011 01	do	Mayor, Willow City, N. Dak. 58384	Do.
Do	Pembina	Neche, city of	H 380085 01	do	Mayor, Neche, N. Dak. 58265	Do.
Do	Ramsey	Crary, city of	H 380093 01	do	Mayor, Crary, N. Dak. 58327	Do.
Do	Stutsman	Montpelier, city of.	H 380125 01	do	Mayor, Montpelier, N. Dak. 58472	Do.
Ohio	Hocking	Murray City, village of.	H 390275 01	Ohio Department of Natural Resources Fountain Square Columbus Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio, 43215.	Mayor, Municipal Bldg	Do.
Do	Ross	Clarksburg, village of.	H 390483 01	do	Mayor Post Office, Clarksburg, Ohio 43115.	Do.
Do	Wayne	Orrville, city of	H 390577 01 through H 390577 02	do	Mayor, City of Orrville, Orrville, Ohio 44667.	Do.
Oklahoma	Major	Meno, town of	H 400113 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Town of Meno, Meno, Okla. 73760.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Bedford	Rainsburg, borough of.	H 420122 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Rainsburg, Rural Delivery 4, Bedford, Pa. 15522.	Do.
Do	Clearfield	Burnside, borough of.	H 420298 01 through H 420298 04	do	Mayor, Burnside, Pa. 15721	Do.
Do	Erie	Fairview, township of.	H 420450 01 through H 420450 10	do	Fairview Township Bldg., 7471 McCray Rd., Fairview, Pa. 16415.	Do.
Do	Greene	Clarksville, borough of.	H 420476 01	do	Mayor, Clarksville, Pa. 15322	Do.
Do	Huntingdon	Shirleysburg, borough of.	H 420493 01	do	Mayor, Shirleysburg, Pa. 17260	Do.
Do	Lackawanna	Clarks Summit, borough of.	H 420527 01 through H 420527 04	do	Clarks Summit Municipal Bldg., 304 South State St., Clarks Summit, Pa. 18411.	Do.
Do	Luzerne	Dallas, borough of.	H 420602 01 through H 420602 02	do	Dallas Municipal Bldg., Route No. 309, Rural Delivery No. 1, Dallas, Pa. 18612.	Do.
Do	Somerset	Shanksville, borough of.	H 420802 01	do	Mayor, Shanksville, Pa. 15560	Do.
Do	do	Ursina, borough of.	H 420804 01	do	Mayor, High St., Ursina, Pa. 15485	Do.
Do	Cambria	Westmont, borough of.	H 421139 01 through H 421139 05	do	Mayor, Borough of Westmont, 825 Thermal Ave., Johnstown, Pa. 15905.	Do.
Do	Adams	York Springs, borough of.	H 421239 01	do	Municipal Bldg., Borough of York Springs, Harrisburg St., Adams County, Pa. 17372.	Do.
Do	Armstrong	Washington, township of.	H 421317 01 through H 421317 07	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Washington, Adrian, Pa. 16210.	Do.
Do	Berks	District, township of.	H 421378 01 through H 421378 06	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of District, Alburtis, Pa. 18011.	Do.
Do	do	Hereford, township of.	H 421379 01 through H 421379 07	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Hereford, Macungie, Pa. 18032.	Do.
Do	Butler	Connoquenessing, borough of.	H 421413 01 through H 421413 04	do	Mayor, Connoquenessing, Pa. 16027	Do.
Do	do	Connoquenessing, township of.	H 421418 01 through H 421418 04	do	Chairman, Board of Supervisors, Rural Delivery No. 7, Township of Connoquenessing, Butler, Pa. 16001.	Do.
Do	do	Jackson, township of.	H 421429 01 through H 421429 02	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Jackson, Zelienople, Pa. 15063.	Do.
Do	do	Worth, township of.	H 421425 01 through H 421425 08	do	Chairman Board of Supervisors, Township of Worth, Rural Delivery No. 2, Slippery Rock, Pa. 16057.	Do.
Do	Cambria	Loretto, borough of.	H 421431 01	do	Mayor, Loretto, Pa. 15940	Do.
Do	do	Susquehanna, township of.	H 421447 01 through H 421447 11	do	Chairman, Board of Supervisors Township of Susquehanna, Barnesboro, Pa. 15714.	Do.
Do	Centre	Walker, township of.	H 421471 01 through H 421471 12	do	Walker Township Municipal Bldg., Rural Delivery No. 1, Thompsontown, Pa. 17094.	Do.
Do	Chester	Avondale, borough of.	H 421473 01	do	Mayor, 214 Pennsylvania Ave., Avondale, Pa. 19311.	Do.
Do	Clarion	Perry, township of.	H 421509 01 through H 421509 06	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Perry, Parker, Pa. 16049.	Do.
Do	Clearfield	Boggs, township of.	H 421515 01 through H 421515 05	do	Chairman, Board of Supervisors, Box 32, Township of Boggs, West Decatur, Pa. 16878.	Do.
Do	do	Brady, township of.	H 421517 01 through H 421517 12	do	Chairman, Board of Supervisors, Township of Brady, Luthersburg, Pa. 15848.	Do.
Do	do	Chest, township of.	H 421519 01 through H 421519 13	do	Chairman, Board of Supervisors, Rural Delivery No. 1, La Jose, Pa. 15753.	Do.
Do	Clinton	Greene, township of.	H 421538 01 through H 421538 13	do	Chairman, Board of Supervisors, Township of Greene, Rural Delivery No. 1, Loganton, Pa. 17747.	Do.
Do	Crawford	Woodcock, township of.	H 421578 01 through H 421578 05	do	Chairman Board of Supervisors, Rural Delivery No. 3, Township of Woodcock, Meadville, Pa. 16335.	Do.
Do	Cumberland	Upper Mifflin, township of.	H 421589 01 through H 421589 09	do	Chairman, Board of Supervisors, Township of Upper Mifflin, Rural Delivery No. 2, Newville, Pa. 17241.	Do.
Do	Dauphin	Halifax, township of.	H 421592 01 through H 421592 03	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Halifax, Pa. 17032.	Do.
Do	Elk	Fox, township of	H 421608 06	do	Chairman, Board of Supervisors, Township of Fox, Rural Delivery No. 2, Kersey, Pa. 15846.	Do.
Do	do	Jay, township of	H 421611 01 through H 421611 10	do	Chairman, Board of Supervisors, Township of Jay, Weedville, Pa. 15868.	Do.
Do	Fayette	Point Marion, borough of.	H 421617 01 through H 421617 02	do	Secretary, Borough of Point Marion, Borough Council, P.O. Box 298, Point Marion, Pa. 15474.	Do.
Do	do	Saltlick, township of.	H 421636 01 through H 421636 11	do	Chairman, Board of Supervisors, Township of Saltlick, White, Pa. 15490.	Do.
Do	Indiana	Black Lick, township of.	H 421709 01 through H 421709 05	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Blairsville, Pa. 15717.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lehigh	Washington, township of.	H 421816 01 through H 421816 07	do	Washington Township, Municipal Bldg., Rural Delivery No. 2, Slatington-at-Emerald, Pa. 18080.	Do.
Do	Luzerne	Foster, township of.	H 421828 01 through H 421828 04	do	Foster Township Municipal Bldg., 1000 Wyoming Ave., Foster Township, Freeland, Pa. 18224.	Do.
Do	McKean	Eldred, township of.	H 421854 01 through H 421854 05	do	Township of Eldred, Township Building, Eldred, Pa. 16731.	Do.
Do	do	Otto, township of.	H 421860 01 through H 421860 10	do	Chairman, Board of Supervisors, Township of Otto, Duke Center, Pa. 16729.	Do.
Do	Mifflin	Decatur, township of.	H 421880 01 through H 421880 11	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of McClure, McClure, Pa. 17841.	Do.
Do	Monroe	Barrett, township of.	H 421884 01 through H 421884 15	do	Chairman, Board of Supervisors, Cresco, Pa. 18326.	Do.
Do	do	Chestnut Hill, township of.	H 421885 01 through H 421885 10	do	Chairman, Board of Supervisors, Chestnut Hill, Township of Brodheadsville, Pa. 18322.	Do.
Do	do	Price, township of.	H 421894 01 through H 421894 03	do	Chairman, Board of Supervisors, Township of Price, Rural Delivery No. 4, East Stroudsburg, Pa. 18301.	Do.
Do	Montgomery	East Greenville, borough of.	H 421901 01	do	Mayor, 228 Washington, St., East Greenville, Pa. 18041.	Do.
Do	do	Trappe, borough of.	H 421907 01 through H 421907 04	do	Mayor, 29 College Ave., Trappe Collegeville, Pa. 19426.	Do.
Do	Northampton	Lehigh, township of.	H 421931 01 through H 421931 10	do	Chairman, Board of Supervisors, Route 1, Township of Lehigh, Walnutport, Pa. 18088.	Do.
Do	Schuylkill	Branch, township of.	H 421998 01 through H 421998 05	do	Chairman, Board of Supervisors, Box 222, Llewellyn, Pa. 17944.	Do.
Do	do	East Union, township of.	H 422004 01 through H 422004 10	do	Chairman, Board of Supervisors, Township of East Union, Oneida, Pa. 18242.	Do.
Do	do	North Manheim, township of.	H 422013 01 through H 422013 08	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of North Manheim, Schuylkill Haven, Pa. 17972.	Do.
Do	do	North Union, township of.	H 422014 01 through H 422014 08	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of North Union, Zion Grove, Pa. 17985.	Do.
Do	do	Porter, township of.	H 422016 01 through H 422016 06	do	Chairman, Board of Supervisors, Township of Porter, Muir, Pa. 17957.	Do.
Do	do	Tremont, township of.	H 422023 01 through H 422023 09	do	Chairman, Board of Supervisors, Rural Delivery No. 3, Township of Tremont, Pine Grove, Pa. 17963.	Do.
Do	do	West Penn, township of.	H 422029 01 through H 422029 16	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of West Penn, New Ringgold, Pa. 17960.	Do.
Do	Snyder	Franklin, township of.	H 422035 01 through H 422035 05	do	Chairman, Board of Supervisors, Rural Delivery No. 3, Township of Franklin, Middleburg, Pa. 17842.	Do.
Do	Somerset	Meyersdale, borough of.	H 422044 01 through H 422044 02	do	Mayor, 220 Center St., Meyersdale, Pa. 15552.	Do.
Do	do	Fairhope, township of.	H 422049 01 through H 422049 04	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Fairhope, Pa. 15538.	Do.
Do	Venango	Emlenton, borough of.	H 422107 01	do	Mayor, Emlenton, Pa. 16373	Do.
Do	Warren	Deerfield, township of.	H 422118 01 through H 422118 04	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Deerfield, Pittsfield, Pa. 16340.	Do.
Do	Washington	Finleyville, borough of.	H 422135 01	do	Mayor, 3551 Washington Ave., Finleyville, Pa. 15332.	Do
Do	do	Carroll, township of.	H 422142 01 through H 422142 06	do	Carroll Township, Municipal Bldg., Rural Delivery No. 2, Chestnut Grove Rd., Dillsburg, Pa. 17019.	Do.
Do	Wayne	Buckingham, township of.	H 422159 01 through H 422159 08	do	Chairman, Board of Supervisors, Starlight, Pa. 18461.	Do.
Do	do	Preston, township of.	H 422171 01 through H 422171 06	do	Chairman, Board of Supervisors, Preston Park, Pa. 18455.	Do.
Do	do	Texas, township of.	H 422176 01 through H 422176 06	do	Chairman, Board of Supervisors, Township of Texas, Erie Heights, Honesdale, Pa. 18431.	Do.
Do	Wyoming	North Moreland	H 422204 01 through H 422204 06	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of North Moreland, Tunkhannock, Pa. 18657.	Do.
Do	York	West Manchester, township of.	H 422233 01 through H 422233 12	do	West Manchester Township Office, Municipal Bldg., 2501 Catherine St., York, Pa. 17402.	Do.
Do	Northampton	Chapman, borough of.	H 422251 01	do	Mayor, Rural Delivery No. 1, Borough of Chapman, Bath, Pa. 18014.	Do.
Do	do	East Bangor, borough of.	H 422252 01	do	Mayor, 123 Blaine St., East Bangor, Pa. 18013.	Do.
Do	do	Lower Nazareth, township of.	H 422253 01 through H 422253 04	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Lower Nazareth, Bethlehem, Pa. 18017.	Do.
Do	do	Glendon, borough of.	H 422254 01 through H 422254 02	do	Mayor, 105 Crescent St., Glendon Heights, Easton, Pa. 18042.	Do.
Do	do	Roseto, borough of.	H 422255 01	do	Mayor, 91 Roseto Ave., Roseto, Pa. 18013.	Do.
Do	Cambria	East Conemaugh, borough of.	H 422259 01	do	Mayor, Rear 321 1-2 Third St., Conemaugh, Pa. 15909.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Ashville, borough of.	H 422266 01	do	Mayor, Ashville, Pa. 16613	Do.
Do	Mercer	Pine, township of	H 422284 01 through H 422284 08	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of Pine, Grove City, Pa. 16127.	Do.
Do	do	Pymatuning, township of.	H 422285 01 through H 422285 05	do	Chairman, Board of Supervisors, 517 Shenango Dr., Township of Pymatuning, Greenville, Pa. 16125.	Do.
Do	Chester	Elk, township of	H 422286 01 through H 422286 02	do	Chairman, Board of Supervisors, Rural Delivery No. 3, Township of Elk, Oxford, Pa. 19363.	Do.
South Carolina	Spartanburg	Campobello, town of.	H 450216 01	South Carolina Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Town of Campbello, Campobello, S.C. 29322.	Do.
Tennessee	Robertson	Adams, town of	H 470159 01 through H 470159 02	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, Adams, Tenn. 37010	Do.
Vermont	Bennington	Woodford, town of.	H 500023 01 through H 500023 06	Management and Engineering Division, Water Resources Department, State Office Bldg., Montepelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Woodford Board of Town of Woodford, Bennington, Vt. 05201.	Do.
Do	Orleans	Barton, town of	H 500081 01 through H 500081 13	do	Town Clerk, Town of Barton, Barton, Vt. 05822.	Do.
Do	Addison	Orwell, town of	H 500168 01 through H 500168 04	do	Mayor, Town of Orwell, Orwell, Vt. 05760.	Do.
Do	Bennington	Searsburg, town of.	H 500184 01 through H 500184 02	do	Mayor, Town of Searsburg, Bennington, Vt. 05201.	Do.
Do	Caledonia	Wheelock, town of.	H 500204 01 through H 500204 04	do	Mayor, Wheelock, Vt	Do.
Do	Windsor	Ludlow, village of	H 500294 01 through H 500294 02	do	Village of Ludlow, Municipal Bldg., Ludlow, Vt. 05149.	Do.
Do	Franklin	Franklin, town of	H 500310 01 through H 500310 04	do	Mayor, Franklin, Vt. 05457	Do.
Virginia	Fauquier	Remington, town of.	H 510056 01	Bureau of Water Control Management, State Water Control Board, 2d Floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Town Hall, Remington, Va. 22734.	Do.
Do	Rockingham	Unincorporated areas.	H 510133 01 through H 510133 56	do	Municipal Bldg., County of Rockingham, Courthouse, Harrisonburg, Va. 22801.	Do.
Do	Dinwiddie	do	H 510187 01 through H 510187 35	do	County Administrator, Dinwiddie County Courthouse, Dinwiddie, Va. 23841.	Do.
Do	Giles	Glen Lyn, town of.	H 510289 01	do	Mayor, Town of Glen Lyn, Glen Lyn, Va. 24093.	Do.
Do	Southampton	Branchville, town of.	H 510296 01 through H 510296 03	do	Mayor, Branchville, Va. 23828	Do.
Do	Surry	Dendron, town of	H 510300 01 through H 510300 02	do	Mayor, Dendron, Va. 23839	Do.
Do	Halifax	Halifax, town of	H 510301 01 through H 510301 02	do	Mayor, Halifax, Va. 24558	Do.
Do	Charlotte	Phenix, town of	H 510302 01 through H 510302 03	do	Mayor, Town of Phenix, Phenix, Va. 23959.	Do.
Washington	Skagit	Lyman, town of	H 530157 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, Town of Lyman, Lyman, Wash. 98501.	Do.
Do	Spokane	Waverly, town of	H 530184 01	do	County Commissioners, Spokane County Courthouse, Spokane, Wash. 99201.	Do.
Do	Thurston	Bucoda, town of	H 530189 01	do	Mayor, Bucoda, Wash. 98530	Do.
West Virginia	Boone	Whitesville, town of.	H 540229 01	Office of Federal-State Relations, Room W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Boone County Court, Madison, W. Va. 25130.	Do.
Do	do	Danville, town of	H 540230 01	do	Boone County Court, Town of Danville, Madison, W. Va. 25130.	Do.
Do	do	Sylvester, town of	H 540238 01	do	Boone County Court, Town of Sylvester, Madison, W. Va. 25130.	Do.
Do	Jackson	Ravenswood, city of.	H 540241 01 through H 540241 05	do	Mayor, City of Ravenswood, Ravenswood, W. Va. 26164.	Do.
Do	Harrison	Salem, city of	H 540242 01 through H 540242 03	do	Mayor, City of Salem, Salem, W. Va. 26426.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Greenbrier	Falling Spring, town of.	H 540243 01 through H 540243 02	do	Mayor, Town of Falling Spring, Falling Spring, W. Va.	Do.
Do	Hardy	Wardensville, town of.	H 540245 01	do	Mayor, Town of Wardensville, Wardensville, W. Va. 26851.	Do.
Do	Mason	Mason, town of	H 540248 01	do	Mayor, Town of Mason, Mason, W. Va. 25260.	Do.
Do	do	New Haven, town of.	H 540249 01 through H 540249 04	do	Mayor, Town of New Haven, New Haven, W. Va. 25265.	Do.
Do	Morgan	Paw Paw, town of.	H 540252 01	do	Mayor, Town of Paw Paw, Paw Paw, W. Va. 25434.	Do.
Do	Wetzel	Littleton, town of	H 540255 01	do	Wetzel County Court, Town of Littleton, New Martinsville, W. Va. 26155.	Do.
Do	Preston	Alta, town of	H 540257 01 through H 540257 03	do	Mayor, Town of Alta, Alta, W. Va. 26655.	Do.
Do	Wetzel	Smithfield, town of.	H 540258 01 through H 540258 02	do	Wetzel County Court, Town of Smithfield, New Martinsville, W. Va. 26155.	Do.
Do	Randolph	Huttonsville, town of.	H 540264 01	do	Mayor, Town of Huttonsville, Huttonsville, W. Va. 26273.	Do.
Do	do	Montrose, town of.	H 540265 01	do	Mayor, Town of Montrose, Montrose, W. Va. 26283.	Do.
Do	Preston	Newburg, town of.	H 540268 01 through H 540268 02	do	Mayor, Town of Newburg, Newburg, W. Va. 26410.	Do.
Do	do	Reedsville, town of.	H 540269 01 through H 540269 02	do	Mayor, Town of Reedsville, Reedsville, W. Va. 26547.	Do.
Do	do	Masontown, town of.	H 540270 01	do	Mayor, Town of Masontown, Masontown, W. Va. 26542.	Do.
Do	Putnam	Winfield, town of	H 540271 01	do	Mayor, Town of Winfield, Winfield, W. Va. 25213.	Do.
Wisconsin	Dodge	Reeseville, village of.	H 550105 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Village President, Reeseville, Wis. 53579.	Do.
Do	Juneau	Union Center, village of.	H 550207 01	do	Village President, Village Hall, Union Center, Wis. 53962.	Do.
Do	Kewaunee	Casco, village of	H 550214 01	do	Village President, Casco, Wis. 54205	Do.
Do	St. Croix	Stanton, town of	H 550388 01 through H 550388 11	do	Chairman, Route 3, New Richmond, Wis. 54017.	Do.
Do	Winnebago	Omro, village of	H 550533 01	do	Mayor, Village of Omro, Omro, Wis, 54963.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: November 13, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–27581 Filed 11–27–74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the unincorporated areas of Fairfax County, Virginia, as an eligible community and included map No. H 51 059 0000 18 which indicates that lots No. 1 through 159, Greenfield Farms, as recorded in Fairfax County, Virginia Deed Book 3954, Pages 645 through 656, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective January 7, 1972, map No. H 51 059 0000 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–27917 Filed 11–27–74;8:45 am]

[Docket No. FI–246]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On April 16, 1974, in 39 FR 13647, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Farmers Branch, Texas, as an eligible community and included map No. H 48 113 2310 01 which indicates that lots No. 1 through 43 of Wooded Creek Estates, City of Farmers Branch, Texas, as recorded in Volume 71004, Page 1161, of the Deed Records of Dallas County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical

review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective April 12, 1974, map No. H 48 113 2310 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27915 Filed 11-27-74;8:45 am]

[Docket No. FI 279]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On June 3, 1974, in 39 FR 19457, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Augusta, Georgia, as an eligible community and included map No. H 13 0159 04 which indicates that the Morningside Condominiums—Buildings A and C in the City of Augusta, Georgia as recorded in the Office of the Clerk of the Superior Court of Richmond County, Georgia, in Realty Book 38-W, Pages 50–52, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map and in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective May 24, 1974, map No. H 13 0159 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969, (33 F.R. 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 15, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27916 Filed 11-27-74;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 63]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

THE BURLEY TOBACCO POUNDAGE QUOTA ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respects:

1. That portion of section 3 of the Burley Tobacco Poundage Quota Endorsement shown in § 401.148 of this chapter which reads "(rounded to tenths of an acre)" is deleted.

2. Subsection 4(b) of the Burley Tobacco Poundage Quota Endorsement shown in § 401.148 of this chapter is amended by changing the second paragraph thereof to read as follows:

Unless otherwise provided on the actuarial table, for any crop year in which burley tobacco poundage marketing quota regulations are not in effect, the poundage used in determining the applicable amount of insurance for a unit shall be obtained by multiplying the applicable farm yield (see subsection 10(g)) by the percentage guarantee shown on the actuarial table and the result by the lower of the reported or insured acreage.

3. Subsection 10(a) of the Burley Tobacco Poundage Quota Endorsement shown in § 401.148 of this chapter is amended to read as follows:

(a) "Insurance Unit," notwithstanding the first sentence of section 19(e) of the policy, means all the insurable acreage in the county planted to burley tobacco on a farm for which a single farm poundage marketing quota for burley tobacco is established and at the time of planting (1) in which the insured has 100 percent interest, (2) which is owned by one person and operated by the insured as a tenant, or (3) which is owned by the insured and rented to one tenant: *Provided, however,* That if a burley tobacco price support program is not in effect for any crop year, the above words "on a farm for which a single poundage marketing quota for burley tobacco is established" shall be disregarded: *Provided, further,* That when poundage quotas are leased and combined with other quotas under leasing arrangements providing compensation to the lessor on some other basis than a specified share in the production from a unit, the lessee shall be regarded as the owner-operator having the entire insurable interest in the leased quota. Otherwise the provisions of section 19(e) of the policy apply to burley tobacco crop insurance, except that no other agreement shall be made which divides the insurable acreage into two or more units.

4. Subsection 10(g) of the Burley Tobacco Poundage Quota Endorsement shown in § 401.148 of this chapter is amended to read as follows:

(g) "Farm Yield" means the yield per acre used by ASCS in establishing the basic farm marketing poundage quota for the tobacco farm, unless the Corporation has established a farm yield for the farm on the county actuarial table.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment is designed to correct several deficiencies in the Burley Tobacco Poundage Quota Endorsement. It is desirable that this amendment become effective in 1975. Notice of changes must however be given insureds by January 15, 1975. It would therefore be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1975 crop year.

Under the circumstances ,the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on —.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop, Insurance Corporation.

NOVEMBER 13, 1974.

Approved on November 22, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-27884 Filed 11-27-74;8:45 am]

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

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for the 1974–75 Fiscal Year

Notice of a proposal to establish free and restricted percentages of 52 percent and 48 percent, respectively, for filberts grown in Oregon and Washington, was published in the FEDERAL REGISTER on October 25, 1974 (39 FR 37990). These percentages would apply to filberts grown in the 1974–75 fiscal year, beginning August 1, 1974.

The free percentage prescribes that portion of the total merchantable supply

which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The percentages would be established under § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal, and two such comments were received, one of which was from the Filbert Control Board.

In September, the Crop Reporting Board and the Filbert Control Board estimated total filbert production for 1974, at 8,850 tons, of which the Filbert Control Board estimated 7,793 tons would be merchantable. The Crop Reporting Board's November 1 estimate of total filbert production was 7,250 tons. At this meeting of November 12, 1974, the Filbert Control Board reviewed this estimate and estimated that the total production would likely be 7,000 tons, of which 6,164 tons would be merchantable. The Board also changed its September estimate of carryover on July 31, 1975, from 600 tons to 400 tons. On the basis of these estimates, the Board, in its written comment, recommended that free and restricted percentages be 61 percent and 39 percent, respectively.

The other commentator stated that: The September estimate of 1974 merchantable production of filberts of 7,793 tons was too high; a free percentage of 52 percent (as proposed in the notice) would release only about 4,000 tons of filberts from the 1974 production which is not enough to supply the inshell market and the commentator could not get enough inshell filberts to supply his customers; and the marketing order creating the restricted filberts is highly injurious to the growers of Oregon, and feels that it should be entirely eliminated.

The commentator did not indicate his estimate of the 1974 production. As previously indicated, the revised crop estimates by the Crop Reporting Board and the Filbert Control Board recognized that the September estimate of 1974 production was too high, and the allocation percentages being established for the 1974–75 fiscal year reflect the reduction in the crop estimate.

The free percentage of 61 percent established by this action results in a total available supply of inshell filberts of about 5,575 tons for the domestic market. The annual average quantity of inshell filberts acquired by the domestic trade for the five-year period of 1969–73 was 5,403 tons.

Excessive supplies of inshell filberts contribute to disorderly marketing conditions which are injurious to both growers and handlers. The purpose of the marketing order and the allocation percentages is to establish and maintain orderly marketing conditions for domestic filberts and provide stability for that industry.

After consideration of all relevant material presented, including that in the notice, the written comments submitted on the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that to establish for the 1974–75 fiscal year, free and restricted percentages applicable to filberts grown in Oregon and Washington, of 61 percent and 39 percent, respectively, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing agreement and this part require that free and restricted percentages designated for a particular fiscal year shall be applicable to all inshell filberts handled during that fiscal year; (2) the current fiscal year began on August 1, 1974, and the percentages established by this action will automatically apply to all such filberts beginning with that date; and (3) no useful purpose would be served by delaying this action.

Therefore, the free and restricted percentages for merchantable filberts during the 1974–75 fiscal year are established as follows:

§ 982.224 Free and restricted percentages for merchantable filberts during the 1974–75 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1974:

Free percentage	61
Restricted percentage	39

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

Dated: November 22, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74-27934 Filed 11-27-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

EXTENSION OF THE INCIDENCE PERIOD OF NATURAL DISASTER

Section 1832.3, Subpart A of Part 1832, Chapter XVIII, Title 7, Code of Federal Regulations (39 FR 14499) is amended. Paragraph (b)(10) of this section is deleted and the provisions thereof incorporated in a new paragraph (d) which provides for the extension of the incidence period of a natural disaster because of a subsequent occurrence or continuation of the same natural disaster. Section 1832.3(d) is redesignated as § 1832.3(e), and the cross-references to § 1832.3 (d) in the narrative text under § 1832.3 and paragraph (c) of this section are amended to reflect this redesignation.

This revision to regulations is not issued for proposed rulemaking because it authorizes the making of Emergency loan assistance available to farmers and ranchers that is currently not authorized. Many areas of the country have been and are being affected by subsequent or continuing natural disasters and this authority is needed in order to provide assistance to these areas. Failure to implement this change immediately would be contrary to the public interest. These revisions are effective upon publication in the FEDERAL REGISTER.

Interested persons are invited to submit written comments, suggestions, or objections regarding this revision to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before 30 days from the date of this publication. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Since these rules are needed immediately to assist natural disaster victims, these revisions shall remain in effect until amended. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.–4:45 p.m.).

As amended, § 1832.3 and paragraphs (b)(3) and (d) under this section read as follows:

§ 1832.3 Making EM loans available.

EM loans will be made available in counties named by Federal Disaster Assistance Administration (FDAA) as eligible for Federal assistance under a major disaster declaration by the President; in counties designated by the Secretary; and in counties authorized by State Directors for isolated production loss loans. On becoming aware of the occurrence of a natural disaster, the County Supervisor in whose area the disaster has occurred will gather all available information and immediately notify the county governing body, or its authorized representative, and the Farmers Home Administration (FmHA) State Director by phone, followed by a written report on Form FmHA 441–27, "Report of Natural Disaster." The procedure for reporting natural disasters is covered in paragraph (e) of this section.

* * * * *

(b) *Designation by the Secretary.* * * *

(3) The County Supervisor will report immediately the occurrence of a natural disaster to the State Director and to the county governing body, or its authorized representative, in accordance with paragraph (e) of this section. When the County Supervisor can obtain complete information on the actual damage and losses caused by the natural disaster he will report this information to the county governing body, or its authorized representative, using Form FmHA 441–28, "Report of Natural Disaster for Consideration in Designating Emergency Loan Area." Form FmHA 441–28 will be based on information obtained from his personal knowledge and from farmers, agricultural and community leaders, representatives of other agricultural agencies, agricultural lenders, and from any other reliable source. When letters or copies of reports are received from the sources contacted, they also will be submitted with Form FmHA 441–28. Form FmHA 441–28 will be prepared in accordance with prescribed guidelines available in all FmHA offices. The original and one copy will be sent to the county governing body or its authorized representative. One copy of each will be sent to the State Director and the Chairman of the County USDA Emergency Board.

* * * * *

(10) Deleted.

* * * * *

(d) *Continuing disaster conditions.* A need for EM loans resulting from a subsequent natural disaster or the continuation of a natural disaster which occurs or continues in any area presently designated for EM loans under paragraphs (a), (b), or (c) of this section cannot be met under that designation, without completing one of the steps below.

(1) Extension by the Secretary and State Director for natural disasters: Certain types of natural disasters which affect agricultural crops, such as drought, floods, and insect infestation, may extend beyond the incidence period established in connection with a Secretary's designation pursuant to paragraph (b) of this section or a State Director's designation pursuant to paragraph (c) of this section. Furthermore, the disaster conditions which led to the original designation may be prolonged in the same area by a new natural disaster which affects the same crops during the same crop year. Under these circumstances, the Secretary, or State Director under paragraph (c) of this section, may order that the incidence period for the initial designation be extended and set a new termination date for receiving applications, *Provided,* That no incidence period shall be extended beyond the end of the crop year affected by the original designation; and provided further, that the State Director may not extend the incidence period if the resulting extension will result in a finding that more than twenty-five farmers have had severe production losses. State Directors will give prior notice to the National Office by telephone before authorizing an extension of an incidence period or an additional disaster. To extend an incidence period because of a continuing natural disaster or an additional disaster affecting the same crop, it will be necessary that a request for an extension be made by the county governing body or its authorized representative, and transmitted through the Governor to the Secretary. All requests for extension shall be made on a Form FmHA 441–28, and processed in accordance with paragraph (b) of this section, except that Item L, "Expression of Local Lenders," need not be completed, since the original designation has proven that there is a general need for agricultural credit.

(2) Major disaster areas: EM loans are made available in counties determined by FDAA to be eligible for Federal assistance under a major disaster declared by the President without establishing that the disaster had caused a general need for agricultural credit. The conditions which led to the major disaster declaration and which affect agricultural crops may extend beyond the incidence period established by FDAA, or the disaster conditions which led to the original declaration may have been prolonged in the same area by a new natural disaster which affects the same crops during the same crop year. Under such circumstances, the Secretary may designate the area as a natural disaster area and establish an incidence period commencing on, or subsequent to, the date of the commencement of the incidence period for the major disaster declaration, provided that the requirements of paragraph (b) of this section are met. In those cases, the Secretary may also set a termination date for the incidence period for the natural disaster extending beyond the termination date established for the major disaster. The Secretary may also establish the termination date for accepting applications in connection with a designation under this subparagraph.

* * * * *

Effective date. This amendment is effective November 29, 1974.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: November 22, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-27883 Filed 11-27-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Adjustments and Assignments of Allocated Products and Curtailment of Sources of Energy

On October 9, 1974, the Federal Energy Administration published a notice of proprosed rulemaking (39 FR 36603, October 11, 1974) to amend Chapter II of Title 10, Code of Federal Regulations, Part 211, the Mandatory Petroleum Allocation Regulations, to revise and clarify the procedures for adjustments and assignments to purchasers whose source of energy other than allocated products has been or may be curtailed under a plan filed in compliance with a rule or order of a Federal or State agency. Written comments were invited through October 22, 1974 and a public hearing was held on October 24, 1974.

Over 50 comments were received by FEA in response to the notice of proposed rulemaking and seven oral presentations were made during the public hearing on October 24. Those making comments included refiners, manufacturers, trade associations, state governments, independent fuel marketers, universities and public utilities.

In response to the comments received, the oral presentations, and other relevant information concerning proposed § 211.12(h), that section and § 211.10(f) have been revised to clarify the procedures for adjusting base period uses, assigning purchasers to suppliers and providing allocations to firms which have received an assignment or adjustment pursuant to § 211.12(h) or to firms under an allocation level of one hundred (100) percent of current requirements subject to an allocation fraction which have increased current requirements by reason of a curtailment action specified in § 211.12(h).

FEA Action

Concern was expressed that applications by purchasers for adjustments and assignments of suppliers would not be handled in a timely fashion by FEA. FEA anticipates that any adjustment or assignment ordered pursuant to § 211.12(h) will be handled expeditiously and that the full 90-day maximum period allowed FEA for taking action on applications for adjustments and assignments will not be necessary. The purpose of the proposal was to permit purchasers to apply for assignments and adjustments well in advance of anticipated curtailments so that when curtailments actually occur a purchaser will have previously obtained assignment of a supplier and the basis for an allocation requirement.

Adjustment and Assignment Procedures

There were several comments which indicated a misunderstanding of the procedure wholesale purchaser-consumers and end-users should follow in seeking adjustments and assignments under § 211.12(h). As soon as a wholesale purchaser-consumer or end-user receives notice from its supplier of an energy source other than an allocated product that it may expect curtailments, the wholesale purchaser-consumer or end-user wishing to purchase an allocated product as a substitute for the curtailed product should immediately apply to FEA for an adjustment of its base period use or assignment of a supplier

and a base period use, as the case may be. Such notice need not be notice of an actual curtailment. FEA wishes to stress that purchasers which wait until an actual curtailment is imminent run the risk that assignments and adjustments cannot be made in a timely manner. The written notice of actual or possible curtailment will constitute the documented evidence required by § 211.12(h)(4). If the supplier has given only a verbal notice of anticipated curtailments, the wholesale purchaser-consumer or end-user should request written confirmation from the supplier. The wholesale purchaser-consumer or end-user should also attempt to obtain written advice from suppliers which do not normally provide advance notice of possible curtailments.

After an application for adjustment has been submitted to the base period supplier for certification, the supplier must submit the application to FEA within ten days. An application for assignment of a supplier and a base period use by a wholesale purchaser-consumer or end-user should be submitted directly to FEA.

Following evaluation of the application for adjustment or assignment and all supporting documents, FEA will notify the wholesale purchaser-consumer or end-user of the adjusted base period volume or the new base period volume and new supplier, as appropriate, for each period corresponding to a base period included within the assignment or adjustment order. Depending on the assigned fuel, periods corresponding to a base period will be monthly or quarterly. It will then be the responsibility of the wholesale purchaser-consumer or end-user to notify the supplier how much of the adjusted or new base period use for each period corresponding to a base period the wholesale purchaser-consumer or end-user intends to lift during each period corresponding to a base period. This declaration of intent must be given to the supplier no later than 20 days prior to the beginning of each period corresponding to a base period. If a wholesale purchaser-consumer or end-user indicates that it will not lift all of its adjusted or new base period volume, the supplier will not be required to allocate the amount not nominated and will not include such amount in its supply obligation. The failure to nominate any amount as provided in the regulations will discharge the supplier from its obligation to allocate such amounts.

"Take-or-Pay" Provision

The comments expressed strong views with respect to the proposed provision permitting suppliers to require wholesale purchaser-consumers and end-users to enter into agreements requiring the purchaser to pay for any portion of the purchaser's allocation requirement which the purchaser declares it will lift even though the purchaser subsequently fails to lift the entire amount. After a review of the comments, FEA concluded that the "take-or-pay" provision of proposed § 211.12(h)(5) should be modified. As modified, suppliers will be permitted to require purchasers to enter into agreements requiring purchasers to pay for no more than three percent of any portion of the purchaser's allocation entitlement which the purchaser declares it will lift for a period which corresponds to a base period but which the purchaser subsequently fails to lift. An allocation entitlement would be the purchaser's allocation requirement as defined in § 211.10(b)(2)(iii) reduced by application of the supplier's allocation fraction. FEA believes that the three percent figure represents reasonable compensation for suppliers which obtain product for purchasers who may not in fact purchase that product. It is also believed that three percent of the purchase price of the unlifted portion of a purchaser's entitlement will encourage purchasers to be as accurate in predicting need as possible.

FEA recognizes that in the event of shortages, assignments and adjustments pursuant to § 211.12(h) may place a heavy demand on suppliers and their traditional customers. Purchasers are reminded that the provisions of § 211.10(g)(8) limiting the volume of product supplied to wholesale purchaser-consumers and end-users to no more than one hundred percent of current requirements shall be observed by purchasers seeking adjustments or assignments pursuant to § 211.12(h).

In order to alleviate the burden placed on base period customers which traditionally use allocated products and which may suffer shortages as curtailed purchasers request allocated petroleum products, § 211.10(f) has been amended to require that whenever a supplier's allocation fraction is less than 0.8 and the supplier has purchasers assigned or adjusted pursuant to § 211.12(h) or has purchasers under an allocation level of one hundred (100) percent of current requirements subject to an allocation fraction which have increased requirements by reason of a curtailment action specified in § 211.12(h), the supplier shall report its allocation fraction to FEA, the amount of product it is required to supply by reason of assignments or adjustments pursuant to § 211.12(h) and curtailment actions specified in § 211.12(h), and the amount of product it would have available if it were required to supply with an allocation fraction of 0.8 only the allocation requirements of its purchasers which do not represent an assignment, adjustment pursuant to or increased current requirements by reason of a curtailment action specified in § 211.12(h). If the supplier is required to file Form FEA–1000, it will file its report at the same time that form is filed; otherwise, it will report within five (5) days of determining that its fraction is less than 0.8.

During the ten (10) days which follow FEA's actual receipt of its report, the supplier shall supply using its reported allocation fraction the allocation requirements subject to an allocation fraction of its purchasers which do not represent an assignment, adjustment, or increased current requirements by reason of an action specified in § 211.12(h). If FEA does not advise the supplier to the contrary within ten (10) days, the supplier shall supply all the allocation requirements of its purchasers using the reported fraction.

However, within the ten (10) days, FEA may assign additional product to the supplier to increase the supplier's reported allocation fraction, may reassign some or all of the allocation requirements of any purchaser affected by a curtailment action to other suppliers, reduce the allocation requirements of purchasers which have been assigned, adjusted or have increased current requirements by reason of a curtailment action taken pursuant to or specified in § 211.12(h).

In addition during the ten (10) day period, FEA may specify that the allocation requirements of purchasers which do not represent an assignment, adjustment, or increased current requirements by reason of a curtailment action pursuant to or specified in § 211.12(h) shall be supplied at an allocation fraction not to exceed 0.8. If product remains available, it shall be distributed pro rata to meet the allocation requirements of purchasers which represent an assignment, adjustment or increased current requirements pursuant to or by reason of an action specified in § 211.12(h).

In exercising its authority under § 211.10(f)(3), FEA intends, if necessary, to provide customers who are not able to use allocated products with a higher priority treatment than purchasers curtailed from using non-allocated products by requiring the curtailed purchasers to bear a larger share of any supply shortages than the traditional customer whenever allocation fractions fall below 0.8. However, in these instances, the provisions of § 211.10(f)(3) allow FEA to choose the most appropriate action from a wide range of remedial actions so that the needs of the traditional customers may be balanced against the needs of the curtailed purchasers in the most equitable manner.

Adjustments and Assignments for Electric Utilities

It is anticipated that most electric utilities which are curtailed will utilize either residual fuel oil or middle distillate to provide an alternative energy source. Section 211.166(d) already specifies that curtailments will be considered in allocating residual fuel oil to utilities pursuant to § 211.166(d). In the case of middle distillate, curtailment is one factor to be considered by FEA is granting adjustments to electric utilities under § 211.125. Therefore, the provisions of § 211.12(h) will not be utilized to assign or adjust electric utilities except in unusual cases where propane or butane is the allocated product. Because of shortages and other priority needs for propane and butane, FEA will make adjustments and assignments of propane and butane to electric utilities and other users under § 211.12(h) only in extraordinary circumstances.

ADJUSTMENTS FOR PURCHASERS ENTITLED TO CURRENT REQUIREMENTS NOT SUBJECT TO AN ALLOCATION FRACTION

The amendment sets forth the procedure for adjustments and assignments in § 211.12(h) (2) and (3), respectively. In the case of purchasers which are entitled to one hundred percent of current requirements whether or not subject to an allocation fraction, no base period volume will be established by FEA in making assignments under § 211.12(h) since, of course, such purchasers are not supplied on the basis of base period use but rather of current requirements. However, the assignment will indicate the appropriate level of such current requirements to provide a basis for subsequent adjustments under § 211.13. With respect to their increased current requirements by reason of an action specified in § 211.12(h), all purchasers under an allocation level of one hundred percent of current requirements subject to an allocation fraction are subject to § 211.10(f)(3) and the "take-or-pay" provisions of § 211.12(h).

CURTAILMENT NOT UNDER A PLAN FILED IN COMPLIANCE WITH A RULE OR ORDER OF A FEDERAL OR STATE AGENCY

A number of comments noted that not all curtailments of non-allocable sources of energy occur as the result of plans filed in compliance with a rule or order of a Federal or State agency. The amendment does not expand the applicability of § 211.12(h), because FEA believes § 211.12 (e) and (f) and the exception procedures of Subpart D of Part 205 afford wholesale purchaser-consumers and end-users adequate means of relief in such circumstances.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

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

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 211.10 is amended in paragraph (f) by adding a subparagraph (3) to read as follows:

§ 211.10 Supplier's method of allocation.

* * * * *

(f) *Allocation fractions less than one.*

* * * * *

(3) *Suppliers of purchasers affected by government mandated energy curtailments.* Any supplier which has an allocation fraction less than 0.8 for a period which corresponds to a base period and which has purchasers assigned to it pursuant to § 211.12(h) or which has purchasers which have received adjustments to base period use pursuant to § 211.12 (h) or which has purchasers entitled to an allocation level of one hundred (100) percent of current requirements subject to an allocation fraction which have increased current requirements by reason of a curtailment action specified in § 211.12(h) shall allocate its product as follows:

(i) The supplier shall report to the FEA National office and the appropriate FEA regional office (A) its allocation fraction, (B) the allocation requirements of the purchasers which have been assigned to it pursuant to § 211.12(h) and which are subject to an allocation fraction, and the portions of the allocation requirements of its purchasers which result from adjustments to base period uses received pursuant to § 211.12(h) and current requirements increased by reason of a curtailment action specified in § 211.12(h) and which are subject to an allocation fraction, and (C) the amount of product which would remain available if the supplier applied an allocation fraction of 0.8 to all the allocation requirements of its purchasers except those allocation requirements described in clause (B) above. The report shall be submitted in writing to the FEA National office, with a copy to the appropriate Regional offices, at the same time that supplier reports to FEA pursuant to § 211.222(b), or if the supplier is not required to report to FEA pursuant to § 211.222(b), the report shall be filed with the FEA National office and with the appropriate Regional FEA office within five (5) days of the supplier's determination that its allocation fraction will be less than 0.8. The report must be clearly labeled "Curtailed Product Report" both on the document and on the outside of the envelope in which the document is transmitted. The FEA shall provide written notice to each supplier of the exact time of receipt of the report.

(ii) Within ten (10) days of actual receipt of any report made pursuant to this paragraph, the National FEA or the appropriate Regional FEA may:

(A) Assign other suppliers to the reporting supplier;

(B) Reassign some or all of the supplier's purchasers affected by a curtailment action to other suppliers;

(C) Reassign a portion or all of the base period use or increased current requirements of any purchaser affected by a curtailment action to other suppliers;

(D) Adjust downward the portion of any purchaser's base period use which represents an assignment or adjustment of base period use pursuant to § 211.12 (h) or any purchaser's current requirements increased by reason of a curtailment action specified in § 211.12(h);

(E) Require the supplier to allocate its allocable supply by applying a fraction no greater than 0.8 to all the allocation requirements of its purchasers which are subject to an allocation fraction other than the allocation requirements of the purchasers which have been assigned pursuant to § 211.12(h) and the portions of the allocation requirements of its purchasers which result from adjustments to base period uses received pursuant to § 211.12(h) and current requirements increased by reason of a curtailment action specified in § 211.12(h); and by then distributing the remainder of the supplier's allocable supply on a pro rata basis among the allocation requirements of its purchasers which result from assignments and adjustments pursuant to or current requirements increased by reason of a curtailment action specified in § 211.12(h); or

(F) Require the supplier to adjust its inventory to increase its allocable supply.

(iii) During the ten (10) days following FEA's actual receipt of any report submitted pursuant to this paragraph, if a supplier starts to distribute its allocable supply for the period which corresponds to a base period in which its allocation fraction is less than 0.8, the supplier shall allocate product applying its reported allocation fraction only to the allocation requirements of its purchasers which are subject to an allocation fraction other than the allocation requirements of the purchasers which have been assigned to the supplier pursuant to § 211.12(h) and the portions of the allocation requirements of its purchasers which result from adjustments to base period uses received pursuant to § 211.12(h) and current requirements increased by reason of a curtailment action specified in § 211.12(h).

(iv) Unless notified to the contrary by FEA within ten (10) days of actual receipt by FEA of the supplier's report, any supplier which reports pursuant to this paragraph shall allocate its total allocable supply to all its purchasers at its reported allocation fraction.

* * * * *

2. Section 211.12 is amended in paragraph (h) to read as follows:

§ 211.12 Purchaser's allocation entitlement.

* * * * *

(h) *Curtailment of certain energy sources pursuant to Federal or State rule or order.* (1) Any end-user or wholesale purchaser-consumer which has been denied access or advised that it may be denied access to a source of energy other than an allocated product as a consequence of curtailment under a plan filed in compliance with a rule or order of a Federal or State agency, or which is or may be unable to obtain such fuel by reason of an abandonment of service permitted or ordered by a Federal or State agency, may apply to the FEA in accordance with this paragraph for adjustment of base period use or for assignment of a supplier and a base period use if such purchaser does not have a base period supplier of an allocated product; *Provided,* That no utility shall receive an assignment of a supplier or adjustment of its base period use for middle distillate or residual fuel oil pursuant to this paragraph.

(2) Applications under this paragraph by wholesale purchaser-consumers which have base period suppliers shall be made in accordance with Subpart B of Part 205 of this chapter. Applications under

this paragraph by end-users which have base period suppliers shall be made to the appropriate Regional FEA Office. Wholesale purchaser-consumers and end-users shall submit their applications for adjustments to their base period use under this paragraph to their suppliers prior to submission to FEA. The supplier shall certify information with respect to the application in accordance with forms and instructions issued by FEA and submit the application together with its certification to FEA not later than ten (10) days following receipt of the application from the wholesale purchaser-consumer or end-user.

(3) Notwithstanding the provisions of paragraph (e) of this section, applications under this paragraph by wholesale purchaser-consumers which do not have base period suppliers shall be made in accordance with Subpart C of Part 205 of this chapter. Notwithstanding the provisions of paragraph (f) of this section, applications under this paragraph by end-users which do not have base period suppliers shall be made to the appropriate Regional FEA Office.

(4) Applications under this paragraph shall be in accordance with forms and instructions issued by FEA or § 205.24(b) or § 205.34(b) if appropriate, and shall include documented evidence that the applicant's source of energy has been or may be curtailed, or has or may become unobtainable as a consequence of a rule or order of a Federal or State agency. FEA shall only make adjustments and assignments pursuant to this paragraph when there are compelling situations requiring relief. Such adjustments shall be based upon applications which are fully supported by detailed facts, figures and other relevant documentation whenever possible.

(5) Wholesale purchaser-consumers and end-users which have received an assignment or adjustment pursuant to this paragraph or which have increased current requirements (whether or not subject to an allocation fraction) by reason of a curtailment or abandonment of service specified in this section shall notify their suppliers whether they will lift all or part of their base period use or current requirements for a period corresponding to a base period. Such notification shall be made at least twenty (20) days prior to the beginning of each such period. Suppliers shall exclude from their supply obligation that portion of a purchaser's base period use or current requirements which the purchaser indicates it will not lift. Suppliers may require that wholesale purchaser-consumers and end-users enter into an agreement requiring the purchaser to pay for no more than three (3) percent of any portion of the purchaser's allocation entitlement which the purchaser declares it will lift but which the purchaser subsequently fails to lift during a period corresponding to a base period. Such an agreement shall be entered into only after the purchaser declares the portion of its base period use or increased current requirements it will lift and prior to the commencement of the period corresponding to a base period for which the allocation entitlement relates.

(6) A supplier (i) which has purchasers assigned to it pursuant to this paragraph, which has purchasers which have received adjustments to base period use pursuant to this paragraph or which has purchasers entitled to an allocation level of one hundred (100) percent of current requirements subject to an allocation fraction which have increased current requirements by reason of a curtailment action specified in this § 211.12 (h) and (ii) which has an allocation fraction less than 0.8 shall allocate its product pursuant to § 211.10(f)(3) of this part.

[FR Doc.74-27949 Filed 11-27-74;8:45 am]

Title 12—Banks and Banking

[No. 74-1200]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Federal Associations With Home Offices in Puerto Rico

NOVEMBER 22, 1974.

The following summary of amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. Regulations prior to present amendments:

A. Marketable certificates issued by Federal associations in Puerto Rico or elsewhere must have a face amount of at least $100,000.

B. Non-marketable certificates of less than $100,000 may be issued by Federal associations in Puerto Rico or elsewhere if the term to maturity of the certificates is at least 90 days.

C. Both marketable and non-marketable certificates issued by a Federal association whose home office is located in Puerto Rico are excepted from rate ceiling (up to 15 percent of savings accounts but not more than 10 percent of savings accounts with original maturities of less than 2 years) if (1) the face amount of the certificates is at least $50,000 and (2) the term to maturity of the certificates is at least 30 days.

II. Amended regulations:

A. Marketable certificates.

Reduce from $100,000 to $50,000 the minimum face amount if issued by a Federal association whose home office is located in Puerto Rico.

B. Non-marketable certificates.

Reduce from 90 days to 30 days the minimum time to maturity if issued by a Federal association whose home office is located in Puerto Rico.

III. Reason for Changing the Regulations.

Put Federal associations whose home ofices are located in Puerto Rico and commercial banks which are located in Puerto Rico on a parity as to marketable and non-marketable certificates having face amounts of $50,000 or more.

Commercial banks located in Puerto Rico are permitted to issue certificates of deposit having a face amount of $50,000 or more without restriction as to the maximum rate of return on such certificates. The principal purpose of this resolution is to establish parity in Puerto Rico between commercial banks and Federal savings and loan associations as to issuing certificate accounts having face amounts of $50,000 or more and less than $100,000. Such parity already exists as to certificate accounts of $100,000 or more.

Section 526.5-1 of the regulations for the Federal Home Loan Bank System (12 CFR 526.5-1) creates an exception (up to 15 percent of savings accounts but not more than 10 percent of savings accounts with original maturities of less than 2 years) from rate control for certificate accounts of $100,000 or more having a maturity of at least 30 days. Also this section provides that the $100,000 amount is reduced to $50,000 as to certificate accounts issued by members whose home offices are located in Puerto Rico.

Prior to the present amendments, § 545.1-5(d)(1) (relating to marketable certificates) of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.1-5(d)(1)) provided that a marketable certificate must have a face amount of at least $100,000. There was no geographic exception similar to the rate ceiling exception in the above mentioned § 526.5-1 as to Federal associations whose home offices are located in Puerto Rico. The present amendments add such a geographic exception in § 545.1-5(d)(1) and thereby authorize such Federal associations to issue marketable certificates of less than $100,000 but not less than $50,000.

Prior to the present amendments, the substance of the general rule stated in §§ 545.1-4(c)(3) (relating to savings deposits for fixed periods of time and bearing fixed rates of interest) and 545.3-1(b)(3) (relating to variable rate certificate accounts) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1-4(c)(3), 545.3-1(b)(3)) was that an account issued pursuant to either of these sections must have a maturity or be maintained for a period of at least 90 days, except that the 90-day time requirement is reduced to 30 days as to such an account of $100,000 or more. There was no geographic exception similar to the rate ceiling exception in the above mentioned § 526.5-1 as to Federal associations whose home offices are located in Puerto Rico. The present amendments add such a geographic exception in §§ 545.1-4(c)(3) and 545.3-1(b)(3) and thereby reduce from 90 to 30 days the minimum time to maturity if issued by a Federal association whose home office is located in Puerto Rico.

The Board hereby amends §§ 545.1-4(c)(3), 545.1-5(d)(1) and 545.3-1(b)(3) of the rules and regulations for the Federal Savings and Loan System to read as

set forth below. Since these amendments relieve restriction, the Board hereby finds that notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board also finds, for the same reason, that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments is unnecessary; and the Board hereby provides that said amendments shall become effective November 29, 1974.

In § 545.1–4 paragraph (c)(3)(i) is revised to read as follows:

§ 545.1–4 Other savings deposits.

* * * * *

(c) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

* * * * *

(3)(i) Accept any fixed-term savings deposit of less than $100,000 ($50,000, if the association's home office is located in Puerto Rico) for a term of less than 90 days or more than 10 years; or (ii) Accept any fixed-term savings deposit of $100,000 ($50,000, if the association's home office is located in Puerto Rico) or more for a term of less than 30 days or more than 10 years. (iii) Any savings deposit issued pursuant to this section may provide for renewal, at the option of the association, for successive periods not exceeding 10 years for each renewal.

* * * * *

In § 545.1–5 paragraph (d)(1) is revised to read as follows:

§ 545.1–5 Marketable certificates of deposit.

* * * * *

(d) Limitations. In exercising authority under this section, a Federal association shall not issue any certificate:

(1) with a face amount (inclusive of discount, whether or not arrived at in whole or part by add-on calculation) of less than $100,000, except that such dollar amount is $50,000 as to a certificate issued by a Federal association whose home office is located in Puerto Rico;

* * * * *

In § 545.3–1 paragraph (b)(3) is revised to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

* * * * *

(b) Eligibility requirements. * * *

(3) Accounts evidenced by certificates. (i) A savings accounts of less than $100,000 ($50,000, if the association's home office is located in Puerto Rico) which is evidenced by a certificate meeting the requirements of paragraph (c) of this section may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter, if such account is maintained at not less than the minimum amount required by such Part for such rate of return, and for such continuous period of not less than 90 days, nor more than 10 years, commencing on the date of such certificate, as the association may determine. (ii) A savings account of $100,000 ($50,000, if the association's home office is located in Puerto Rico) or more which is evidenced by a certificate meeting the requirements of paragraph (c) of this section may receive earnings at a higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter, if such account is maintained at not less than such minimum amount, for such continuous period of not less than 30 days, nor more than 10 years, commencing on the date of such certificate, as the association may determine. (iii) Any savings account issued pursuant to this section may be evidenced by more than one certificate.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.
Assistant Secretary.

[FR Doc.74–27934 Filed 11–27–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–SO–111; Amdt. 39–2027]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Model G–1159 Airplanes

There have been malfunctions of the Flight Power Shut-off System on a Grumman American Model G–1159 airplane that could result in loss of hydraulic power to the flight control actuators. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to prevent the actuation of the Flight Power Shut-off handle in flight until Grumman American Aircraft Service Change No. 186 has been incorporated.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (37 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to Grumman American G–1159 airplanes certificated in all categories

Compliance required immediately after the effective date of this AD.

To preclude the actuation of the Flight Power Shut-off valve in flight, accomplish the following:

Make and install a placard reading "DO NOT PULL IN FLIGHT" on the Flight Power Shut-off handle. Upon compliance with Grumman American Aircraft Service Change No. 186, remove this placard.

This amendment becomes effective immediately.

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

Issued in East Point, Georgia on November 19, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74–27796 Filed 11–27–74;8:45 am]

[Airworthiness Docket No. 74–WE–40–AD; Amdt. 39–2029]

PART 39—AIRWORTHINESS DIRECTIVES

Ted Smith Aerostar Models 600/601/601P Airplanes

It has been determined that in Aerostar Models 600, 601 or 601P Airplanes modified by either STC SA2367WE or SA2336WE (or originally equipped with 70 amp alternators), the failure of an alternator is not accompanied by a positive indication of such failure. As a result, when electrical loads exceed the generating capacity of a single alternator, electrically powered attitude and directional gyros may fail due to the diminishing bus voltage which accompanies depletion of the aircraft battery. 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 a limitation during IFR conditions not to exceed a maximum electrical load of 55 amperes.

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

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

TED R. SMITH & ASSOCIATES, INC. Applies to Aerostar Models 600/601/601P airplanes certificated in all categories with electrical attitude and directional gyros and 70 amp alternators installed either by the manufacturer or by incorporating STC SA2336WE or STC SA2367WE, as provided below.

Compliance required within the next 30 days after the effective date of this AD, unless already accomplished.

To prevent the possible overloading of the remaining alternator system after failure of either one of the dual alternator systems, accomplish the following:

(1) Amend, in pertinent part, the Electrical System Load Limitations Section of the

FAA-approved Airplane Flight Manual for those airplanes affected, as follows:

ELECTRICAL SYSTEM LOAD LIMITATIONS

Aircraft with electrical attitude and directional gyros installed and equipped with 70 amp alternators: Do not exceed 55 amps continuous electrical load during IFR conditions.

NOTE. To determine actual alternator load, total the left and right amp readings. Do not read main position for actual alternator load."

(2) Install a placard in the cockpit, and add to the placard list in the AFM Limitations Section which provides: "Do not exceed 55 amps continuous electrical load during IFR conditions."

(3) This airworthiness directive must remain with the Airplane Flight Manual until replaced by an FAA-approved AFM revision issued by Ted R. Smith & Associates, Inc. providing the limitations of this A.D.

(4) The limitations described in (1), above, and placard installed per (2), above, may be removed upon the installation of an alternate electrical warning system approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective December 4, 1974.

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

Issued in Los Angeles, California on November 20, 1974.

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

[FR Doc.74-27797 Filed 11-27-74;8:45 am]

[Docket No. 74-CE-22-AD; Amdt. 39-2028]

PART 39—AIRWORTHINESS DIRECTIVES

United Instruments, Inc. Altimeters

There have been reports that some altimeters manufactured by United Instruments, Inc., Wichita, Kansas, and installed on various aircraft have experienced loosening of the plastic film bearings (teflon tape) which are bonded to the altimeter's mechanism to separate two moving metal assemblies. This loosening may allow the tape to fall into the altimeter's gear mechanism causing the altimeter to jam. A jammed altimeter results in an unsafe condition wherein the pilot is unable to determine his altitude above the terrain. This is most critical during night and IFR conditions. While it has been established that some cleaning fluids will loosen these teflon tapes, reports indicate that loose tapes also have been found on altimeters that were not subjected to cleaning fluids. Since this condition is likely to exist or develop in other altimeters of the same type design, an Airworthiness Directive (AD) is being issued requiring a one-time check to determine if affected altimeters are installed in the aircraft and, if so, the installation of a placard restricting aircraft operations to day VFR flight only. The AD will further require, prior to December 1, 1976, replacement of the affected altimeter with an airworthy unit from outside the applicable serial numbers, other approved replacement part, or a modified altimeter in accordance with United Instruments, Inc., Service Bulletin No. 1, dated September 19, 1974, or subsequent revisions.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

UNITED INSTRUMENTS, INC. Applies to P/N 5932( ) (Serial Numbers 47851 thru 69000) and P/N 5934( ) (Serial Numbers 70,000 thru 102,000, A1 thru A9999, B1 thru B9999, and C1 thru C2860) altimeters installed on various aircraft, such as Piper, Beech, Cessna, Bell, Aero Commander, Schweizer, Enstrom, Helio, American Aviation, Bellanca, et al.

NOTE 1: United Instruments P/N 5932( ) altimeters may be additionally identified as TKK Model LA 4 TSO C-10b. United Instrument P/N 5934( ) altimeters may be additionally identified as TKK Model LA 7 TSO C-10b.

NOTE 2: These altimeters may also be identified by various aircraft manufacturer's part numbers. Some but not all are:

Beech P/N 50-380094-( ), 50-384119-( ), 58-380011-( ), 58-380012-( ), 58-380041-( ), 100-324056-( ), 169-380073-( )

Cessna P/N C661011-( ), C661071-( ), C661025-( ), C661014-( )

Piper P/N 99009-( ), 450-611-( ), 450-694-( ), PS50008-( )-( ), 550-488-( ), 550-489-( ), 550-490-( ), 550-491-( ), 550-492-( ), 550-493-( ), 322-81-03, 322-81-04

Bell P/N 206-070-263-( ), 47-711-303-( )

Compliance: Required as indicated, unless already accomplished.

To prevent being deprived of altimeter readings during certain aircraft operating conditions, accomplish the following:

(A) Within the next 10 hours' time in service after the effective date of this AD, check each altimeter installed in all aircraft or check the aircraft's permanent maintenance record to determine if the altimeter falls within the Part Number and Serial Number designations set forth in the applicability statement. The owner/operator of the aircraft may make these checks.

(B) If, as a result of the determinations required by Paragraph A, an altimeter falls within the Part Number and Serial Number designations in the applicability statement, prior to further flight, either comply with Paragraph C or install a placard on the instrument panel in clear view of the pilot which states:

"Aircraft Approved For Day VFR Flight Only"

and operate the aircraft in accordance with this limitation.

(C) On or before November 30, 1976, on any altimeter which falls within the Part Number and Serial Number designations set forth in the applicability statement, either replace the altimeter with an approved replacement part, or altimeter from outside the applicable Serial Numbers, or modify the existing altimeter in accordance with the United Instruments, Inc., Service Bulletin No. 1, dated September 19, 1974, or subsequent approved revisions. A modified altimeter will be identified by a ¼-inch white dot painted alongside the nameplate on the back of the case. Upon compliance with this paragraph, the requirements of Paragraph B are no longer applicable.

(D) Any alternate means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(E) Compliance with Paragraph B of this AD is not required if the aircraft has two sensitive altimeters installed. In the event of failure of one of the altimeters, where both altimeters are noted in the applicability statement, compliance with Paragraph B and/or C is required.

This amendment becomes effective December 5, 1974.

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

Issued in Kansas City, Missouri, on November 19, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-27798 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-CE-32]

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

Alteration of Transition Area and Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Davenport, Iowa, control zone and the Moline, Illinois, transition area.

The names of the Davenport non-directional beacon (NDB) and the Cordova VORTAC, located in the vicinity of the Davenport, Iowa, Airport are being changed. The Davenport NDB will be renamed Cody and the Cordova VORTAC will be renamed Davenport. Accordingly, alterations of the Davenport, Iowa, control zone and Moline, Illinois, transition area descriptions are necessary to reflect these name changes.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 30, 1975, as hereinafter set forth:

(1) In § 71.171 (39 FR 354), the following control zone is amended to read:

DAVENPORT, IOWA

Within a 5-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20"W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 5-mile radius zone to 6½ miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 5-mile radius zone to 1 mile southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (39 FR 440), the following transition area is amended to read:

MOLINE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from 1 mile east to 18½ miles west of the OM; within a 6½ mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 6½ mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 6½ mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°55'00" N., on the southeast by the Illinois-Iowa boundary, and on the west by longitude 91°00'00" W.

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

Issued in Kansas City, Missouri, on November 19, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-27808 Filed 11-27-74;8:46 am]

[Airspace Docket No. 74-GL-42]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the South Bend, Indiana, control zone and transition area.

The St. Joseph County Airport, South Bend, Indiana, has been renamed Michiana Regional Airport. Therefore, it is necessary to alter the South Bend control zone and transition area which presently refer to the airport as St. Joseph County Airport to reflect the airport change of name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

(1) In § 71.171 (39 FR 354), the South Bend, Indiana, control zone is altered by deleting "St. Joseph County Airport" in the text and substituting therefor "Michiana Regional Airport".

(2) In § 71.181 (39 FR 440), the South Bend, Indiana, transition area is altered by deleting "St. Joseph County Airport" in the text and substituting therefor "Michiana Regional Airport".

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

Issued at Des Plaines, Illinois, on November 6, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.74-27807 Filed 11-27-74;8:46 am]

[Airspace Docket No. 74-WA-37]

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

Change of VORTAC Name

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the name of the Cordova, Ill., VORTAC to Davenport, Iowa, VORTAC wherever it appears in §§ 71.123 and 71.203.

On May 1, 1969, the Cordova VOR was moved from a location in Ill., near the town of Cordova at Lat. 41°43'35.1" N., Long. 90°16'24.6" W., to a location in Iowa, less than 7 miles NE of the NE/SW runway of the Davenport Municipal Airport at Lat. 41°42'30.0" N., Long. 90°28'59.8" W. Because a nondirectional radio beacon (NDB) SW of the airport was named Davenport it was decided at that time to retain the name Cordova for the VOR. On January 30, 1975, the Davenport NDB will be renamed Cody NDB, which will permit the name Davenport to be used for the VORTAC.

Since this action simply changes the name of the Cordova VORTAC to the Davenport VORTAC with no alteration to any route structure or airspace dimension, it is a minor matter upon which the public is not particularly interested, so notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

1. Section 71.123 (39 FR 307, 6606, 38637, 38 FR 32128, 33393) is amended as follows:

a. In V-6 "Cordova, Ill.; INT Cordova 087° and DuPage, Ill., 255° radials;" is deleted and "Davenport, Iowa,; INT Davenport 087° and DuPage, Ill., 255° radials;" is substituted therefor.

b. In V-8 "Cordova, Ill.; INT Cordova 087° and Joliet, Ill., 291° radials;" is deleted and "Davenport, Iowa,; INT Davenport 087° and Joliet, Ill., 291° radials;" is substituted therefor.

c. In V-63 "Cordova, Ill.;" is deleted and "Davenport, Iowa, ;" is substituted therefor.

d. In V-129 "Cordova, Ill.;" is deleted and "Davenport, Iowa,;" is substituted therefor.

e. In V-294 "Cordova, Ill." is deleted and "to Davenport, Iowa." is substituted therefor.

2. Section 71.203 (39 FR 620) is amended as follows:

"Cordova, Ill." is deleted and "Davenport, Iowa" is substituted therefor.

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

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

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

[FR Doc.74-27810 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-SW-42]

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

Designation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the West Memphis, Ark., control zone.

On October 11, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 36595) stating the Federal Aviation Administration proposed to designate a control zone at West Memphis, Ark.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

WEST MEMPHIS, ARK.

Within a 5-mile radius of the Municipal Airport, West Memphis, Ark. (latitude 35°08'24" N, longitude 90°14'00" W); within 3 miles each side of the 351° bearing from the West Memphis RBN (latitude 35°08'20" N, longitude 90°14'02" W), extending from the 5-mile radius zone to 8 miles north of the RBN; and within 3 miles each side of the 186° bearing from the West Memphis RBN, extending from the 5-mile radius zone to 8 miles south of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Fort Worth, Tex., on November 19, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-27811 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-28]

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

Alteration of Transition Area and Revocation of Transition Area

On Pages 34299 and 34300 of the FEDERAL REGISTER dated September 24, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at

Janesville, Wisconsin and revoke the transition area at Rockton, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

Sec. 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348], and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1955(c)].

Issued in Des Plaines, Illinois on November 8, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

1. In § 71.181 (39 FR 440), the following transition area is amended to read:

JANESVILLE, WISCONSIN

That airspace extending upward from 700 feet above the surface within a ten-mile radius of the Rock County Airport, Janesville, Wisconsin (Latitude 42°37'12'' N., Longitude 89°02'28'' W.), within a six-mile radius of the Beloit, Wisconsin Airport (Latitude 42°29'51'' N., Longitude 88°58'05'' W.), and within a five-mile radius of the Wagon Wheel Airport, Rockton, Illinois (Latitude 42°26'15'' N., Longitude 89°04'21'' W.).

2. In § 71.181 (39 FR 440) the following transition area is deleted: Rockton, Illinois.

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

[FR Doc.74-27809 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-31]

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

Alteration of Transition Area

On 34299 of the FEDERAL REGISTER dated September 24, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Baraboo, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

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

Issued in Des Plaines, Illinois on November 8, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

BARABOO, WISCONSIN

That airspace extending upward from 700 feet above the surface within an eleven-mile radius of Baraboo-Wisconsin Dells Airport (Latitude 43°31'30'' N., Longitude 89°46'15'' W.) and within an eleven-mile radius of the Reedsburg Airport (Latitude 43°31'44'' N., Longitude 89°59'06'' W.).

[FR Doc.74-27802 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-33]

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

Alteration of Transition Area

On Page 35386 of the FEDERAL REGISTER dated October 1, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Warsaw, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

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

Issued in Des Plaines, Illinois on November 11, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

WARSAW, INDIANA

That airspace extending upward from 700 feet above the surface within a seven-mile radius of the Warsaw Municipal Airport (Longitude 41°16''45' N., Latitude 85°50''45' W.), excluding the airspace which overlies the Nappanee, Indiana, transition area.

[FR Doc.74-27801 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-35]

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

Alteration of Transition Area

On Pages 35385 and 35386 of the FEDERAL REGISTER dated October 1, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Marion, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective January 30, 1975.

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

Issued in Des Plaines, Illinois, on November 8, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

MARION, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Marion Municipal Airport (Latitude 40° 36' 58'' N., Longitude 83° 03' 51'' W.); within three miles each side of the 067° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles northeast of the airport; and within three miles each side of the 327° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles northwest of the airport.

[FR Doc.74-27800 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-36]

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

Designation of Transition Area

On Page 35385 of the FEDERAL REGISTER dated October 1, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Sparta, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

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

Issued in Des Plaines, Illinois on November 8, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

SPARTA, MICHIGAN

That airspace extending upward from 700 feet above the surface within a seven-mile radius of the Sparta Airport (Latitude 43°07'45" N., Longitude 85°40'30" W.); excluding that airspace which overlies the Muskegon, Michigan transition area.

[FR Doc.74-27799 Filed 11-27-74;8:46 am]

[Airspace Docket No. 74-GL-27]

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

Designation of Transition Area

On Page 33010 of the FEDERAL REGISTER dated September 13, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at the Jasper County Airport, Rensselaer, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

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

Issued in Des Plaines, Illinois, on November 4, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

RENSSELAER, INDIANA

That airspace extending upward from 700 feet above the surface within a five-mile radius of Jasper County Airport (Latitude 40°56'30" N., Longitude 87°11'00" W.) and within three miles each side of the 007° bearing from the airport extending from the five-mile radius area to eight miles north of the airport.

[FR Doc.74-27803 Filed 11-27-74;8:46 am]

[Airspace Docket No. 74-WA-22]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes, Jet Route and Controlled Airspace

On September 26, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 34567) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign J-833R, designate J-831R, extend J-150 and its controlled airspace, and add a waypoint to J-808R/J-809R.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was a favorable one from the Air Transport Association of America.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

1. In § 71.161 (39 FR 345) Jet Route No. 150 is amended to read as follows:

"Jet Route No. 150 From Robbinsville, N.J., via Hampton, N.Y.; Hyannis, Mass.; to the INT of Hyannis 068° and Boston, Mass., 097° radials."

2. In § 75.100 (39 FR 699) Jet Route No. 150 is amended to read as follows:

"Jet Route No. 150 From Robbinsville, N.J., via Hampton, N.Y.; Hyannis, Mass.; to the INT Hyannis 068° and Boston, Mass., 097° radials."

3. Section 75.400 (39 FR 718, 38 FR 24204) is amended as follows:

a. In J808R and J809R, waypoint "PATTY 40°50'10" N., 71°58'04" W., Putnam, Conn." is added between waypoint SARDI and waypoint MARYS.

b. J833R is amended to read as follows: J833R Bangor, Maine, to New York, N.Y. Bangor, Maine 44°50'30" N., 68°52'28" W., Bangor, Maine, GORDI 43°55'19" N., 69°-29'54" W., Kennebunk, Maine, DOMIE 41°-39'12" N., 70°57'00" W., Putnam, Conn., PATTY 40°50'10" N., 71°58'04" W., Putnam, Conn., SARDI 40°31'19" N., 72°47'56" W., Kennedy, N.Y.

c. J831R would be added to read as follows: J831R New York, N.Y., to CODDS, PATTY 40°50'10" N., 71°58'04" W., Putnam, Conn., Nantucket, Mass., 41°16'54" N., 70°01'38" W., Nantucket, Mass., CODDS 41°16'38" N., 68°-00'00" W., Nantucket, Mass.

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

Issued in Washington, D.C., on November 21, 1974.

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

[FR Doc.74-27813 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-WA-33]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change of Area High Route Waypoints

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to redefine the geographic descriptions of five waypoints to coincide with reporting points of the same name.

A review of airspace designations has disclosed that there are a few locations where waypoints are designated in close proximity to reporting points having the same name. These dual locations are not compatible in the program to computerize air traffic control of the airways, and they may lead to pilot confusion. To eliminate this problem, it has been determined that those waypoints should be relocated to coincide with the reporting points of the same name. As the greatest distance separating these dual locations is less than two miles, and no airspace designation is involved, relocation of those waypoints is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective January 30, 1975.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

Section 75.400 (39 FR 718, 38 FR 24204) is amended as follows:

1. In J993R and J995R:

a. "AZANA 32°23'00" N. 78°15'00" W." is deleted and "AZANA 32°23'32" N. 78°14'57" W." is substituted therefor.

b. "GAUGE 30°24'00"N. 78°34'00" W." is deleted and "GAUGE 30°25'29" N. 78°33'57" W." is substituted therefor.

2. In J995R "HALBI 26°41'00" N. 79°07'00" W." is deleted and "HALBI 26°41'00" N. 79°08'05" W." is substituted therefor.

3. In J944R and J960R "PERCH 33°51'30" N. 119°10'03" W." is deleted and "PERCH 33°52'03" N. 119°09'24" W." is substituted therefor.

4. In J947R and J963R "GATES 34°13'00" N. 123°03'00" W." is deleted and "GATES

34°12'53" N. 123°03'27" W." is substituted therefor.

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

Issued in Washington, D.C., on November 21, 1974.

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

[FR Doc.74-27812 Filed 11-27-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER VI—WATER RESOURCES COUNCIL

NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Implementation Provisions

On September 26, 1974, there was published in the FEDERAL REGISTER (39 FR 188) a notice of proposed rulemaking with a proposed amendment to Chapter VI, Title 18, Code of Federal Regulations consisting of the addition of § 701.78(a)(13) to Part 701, the replacement of present § 703.5(n) of Part 703 with a new § 703.5(n), the deletion of § 703.12, and the addition of Part 705.

The purpose of the new Part 705 is to implement the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1, to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Water Resources Council.

The purpose of the addition of § 701.78 (a)(13), the replacement of present § 703.5(n) with the new § 703.5(n) and the deletion of § 703.12, is to coordinate and implement other relevant rules and regulations of the Water Resources Council so as to facilitate the purposes of Part 705.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: These Civil Rights regulations are effective November 29, 1974.

Approved November 20, 1974.

WARREN D. FAIRCHILD,
Director, U.S. Water Resources Council.

By the Attorney General of the United States.

WILLIAM SAXBE,
Attorney General.

PART 701—COUNCIL ORGANIZATION

1. Section 701.78(a)(13) is added to read as follows.

§ 701.78 Executive Director—delegation of authorities.

(a) * * *

(13) Serve as the "responsible agency official" under Part 705 of these rules and regulations.

* * * * *

PART 703—GRANTS TO STATES FOR COMPREHENSIVE WATER AND RELATED LAND RESOURCES PLANNING

2. In § 703.5 paragraph (n) is revised to read as follows:

§ 703.5 Contents of applications.

* * * * *

(n) Civil rights assurance: Provide assurance that the planning will be conducted in compliance with the provisions of Part 705 of these rules and regulations.

* * * * *

3 Part 705 is added to read as follows:

PART 705—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.

705.1 Purpose.
705.2 Definitions.
705.3 Application of this part.
705.4 Discrimination prohibited.
105.5 Assurances required.
705.6 Compliance information.
705.7 Conduct of investigations.
705.8 Procedure for effecting compliance.
705.9 Hearings.
705.10 Decisions and notices.
705.11 Judicial review.
705.12 Effect on other regulations.

AUTHORITY: Sec. 602 of P.L. 88–352, 78 Stat. 252, (42 U.S.C. 2000 d–1), and Sec. 402 of Pub L. 89–80, 79 Stat. 254, (42 U.S.C. 1962 d–1).

§ 705.1 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Water Resources Council.

§ 705.2 Definitions.

As used in this part—

(a) "Applicant" means one who submits an application, request, or plan required to be approved by the Water Resources Council, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) "Recipient" may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) "Responsible agency official" means the Director of the Water Resources Council or his designee.

§ 705.3 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Water Resources Council. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this part pursuant to an application whether approved before or after such date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) any employment practice except to the extent described in § 705.4(c).

§ 705.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not directly or through contractual or other arrangements, on the grounds of race, color, or national origin—

(i) Deny a person any service, financial aid, or other benefit provided under the program;

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

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of persons to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. When previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) *Employment practices.* (1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of subparagraph (1) of this paragraph shall apply to the employment practice of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) *Location of facilities.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

705.5 Assurance required.

(a) *General.* Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, or personal property or equipment of any kind, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for any other purpose involving the provisions of similar services or benefits. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible agency official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Planning grants to states.* Each designated state agency must submit the assurance specified in § 703.5(n) of these rules and regulations.

(c) *River basin commissions.* Each river basin commission is required to

submit, along with its annual budget request, written assurance of its continuing compliance with § 705.4 of this part.

§ 705.6 Compliance information.

(a) *Cooperation and assistance.* The responsible agency official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible agency official timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible agency official during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this part. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible agency official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 705.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible agency official shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible agency official a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible agency official.

(c) *Investigations.* The responsible agency official will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible agency official will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 705.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible agency official will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purpose of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 705.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible agency official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this part. Such other means include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 705.5 or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this part, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this part. The Water Resources Council shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this part, except that the Council will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until—

(1) The responsible agency official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part.

(3) The action has been approved by the Chairman of the Water Resources Council pursuant to § 705.10(e); and

(4) The expiration of 30 days after the responsible agency official has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with Title VI of the Act by any other means authorized by law shall be taken until—

(1) The responsible agency official has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified or its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 705.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 705.8(c), reasonable notice shall be given by registered or certified

mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible agency official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 705.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Water Resources Council in Washington, D.C., at a time fixed by the responsible agency official unless it determines that the convenience of the applicant or recipient or of the Council requires that another place be selected. Hearings shall be held before the responsible agency official or at its discretion, before a hearing examiner appointed in accordance with Section 3105 of Title 5, U.S.C., or detailed under Section 3344 of Title 5, U.S.C.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Water Resources Council shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with the Administrative Procedure Act (5 U.S.C. 554–557) and with such other regulations that may be necessary or appropriate for the conduct of hearings pursuant to this part.

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

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the responsible agency official may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 705.10.

§ 705.10 Decisions and notices.

(a) Procedure on decisions by hearing examiner. If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible agency official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the responsible agency official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible agency official may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the responsible agency official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice or review the initial decision shall, subject to paragraph (e) constitute the final decision of the responsible agency official.

(b) *Decisions on record or review by the responsible agency official.* Whenever a record is certified to the responsible agency official for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) of this section or whenever the responsible agency official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions and a written copy of the final decision of the responsible agency official shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 705.9, a decision shall be made by the responsible agency official on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the responsible agency official shall set forth his or its ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by the Chairman.* Any final decision by the responsible agency official provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Chairman of the Water Resources Council, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible agency official that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible agency official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible agency official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible agency official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the responsible agency official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record. The applicant or

recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1). While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 705.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 705.12 Effect on other regulations.

(a) Nothing in this part shall be deemed to supersede any other order, regulation, or instruction which prohibits discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The responsible agency official shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The responsible agency official may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 705.10), including the achievement of effective coordination and maximum uniformity within the Water Resources Council and within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the responsible agency official.

[FR Doc.74-27841 Filed 11-27-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969)

Subpart B—Requirements for Entitlement; Duration of Entitlement; Filing of Claims; and Evidence

On July 29, 1974, there was published in the FEDERAL REGISTER (39 FR 27471) a notice of proposed rule making with proposed amendments to Subpart B of Regulations No. 10 which would eliminate the necessity for a dependent survivor of a miner to file an application for black lung benefits on a prescribed form, when the miner's benefit, prior to his death, had been subject to augmentation because of such dependent.

Interested parties were given the opportunity to submit, within 30 days, data, views or arguments with regard to the proposed changes. The time period for submitting comments has elapsed, and no unfavorable comments have been received. Accordingly, the amendments as proposed are hereby adopted as set forth below.

(Sections 411(a), 426(a), and 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended; 83 Stat. 793, as amended, 83 Stat. 798; 83 Stat. 803, 30 U.S.C. 921(a), 936(a), and 957)

Effective date. The amendments shall be effective November 29, 1974.

Dated: November 13, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 25, 1974.

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

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners)

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. In § 410.229, paragraph (b)(3) is revised to read as follows:

§ 410.229 When written statement is considered a claim; general.

* * * * *

(b) *Written statement filed by individual on behalf of another.* A written statement filed by an individual which indicates an intention to claim benefits on behalf of another person shall, unless otherwise indicated thereon, be considered to be the filing of a claim for such purposes: *Provided* That: * * *

(3) Except as specified in § 410.230, a prescribed application form (see § 410.221) is executed and filed in accordance with the provisions of paragraph (a)(1) or (2) of this section.

* * * * *

2. Section 410.230 is revised to read as follows:

§ 410.230 Written statement filed by or for a miner on behalf of a member of his family.

Notwithstanding the provisions of § 410.229, the Social Security Administration will take no action with respect to a written statement filed by or for a miner on behalf of a member of his family until such miner's death. At such time, the provisions of § 410.229 shall apply as if such miner's claim on behalf of a member of his family had been filed on the day of the miner's death. However, for purposes of paying benefits to an otherwise entitled survivor of a miner, such written statement will be considered to be a valid claim for benefits (see §§ 410.210(c) and 410.212(a)(2)) where such member of his family qualified as a dependent for purposes of augmentation of the miner's benefits prior to his death. In such case the member of his family is not required to file a prescribed application form (see § 410.221) with the Social Security Administration (see § 410.229(b)). Nevertheless, the survivor beneficiary may be required to furnish supplemental information within 6 months of notification to do so. If such beneficiary fails to furnish the information requested within 6 months of notice to do so, benefits may be suspended, after notice of such proposed action and opportunity to be heard is provided the beneficiary. A subsequent determination to suspend benefits shall be an initial determination (see § 410.610).

[FR Doc.74-27927 Filed 11-27-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REVISION OF DELEGATIONS OF AUTHORITY TO CERTIFY TRUE COPIES AND USE THE DEPARTMENT SEAL

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to certify true copies and use the Department seal. The amendment includes numerous unit and position title changes made by recent reorganizations.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written ino the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (d) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(d) *Delegations regarding certification of true copies and use of Department seal.* (1) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of

records on file within the Administration, and to cause the seal of the Department to be affixed to such certifications:

(i) Associate and Deputy Associate Commissioners.

(ii) Assistant and Deputy Assistant Commissioners.

(iii) Director of the Executive Secretariat.

(iv) Director and Deputy Director of the Office of Legislative Services.

(v) The FDA Regulations Officer and the Federal Register Liaison Officer and their alternates, and Director, Public Records and Documents Center of the Office of Compliance.

(vi) Directors and Deputy Directors of Bureaus and Executive Director and Deputy Executive Director of Regional Operations.

(vii) Director of the Office of Planning and Evaluation, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of the Bureau of Drugs.

(viii) Associate Director for Management, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Regulatory Guidance; Food Technology; and Food Service of the Bureau of Foods.

(ix) Associate Director and the Director of the Division of Compliance of the Bureau of Biologics.

(x) Director and Deputy Director of the Division of Compliance of the Bureau of Veterinary Medicine.

(xi) Associate Director for Administration of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau.

(xii) Assistant Director for Program Operations and the Director of the Division of Compliance of the Bureau of Medical Devices and Diagnostic Products.

(2) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents.

(i) Associate and Deputy Associate Commissioners.

(ii) The Director of the Division of Personnel Management of the Office of Administration and the Chief of the Career Development and Training Branch of that Division and Office.

(3) The Federal Register Writer and his alternates of the Office of Compliance are authorized to certify true copies of FEDERAL REGISTER documents.

* * * * *

Effective date. This order shall be effective November 29, 1974.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27875 Filed 11-27-74;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REVISION OF DELEGATIONS OF AUTHORITY TO DISCLOSE OFFICIAL RECORDS AND INFORMATION

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to disclose official records and information. The amendment includes numerous unit and position title changes made by recent reorganizations.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (e) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(e) *Delegations regarding disclosure of official records.* (1) The following officials are authorized to make determinations to disclose official records and information in accordance with Part 4 of this chapter.

(i) The Director and Deputy Director of the Bureau of Drugs, and the Associate Director and Deputy Associate Director for Compliance and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of that Bureau.

(ii) The Director and Deputy Director of the Bureau of Foods, and the Associate Director and Deputy Associate Director for Compliance and the Director of the Division of Regulatory Guidance of that Bureau.

(iii) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(iv) The Director and Deputy Director, Bureau of Radiological Health, and the Director of the Division of Electronic Products and the Director of the Division of Compliance of that Bureau.

(v) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(vi) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(2) The Chief of the Drug Listing Branch of the Division of Drug Labeling Compliance of the Bureau of Drugs is authorized to sign affidavits regarding the presence or absence of records of Registration of Drug Establishments.

(3) The Chief of the Records Section of the Administrative Services Branch, Division of Management Services, Office of Administration, is authorized to sign affidavits regarding the presence or absence of records in the files of that section.

* * * * *

Effective date. This order shall be effective November 29, 1974.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27877 Filed 11-27-74;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REVISION OF DELEGATION OF AUTHORITY RELATING TO REGULATIONS FOR ANTIBIOTIC DRUGS FOR HUMAN USE

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to issue, amend, or repeal regulations pertaining to antibiotic drugs for human use. The delegation is revised to reflect a new title for the Assistant Director for Regulatory Affairs.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (s) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(s) *Delegation regarding issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.* The Director and Deputy Director of the Bureau of Drugs and the Assistant Director for Regulatory Affairs are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 507 of the Federal Food, Drug, and Cosmetic Act regarding the

issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

* * * * *

Effective date. This order shall be effective November 29, 1974.

(Sec. 701(a), 52 Stat. 1055; (21 U.S.C. 371 (a)))

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27876 Filed 11-27-74;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REVISION OF DELEGATIONS OF AUTHORITY TO ISSUE REPORTS OF MINOR VIOLATIONS

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to issue written notices or warnings regarding minor violations. The amendment expands the delegation to include two additional bureaus: namely, the Bureau of Medical Devices and Diagnostic Products and the Bureau of Biologics. Additionally, it corrects the titles of officials in others.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (x) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(x) *Delegations regarding issuance of reports of minor violations.* (1) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs under section 306 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of written notices or warnings:

(i) The Director and Deputy Director of the Bureau of Drugs and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(ii) The Director and Deputy Director of the Bureau of Foods and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(iii) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(iv) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(v) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(2) The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings.

* * * * *

Effective date. This order shall be effective November 29, 1974.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27874 Filed 11-27-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

IRRADIATION OF ETHYLENE-VINYL ACETATE COPOLYMERS

Correction

In FR Doc. 74-26868 appearing in the issue of Monday, November 18, 1974 in the fourth line of § 121.2570(d) on page 40493 the word "impact" should read "impart".

Title 25—Indians

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

PART 221—OPERATION AND MAINTENANCE CHARGES

Ahtanum Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 37199 of the FEDERAL REGISTER of October 18, 1974 (39 FR 203), there was published a notice of intention to modify § 221.1 of Part 221, Subchapter T, Chapter I of Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Ahtanum Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Ahtanum Indian Irrigation Project as set forth below.

The modified § 221.1 shall become effective December 30, 1974.

§ 221.1 Charges.

Pursuant to the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385,-387), the operation and maintenance charges on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1975 and subsequent years until further notice, are hereby fixed at $4.00 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

KENNETH W. HADLEY,
Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27816 Filed 11-27-74;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Pine River Indian Irrigation Project, Colorado

NOVEMBER 22, 1974.

On page 29923 of the FEDERAL REGISTER of August 19, 1974, there was published a notice of intention to modify § 221.55 of Title 25, Code of Federal Regulations, dealing with the Annual Per-Acre Assessment against the irrigable lands of the Pine River Indian Irrigation Project by increasing the basic water charges from $2.50 per acre to $3.50 per acre per annum for Project operation and maintenance and $0.16 per acre per annum for Vallecito Reservoir operation and maintenance.

Interested persons were given thirty (30) days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No objections were received.

Section 221.55 is modified to read as follows:

§ 221.55 Charges.

Pursuant to the provisions of the Act of August 1, 1914 (38 Stat. 543; U.S.C., Sec. 385) and March 7, 1928 (45 Stat. 200, 210), the basic annual charges for operation and maintenance against the irrigable lands of the Pine River Indian Irrigation Project, Colorado, for the year

1975 and thereafter until further notice are hereby fixed as follows:

Annual per acre assessment:	
(1) Project operations and maintenance	$3.50
(2) Vallecito Reservoir operation and maintenance	0.16
(3) Minimum charges for any tract	4.00

A minimum billing will be assessed against any tract of land where the total charges are less than $4.00.

LOYD E. NICKELSON,
Assistant Area Director, Resource Development and Protection.

[FR Doc.74-27896 Filed 11-27-74;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Toppenish-Simcoe Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 37199 of the FEDERAL REGISTER of October 18, 1974, (39 F.R. 203), there was published a notice of intention to modify § 221.73 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Toppenish-Simcoe Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Toppenish-Simcoe Indian Irrigation Project as set forth below.

The modified § 221.73 shall become effective December 30, 1974.

§ 221.73 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges for the lands under the Toppenish-Simcoe Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1975 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre.....$4.35

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27817 Filed 11-27-74;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 37199 of the FEDERAL REGISTER of October 18, 1974, (39 FR 203), there was published a notice of intention to modify § 221.86 of Part 221, Subchapter T, Chapter I of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Wapato Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for basic and other water charges for the Wapato Indian Irrigation Project as set forth below.

The modified § 221.86 shall become effective December 30, 1974.

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the Calendar Year 1975 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership	$11.80
(2) Flat rate upon all farm units or tracts for each assessable acre except Additional Works lands	11.80
(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	0.60
(4) Flat rate upon all farm units or tracts for each assessable acre of Additional Works lands	12.30

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected from all lands except Additional Works lands beginning with the Calendar Year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27815 Filed 11-27-74;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Consortium Amendments

In order to simplify the preapplication procedure for certain established consortia, the Secretary of Labor has determined that the regulation governing that procedure should be amended. The present regulations require that each consortium submit annually (1) a preapplication for federal assistance and (2) a copy of the entire consortium agreement; it is also required that both of these documents be signed by the chief elected official or chief executive officer of each consortium member. These requirements will remain in effect for newly formed consortia and for consortia in which there has been a change in membership during the year preceding the new grant. For established consortia in which there has been no change in membership, the new amendments will (1) allow the preapplication form to be signed by the consortium's chief executive officer, if all of the consortium members consent to this procedure, and (2) allow the copy of the complete consortium agreement to be replaced by a document attesting that the formal written agreement remains the same as that submitted earlier or specify amendments to the agreement submitted earlier; such a document of attestation must be signed by the chief elected official or chief executive officer of each consortium member.

In addition, § 95.11(a) has been rewritten to delete references to the now obsolete Fiscal Year 1975 procedure.

As these regulations relate to public property, loans, benefits or contracts, they have been excepted from the application of the notice and comments provisions of the Administrative Procedure Act, 5 U.S.C. 553(a)(2). The policy of the Department of Labor as stated in 29 CFR 2.7 is not to use this exception as a basis for not giving opportunity for notice and comment. The only effect of this amendment is to simplify administrative procedure for some potential prime sponsors, and a delay in effective date of this amendment would make the simplified procedures unavailable to them in the current funding cycle. Therefore, I find that it is contrary to the public interest to delay the issuance of these regulations to the extent necessary for the preparation, receipt and evaluation of the comments. Accordingly they are not issued for comments prior to publication in their final form.

Nevertheless, although these regulations are being published in final form and are made effective December 30,

1974, it is the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be received, just as though this document were a proposal, until January 14, 1974, after which the comments received will be evaluated and, if warranted, the regulations will be appropriately amended. Meanwhile, however, in the interest of expediting the program, these regulations shall remain in force until amended.

Interested persons are invited to submit comments, data or arguments to: Assistant Secretary for Manpower, United States Department of Labor, 6th and D Streets, NW., Washington, D.C. 20213. Attention: Pierce A. Quinlan, Associate Manpower Administrator for Manpower Development Programs.

Section 95.11 is amended to read as follows:

§ 95.11 Notification of intent to apply for prime sponsorship; consortium agreements.

(a) An applicant interested in receiving financial assistance shall submit to the ARDM, the Governor, and the appropriate State A–95 clearinghouses (see OMB Circular A–95) the Preapplication for Federal Assistance, Part I, prescribed by Federal Management Circular 74–7 (formerly OMB Circular A–102) in the format described in this part. Submission shall be by a date set by the Secretary (section 102(c)).

(b) * * *

(6) The signature of the chief elected official(s) or chief executive officer(s), as appropriate, of each prime sponsor applicant. For a consortium, the signature of the chief elected official or chief executive officer of each consortium member is required for a newly formed consortium and for a consortium in which one or more members has withdrawn or been added. In the case of an established consortium with no membership changes, the preapplication may, with the consent of all consortium members, be signed by the consortium's chief executive officer.

* * * * *

(c) In addition to a prime sponsor preapplication each consortium of local governments shall, prior to execution of the grant, submit to the ARDM for his approval a formal agreement which includes the items required by this paragraph (c). The formal agreement shall be signed by the chief elected official or chief executive officer of each consortium member. An established consortium which submitted a formal written agreement (or an attestation as described in this paragraph) in the preceding year may attest in writing that the agreement is the same or specify amendments to the agreement if such attestation is signed by the chief elected official or chief executive of each consortium member.

* * * * *

Signed this 25th day of November, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-27910 Filed 11-27-74;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

[DPS Reg. 1, Amdt. 2]

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Change in Schedule II, Part A

NOVEMBER 25, 1974.

In the formulation of this amendment, a notice of proposed rulemaking was published in the FEDERAL REGISTER on September 13, 1974 (39 FR 33008) proposing to change Schedule II to DPS Reg. 1, Materials and Services, Not Subject to BDC Rating Authority, Part A, by removing from the schedule "copper raw materials," as that term is defined in DMS Order 4, thereby making all, "copper raw materials," other than scrap, subject to priority ratings. All pertinent comments received in response to the proposal were given due consideration.

Several comments received from interested parties supported adoption of the proposed amendment. However, others expressed the following concerns:

(1) The proposed amendment would place restrictions on foreign source materials; i.e., copper raw materials imported under toll or conversion arrangements intended to be processed for the account of the foreign owner and reexported, and copper raw materials imported for the importers' own account. Thus the amendment would jeopardize the U.S. smelting and refining industry, as foreign suppliers would be reluctant to contract for shipment to the U.S. for processing and reexport if they fear possible government regulations.

(2) Refined copper supplied to copper fabricators as a result of the conversion of the fabricator's by-product scrap should be exempt from the defense priorities system.

(3) The proposed amendment would add complications to a copper set-aside system because the inclusion of all copper raw materials would interject a measure of uncertainty and unpredictability in establishing a base production set-aside period.

(4) Re-cycled copper scrap should be subject to priority ratings.

(5) The adoption of the proposed amendment, in combination with other forms of possible future government regulations, i.e., price and wage controls, could require copper producers to sell in the domestic market, at domestic prices, copper produced from foreign raw materials purchased at higher world prices.

The Bureau does not believe that the proposed amendment should be modified, based upon the comments received, for the following reasons:

(1) This amendment does not provide for the extension of priority ratings to foreign source materials imported under toll or conversion arrangements, intended to be processed for the account of the foreign owner and reexported. With respect to copper raw materials imported for the importers' own account, such materials would be subject to this regulation, which is in keeping with the basic intent of this amendment, i.e., to make all copper raw materials, under the jurisdiction of the Bureau, other than scrap, subject to priority ratings. Accordingly, since the proposed amendment does not affect copper raw materials shipped to the U.S. under foreign ownership for processing and to be reexported, the Bureau does not believe foreign suppliers would be reluctant to contract with the U.S. smelting and refining industry for processing of such materials.

(2) The amendment does not affect copper supplied to fabricators as a result of the conversion of the fabricator's by-product scrap, since the copper will be consumed by the owner. However, if such fabricator sells that copper as a "copper raw material" that material would be subject to this amendment.

(3) The proposed amendment does not directly concern itself with a copper set-aside system.

Because a set-aside system encompassing all copper raw materials may be more difficult to administer than one encompassing only domestic refined copper, is not sufficient reason not to include all copper raw materials under the Defense Priorities System Regulations.

(4) Copper scrap re-cycled or converted to other forms of copper raw materials would be subject to priority ratings under the proposed amendment.

(5) There are currently no government regulations with respect to price and wage controls. The Bureau believes it is too speculative to assume that, if at some future time a government agency were to issue regulations regarding price and wage controls, such controls in combination with the requirements of the proposed amendment would have the stated effect. Moreover, should a situation of this nature occur at some future date, the agency responsible for any such price and wage controls, as well as this agency, could be requested to amend their respective regulations, in an appropriate manner, so as to avoid the situation suggested. Accordingly, the Bureau does not believe that the hypothetical circumstance set forth constitutes a sufficient reason not to adopt the amendment as proposed.

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Part A of Schedule II to DPS Regulation 1 is hereby amended to read as follows:

PART A

The following items under the jurisdiction of BDC are presently not subject to any ratings issued by or under authority of BDC (but are subject to directives issued

by or under authority of BDC) and therefore such ratings shall not be effective to obtain any of them: [1]

Communications services.	Scrap.
Crushed stone.	Slag.
Gravel.	Steam heat, central.
Sand.	Waste paper.

AUTHORITY: Defense Production Act of 1950, as amended, (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; E.O. 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, 39 FR 27484, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490, 45–1, 39 FR 18488, and 45–2, 39 FR 18489.

Effective date. This amendment is effective November 25, 1974.

Approved November 22, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE,

SAMUEL B. SHERWIN,
Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74–27926 Filed 11–27–74;8:45 am]

[1] The following delegations and agreements, as the same may from time to time be amended, revoked, or superseded, further delineate jurisdictional responsibilities for the exercise of priorities and allocations powers:

(1) Memorandum of Agreement between the Department of the Interior and the Department of Commerce with respect to the production and/or distribution of designated products and equipment, including chemicals, associated with the output of petroleum and gas, effective October 30, 1973 (38 FR 30896).

(2) Defense Solid Fuels Administration (DSPA) Delegation 1 to the Secretary of Commerce with respect to the distribution of coal chemicals produced as by-products of coke made from coal, effective May 15, 1951 (16 FR 4590). The DSFA was abolished in 1954 and its responsibilities within the Department of the Interior have been transferred to the Office of the Assistant Secretary for Energy and Minerals, Department of the Interior.

(3) Delegation of Authority from the Secretary of Commerce to the Secretary of the Interior of priorities and allocations powers with respect to certain minerals facilities and materials, effective January 26, 1967 (32 FR 2462).

(4) Memorandum of Agreement between the Department of Agriculture and the Department of Commerce with respect to the scope of allocation and priority responsibilities in connection with foods which have industrial uses, effective December 5, 1973 (38 FR 33504).

(5) Memorandum of Understanding and Agreement between the Agricultural Stabilization and Conservation Service, Department of Agriculture, and the Bureau of Competitive Assessment and Business Policy, Department of Commerce, with respect to the scope of the term "farm equipment," effective December 5, 1973 (38 FR 33506). The responsibilities of the Bureau of Competitive Assessment and Business Policy have been transferred to the Bureau of Domestic Commerce (BDC), Department of Commerce.

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

POSTAL SERVICE MANUAL

Miscellaneous Amendments

Chapter I of the Postal Service Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 111.1), has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 31, Issue 89, dated November 15, 1974.

In accordance with 39 CFR 111.3 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Manual will receive these amendments automatically from the Government Printing Office. (For other availability of Chapter I of the Postal Service Manual, see 39 CFR 111.2.)

Description of these amendments to the Postal Service Manual follows:

PART 113—SERVICE IN POST OFFICES

1. Section 113.2 is completely revised to update it and to allow flexibility in establishing window service hours that are most appropriate to meet the requirements of postal customers in all locations throughout the Postal Service.

PART 122—ADDRESSES

2. Section 122.12 is amended to extend present address requirements to include both non-delivery as well as city delivery routes.

PART 125—SECOND-CLASS BULK MAILINGS

3. Section 125.342 is amended to reflect the dissolution of the regional mail classification office and to delete certain obsolete references.

4. Section 125.41 is amended to redefine publications qualified for treatment as newspapers.

5. Section 125.42 is amended to add permissible endorsements on publications qualified for treatment as newspapers.

6. Section 125.44 is amended to add newsletters to those second-class publications entitled to receive expeditious handling.

PART 147—EXCHANGES AND REFUNDS

7. Sections 147.232 and 147.272 are amended to provide a more equitable formula for refunds for unused meter stamps.

PART 156—RURAL SERVICE

8. Section 156.312 is amended to correct the impression that door delivery service is provided to apartment houses on rural routes.

PART 158—FORWARDING MAIL

9. Section 158.221 is amended to provide that the normal one-year forwarding limitation will not apply to mail transferred to a post office box at the same post office. Such changes of address are to be honored indefinitely.

10. Section 158.31 is amended to permit forwarding of all mail, when the change of address is to a post office box served by the same post office.

PART 161—REGISTERED MAIL

11. New § 161.846 is added to establish control over numbered seals to prevent them from falling into unauthorized hands and being used to conceal thefts.

PART 163—COD MAIL

12. Sections 163.132 and 163.21 are amended to authorize and promulgate the rate for sending COD parcels valued between $200.01 and $300. A conforming amendment is also made to 163.174.

13. Section 163.411 is amended to limit the length of mailer-provided COD numbers to six digits, plus one prefix if used.

The remainder of the changes are minor, technical, or editorial in nature.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

In consideration of the foregoing, 39 CFR 111.3 is amended by adding the following:

§ 111.3 Amendments to Chapter I of Postal Service Manual.

* * * * *

Amendments to postal service manual

Transmittal Letter	Date	FR Publication
* * * * *		
Letter 31, Issue 89	11–15–74	39 FR 41530.

These amendments are effective immediately.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408, 3001–3011, 3201–18, 3403–05, 3601, 3621 and 50 U.S.C. 1463–64)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74–27897 Filed 11–27–74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5449]

[A–054076]

ALASKA

Revocation of Public Land Order No. 2843 of December 7, 1962

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 2843 of December 7, 1962, which withdrew the minerals in the following described national forest lands from prospecting, location, entry, and purchase under the mining laws of the United States to aid the Forest Service in utilizing the surface as an administrative site, is hereby revoked in its entirety. The lands involved are described as follows:

TONGASS NATIONAL FOREST

U.S. SURVEY 3590

Lots D, J, K, L, and L-1. Containing 2.04 acres.

2. The lands described in paragraph 1 are withdrawn under section 16(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1600, 1615(a) (1970), for selection by the Native village of Yakutat, and are not at this time subject to other disposition.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 21, 1974.

[FR Doc.74-27825 Filed 11-27-74;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Havasu National Wildlife Refuge

The following special regulation is issued and is effective November 29, 1974.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Havasu National Wildlife Refuge, Needles, California, is open to public access, use and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Waterskiing is permitted only on the channelized segment of the Colorado River except for that portion of the river called "Topock Gorge", which is designated by buoys as being "Closed to Waterskiing". The north buoy is located between the I-40 highway bridge and the A.T. & S.F. Railroad bridge. The south buoy is located on an imaginary line between the southern entrance to Jops Landing on the Arizona shoreline and the southern entrance to Clear Bay on the California shoreline.

(2) The observer of a person in tow behind a boat shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons falls into the water and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright or brilliant orange or red color, measuring no less than twelve inches on each side, mounted on a handle, and displayed as to be visible in every direction.

(3) Camping is restricted to tent and boat camping along the Arizona shore line below the buoy designating the southern entrance to Topock Gorge. This buoy is located on an imaginary line between the southern entrance to Clear Bay on the California shore line and the southern entrance to Jops Landing on the Arizona shore line. Camping is also prohibited at Mesquite Bay.

Recreational vehicle and tent camping is permitted at Five Mile Landing and Catfish Paradise concessions for a nominal fee. All camping is limited to stays of no longer than 7 days.

(4) Boating is permitted in all waters of the refuge except where restricted by appropriate signs. Wakeless speed only is permitted east of the buoys on the Bill Williams River and within the harbors of Five Mile Landing and Catfish Paradise.

(5) All wheeled vehicles, including motorbikes, are permitted on developed roads and parking areas. Driving off roads or roads closed by sign or barrier is prohibited.

(6) Swimming, wading, scuba diving and skin diving are permitted except where restricted by signs.

(7) Fires may be built only in areas where camping is allowed.

(8) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting, hiking or camping.

(9) Additional attachments to mobile homes and travel trailers located at refuge concessions must be limited to cabanas, awnings, or similar types of shades that are easily removable, portable and not permanently fixed to the ground. They may be equipped with windbreaks of a similar portable nature that do not completely enclose the sides, but may not be utilized for regular living or sleeping space or to house household equipment other than lounge furniture.

(10) Residents are required to maintain their lots and trailers in a neat, orderly and hazard free condition. Trailer slabs, porches, and cabanas are not to be used for permanent living space, storage of household goods or other miscellaneous items with the exception of lounge furniture.

No storage will be allowed under the mobile home, travel trailer or porch area. The interior of the mobile home, travel trailer, storage shed or storage yard are the only authorized storage areas.

(11) Concession operators and tenants will maintain their facilities and residences in accordance with Title 25, Housing and Community Development; Chapter 5, Mobile Home Parks, Special Occupancy Trailer Parks and Campgrounds; California Administration Code; State of California.

(12) All trailers, attachments and other structures on the lots must be capable of being removed within 24 hours of notice. All tires must remain on the mobile home or travel trailers at all times.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

Dated: November 22, 1974.

W. O. NELSON, Jr.
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

[FR Doc.74-27891 Filed 11-27-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

PART 33—SPORT FISHING

National Wildlife Refuges

The following special regulations are issued and are effective November 29, 1974.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Portions of the Inperial National Wildlife Refuge, Arizona and California, are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations. The public use areas are designated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and are subject to the following special conditions:

(1) An area on the west end of Martinez Lake, consisting of approximately 175 acres, and an area of approximately 60 acres in the north end of Ferguson Lake shall be closed to public entry during the periods January 1 through March 1, 1975, inclusive; and October 1 through December 31, 1975, inclusive.

(2) The removal or disturbance of dead wood is prohibited.

(3) Pets are permitted only if they are confined or kept on a leash not to exceed ten (10) feet in length, one end of which is secured so as to restrict the movements of the animal.

(4) Boating is permitted in all waters of the refuge except when prohibited by appropriate signs and in those areas closed to public entry.

(5) Hiking, sightseeing and photography are permitted except in those areas closed to public entry.

(6) The removal or disturbance of sand, gravel or rock is prohibited.

(7) Blocking of boat ramps or routes of public access in prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on national wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted in certain areas open to public use. These open areas, comprising 1,800 acres, are delineated on maps available at refuge headquarters, 8 miles south of San Antonio, New Mexico, and from the Regional Director, U.S. Fish and

Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on all areas on the refuge extends from May 1 through September 30, 1975, inclusive.

(2) Fishing hours are from one-half hour before sunrise to one-half hour after sunset.

(3) Trotlines and bows and arrows are prohibited.

(4) The use of boats or other floating devices is prohibited.

(5) Fires are prohibited.

(6) Frogging is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1975.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1975, inclusive, on the waters of Lake Texoma east of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond and Goose Pen Pond; and from April 1 through September 30, 1975, inclusive, for waters of Lake Texoma west of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E.

(2) The open season for sport fishing on the Tishomingo Management Unit extends from March 1 through September 30, 1975, inclusive. Fishing with trotlines in Lost Lake, Bobcat Gulch and McAdams Pond is prohibited during the open season.

(3) Overnight use in association with fishing is limited to seven (7) days unless otherwise posted and is permitted only at designated sites.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, pole and line(s), including frog gigging, on the Hagerman National Wildlife Refuge, Texas, is permitted from April 1 through September 30, 1975, inclusive, but only on the areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, 6 miles west of Pottsboro, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted from Harris Creek Bridge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27890 Filed 11-27-74;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Salt Plains National Wildlife Refuge

The following special regulation is issued and is effective November 29, 1974.

§ 28.28 **Special regulations; public access, use, and recreation, for individual wildlife refuge areas.**

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Portions of the Salt Plains National Wildlife Refuge, Oklahoma, are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations. The public use area is designated on maps available at refuge headquarters, Jet, Oklahoma, and from the Regional Director, Fish and Wildlife Service, Post Office Box 1306, Albuquerque, New Mexico 87103, and subject to the following special conditions:

(1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals. Vehicles will be allowed only along such travel lanes and parking areas as are posted for such activity.

(2) Each individual may collect for his personal use up to a maximum of 10 pounds plus one crystal or crystal cluster per day.

(3) Digging for crystals will be confined to areas posted for such activity.

(4) The period of use shall be on Saturdays, Sundays and holidays, from April 1 through October 15, 1975, inclusive.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through October 15, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27889 Filed 11-27-74;8:45 am]

PART 33—SPORT FISHING

Bitter Lake National Wildlife Refuge

The following special regulation is issued and is effective November 29, 1974.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on pool Units 5, 6, 7, 15 and 16. These open areas, comprising approximately 550 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing is permitted from April 1 through October 15, 1975, inclusive.

(2) The use of boats or floating devices is prohibited.

(3) Fishing hours are from one hour before sunrise until one hour after sunset daily.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27893 Filed 11-27-74;8:45 am]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu National Wildlife Refuge, Arizona and California, is permitted on waters designated as open to fishing. These waters, comprising 12,388 acres, are delineated on maps available at refuge headquarters,

Needles, California and from the Regional Director, U.S. Fish and Wildlife Service, Post Office Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1975, inclusive, except that the closed area, as posted, in Topock Marsh is closed to fishing from January 1 through January 31, 1975, and from October 1, 1975 through December 31, 1975, inclusive.

(2) The possession of trotlines on the refuge is prohibited. A trotline is any hook and line arrangement that, when used, constitutes a violation of the "angling" laws of either Arizona or California.

(3) The taking of fish with bow and arrow is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27894 Filed 11-27-74;8:45 am]

PART 33—SPORT FISHING

Imperial National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing and the taking of bullfrogs, crustaceans and mollusks on the Imperial National Wildlife Refuge, Arizona and California, is permitted in all areas except in those areas closed to public entry. These open areas, comprising 8,100 acres, are delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Sport fishing and the taking of bullfrogs, crustaceans and mollusks shall be in accordance with applicable State regulations subject to the following special conditions:

(1) The open seasons for the taking of bullfrogs, crustaceans and mollusks shall be in accordance with State regulations.

(2) The open season for sport fishing on the refuge extends from January 1 through December 31, 1975, inclusive, except for an area of approximately 165 acres in Martinez Lake, Arizona as posted, to be closed during the periods January 1 through March 1, 1975, inclusive, and October 1 through December 31, 1975, inclusive, and an area of approximately 60 acres in Ferguson Lake, California, as posted, to be closed during the same periods.

(3) The use of bow and arrow for the taking of carp, buffalo, mullet, suckers and bullfrogs is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27895 Filed 11-27-74;8:45 am]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Oklahoma, is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Oklahoma, and from the Regional Director, Fish and Wildlife Service, Post Office Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1975, inclusive, in Great Salt Plains Lake as posted, in Sand Creek, the three main channels of Salt Fork River, and north of the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27892 Filed 11-27-74;8:45 am]

proposed rules

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

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Ahtanum Indian Irrigation Project

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.2 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Ahtanum Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the penalty charge on delinquent accounts to more realistically cover processing costs, and provide a deterrent for late payment of operation and maintenance assessments.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, by December 30, 1974.

Section 221.2 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.2 Time of payment.

The charges as fixed in this part shall become due April 1 of each year, and are payable on or before that date. To all the charges assessed against owners of patent in fee lands not paid on July 1 of the year in which they fall due, there shall be added a penalty of one and one half per cent per month, or fraction thereof, from April 1 of that year, so long as the delinquency continues.

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27823 Filed 11-27-74;8:45 am]

[25 CFR Part 221]

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Fort Hall Irrigation Project

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.33 of Part 221, Subchapter 7, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Fort Hall Project for Calendar Year 1975 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026).

The purpose of this modification is to increase the penalty charge on delinquent accounts to more realistically cover processing costs, and provide a deterrent for late payment of operation and maintenance assessments.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, by December 30, 1974.

Section 221.33 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.33 Payments.

The assessments fixed in § 221.32 shall become due on April 1 of each year, and are payable on or before that date. To all assessments against lands in non-Indian ownership which do not qualify Indian ownership which do not qualitfy for free water under § 221.34, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one half per cent per month or fraction thereof, from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under § 221.34, an approved lease must be on file at the Fort Hall Agency.

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27824 Filed 11-27-74;8:45 am]

[25 CFR Part 221]

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.87 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Wapato Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the penalty charge on delinquent accounts to more realistically cover processing costs, and provide a deterrent for late payment of operation and maintenance assessments.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, no later than December 30, 1974.

Section 221.87 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.87 Time of payment.

The charges fixed by § 221.86 shall become due April 1, of each year, and are payable on or before that date. To all charges assessed against lands in non-Indian ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1, following, there shall be added a penalty of one and one half per cent for each month or fraction thereof, from the due

date until the charges shall have been paid.

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27822 Filed 11-27-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

ALTERNATE BID PROVISIONS FOR THE PURCHASE OF MATERIALS AND EQUIPMENT

Alternate Bid Provisions

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 40-6, Construction Methods and the Purchase of Materials and Equipment, to set forth procedure whereby borrowers may make modifications in REA standard forms of equipment and materials contracts to include, as an alternate, provisions for adjusting a base price either upward or downward as determined by changes in specified Bureau of Labor Statistics labor and materials indexes between the bid date and scheduled shipping date. On issuance of the supplement to REA Bulletin 40-6, Appendix A to Part 1701 will be revised accordingly.

Persons interested in the provisions of the proposed supplement to REA Bulletin 40-6, may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250 by December 30, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed supplement and related forms may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed supplement to REA Bulletin 40-6 is as follows:

SUBJECT: ALTERNATE BID PROVISIONS FOR THE PURCHASE OF MATERIALS AND EQUIPMENT

I. *Purpose.* To provide for acceptable alternates to REA standard forms of equipment and materials contracts which may be used, at the option of the borrower, when necessary to obtain responsive bids in the purchase of major items of materials and equipment having long-term delivery.

II. *General.* When materials or equipment are to be shipped longer than three to six months after date of bid, some manufacturers and suppliers will not bid or are reluctant to bid on a firm price basis or on a base price to be adjusted to the price in effect at time of shipment when the adjustment is to be limited to a stated maximum percentage of the base price. In a period of rapidly changing price levels, the use of price adjustment clauses in contracts, providing for either upward or downward adjustments based on appropriate labor and material indexes published by the U.S. Department of Labor, Bureau of Labor Statistics, is considered equitable to both purchaser and seller.

III. *Procedure.* A. Borrowers may make modifications in REA standard forms of equipment and materials contracts to include, as an alternate, provisions for adjusting a base price either upward or downward as determined by changes in specified indexes between the bid date and scheduled shipping date. This type of alternate will have most application in the purchase of major items of generation equipment and power apparatus such as large power transformers and circuit breakers. The attached suggested "Modification to Equipment Contract, REA Form 198 to Incorporate Price Adjustment Provisions" is designed specifically for REA Form 198, but may be used with appropriate changes, at the option of the borrower, with the Materials Contracts, REA Forms 173 and 458.

B. If it is unlikely that bids can be obtained with firm prices or with base prices to be adjusted to the prices in effect at time of shipment limited to stated maximum percentages of base prices (ceiling prices), a decision to include an alternate in the contract documents providing for price adjustments based on labor and material indexes should be made by the borrower's board of directors. If bidders respond both on a firm price basis (or with base prices including a stated maximum percentage escalation) and on the alternate providing for the prices to be adjusted by applying the indexes, the borrower should have the option of making its selection of a bid on either basis.

C. A large number of labor and materials indexes are published monthly by the Bureau of Labor Statistics (BLS). Indexes which may be applicable to major items of equipment and materials for generation, transmission and distribution systems include:

1. Labor Indexes—Average Hourly Earning Rate
   a. Fabricated Structural Metal Products (SIC 344)
   b. Pumps and Compressors (SIC 3561)
   c. Electircal Equipment and Supplies (SIC 36)
   d. Switchgear and Switchboard Apparatus (SIC 3613)
2. Materials—Wholesale Price Indexes
   a. Steel Mill Products (WPI 1013)
   c. Electrical Equipment and Supplies (SIC 3352)
   c. Structural Shape, Wide Flange (WPI 1013-0239)
   d. Plates, Carbon, A-285 (WPI 1013-0245)
   e. Wire and Cable (WPI 1026)
   f. ACSR Cable, (Drake) (WPI 1026-0261)
   g. Pumps, Compressors, and Equipment (WPI 1141)
   h. Switchgear, Switchboard, Etc., Equipment (WPI 1175)

Other appropriate BLS indexes may be used other than those listed above. The borrower on the advice of its engineer should select the indexes for the particular item of equipment or materials to be used in the price adjustment clause. Labor and materials indexes are reported in the Bureau of Labor Statistics monthly publications entitled "Employment and Earnings" and "Wholesale Prices and Price Indexes." These publications may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or any of the BLS Regional Offices.

The portion of the adjustment in the contract price which will apply to materials and to labor should be determined by the borrower on the advice of its engineer in preparing a price adjustment clause. As a suggestion, 55 percent labor cost and 35 percent materials cost is generally recognized by manufacturers as appropriate for most electrical equipment. Other percentages may be selected to represent the relative changes in labor and materials costs as appropriate.

D. Insulating oil is used in large quantities in some electrical equipment and has been subject to substantial changes in price. A suitable paragraph providing for price adjustment of insulating oil may be desirable in contracts for such equipment and is included as the third item in the attachment.

MODIFICATION TO EQUIPMENT CONTRACT, REA FORM 198 TO INCORPORATE PRICE ADJUSTMENT PROVISIONS

1. Insert a new paragraph 10 on Page 2 of the Notice and Instructions to Bidders as follows:

10. Proposals are invited on the basis of firm prices (or prices with a stated maximum percentage escalation) and/or on the basis of prices to be adjusted as provided for in Alternate No. 1 included in the Proposal. The Owner may award the Contract on either basis regardless of which Proposal appears to offer the lowest price at the time proposals are considered.

2. Insert on Page 3 of the Proposal under paragraph 1 the following:

Alternate Number 1 $_____

The prices are subject to adjustment upward or downward based on changes in the Bureau of Labor Statistics labor and material indexes. A proportion of 55 percent[1] of the Contract prices shall be deemed to represent labor costs and shall be adjusted based on changes in the Bureau of Labor Statistics, Average Hourly Earnings Rate—Electrical Equipment and Supplies Industry (SIC 36)[2] from the month in which the bids are opened to the month in which the Equipment is scheduled to be shipped. For the purpose of this adjustment, the month the Equipment is scheduled to be shipped shall be the month determined by subtracting 30 days from the number of days specified in Paragraph 2 of the Proposal for time of delivery. The adjustment for labor costs shall be obtained by applying the percentage of increase or decrease in such index, calculated to the nearest one-tenth of one percent, to 55 percent of the Contract prices. A proportion of 35 percent[1] of the Contract prices shall be deemed to represent material costs and shall be adjusted based on changes in the Bureau of Labor Statistics, Steel Mill Products Index (WPI 1013)[2] for the period and in the manner hereinbefore stated.

3. Insert on Page 3 of the Proposal under paragraph 1 the following, as appropriate:

The price for insulating oil shall be adjusted upward or downward based on the difference between 30 cents per gallon for oil and the actual total cost of oil on the date of shipment of such oil to the Purchaser. Such adjustment, if any, shall not change the Contract amount for purposes of applying any other adjustments to the Contract prices.

Dated: November 22, 1974.

DAVID A. HAMIL,
Administrator.

[FR Doc.74-27943 Filed 11-27-74;8:45 am]

[1] The borrower should substitute other percentage amounts if appropriate.

[2] The borrower should substitute other BLS labor and materials indexes, if appropriate.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 154 and 155]

TALENT SEARCH, UPWARD BOUND, SPECIAL SERVICES FOR DISADVANTAGED STUDENTS, AND EDUCATIONAL OPPORTUNITY CENTERS PROGRAMS

Proposed Criteria for Funding for Fiscal Year 1975

1. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070–1070d–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below in Appendix A, as the basis upon which applications for the development and operation of Talent Search projects, including National Demonstration projects supported under Talent Search monies, submitted for Fiscal Year 1975 by institutions of higher education, public and private agencies and organizations, and secondary schools and secondary vocational schools under section 417 B of Title IV–A–4 of the Act (20 U.S.C. 1070d–1) will be evaluated. Talent Search projects are designed to: identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, publicize existing forms of student financial aid, including aid furnished under Title IV, and encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs.

2. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070–1070d–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below in Appendix B, as the basis upon which applications for the development and operation of Special Services for Disadvantaged Students projects, including National Demonstration projects supported under Special Services for Disadvantaged Students monies, submitted for Fiscal Year 1975 by eligible applicants under section 417B of Title IV–A–4 of the Act (20 U.S.C. 1070d–1) will be evaluated. Special Services for Disadvantaged Students projects provide remedial and other special services for students with academic potential who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant and who, by reason of deprived educational, cultural or economic background, physical disability, or limited English-speaking ability, are in need of such services to assist them to initiate, continue, or resume programs of postsecondary education.

3. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965 (20 U.S.C. 1070–1070d–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 155 of Title 45 of the Code of Federal Regulations, "Upward Bound," by revising the criteria contained in § 155.7 thereof, to read as set forth below in Appendix C, as the basis upon which continuation applications and applications for the development and operation of National Demonstration projects supported under Upward Bound monies, submitted for Fiscal Year 1975 by eligible applicants under section 417B of Title IV–A–4 of the Act (U.S.C. 1070d–1), will be evaluated. Upward Bound projects are designed to generate skills and motivation necessary for success in education beyond high school and are projects in which enrollees from low-income backgrounds and with inadequate secondary school preparation participate on a substantially full-time basis during all or part of the project period.

4. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965 (20 U.S.C. 1070–1070d–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 154 of Title 45 of the Code of Federal Regulations, "Educational Opportunity Centers" by revising the criteria contained in § 154.6 thereof, to read as set forth below in Appendix D, as the basis upon which renewal and continuation applications for the development and operation of Educational Opportunity Centers submitted for Fiscal Year 1975 by eligible applicants under section 417B of Title IV–A–4 of the Act (20 U.S.C. 1070d–1) will be evaluated. Educational Opportunity Centers will serve areas with major concentrations of low-income persons by providing, in coordination with other applicable programs and services, information with respect to finanacial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education, and assistance to such persons in applying for admission to institutions of higher education including the preparation of applications for use by admissions and financial aid officers, and counseling and tutorial services and other necessary assistance to such persons while attending such institutions.

3. Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria to the Division of Student Support and Special Programs, Bureau of Postsecondary Education, U.S. Office of Education, Seventh and D Streets, SW., Room 4010, Washington, D.C. 20202. Comments received in response to this Notice will be available for public inspection at the above office Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material must be received on or before December 30, 1974.

(Catalog of Federal Domestic Assistance Program Numbers: 13.488 Talent Search, 13.492 Upward Bound, 13.482 Special Services for Disadvantaged Students, and 13.543 Educational Opportunity Centers)

Dated: November 1, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 25, 1974.

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

APPENDIX A—CRITERIA FOR TALENT SEARCH

The Commissioner will select applicants to be funded under the Talent Search Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multiyear work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in placing students suffering from financial or cultural need in postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria: (1) The extent to which the target area of the project is characterized by (i) high concentration of secondary school dropouts; (ii) low level of postsecondary school attendance; (iii) persons having family income at or below the Federal poverty level; and (iv) students from low-income families having low aspiration levels and special needs resulting from cultural isolation, language disabilities, and educational deficiencies;

(2) The scope and variety of methods to be used in the recruitment of Talent Search youth;

(3) Evidence of prior involvement with the community to be served;

(4) Evidence of the ability of the applicant to work with members of the academic community in the area to be served, especially in the area of admissions and financial aid, as reflected by previous and projected activities of the applicant;

(5) The method to be utilized to impact upon the target community in terms of (i) expanding options for postsecondary opportunities; and (ii) securing admissions and financial assistance for target students;

(6) A comprehensive plan for providing counseling services;

(7) A comprehensive plan outlining how other educational and community resources will be utilized in providing services which the Talent Search project cannot itself provide; and

(8) Evidence that the project staff is sensitive to the ethnic or racial backgrounds of project participants.

(c) National Demonstration Awards. The Commissioner will select a limited number of

applications to be funded as Talent Search National Demonstration awards on the basis of the criteria specified in part (b) above and these additional criteria:

(1) The proposed project is national or inter-regional in scope, neither duplicates nor competes with existing regional or national programs, nor consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) The proposal presents a clearly new or experimental technique or design for the recruitment of disadvantaged students for postsecondary education, and clearly demonstrates a degree of replicability, and provides for an evaluation of the results in such form as to be readily utilized by other educational programs concerned with the recruitment of disadvantaged students for postsecondary education;

(3) The proposed project would provide a service not readily available on a local or regional basis for that recruitment; and

(4) The proposed project would be able to provide a variety of educational opportunities and options for postsecondary educational careers for the disadvantaged.

It is expected that approved activities as set forth in a work plan for projects funded under this paragraph will be accomplished within a maximum 3-year period.

It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S.C. 1070d–1)

APPENDIX B—CRITERIA FOR SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

The Commissioner will select applicants to be funded under the Special Services for Disadvantaged Students Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year, and containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in enabling students to initiate, resume or continue their post-secondary education with adequate financial aid.

Before any proposal for the continuation of a project is evaluated all required reports, including fiscal audits, data collection forms, quartery fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria: (1) Evidence of the enrollment at the institution of physically disabled and/or low-income students who, by reason of deprived educational, cultural, or economic background, or physical handicap, or students who by reason of limited English-speaking ability, are in need of supportive special services to assist them to initiate, continue, or resume their postsecondary education;

(2) Evidence of the availability and distribution of financial assistance to meet the needs of low-income students enrolled in the applicant institution;

(3) Delineation of a clear and precise plan for the selection of students which must include a comprehensive assessment of the supportive services needed by the the student. In the event a project will include students who by reason of limited English-speaking ability are in need of bilingual supportive services, the proposal must include a plan whereby such students will be selected for participation in the project on the basis of the difficulty the student has in speaking and understanding instruction in the English language.

(4) Evidence of institutional policies in such areas as retention, grading, course options, and other administrative and academic policies which have as their purpose the maximization of a student's chances for a successful completion of postsecondary education;

(5) A work program including (i) a comprehensive counseling program, including student personal, career and academic counseling; (ii) special classes, remedial and other activities that have as their purpose the preparation of students to compete with sufficient academic skills at the institution; (iii) a comprehensive plan for providing tutorial services; (iv) a comprehensive plan to provide other services necessary to meet the educational needs of those students participating in the project; and/or (v) a comprehensive work program for students of limited English-speaking ability participating in the project which includes (*a*) provision for a program of English language instruction for students of limited English-speaking ability and usage participating in the project; and (*b*) necessary remedial instruction and tutoring, as well as personal, career and academic guidance and counseling, in order to permit students of limited English-speaking ability to pursue successfully postsecondary education;

(6) A comprehensive plan for staff selection and training;

(7) A comprehensive plan to orient the institutional community to the goals and objectives of the Special Services Program;

(8) A method of assessing and documenting the effects of the project services on the progress made by students participating in the project or former student participants of the project; and

(9) A comprehensive plan for the utilization of institution and community resources available to the project.

(c) National Demonstration Awards. The Commissioner will select a limited number of applications to be funded as Special Services for Disadvantaged Students National Demonstration awards on the basis of the criteria specified in part (b) above and these additional criteria:

(1) The proposed project is national or inter-regional in scope, neither duplicates nor competes with existing regional or national programs, nor consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) The proposal presents a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, students with physical disabilities, or students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award, and clearly demonstrates a degree of replicability, and provides for an evaluation of the results in such a form as to be readily utilized by other educational programs concerned with the provision of special supportive services for eligible students enrolled at the institution;

(3) The proposed project would provide a service not readily available on a local or regional basis for those services; and

(4) The proposed project would be able to provide a variety of educational opportunities and options for postsecondary educational careers.

It is expected that approved activities as set forth in a work plan for projects funded under this paragraph will be accomplished within a maximum 3-year period.

It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S.C. 1070d–1)

APPENDIX C—CRITERIA FOR UPWARD BOUND

Section 155.7 is revised to read as follows:

§ 155.7 Criteria for evaluating proposals.

The Commissioner will select applicants to be funded under the Upward Bound Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria:

(1) Knowledge of the specific needs of an identifiable student population to be served in terms of income, educational achievement, educational and related problems, and conditions and/or attitudes which are barriers to educational advancement;

(2) Comprehensiveness of recruiting sources and methods;

(3) Experience in serving low-income students, including cooperation with other agencies providing services to the target community;

(4) Evidence of the commitment of the applicant to see that all of its Upward Bound students are provided with opportunities to attend postsecondary institutions, by assisting students in receiving special review from the admissions and financial aid personnel of the host institution, and by assisting students in learning about and applying for admission to other postsecondary institutions;

(5) A work program which is designed to develop critical thinking, effective expression, and positive attitudes toward learning and which: (i) is realistic and practicable; (ii) diagnoses individual student needs and abilities, including academic deficiencies, at the time of entry into the project; (iii) contains an individualized curriculum design appropriate for each student's identified needs and involves a variety of methods and levels of instruction appropriate to individual needs; (iv) contains a mechanism for measuring the effectiveness of the project, and each student's progress, in remedying academic deficiencies; (v) provides for a timetable for implementation and development; (vi) contains supportive services directly related to the application of formal learning ex-

periences, and designed to enhance the academic, personal and social effectiveness, and the cultural development of the student; (vii) contains a prognostic evaluation of individual student performance, including documentation of student growth and development, academic and personal; (viii) contains internal evaluation mechanisms to test program effectiveness; and (ix) includes a comprehensive counseling program;

(6) Clearly delineates the lines of authority and communication between the applicant institution and the project staff; and

(7) Outlines the composition and responsibilities of the Advisory Committees.

(b) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in providing access for underachieving students into postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(c) National Demonstration Awards. The Commissioner will select a limited number of applications to be funded as Upward Bound National Demonstration awards on the basis of the criteria specified in part (a) above and these additional criteria:

(1) The proposed project is national or inter-regional in scope, neither duplicates nor competes with existing regional or national programs, nor consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) The proposal presents a clearly new or experimental technique or design for the preparation of students with inadequate secondary school preparation for success in education beyond high school, and clearly demonstrates a degree of replicability, and provides for an evaluation of the results in such a form as to be readily utilized by other educational programs concerned with the preparation of disadvantaged students for postsecondary education;

(3) The proposed project would provide a service not readily available on a local or regional basis for that preparation; and

(4) The proposed project would be able to provide a variety of educational opportunities and options for postsecondary educational careers for the disadvantaged.

It is expected that approved activities as set forth in a work plan for projects funded under this paragraph will be accomplished within a maximum 3-year period. It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S. 1070d–1)

Appendix D—Criteria for Educational Opportunity Centers

§ 154.6 Selection criteria.

The Commissioner will select applicants to be funded under the Educational Opportunity Center Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria: (1) need for services to enhance the accessibility to postsecondary education opportunities as indicated by:

(i) Low historical rates of participation in postsecondary education in the area to be served;

(ii) The total number of students and other persons in the service area;

(iii) The number of low income families in the area to be served;

(iv) The proportion of the number of persons residing in the service area who would be effectively served by the Center;

(2) Appropriateness of the applicant's proposed means of carrying out activities under § 154.7 in terms of meeting needs of persons in the service area;

(3) The proposed staff of the Center and the extent to which the staff has experience in dealing with low-income and physically handicapped students;

(4) The extent to which community representatives have participated in the formulation of the proposal and will participate in the operation of the Center;

(5) The extent to which the secondary schools and institutions of higher education in the area to be served by the Center will be involved in the operation of the Center;

(6) The appropriateness of the Center's relationship to the Talent Search, Upward Bound, and Special Services for Disadvantaged Students projects being carried out in the area and to such other similar programs and services, including those for the physically handicapped, in terms of: (a) avoiding duplication of services; (b) providing authorized services not otherwise available; and (c) coordination of services to individuals who participate in more than one such program;

(7) The ability of the Center to serve as a clearinghouse and as a resource for institutions of higher education in the area which admit educationally disadvantaged persons; and

(8) The cost of operating the Center.

(b) The Commissioner will award grants and contracts to insure that major concentrations of low-income persons in both urban and rural areas will be represented among areas to be served by Centers.

(20 U.S.C. 1070d–1)

(c) Renewal awards. An application for a project which received funding in FY 1974 will be given priority over an application for the initiation of a new project. Requests for renewal applications will be subject to the evaluation criteria in paragraphs (a) and (b) of this section, as well as the following additional criteria: (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in increasing the postsecondary enrollment of students from the target area and improving the retention rate of students from the target area in postsecondary educational institutions.

Before any proposal for the renewal of a project is evaluated, all required reports must be received and accepted by the Office of Education.

(d) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in increasing the postsecondary enrollment of students from the target area and improving the retention rate of students from the target area in postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports must be received and accepted by the Office of Education. It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations, named as the principal agent for members of a combination of institutions and/or agencies, will be considered as unsolicited proposals and will be evaluated in accoradnce with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S.C. 1070d–1)

[FR Doc.74-27929 Filed 11-27-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 74-SW-47]

AIRWORTHINESS DIRECTIVES; CESSNA MODEL 305A AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Cessna Model 305A airplanes modified by STC-SA568SW or SA504SW. There have been failures of the oil line fittings on these airplanes that could result in loss of engine lubricating oil. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed airworthiness directive would require installation of new oil line fittings on these modified Cessna Model 305A airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 20, 1974 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

CESSNA AIRCRAFT CORPORATION: Applies to Cessna Model 305A series airplanes, modified per STC-SA568SF or SA504SW (oil line rerouting), including airplanes listed in Note 3 of Aircraft Specification 5A5.

Compliance required within the next twenty-five hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the aluminum X34352 elbow fitting, remove the fitting from the oil cooler and replace with a fitting of the same part number fabricated from brass, or equivalent part approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

(NOTE: Advisory Circular AC 43.13-1A, Chapter 10, provides information on the proper flex line installation procedure that should be followed when reconnecting the oil system line. These parts are available from Ector Aircraft Company, 414 East Hillmont, Odessa, Texas 79760.)

Issued in Fort Worth, Texas on November 11, 1974.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc.74-27804 Filed 11-27-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WA-11]

KANSAS CITY, MISSOURI, TERMINAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering the adoption of a Group II Terminal Control Area (TCA) for Kansas City, Mo. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.24, 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCAs is contained in the Airman's Information Manual.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Additionally, comments are invited on the potential impacts of this proposal on the quality of the human environment. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before January 28, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69-41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

Notice 69-41 and the amendments thereto delineated those major hub cities for which TCAs were planned. This Notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this Notice proposes a configuration for a Group II TCA at Kansas City, Mo.

A proposed airspace configuration was discussed at a public meeting held at the Kansas City International Airport, Kansas City, Mo., September 18, 1974. Approximately 30 airspace users attended. Several comments were offered and were considered in developing the proposed configuration. The proposal contained herein reflects a revision to the TCA configuration presented at the meeting. The airspace within a 2-mile radius of Fairfax Airport and a 1½-mile radius of the Sherman Army Airfield has been excluded from Area B and included within Area C thus raising the floor of the TCA over these two airports from 2,400 feet MSL to 3,000 feet MSL.

These proposed TCA boundaries and floor altitudes have been established to offer the least inconvenience to satellite airports, yet provide the necessary maneuvering area for large turbine-powered aircraft landing and departing Kansas City International Airport.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401 (b) Group II Terminal Control Areas.

KANSAS CITY, MO., TERMINAL CONTROL AREA

Primary Airport

Kansas City International Airport (Lat. 39°18'18" N., Long. 94°42'40" W.)

Boundaries

AREA A

That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of the Kansas City International Airport, excluding that airspace within a 1-mile radius of the Noah's Ark Airport (Lat. 39°13'50" N., Long. 94°48'15" W.).

AREA B

That airspace extending upward from 2,400 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport excluding Area A, that airspace within a 2-mile radius of the Fairfax Airport (Lat. 39°08'49" N., Long. 94°36'09" W.) and that airspace within a 1½-mile radius of the Sherman Army Airfield (Lat. 39°22'15" N., Long. 94°54'45" W.).

AREA C

That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding Area A and Area B.

AREA D

That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport excluding Area A, Area B and Area C.

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

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

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

[FR Doc.74-27805 Filed 11-27-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-46]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Carthage, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received by December 30, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this 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, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

CARTHAGE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Panola County Airport (latitude 32°10'21" N., longitude 94°17'51" W.) and within 3 miles each side of the Gregg County VORTAC (latitude 32°25'03.3" N., longitude 94°45'10.5" W.) 122°T (115°M) radial, extending from the 5-mile radius area to 25 miles southeast of the Gregg County VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Panola County Airport, Carthage, Tex.

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

Issued in Fort Worth, TX., on November 19, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-27806 Filed 11-27-74;8:46 am]

Federal Highway Administration

[49 CFR Part 395]

[Docket No. MC-47; Notice No. 74-24]

DRIVER'S DAILY LOGS; USE OF 7-DAY LOG FORM

Extension of Time for Comments

The Director of the Bureau of Motor Carrier Safety is extending the time for filing of comments on a notice of proposed rule making issued by the Bureau on August 29, 1974 and published in the FEDERAL REGISTER on September 10, 1974 (39 FR 32620).

The notice announced that the Director was considering amendments to Part 395 of the Federal Motor Carrier Safety Regulations to permit drivers of commercial motor vehicles operated in interstate or foreign commerce to make logs, under certain conditions, on a new form with space for recording seven days of activities upon a single document. Interested persons were invited to submit comments on the proposal before the close of business on December 9, 1974.

The Director has received a request from the American Trucking Associations, Inc. for a 60-day extension of the comment closing date. Upon examination of that request, the Director has determined that there is good cause for granting the 60-day extension.

In consideration of the foregoing, the closing date for filing of comments on the Notice of Proposed Rule Making in Docket No. MC-47 is extended from December 9, 1974 to the close of business on February 7, 1975.

This action is taken under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on November 20, 1974.

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

[FR Doc.74-27834 Filed 11-27-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11094, 57-533]

ALTERNATIVE NET CAPITAL REQUIREMENT FOR CERTAIN BROKERS AND DEALERS

Proposed Adoption

The Securities and Exchange Commission today announced final revisions to the Commission's proposal to adopt a uniform net capital rule applicable to all broker-dealers. The Commission has also determined to publish for comment at this time an alternative approach for measuring the adequacy of a broker-dealer's capital which would measure both the general financial integrity of a broker-dealer and the minimum net capital necessary to support its customer activities.

Because an alternative approach to broker-dealer capital requirements is being published for the first time in this release, it may be necessary to refine the alternative proposal contained in paragraph (f) of the rule and republish it for additional comment. In any event, the Commission desires to make known its intention to adopt a uniform net capital rule after the expiration of this comment period. Whether the rule as adopted will include the alternative net capital requirement proposed in this release, of course, cannot be determined at this time. Accordingly, interested persons are urged to study carefully the impact of both the proposed uniform rule and the alternative proposal and submit appropriate comments on both proposals by December 31, 1974.

I. *Proposal to adopt alternative net capital requirements for certain broker-dealers.* A. *Changes in the securities industry.* The Commission has determined to publish for comment a new concept to measure the capital adequacy of broker-dealers which would eliminate in part restraints presently imposed by the net capital ratio and aggregate indebtedness concepts which have served as the primary source of protection of customers and other broker-dealers for over 30 years. The Commission believes that, as a result of the numerous changes that have occurred in the securities industry over the last five years, the evolving future structure of the securities markets and the future needs of the nation's corporate issuers to raise both equity and debt capital, it is important at this time to develop new approaches to the financial responsibility and capital adequacy of broker-dealers for both the protection of customers and to maintain sound and viable primary and secondary capital markets.

In its "Study of Unsafe and Unsound Practices of Brokers and Dealers," the Commission contemplated that, with the adoption of Rule 15c3-3 [17 CFR 240.15c3-3], the capital requirements for broker-dealers eventually might be reduced. The Study noted:

Any discussion of the subject of 'net capital' and 'capital' must take into account the amendment of section 15(c)(3) of the Exchange Act by section 7(d) of the SIPC Act broadening and specifying with particularity the powers of the Commission on the subjects of reserves for customers' securities. As noted above, the Commission recently acted pursuant to this authority with proposed rules which will seriously restrict the use of customers' funds and securities in the business of a broker-dealer. Proper reserves and adequate custodial requirements and procedures should, by themselves, take

over the liquidity objective of net capital requirements in large part. It is contemplated that, with operational experience, the rules regarding customer funds and securities will eventually supplement and then eliminate the complex substructure of the net capital requirements and, with that, the corresponding intricacies of interpretation.[1]

While the changes in the securities industry since 1967 culminated with the adoption of Rule 15c3–3 [17 CFR 240.-15c3–3], it is important to emphasize other major advances of the past several years which the Commission believes provide a basis for the belief that the operational failures which result from increased trading volume and inadequate systems for the control and delivery of securities should not recur. Also, the Commission believes that the ultimate objective of improving business practices in the securities industry to serve and protect investors is approaching realization. Such recent advances include:

1. The development and almost universal acceptance of the continuous net settlement system ("CNS") for the completion of securities transactions coupled with the use of securities depositories and other processing facilities and the progress toward realization of a nationwide clearance and depository system.

The improvement of these systems not only reduces exposure to operational problems and exposure to theft inherent in the physical handling and processing of securities but also protects the broker-dealer community from loss to it or its customers occasioned by the failure of any given broker-dealer. Transactions completed through such systems are marked to the market on a daily basis, minimizing the risk to the system and its members who are required to maintain substantial clearing fund deposits with such systems not only as collateral for their own obligations but also to provide additional protection to such systems which should be used only to satisfy losses incurred by the default of other members.

2. The development of more comprehensive recordkeeping and control requirements including the quarterly count and verification of securities positions and expanded requirements of independent public accountants to (1) review the procedures for compliance with Rule 15c3–3 and margin requirements of the Federal Reserve System; and (2) comment upon any material inadequacies in systems of accounting control and procedures for safeguarding securities.

3. The implementation by the Commission and the self-regulators of more vigorous buy-in requirements respecting incompleted transactions with both broker-dealers and their customers.

4. The development by the Commission and the self-regulatory organizations of comprehensive examination and surveillance programs which have been of significant importance in the timely detection of operational and financial difficulties experienced by broker-dealers. Of equal importance is the concern and premium that broker-dealers themselves now place on the effective management and control of their securities processing and other operational areas.

5. The development of the Joint Regulatory Report and the steps taken by the Commission to develop a FOCUS Report which will ultimately provide for more effective analysis of the financial and operational condition of broker-dealers.

6. The development by the Commission and the self-regulators of substantially more effective requirements for retaining both equity and subordinated capital which has eliminated impermanent capital and the probability of a recurrence of a dangerous flight of capital from the securities industry at times when permanent capital is most necessary.

B. *Responsibility for protection of customers' funds and securities.* The key factors which distinguish the securities industry from other industries are its custodial responsibility for customers' funds and securities and the unique role the industry must play in the formation and maintenance of the capital needs of governments and corporations. Thus, the scope and purpose of requirements concerning the fiscal responsibility of broker-dealers are designed to achieve an environment in which the failure of a broker-dealer does not result in loss to its customers or the customers of other broker-dealers.

It is the Commission's view that capital requirements must not only be sufficient to enable broker-dealers to meet their immediate commitments to customers but also provide reasonable assurance against the loss of customer assets by interacting with minimum operational and custodial standards as well as existing surveillance, reporting and examination programs within the industry's regulatory and self-regulatory framework. Capital requirements must also balance the need for the efficient use and deployment of existing resources to meet the industry's function of capital formation and maintenance with the equally important need to protect public customers and instill within them confidence to insure their continued participation in the nation's capital markets.

Capital requirements must eventually become simple enough in concept and design to facilitate their review by regulators and make the capital structures of broker-dealers, as well as their investment and operating policies, more understandable to the public, lending institutions and other suppliers of capital. Finally, capital requirements should provide a reasonable, yet finite, limitation on unreasonable expansion by broker-dealers to minimize the possibility of customer losses and SIPC fund exposure.

While the Commission is of the view that substantial progress has occurred in the securities industry over the past five years, much remains to be done before the liquidity requirements of the net capital rule can be supplanted entirely by other rules such as the custodial and reserve requirements of Rule 15c3–3 as noted above. It is the Commission's determination to continue to monitor the operation and effectiveness of Rule 15c3–3 and strengthen the rule where necessary to furnish the protection for the integrity of customers' funds and securities as envisioned by Congress when it amended Section 15(c)(3) of the Securities Exchange Act by adopting Section 7(d) of the SIPC Act.

C. *Proposed alternative financial responsibility requirements.* The alternative approach to the financial responsibility requirements for broker-dealers would begin to integrate the net capital requirements of Rule 15c3–1 [17 CFR 240.15c3–1] with the custodial and reserve requirements of Rule 15c3–3, moving to place greater responsibility and reliance for the protection of customer assets on Rule 15c3–3 while continuing the liquidity requirements of Rule 15c3–1 to insure the general financial integrity of the broker-dealer.

1. *Alternative net capital requirement:* Rule 15c3–1(f), as proposed, would serve as a minimum net capital or liquidity standard which will measure the general financial integrity and liquidity of the broker-dealer and will define the minimum net capital deemed necessary to meet the broker-dealer's continuing commitments to its customers. Also, it will indicate to other creditors, with whom the broker-dealer may deal, what portion of its liquid assets in excess of that required to protect customers will be available to meet other commitments of the broker-dealer. In addition, the amount of the firm's liquid assets in excess of the broker-dealer's minimum requirement to protect customers would give the Commission, self-regulators and SIPC sufficient early warning to take appropriate action to protect customers prior to the time when assets would be insufficient to satisfy customers' claims in the event of liquidation.

The proposal would eliminate the current standard of measuring such customer obligations (i.e., aggregate indebtedness and the net capital ratio test) and substitute as the standard for determining the level of the broker-dealer's customer-related activity the aggregate dollar amount of assets which have as their source transactions with customers (i.e., items includable in the Formula for Determination of Reserve Requirements for Brokers and Dealers ("Reserve Formula")). These items include debit balances in customer cash and margin accounts, fails to deliver, stock borrowed and certain securities purchased as principal which are short in customers' accounts. Rule 15c3–1(f)

[1] "Study of Unsafe and Unsound Practices of Brokers and Dealers," report and recommendations of the Securities and Exchange Commission, December 1971, at page 17. The Commission adopted Rule 15c3–3 on November 10, 1972, effective January 15, 1973 (Release No. 34–9856).

would thus require a broker-dealer to maintain minimum net capital equal to the greater of $100,000 or 4% of aggregate debit balances includable in the Reserve Formula.

This new approach would be applicable only to broker-dealers who have not elected to operate pursuant to an exemption from Rule 15c3–3 through paragraph (k)(1) or (k)(2)(A). Broker-dealers who meet the requirements of paragraph (k)(2)(B) of Rule 15c3–3 and introduce all customer transactions to another broker-dealer on a fully disclosed basis would be eligible to operate pursuant to Rule 15c3–1(f), if they maintained minimum net capital of $100,000.

Rule 15c3–1(f) also seeks to enhance the ability of broker-dealers to engage in market making, block positioning and specializing. To achieve this objective, the alternative approach would reduce the haircut on the greater of the long or short position in equity securities to 15 percent of the market value of such securities. The rule would continue to exempt the lesser of the aggregate long or short position from any haircut to the extent such position does not exceed 25 percent of the greater of such positions. However, the rule would maintain a 30 percent haircut on security positions in excess of the 25 percent exclusion.

Because the alternative approach seeks to measure the general financial integrity of the broker-dealer, the Commission believes it appropriate to propose more stringent requirements to guard against broker-dealers over-extending themselves by unduly concentrating their assets in any one security position. Consequently, the alternative approach would result in an additional 15 percent haircut on equity security positions to the extent they exceed 10 percent of net capital before the application of haircuts and such additional charges would attach immediately, rather than after 11 business days, except in the case of security positions which result from the broker-dealer's underwriting a security, in which case the additional charge would attach after 7 business days.

In addition, the alternative approach would preclude the withdrawal of equity capital if the broker-dealer's minimum net capital is less than 7 percent of aggregate Reserve Formula debits and subordinated capital could not be withdrawn if minimum net capital is less than 6 percent of aggregate Reserve Formula debits.

While the Reserve Formula would be computed on a weekly basis and hence minimum net capital requirements would be determined weekly, broker-dealers would still be required to know their available net capital at all times.

The Commission is also of the view that the foregoing approach to minimum net capital requirements can be made applicable to stock exchange specialists who have no public customers, and the Commission seeks the comments of interested parties with respect to this question.

2. Modifications to Rule 15c3–3: As mentioned earlier the Commisison believes that the goals to be achieved by the proposed alternative capital adequacy approach can only be realized by further strengthening the custodial and Reserve Formula safeguards for the protection of customer assets found in Rule 15c3–3.

Conceptually, the reserve requirements of Rule 15c3–3 permit a broker-dealer to use customer free credit and other credit balances as well as funds derived from the lending and hypothecation of customers' securities to finance other customer-related receivables. To the extent funds derived from customers exceed the amounts customers owe the broker-dealer, Rule 15c3–3 requires that such funds or certain qualified securities be placed in a "Special Reserve Bank Account for the Exclusive Benefit of Customers." While no reserve deposits are required of a broker-dealer during a period when the amounts receivable by a broker-dealer from servicing his customers exceeds the amounts derived from the permissible uses of customer funds, the existence of such excess receivables is of itself a sign of a healthy and viable broker-dealer who is financing substantial amounts of customer receivables with its own capital rather than that of its customers. Moreover, unlike the concept of aggregate indebtedness which reflects only certain money liabilities of the broker-dealer, the Reserve Formula of Rule 15c3–3 and the Reserve Bank Account will reflect and provide actual cash reserves when a broker-dealer is beset with operational problems which result in stock record differences, aged stock dividends and aged transfer items.

Thus, Rule 15c3–3 recognizes that the healthy and viable broker-dealer will receive a substantial positive cash flow from the realization of its customer-related receivables to meet not only its current and ongoing commitments to its customers but also to provide reserves for operational difficulties which represent substantial risks to customers and the viability of the broker-dealer itself.

The mere realization of cash from other customers, however, will be insufficient to protect customers whose funds may be utilized by the broker-dealer unless there is a sufficient cushion of excess customer-related receivables available to give regulators and others who have sufficient early warning of a broker-dealer's instability to permit them to take timely and effective action to protect customers. Such a cushion would permit the administration of an orderly liquidation of a broker-dealer or the orderly transfer of customer accounts to other viable broker-dealers.

Rule 15c3–1(f) would therefore require broker-dealers who determine to operate under the proposed alternative capital approach to provide the following additional protections to customers through the computation of their reserve requirements pursuant to Rule 15c3–3:

1. Reduce the dollar value of aggregate debit items in the Reserve Formula by 3 percent in lieu of the deductions required by Note B(2) to Exhibit A to Rule 15c 3–3; and

2. Including the market value of short security count differences and short securities and credits in all suspense accounts as called for in Items 7 and 8 to Exhibit A to Rule 15c3–3 after 7 business days.

Thus, Rule 15c3–3 as revised by Rule 15c3–1(f) would require a 100 percent reserve, for customer funds not available for use by the broker-dealer, and will also require an additional 3 percent commitment of the broker-dealer's own liquid capital in the form of cash or qualified securities as an additional reserve and to insure his ability to finance his customer-related receivables. Such additional reserves will thus be available to provide self-regulatory organizations and others with additional assets for the satisfaction of customer cash claims and to redeem customers' securities which have been hypothecated or otherwise encumbered when necessary for the orderly winding up of the business of any broker-dealer

D. *Conclusion.* The Commission believes that the foregoing approach to capital adequacy, while not intended to be the final answer, forms the foundation for the ultimate achievement of the goals a new approach to capital requirements must fulfill to contribute to an environment of adequate protection of customer assets. While initially this new approach is not intended to have applicability to all broker-dealers, experience may warrant its extension to all registered broker-dealers as well as specialists not currently subject to the Commission's minimum capital standards.[3]

II. *Revised Rule 15c3–1.* A. *Introduction.* On November 29, 1973, the Commission published for comment its proposal to adopt a uniform net capital rule applicable to all broker-dealers. The Commission herein is announcing revisions to that proposal and plans to adopt the uniform rule after the expiration of this comment period.

The revised rule contains an entirely new format designed to simplify and clarify the rule's requirements. The revised rule contains a table of contents respecting its provisions, the basic net capital requirement for broker-dealers and five appendices which deal with problems that are unique to certain broker-dealers, their attorneys or personnel involved in specific broker-dealer functions. These appendices concern: A. Options, B. Commodities, C. Margin Maintenance Requirements, D. Satisfactory Subordination Agreements and E. Flow Through Capital Provisions.

[3] The Commission wishes to make clear that the 4 percent minimum net capital requirement of Rule 15c3–1(f) [17 CFR 240.-15c3–1(f)] and the additional 3 percent reduction of aggregate debits in the Formula for Determination of Reserve Requirements are tentative and specific comments are invited as to the adequacy of the levels proposed under the alternative approach. Such levels may be further revised by the Commission prior to the alternative being adopted.

This release does not discuss all the revisions to the proposal but highlights the changes resulting from the principal concerns expressed by the commentators.

B. *Minimum net capital requirements.* 1. The revised rule would expand the $5,000 minimum net capital requirement to permit many small broker-dealers to engage in the sale of mutual funds on a direct wire order basis. At present a broker-dealer having minimum net capital of $5,000 may sell mutual funds only pursuant to the application way method and as a result they cannot provide their customers with a price for the fund shares purchased which is based on the net asset value of the fund on the day the shares are purchased.

2. A $50,000 minimum net capital requirement for writers and endorsers of options will be required only of those broker-dealers writing or endorsing options which are not listed on a registered national securities exchange. It is the Commission's view that, since listed options bear the ultimate guarantee of an exchange clearing facility which requires special safeguards and margin requirements for options written on those exchanges, a $25,000 minimum net capital requirement is appropriate for the writers of such options.

C. *Fails to receive and fails to deliver.* 1. The inclusion of certain fail to receive contracts in aggregate indebtedness where the underlying securities are no longer owned by broker-dealers, in certain instances, results in situations where the capital reserve required to be maintained for such fails results in a greater capital commitment by the broker-dealer than would result if the securities were still owned by him. Such situations arise primarily in the area of debt instruments where the proprietary haircuts required by the rule are generally less than 7 percent. To insure that such capital requirements do not result in the inhibition of the market for such debt instruments, the Commission has determined to revise the net capital rule in two respects. First, the revised rule would exclude from aggregate indebtedness all those fail to receive contracts where the broker-dealer does not owe such securities to a customer. Second, in order to encourage the elimination of a large source of such failing contracts (i.e., the failure of some other broker-dealer to deliver the securities to the broker-dealer failing to receive) the revised rule would require that any fail to deliver contract outstanding more than 11 business days past settlement be treated as if it were a proprietary position of the broker-dealer subject to a haircut. Any adverse movement of the market value of the underlying security from the contract value of the fail would also be charged against capital.

2. Special problems often result from the failure of issuers of commercial paper, bankers acceptances, certificates of deposit and other money market instruments to issue these instruments in a timely fashion and thereby result in liabilities of the broker-dealer which are includable in aggregate indebtedness. Such delays by the issuers of these instruments or their agents from mechanical or other temporary factors are often most acute at the end of the month when large amounts of notes are being processed by banks for delivery. Such delays are often self-correcting since the failure to make a prompt delivery results in the issuer's loss of interest on such instruments, the cost of which in most instances is borne by the agent bank. In order to avoid adverse effects which the inclusion of such items in aggregate indebtedness can have on the willingness of broker-dealers to participate in the nation's money markets, the revised rule would provide that such liabilities may be excluded from aggregate indebtedness for up to 3 business days.

D. *Deferred income taxes.* The rule as revised has been clarified with respect to the treatment of deferred income tax liabilities recorded in the books and records of the broker-dealer. Since such liabilities are generally related to unrealized profits and losses on securities transactions or assets not readily convertible to cash which do not represent tax obligations currently payable, the Commission has determined that such liabilities should be excludable from the computation of aggregate indebtedness of the broker-dealer.

Since the net capital rule requires that a broker-dealer have sufficient assets to meet its obligations to customers, the determination of a broker-dealer's net capital must take into account the income tax effect on its transactions. In this connection, the revised proposal would provide that the net worth of the broker-dealer may be adjusted in recognition of the fact that the rule's haircut provisions have already taken into account the value of the broker-dealer's proprietary securities positions. The effect of this provision is not to require the broker-dealer to provide for taxes on the "haircut" portion of the broker-dealer's security position to the extent of his unrealized gain. Thus, the rule now provides that net worth may be adjusted by adding back the lesser of: (1) the total of all deferred tax liabilities provided for under generally accepted accounting principles or (2) the amount which results from applying the broker-dealer's effective income tax rates to the total amount of haircuts provided for by the rule.

This approach acknowledges that, when a broker-dealer has substantial unrealized profits in his portfolio, a lesser capital reserve is appropriate and such profits should be available to supplement the broker-dealer's business activities.

E. *Management fees receivables.* The revised rule would treat management fees receivables from registered investment companies as assets readily convertible to cash for a 30 day period.

F. *Good faith deposits.* The rule has been revised to recognize that good faith deposits may not be returned by the municipality or managing underwriter until a period subsequent to the settlement date of the underwriting which in most instances is a period longer than 30 days from the time of the deposit. Thus, the rule would require that good faith deposits be deducted from net worth if not returned to the broker-dealer within 11 business days subsequent to the settlement date of the underwriting.

G. *Insurance claims receivable.* In many instances broker-dealers have insurance claims which relate to losses of securities which have been resolved. The revised rule would not require such losses to be deducted in the computation of net capital if within 7 days after the loss has been discovered and is required to be recorded, the broker-dealer has obtained an opinion of outside counsel that the claim is valid and is covered by insurance policies presently in force and if within 20 business days after the loss is discovered the claim is acknowledged as due and payable by the insurance carrier. At such time as the claim is acknowledged as due and payable by the insurance carrier, the receivable from the carrier may be considered an asset readily convertible to cash for an additional 20 business days.

H. *Free shipments of securities.* The revised rule provides that free shipments of securities not exceeding $5,000 (excluding shipments of mutual fund shares to the issuer or its agent for redemption) will not result in a charge against net capital for a period of 7 business days. Thereafter all free shipments outstanding (including the free shipment mutual funds) will be required to be charged against capital.

I. *Undue concentrations.* The revised rule continues to require an undue concentration haircut where any security position of the broker-dealer in position for more than 11 business days exceeds 10 percent of net capital before the application of haircuts. The revised rule, however, would permit the Examining Authority designated by SIPC to provide relief from this requirement as to a specialist's specialty stock where it is in the public interest to do so.

J. *Options.* The revised rule sets forth in a separate Appendix A the requirements of the net capital rule respecting security positions in options.

1. Uncovered put and call options: The rule will require uncovered short options to receive a capital charge equal to 30 percent of the market value of the underlying security reduced by any amount the option position is "out of the money" with a minimum change of $250 for each option contract for 100 shares of the underlying security. Unrealized losses in such option positions would be charged to net capital.

2. Covered put and call options: A broker-dealer who has written an option and also has a position in the underlying security would be permitted to reduce the haircut on the underlying security position to the extent the holder of the option is likely to either call the underlying security away from the broker-dealer or put the underlying security to the broker-dealer.

3. Spread positions in options: To the extent the broker-dealer is both long and short an option for the same underlying security with different exercise prices, so long as the long option expires subsequent to the short option, the broker-dealer's capital charge would be the difference between the exercise prices of the two options

4. Requirements for customer short option positions: The rule requires that the broker-dealer deduct from net capital an amount equal to 30 percent of the market value of customer uncovered short positions reduced by any amount the option is "out of the money" and, consequently, is not likely to be exercised, or increased by any loss with a minimum charge of $250 for each option contract written for 100 shares. The charge would be reduced by any margin deposited with the broker-dealer to collateralize the transaction.

K. *Satisfactory subordination agreements.* The revised rule sets forth in a separate Appendix D to the rule the requirements for satisfactory subordination agreements.

The revised rule makes clear that subordinated capital contributions may take the form of contributions of cash or securities; however, all contributions of securities must be pursuant to a secured demand note arrangement. The appendix defines the minimum standards for the contribution and form of secured demand notes as well as subordinated contributions of cash. Appendix D should be carefully examined by broker-dealers and their counsel in preparing comments on the proposal.

The revised rule would limit the ability of the broker-dealer to reduce the principal amount of a secured demand note to one 15 percent reduction during the term of the agreement. After any such reduction the lender would be precluded from withdrawing excess collateral securities from the collateral given for the secured demand note.

The provisions of Appendix D to the rule which would permit the prepayment of such subordination agreements has been modified to provide that any such prepayment receive the prior written approval of the Examining Authority for the broker-dealer which has been so designated by SIPC. Since such written approval is now a mandatory requirement, the prepayment of such obligations will be permitted, subject to such approval, if the broker-dealer's capital ratio does not exceed 10 to 1 after consideration of scheduled capital withdrawals over the six months following the prepayment date.

The proposed rule provides that subordination agreements are to be examined and approved by the SIPC designated examining authority or the Commission's Regional Offices in the case of a SECO broker-dealer prior to their becoming effective. In addition, all subordination agreements must be filed with both the SIPC designated examining authority and the appropriate Commission regional office.

Finally, since contributions of securities other than equity contributions must now take the form of a secured demand note, the definition of securities accounts of partners has been eliminated.

L. *Flow through capital from subsidiaries and affiliates.* Appendix E of the rule sets forth the requirements which must be met to consolidate in a single net capital computation the assets and liabilities of subsidiaries and affiliates in order to obtain flow-through capital benefits for the broker-dealer.

The rule has been revised to provide that flow-through capital benefits can be available to the broker-dealer if the subsidiary or affiliate is majority-owned and controlled and the assets of the subsidiary or affiliate or the broker-dealer's interest therein may be distributed to the broker-dealer within a 30 day period.

In addition, the rule has been revised to make clear that subordinated obligations of the subsidiary may not increase the net worth of the parent unless the obligation is also subordinated to the claims of present and future creditors of the parent.

Finally, the revised rule requires that liabilities which are guaranteed by the broker-dealer be reflected in the firm's net capital computation.

M. *U.S. government securities.* The Commission wishes to clarify what it deems to be the appropriate treatment for purposes of the net capital rule of repurchase, reverse repurchase and matched repurchase agreements in U.S. government securities.

It is the Commission's view that government securities subject to repurchase agreements are to be treated as if owned by the broker-dealer and a haircut applied to the market value of the security. In the case of reverse repurchase agreements for U.S. government securities these transactions result in the broker having a secured receivable from the borrower of funds from him and any capital charge should be limited to the deficiency, if any, in the security collaterlizing the receivable. Finally, matched repurchase agreements result in matched contractual commitments to buy or sell the U.S. government securities subject to the agreements and as such a capital charge should not normally arise.

N. *Risk arbitrage.* The revised rule provides that the haircut on risk arbitrage positions be on the market value of the greater of the long or short positions. A risk arbitrage transaction is deemed to continue until the merger or consolidation has been terminated by the parties.

Statutory basis. These amendments are proposed to be adopted under the Securities Exchange Act of 1934, particularly Sections 10(b), 15(c)(3), 17(a)and 23(a) thereof.

1. Section 240.15c3–1 is revised to read as follows:

§ 240.15c3–1. Net Capital Requirements for Broker-Dealers.

(a) No broker-dealer shall permit his aggregate indebtedness to all other persons to exceed 1500 per centum of his net capital, except as provided in paragraph (a)(1) and paragraph (f) of this section, and every broker-dealer shall have the net capital necessary to comply with the following conditions except as otherwise provided for in paragraph (f) of this section:

(1) Broker-dealers engaged in a general securities business: No broker-dealer, except one who operates under paragraph (f) of this section, shall permit his aggregate indebtedness to all other persons to exceed 800 per centum of his net capital for 12 months after becoming a broker-dealer, and, except as otherwise provided for in paragraph (a) or paragraph (f) of this section, the broker-dealer shall at all times have and maintain net capital of not less than $25,000;

(2) Brokers who do not generally carry customers' accounts: Notwithstanding the provisions of paragraph (a)(1) hereof, a broker-dealer shall have and maintain net capital of not less than $5,000 if he does not hold funds or securities for, or owe money or securities to, customers and does not carry accounts of or for customers, except as provided for in paragraph (a)(3)(v) below, and he conducts his business in accordance with one or more of the following conditions but engages in no other securities activities;

(i) He introduces and forwards as a broker all transactions and accounts of customers to another broker-dealer who carries such accounts on a fully disclosed basis and promptly forwards thereto all of the funds and securities of customers received in connection with his activities as a broker;

(ii) He participates, as broker, in underwritings on a "best efforts" or "all or none" basis in accordance with the provisions of Rule 15c2–4(b)(2) (§ 240.15c2–4(b)(2) of this chapter) and he promptly forwards to an independent escrow agent customers' checks, drafts, notes or other evidences of indebtedness received in connection therewith which shall be made payable to such escrow agent;

(iii) He promptly forwards, as broker, subscriptions for securities to the issuer, underwriter, sponsor or other distributor such securities and receives checks, drafts, notes or other evidences of indebtedness payable solely to the issuer, underwriter, sponsor or other distributor who delivers the security purchased directly to the subscriber;

(iv) He effects an occasional transaction in securities for his own investment account;

(v) He acts as broker-dealer with respect to the purchase, sale and redemption of redeemable shares of registered investment companies or of interests or participations in insurance company separate accounts, whether or not registered as an investment company, and he promptly transmits all funds and delivers all securities received in connection with such activities;

(vi) He introduces and forwards all customer and all principal transactions and accounts to another broker-dealer who carries such accounts on a fully

disclosed basis and promptly forwards all funds and securities received in connection with his activities as a broker-dealer and does not otherwise hold funds or securities for, or owe money or securities to, customers and does not otherwise carry proprietary or customer accounts and his activities as dealer are limited to holding firm orders of customers and in connection therewith: (A) In the case of a buy order, prior to executing such customers' order, purchases as principal the same number of shares or purchases shares to accumulate the number of shares necessary to complete the order which shall be cleared through another broker-dealer or (B) in the case of a sell order, prior to executing such customers' order sold the same number of shares or a portion thereof which shall be cleared through another broker-dealer.

(3) Broker-dealers engaged solely in the sale of redeemable shares of registered investment companies and certain other share accounts: Net capital of not less than $2,500 shall be maintained by a broker-dealer who engages in no other securities activities except those prescribed in this subparagraph and who meets all of the following conditions:

(i) His dealer transactions are limited to the purchase, sale and redemption of redeemable shares of registered investment companies or of interests or participations in an insurance company separate account, except that he may also effect an occasional transaction in other securities for his own investment account with or through another registered broker-dealer;

(ii) His transactions as broker are limited to: (A) The sale and redemption of redeemable shares of registered investment companies or of interests or participations in an insurance company separate account whether or not registered as an investment company; (B) the solicitation of share accounts for savings and loan associations insured by an instrumentality of the United States; and, (C) the sale of securities for the account of a customer to obtain funds for immediate reinvestment in redeemable securities of registered investment companies; and

(iii) He promptly transmits all funds and delivers all securities received in connection with his activities as a broker-dealer, and does not otherwise hold funds or securities for, or owe money or securities to, customers;

(4) Certain additional capital requirements for market makers: Notwithstanding the provisions of paragraphs (a) (1), (2), and (3), a broker-dealer engaged in activities as a market maker as defined in paragraph (c) (7) of this section, shall maintain net capital in an amount not less than $2,500 for each security in which he makes a market (unless a security in which he makes a market has a market value of $5 or less, in which event the amount of net capital shall be not less than $500 for each such security) except that under no circumstances shall he have net capital of less than that required by paragraph (a) (1) or be required to maintain net capital of more than $100,000 unless otherwise required herein; and

(5) Certain additional capital requirements for broker-dealers engaged in the sale of options: Notwithstanding the provisions of paragraphs (a) (1) thru (4), a broker-dealer who endorses or writes options, including, but not limited to, puts, calls, straddles, strips or straps otherwise than on a registered national securities exchange or a facility of a registered national securities association shall have net capital of not less than $50,000.

(b) *Exemptions.* (1) The provisions of this section shall not apply to any specialist who does not transact a business in securities with other than members, brokers or dealers and who is in good standing and subject to the capital requirements of the American Stock Exchange (if he is not also a clearing member of the American Stock Exchange), the Boston Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange, the Pacific Stock Exchange, the PBW Stock Exchange, or the Chicago Board Options Exchange (if he is not also a clearing member of the Chicago Board Options Exchange); whose rules, settled practices and applicable regulatory procedures are deemed by the Commission to impose requirements that are satisfactory to the Commission, provided that this exclusion as to a particular specialist of any exchange or as to the exchange itself, may be suspended or withdrawn by the Commission at any time, upon (10) ten days written notice to such exchange or specialist, if it appears to the Commission that such action is necessary or appropriate in the public interest or for the protection of investors.

(2) The Commission may, upon written application, exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any broker-dealer who satisfies the Commission that, because of the special nature of his business, his financial position, and the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors to subject the particular broker-dealer to the provisions of this section.

(c) *Definitions.* For the purpose of this section:

(1) Aggregate Indebtedness: The term "aggregate indebtedness" shall be deemed to mean the total money liabilities of a broker-dealer arising in connection with any transaction whatsoever, and includes, among other things, money borrowed, money payable against securities loaned and securities "failed to receive," the market value of securities borrowed to the extent to which no equivalent value is paid or credited (other than the market value of margin securities borrowed from customers in accordance with the provisions of 17 CFR 240.15c3-3), customers' free credit balances, credit balances in customers' accounts having short positions in securities, equities in customers' future commodities accounts and credit balances in customers' commodities accounts, but excluding:

(i) Indebtedness adequately collateralized as defined in paragraph (c) (6), by securities which are owned by the broker-dealer, contributed as partnership capital or securities subordinated pursuant to Appendix (D) to this section or indebtedness adequately collateralized by spot commodities owned by the broker-dealer.

(ii) Amounts payable against securities loaned which securities are owned by the broker-dealer, contributed as partnership capital or securities subordinated pursuant to Appendix (D) to this section;

(iii) Amounts payable against securities failed to receive which securities are owned by the broker-dealer, contributed as partnership capital, or subordinated pursuant to Appendix (D) to this section or amounts payable against securities failed to receive for which the broker-dealer also has a receivable related to securities failed to deliver or securities borrowed by the broker-dealer;

(iv) Credit balances in accounts representing amounts payable for securities not yet received from the issuer or its agents which securities are specified in paragraph (c) (2) (vi) (E) of this section and which amounts are outstanding not more than three business days;

(v) Amounts payable to the extent the funds are segregated in accordance with the provisions of the Commodity Exchange Act and the rules and regulations thereunder;

(vi) Liability reserves established and maintained for refunds of charges required by section 27(d) of the Investment Company Act of 1940, but only to the extent of amounts on deposit in a segregated trust account in accordance with Rule 27d-1 under the Investment Company Act of 1940 [17 CFR 270.27d-1];

(vii) Amounts payable to the extent funds are on deposit in a "Special Reserve Bank Account for the Exclusive Benefit of Customers" pursuant to 17 CFR 240.15c3-3 under the Securities Exchange Act of 1934;

(viii) Fixed liabilities adequately secured by real estate or any other asset of the broker-dealer which is not included in the computation of "net capital" under this section;

(ix) Liabilities on open contractual commitments;

(x) Indebtedness subordinated to the claims of all present and future creditors pursuant to a satisfactory subordination agreement, as defined in Appendix (D) to this section;

(xi) Liabilities which are effectively subordinated to the claims of all present and future creditors, (but which are not satisfactory subordination agreements as defined in Appendix (D) to this section), by persons not customers of the broker-dealer prior to such subordination;

(xii) Credit balances in accounts of general partners; and

(xiii) Deferred tax liabilities.

(2) Net capital: The term "net capital" shall be deemed to mean the net worth of a broker-dealer (that is, the excess of total assets over total liabilities), adjusted by:

(i) Adjustments to net worth related to unrealized profits and losses and deferred tax provisions: (A) Adding unrealized profits (or deducting unrealized losses) in the accounts of the broker-dealer and, if such broker-dealer is a partnership, adding equities (or deducting deficits) in capital accounts of partners;

(B)(*1*) Where the broker-dealer is either long or short the security underlying an option which option is either short and/or long in the capital, proprietary or other accounts of the broker-dealer, the unrealized profit or loss shall be the difference between the cost, other basis or proceeds from the sale of the underlying security position and the security position's realizable value.

(*2*) Where the broker-dealer is long an option not listed on a registered national securities exchange or facility of a registered national securities association and there is no offsetting security position, the unrealized profit to be recognized is that which would be realized if the option were exercised.

(*3*) Where the broker-dealer is short an option and there is no offsetting security position the unrealized loss to be recognized is that which would be realized if the option were exercised.

(*4*) Unrealized profits or losses on options not listed on a registered national securities exchange or facility of a registered national securities association shall be increased or decreased by the write-off of any unamortized cost of long options or recognition of any unamortized proceeds from the writing or sale of options.

(C) Adding to net worth the lessor of any deferred income tax liability, or the sum of (*1*), (*2*) and (*3*) below;

(*1*) The aggregate amount resulting from applying to the amount of the deductions computed in accordance with paragraph (c)(2)(vi) and Appendices A and B to this section or, where appropriate, paragraph (f) of this section, the appropriate Federal and State tax rate[s] applicable to any gain or income on the asset on which the deduction was computed.

(*2*) Any deferred tax liability related to income accrued which is directly related to an asset otherwise deducted pursuant to the section;

(*3*) Any deferred tax liability related to unrealized appreciation in value of any asset[s] which has been otherwise deducted from net worth in accordance with the provisions of the section; and

(D) Adding, in the case of future income tax benefits arising as a result of unrealized losses, the amount by which such benefits do not exceed the amount of income tax liabilities accrued on the books and records of the broker-dealer, and only to the extent such benefits could have been applied to reduce accrued tax liabilities on the date of the capital computation had the related unrealized losses been realized on that date.

(ii) Subordinated liabilities: Excluding liabilities of the broker-dealer which are subordinated to the claims of all present and future creditors pursuant to a satisfactory subordination agreement, as defined in Appendix (D) to this section.

(iii) Sole proprietors: Deducting, in the case of a broker-dealer who is a sole proprietor, the excess of (A) liabilities which have not been incurred in the course of business as a broker-dealer over (B) assets not used in the business.

(iv) Assets not readily convertible to cash: Deducting fixed assets and assets which cannot readily be converted into cash (less any indebtedness adequately secured thereby) including, among other things:

(A) Fixed assets and prepaid items: Real estate; furniture and fixtures; exchange memberships; prepaid rent, insurance and other expenses; goodwill, organization expenses;

(B) Certain unsecured and partly secured receivables: All unsecured advances and loans; deficits in customers' unsecured and partly secured notes and unsecured and partly secured accounts except in cash accounts as defined in 12 CFR 220.4(c) of Regulation T under the Securities Exchange Act of 1934 for which not more than one extension respecting a specified securities transaction has been requested and granted; receivables arising out of free shipments of securities (other than mutual fund redemptions) in excess of $5,000 per shipment or outstanding more than 7 business days; deficits in secured demand notes as defined in Appendix (D) to this section;

(C) Certain receivables: Interest receivable, floor brokerage receivable, commissions receivable from other broker-dealers (other than syndicate profits which shall be treated as required in (E) below), mutual fund concessions receivable and management fees receivable from registered investment companies which are outstanding longer than 30 days from the date they arise; dividends receivable outstanding longer than 30 days from the payable date; and good faith deposits oustanding longer than 11 business days from the settlement of the underwriting;

(D) Insurance claims: Insurance claims which after 7 business days from the date the loss giving rise to the claim is discovered are not covered by an opinion of outside counsel that the claim is valid and is covered by insurance policies presently in effect; insurance claims which after twenty business days from the date the loss giving rise to the claim is discovered and which are accompanied by an opinion of outside counsel described above, have not been acknowledged by the insurance carrier as due and payable; and insurance claims acknowledged by the carrier as due and payable outstanding longer than 20 business days from the date they are so acknowledged by the carrier; and

(E) Other assets: All other unsecured receivables; all assets doubtful of collection less any reserves established therefor; and, the funds on deposit in a "segregated trust account" in accordance with Rule 27d-1 under the Investment Company Act of 1940 [17 CFR 270.27d-1], but only to the extent that the amounts on deposit in such segregated trust account exceeds the amount of liability reserves established and maintained for refunds of charges required by sections 27(d) and 27(f) of the Investment Company Act of 1940; Provided, that any amount deposited in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" established pursuant to Rule 15c3-3 [§ 240.15c3-3 of this chapter] and clearing deposits shall not be so deducted.

(v) Security differences: Deducting the market value of all short securities differences (which shall include securities positions reflected on the securities record which are not susceptible to either count or confirmation) unresolved for seven business days after discovery and the market value of any long security differences (which shall include securities positions reflected on the securities record which are not susceptible to either count or confirmation) where such securities have been sold by the broker-dealer until they are adequately resolved, less any reserves established therefor;

(vi) Securities haircuts: Deducting the percentages specified in subdivisions (A) thru (M) below (or the deductions prescribed for securities positions set forth in Appendix A to this section or, where appropriate, paragraph (f) of this section) of the market values of all securities, money market instruments or options, in the capital, proprietary and other accounts of the broker-dealer.

(A) Government securities: In the case of a security issued or unconditionally guaranteed as to principal and interest by the United States or any agency thereof, the applicable percentages of the net market value long or short in each of the categories specified below are:

(*1*) Less than 1 year to maturity—0 percent;

(*2*) 1 year but less than 3 years to maturity—1 percent;

(*3*) 3 years but less than 5 years to maturity—2 percent;

(*4*) 5 years or more to maturity—3 percent.

(B) Municipals: In the case of any security issued or unconditionally guaranteed as to principal and interest by any State, territory or possession of the United States or any political subdivision thereof, or any authority, commission or agency of a State, territory or possession of the United States or any political subdivision thereof, which is not in default as to principal or interest or traded flat, the applicable percentages on the greater of the market value of the long or short position in each of the categories specified below are:

(*1*) Less than 1 year to maturity—1 percent;

(2) 1 year but less than 2 years to maturity—2 percent;

(3) 2 years but less than 5 years to maturity—3 percent;

(4) 5 years or more to maturity—5 percent.

(C) Canadian debt obligations: In the case of any security issued or unconditionally guaranteed as to principal and interest by the Government of Canada or any agency thereof, the percentages of market value to be deducted are the same as in paragraph (c) (2) (vi) (A) of this section.

(D) Certain municipal bond trusts and liquid asset funds: In the case of securities of an investment company registered under the Investment Company Act of 1940, if all of the assets of such investment company are in the form of cash or securities specified in paragraph (c) (2) (vi) (A) thru (C) or (E) of this section below, the deduction shall be 7 percent of the market value of the greater of the long or short position.

(E) Commercial paper, bankers acceptances and certificates of deposit: In the case of any short-term promissory note or evidence of indebtedness issued by any industrial, utility, commercial or finance company or Real Estate Investment Trust, which has a fixed rate of interest or is sold at a discount, and which has a maturity date at date of issuance not exceeding nine months exclusive of days of grace, or any renewal thereof, the maturity of which is likewise limited and is rated in one of the three highest categories by at least one of the nationally recognized statistical rating organizations, or in the case of any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank as defined in section 3(a) (6) of the Securities Exchange Act of 1934, the applicable percentage of the market value of the greater of the long or short position in each of the categories specified below are:

(1) Less than 30 days to maturity—0 percent;

(2) 30 days but less than 91 days to maturity—⅛ of 1 percent;

(3) 91 days but less than 181 days to maturity—¼ of 1 percent;

(4) 181 days but less than 271 days to maturity—⅜ of 1 percent;

(5) 271 days but less than 1 year to maturity—½ of 1 percent; and

(6) With respect to any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank, as defined above, having 1 year or more to maturity, the deduction shall be on the greater of the long or short position and shall be the same percentage as that prescribed in paragraph (c) (2) (vi) (A) above.

(F) Nonconvertible debt securities: In the case of nonconvertible debt securities having a fixed interest rate and fixed maturity date and which are not in default as to principal or interest or traded flat and which are rated in one of the four highest rating categories by at least one of the nationally recognized statistical rating organizations, the applicable percentages on the market value of the greater of the long or short position in each of the categories specified below are:

(1) Less than one year to maturity—1 percent;

(2) One year but less than two years to maturity—2 percent;

(3) Two years but less than three years to maturity—3 percent;

(4) Three years but less than four years to maturity—4 percent;

(5) Four years but less than five years to maturity—5 percent; and

(6) Five years or more to maturity—7 percent.

(G) Convertible debt securities: In the case of a debt security not in default which has a fixed rate of interest and a fixed maturity date and which is convertible into an equity security, the deductions shall be as follows: if the market value is 100 percent or more of the face value, the deductions shall be determined as specified in paragraph (c) (2) (vi) (J); of this section; if the market value is below the face value, the deductions shall be determined as specified in paragraph (c) (2) (vi) (F) of this section.

(H) Preferred stock: In the case of cumulative, nonconvertible preferred stocks ranking prior to all other classes of stock of the same issue, which is not in arrears as to dividends, the deduction shall be 20 percent of the market value of the greater of the long or short position;

(I) Risk arbitrage positions: In the case of each risk arbitrage transaction, the deduction shall be 30 percent (or such other percentage as required by this subdivision) on the long or equivalent short position, whichever has the greater market value. For the purposes of this subparagraph, a "risk arbitrage transaction" shall mean the sale (either when issued, when distributed or short) of securities involved in a pending merger, consolidation, transfer of assets, exchange offer, recapitalization or other similar transaction which has been publicly announced and has not been terminated, in connection with a previous or approximately simultaneous offsetting purchase of other securities which upon consummation of the transaction will result in the equivalent of the securities sold.

(J) All other securities. In the case of all securities, except as provided in Appendix (A) to this section and, where appropriate, paragraph (f) of this section, which are not included in any of the percentage categories enumerated in paragraph (c) (2) (vi) (A) through (I) above, the deduction shall be 30 percent of the market value of the greater of the long or short position. To the extent the market value of the lesser of the long or short positions exceeds 25 percent of the market value of the greater of the long or short positions, there shall be a percentage deduction on such excess equal to 15 percent of the market value of such excess; *Provided*, That no deduction need be made in the case of (1) a security which is convertible into or exchangeable for other securities within a period of 90 days, subject to no conditions other than the payment of money; and the other securities into which such security is convertible or for which it is exchangeable, are short in the accounts of such broker-dealer or (2) a security which has been called for redemption and which is redeemable within 90 days.

(K) Securities with a limited market: In the case of securities (other than exempted securities, nonconvertible debt securities, and cumulative nonconvertible preferred securities) which are not: (1) Traded on a national securities exchange; (2) designated as "OTC Margin stock" pursuant to Regulation T under the Securities Exchange Act of 1934; (3) listed on "NASDAQ"; or (4) redeemable shares of registered investment companies, the deduction shall be as follows:

(i) In the case where there are regular quotations in an inter-dealer quotations system for the securities by three or more independent market-makers and where each such quotation represents a bona fide offer to broker-dealers to both buy and sell in reasonable quantities at stated prices, or where a ready market as defined in paragraph (c) (10) (ii) is deemed to exist, the deduction shall be determined in accordance with paragraph (c) (2) (vi) (J) above.

(ii) In the case where there are regular quotations in an inter-dealer quotations system for the securities by only one or two independent market-makers and where each such quotation represents a bona fide offer to broker-dealers to both buy and sell in reasonable quantities, at stated prices, the deduction on both the long and short position shall be 40 percent.

(L) Where a broker-dealer demonstrates that there is sufficient liquidity for any securities long or short in the capital, proprietary or other accounts of the broker-dealer which are subject to a deduction required by paragraph (c) (2) (vi) (K) above, such deduction upon a proper showing may be appropriately decreased, but in no case shall such deduction be less than that prescribed in paragraph (c) (2) (vi) (J) above.

(M) Undue concentration: In the case of money market instruments or securities of a single class or series of an issuer, including any option written, endorsed or held to purchase or sell securities of such a single class or series of an issuer (other than "exempted securities"), which are long or short in the capital, proprietary or other accounts of a broker-dealer for more than 11 business days and which have a market value of more than 10 percent of the "net capital" of a broker-dealer before the application of paragraph (c) (2) (vi) or Appendix (A) to this section, there shall be an additional deduction from net worth equal to 50 percent of the percentage deduction otherwise provided by this paragraph (c) (2) (vi) or Appendix (A) to this section on that portion of the securities position in excess of 10 percent of the "net capital," of the broker-dealer before the application of paragraph (c) (2) (vi) and Appendix (A) to

this section. This provision shall apply notwithstanding any long or short position exemption provided for in paragraphs (c)(2)(vi) (I) or (J) of this section and the deduction on any such exempted position shall be 15 percent of that portion of the position in excess of 10 percent of net capital before the application of paragraph (c)(2)(vi) and Appendix (A) to this section. Provided, that such additional deduction shall be applied in the case of equity securities only on the market value in excess of $10,000 or the market value of 500 shares, whichever is greater, or $25,000 in the case of a debt security. *Provided, further,* That any specialist which is subject to a deduction required by this subparagraph (M), respecting his specialty stock, who can demonstrate to the satisfaction of the self-regulatory organization which has been designated by SIPC as the Examining Authority for such broker-dealer that there is sufficient liquidity for such specialists' specialty stock and that such deduction need not be applied in the public interest for the protection of investors, may upon a proper showing to such Examining Authority have such deduction appropriately decreased but in no case shall such deduction be less than that prescribed in paragraph (c)(2)(vi)(J) above. Each such Examining Authority shall make and preserve for a period of not less than 3 years a record of each application granted pursuant to this subdivision, which shall contain a summary of the justification for the granting of the application.

(vii) Open contractual commitments: Deducting, in the case of a broker-dealer who has open contractual commitments (other than option positions treated in Appendix (A) to this section), the respective deductions as specified in paragraph (c)(2)(vi) of this section or Appendix (B) to this section (in the case of a broker-dealer electing to operate pursuant to paragraph (f) of this section, the percentage deduction for contractual commitments in securities described in paragraph (c)(2)(vi)(J) shall be 30%) from the value (which shall be the market value whenever there is a market) of each net long and each net short position contemplated by any existing contractual commitment in the capital, proprietary and other accounts of the broker-dealer. *Provided,* That the deduction with respect to any single commitment shall be reduced by the unrealized profit in an amount not greater than the deduction provided for in paragraph (c)(2)(vi) of this section (or increased by the unrealized loss) in such commitment; and that in no event shall an unrealized profit on any closed transactions operate to increase net capital.

(viii) Aged fails to deliver: Deducting the percentages of the market value of each failed to deliver contract which is outstanding 11 business days or longer which would be required by application of the deduction required by paragraph (c)(2)(vi) or, where appropriate, paragraph (f) of this section, on the underlying security; *Provided,* That such deduction shall be increased by any excess of the contract price of the fail to deliver over the market value of the underlying security position.

(ix) Non-marketable securities: Deducting 100 percent in the case of securities in the capital, proprietary or other accounts of the broker-dealer, for which there is no ready market, as defined in paragraph (c)(10), and securities, in the capital, proprietary or other accounts of the broker-dealer, which cannot be publicly offered or sold because of statutory, regulatory or contractual arrangement or other restrictions.

(x) Broker-dealers carrying accounts of option specialists: With respect to any transactions in options listed on a registered national securities exchange or facility of a registered national securities association for which a broker-dealer acts as a guarantor, endorser or carrying broker-dealer for options written by a specialist not subject to the provisions of this section, such broker-dealer shall adjust net capital by deducting for each class of options contract in which such specialist is a market-maker an amount equal to the deduction required by the capital rule of the registered national securities exchange or facility of a registered national securities association to which such specialist is subject, less the amount of any related collateral (valued in accordance with the rules of the registered national securities exchange or facility of a registered national securities association to which such specialist is subject) deposited with such broker-dealer by such specialist. Provided, that in no event shall this provision result in increasing the net capital of such guarantor, carrying or endorsing broker-dealer.

(3) Exempted securities: The term "exempted securities" shall mean those securities deemed exempted securities by section 3(a)(12) of the Securities Exchange Act of 1934 and sections thereunder.

(4) Contractual commitments: The term "contractual commitments" shall include underwriting, when issued, when distributed and delayed delivery contracts, the writing or endorsement of puts and calls and combinations thereof, commitments in foreign currencies, and spot (cash) commodities contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures. A series of contracts of purchase or sale of the same security conditioned, if at all, only upon issuance may be treated as an individual commitment.

(5) Adequately secured: Indebtedness shall be deemed to be adequately collateralized or secured within the meaning of this section when the excess of the market value of the collateral over the amount of the indebtedness is sufficient to make the loan acceptable as a fully secured loan to banks regularly making secured loans to broker-dealers.

(6) Customer: The term "customer" shall mean any person from whom or on whose behalf a broker-dealer has received or acquired or holds funds or securities for the account of such person, but shall not include a broker-dealer, or a general, special or limited partner or director or officer of the broker-dealer, or any person to the extent that such person has a claim for property or funds which by contract, agreement or understanding, or by operation of law, is part of the capital of the broker-dealer or is subordinated to the claims of creditors of the broker-dealer: *Provided, however,* That the term "customer" shall also include a broker-dealer, but only insofar as such broker-dealer maintains a special omnibus account carried with another broker-dealer in compliance with 12 CFR 220.4(b) of Regulation T under the Securities Exchange Act of 1934.

(7) Market maker: The term "market maker" shall mean a dealer who, with respect to a particular security (i) regularly publishes bona fide, competitive bid and offer quotations in a recognized inter-dealer quotation system; or (ii) furnishes bona fide competitive bid and offer quotations to other broker-dealers on request; and, (iii) is ready, willing and able to effect transactions in reasonable quantities at his quoted prices with other broker-dealers.

(8) Promptly transmit and deliver: A broker-dealer is deemed to "promptly transmit" all funds and to "promptly deliver" all securities within the meaning of paragraphs (a)(2) and (a)(3) of this section where such transmission or delivery is made no later than noon of the next business day after the receipt of such funds or securities: *Provided, however,* That such prompt transmission or delivery shall not be required to be effected prior to the settlement date for such transactions.

(9) Forward and promptly forward: A broker-dealer is deemed to "forward" or "promptly forward" funds or securities within the meaning of paragraph (a)(2)(i) and (iv) of this section only when such forwarding occurs no later than noon of the next business day following receipt of such funds or securities.

(10)(i) Ready market: The term "ready market" shall include a recognized established securities market in which there exists independent bona fide offers to buy and sell so that a price reasonably related to the last sales price or current bona fide competitive bid and offer quotations can be determined for a particular security almost instantaneously and where payment will be received in settlement of a sale within a relatively short time conforming to trade custom.

(ii) A "ready market" shall also be deemed to exist where such securities have been accepted as collateral for a loan by a bank as defined in section 3(a)(6) of the Securities Exchange Act of 1934 and where the broker-dealer demonstrates that such securities adequately collateralize such loans as defined in subparagraph (c)(5) of this section.

(d) *Debt-Equity Requirements.* No broker-dealer shall permit capital subordinated pursuant to Appendix (D) to this section to exceed 70 percent of his debt-equity total, as hereinafter defined, for a period in excess of 90 days or for such longer period which the Commis-

sion may upon application of the broker-dealer grant in the public interest or for the protection of investors. In the case of a corporation, the debt-equity total shall be the sum of capital subordinated pursuant to Appendix (D) to this section, paid in capital, capital surplus, retained earnings, unrealized profit and loss and other capital accounts of the corporation. In the case of a partnership, the debt-equity total shall be the sum of capital subordinated pursuant to Appendix (D) to this section, capital accounts of partners subject to the provisions of paragraph (e) of this section and unrealized profit and loss. In the case of a sole proprietorship, the debt-equity total shall include the sum of capital subordinated pursuant to Appendix (D) to this section, capital acconuts of the sole proprietorship and unrealized profit and loss; Provided, however, that a satisfactory subordination agreement entered into by a partner or stockholder which has a remaining term of not less than three years and which does not have a provision for accelerated maturity, except as may be required by paragraph (b)(7)(ii) of Appendix (D) to this section, shall be considered equity for purposes of this paragraph if maintained as proprietary capital subject to the provisions of paragraph (e) of this section.

(e) No equity capital of the broker-dealer or a subsidiary or affiliate consolidate pursuant to Appendix (E) to this section whether in the form of capital contributions by partners (which shall include a satisfactory subordination agreement of a partner or stockholder which has a remaining term of not less than three years which shall be maintained as equity capital subject to the provisions of this paragraph (e) and which does not have provision for accelerated maturity, except as may be required by paragraph (b)(7)(ii) of Appendix (D) to this section) or represented by stock, paid-in capital, capital surplus, retained earnings or otherwise, may be withdrawn by action of a stockholder or partner, or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner or sole proprietor if either aggregate indebtedness of any of the consolidated entities exceeds 1000 percentum of his net capital or his net capital would fall to equal 120 percentum of the minimum dollar amount required by this section, or if it would cause capital subordinated pursuant to Appendix (D) to this section to exceed 70 percent of the corporate, partnership or sole proprietorship debt-equity total as defined in paragraph (d). Provided, that this provision shall not preclude a broker-dealer from making required tax payments or preclude the payment to partners of a reasonable salary.

(f) *Alternative Net Capital Requirement.* (1) A broker-dealer who is not exempt from the provisions of 17 CFR 240.15c3–3 under the Securities Exchange Act of 1934 pursuant to paragraph (k)(1) or (k)(2)(i) may elect not to be subject to the limitations of paragraph (a) of this section respecting aggregate indebtedness, the computation of aggregate indebtedness provided for in paragraph (c)(1) of this section and certain deductions provided for in paragraph (c)(2) of this section. In order to qualify for such election, such broker-dealer shall at all times maintain minimum net capital equal to the greater of $100,000 or 4 percent of aggregate debit items in the Formula for Determination of Reserve Requirements for Broker-Dealers (Exhibit A to Rule 15c3–3, 17 CFR 240.15c3–3a). Once a broker-dealer has determined to operate pursuant to the provisions of this elective paragraph (f), he shall continue to do so unless a change in such election is approved by the Commission.

(2) A broker-dealer electing to operate pursuant to paragraph (f), shall be subject to the deductions set forth in paragraph (c)(2), except that he shall not be subject to the deductions required by paragraphs (c)(2)(vi)(G), (c)(2)(vi)(I), (c)(2)(vi)(J), (c)(2)(vi)(K)(*1*), and (c)(2)(vi)(M) and shall in lieu thereof deduct the following amounts from paragraph (c)(2) in their computation of net capital:

(i) Convertible debt securities: In the case of a debt security not in default which has a fixed rate of interest and a fixed maturity date and which is convertible into an equity security, the deduction shall be as follows: If the market value is 100 percent or more of the face value, the deduction shall be determined as specified in (ii) below; if the market value is below the face value, the deduction shall be determined as in paragraph (c)(2)(vi)(F) of this section;

(ii) All other securities: In the case of all securities, except as provided in Appendix (A) to this section, which are not included in any of the percentage categories specifically enumerated in paragraph (c)(2)(vi) (A) thru (H) or (K)(2) of this section, the deduction shall be 15 percent of the market value of the greater of the long or short positions. To the extent the market value of the lesser of the long or short positions exceeds 25 percent of the greater of the long or short positions there shall be a percentage deduction equal to 30 percent of the market value of such excess; *Provided,* That no deduction need be made in the case of (A) a security which is convertible into or exchangeable for other securities within a period of 90 days, subject to no conditions other than the payment of money, and the other securities into which such security is convertible or for which it is exchangeable are short in the account of such broker-dealer or (B) a security which has been called for redemption and which is redeemable within 90 days.

(iii) Undue concentration: In the case of the money market instruments or securities of a single class or series of an issuer, including any option written, endorsed or held to purchase or sell securities of such a single class or series of an issuer, (other than "exempted securities") and securities underwritten (in which case the deduction provided for herein shall be applied after 7 business days) which are long or short in the capital, proprietary or other accounts of a broker-dealer and which have a market value of more than 10 percent of the "net capital" of a broker-dealer before the application of paragraphs (c)(2)(vi), (f)(2)(i) or (ii) or Appendix (A) to this section, there shall be an additional deduction from net worth equal to 50 percent of the percentage deduction otherwise provided by this subparagraph or Appendix (A) to this section (in the case of securities described in paragraph (f)(2)(i) or (ii) the deduction shall be 15 percent of the market value of such excess) on that portion of the securities position in excess of 10 percent of the "net capital" of the broker-dealer before the application of paragraph (c)(2)(vi), (f)(2)(i) or (ii) and Appendix (A) to this section. This provision shall apply notwithstanding any long or short position exemption provided for in paragraph (f)(2)(ii) of this paragraph and the deduction on any such exempted position shall be 15 percent of that portion of the position in excess of 10 percent of net capital before the application of paragraph (c)(2)(vi), paragraph (f) or Appendix (A) of this section.

(3) For broker-dealers operating pursuant to paragraph (f):

(i) Where paragraph (e) or Appendix (D) of this section prohibits the withdrawal of equity capital, the advance of funds or loans to specified parties, the prepayment of subordinated indebtedness, the infusion of temporary subordinated indebtedness, the reduction of the principal amount of a secured demand note, or similar actions, if the broker's or dealer's ratio of aggregate indebtedness to net capital exceeds 1000 percentum either before or subsequent to such actions, such action shall be prohibited for broker-dealers operating pursuant to paragraph (f), if net capital as recomputed in accordance with paragraph (f) is less than 120 percent of his minimum requirement or is less than 7 percent of aggregate debits computed in accordance with 17 CFR 240.15c3–3a.

(ii) Where Appendix (D) to this section either suspends the obligation to repay subordinated indebtedness for a period of time, or permits the liquidation of the broker-dealer at a time subsequent to such suspension, or similar type actions, if the broker-dealer's ratio of aggregate indebtedness to net capital exceeds 1200 percentum either before or subsequent to such event or similar type action, such action shall be prohibited or permitted for broker-dealers operating pursuant to paragraph (f), if net capital as recomputed in accordance with paragraph (f) is less than 120 percent of his minimum requirement or is less than 6 percent of aggregate debits computed in accordance with 17 CFR 240.-15c3–3a. In any event, payment of such subordinated indebtedness shall remain subordinate as provided in Appendix (D) to this section.

(iii) Where Appendix (D) of this section would permit the acceleration of maturity of subordinated indebtedness,

if aggregate indebtedness exceeds 1500 percentum of net capital for 15 consecutive days, acceleration of maturity of subordinated indebtedness for a broker or dealer operating pursuant to paragraph (f) shall be permitted if net capital is less than 4 percent of aggregate debits computed in accordance with 17 CFR 240.15c3–3a for more than 15 consecutive days, but payment of same shall remain subordinate as provided by Appendix (D) of this section.

(4) In addition to the foregoing, broker-dealers electing this alternative shall: (i) Make the computation required by 17 CFR 240.15c3–3(e) and found in Exhibit A to that section on a weekly basis and in lieu of the 1 percent reduction of certain debit items required by Note B(2) in the computation of their Exhibit A requirement reduce aggregate debit items in such computation by 3 percent and (ii) include in Items 7 and 8 of Exhibit A the market value of items specified therein over 7 business days old.

(2) Section 240.15c3–1a is added to read as follows:

§ 240.15c3–1a. Appendix A to Rule 15c3–1.

(a) *Deductions from net worth for uncovered options and securities positions in which the broker-dealer also has offsetting option positions.* Every broker-dealer shall deduct from net worth the percentages specified below of all securities positions or options in the capital, proprietary or other accounts of the broker-dealer. If computing the deductions required for each security position as if the security position had no related option position and all positions in options as if uncovered results in a lesser deduction from net worth, the broker-dealer may compute such deductions separately.

(1) Uncovered calls: In the case where a broker-dealer is short a call in his capital, proprietary or other accounts; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi) (A) thru (K) of § 240.1503) of the current market value of the security underlying such option reduced by any excess of the exercise value of the call over the current market value of the underlying security. Provided, that in no event shall the deduction provided by this subparagraph be less than $250 for each option contract for 100 shares.

(2) Uncovered puts: In the case where a broker-dealer is short a put in his capital, proprietary or other accounts; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi) (A) thru (K) of this § 240.1503) of the current market value of the security underlying the option reduced by any excess of the market value of the underlying security over the exercise value of the put. Provided, that in no event shall the deduction provided by this subparagraph be less than $250 for each option contract for 100 shares.

(3) Covered calls: In the case of a broker-dealer who is short any call and long equivalent units of the underlying security; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi) (A) thru (K) or, where appropriate, paragraph (f) of § 240.1503) of the current market value of the underlying security reduced by any excess of the current market value of the underlying security over the exercise value of the call. *Provided,* That no such reduction shall have the effect of increasing net capital.

(4) Covered puts: In the case of a broker-dealer who is short a put and short equivalent units of the underlying security; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi) (A) thru (K) or, where appropriate, paragraph (f) of this § 240.15c3) of the current market value of the underlying security reduced by any excess of the exercise value of the put over the market value of the underlying security. Provided, that no such reduction shall have the effect of increasing net capital.

(5) Conversion accounts: In the case of a broker-dealer who is long equivalent units of the underlying security, long a put written or endorsed by a broker-dealer and short a call in his capital, proprietary or other accounts; deducting 15 percent (or 50 percent of such other percentage required by paragraph (c)(2)(vi) (A) thru (K) or, where appropriate, paragraph (f) of § 240.15c3) of the market value of the underlying security.

(6) In the case of a broker-dealer who is short equivalent units of the underlying security, long a call written or endorsed by a broker-dealer and short a put, in his capital, proprietary or other accounts; deducting 15 percent (or 50 percent of such other percentage required by paragraph (c)(2)(vi) (A) thru (K) or, where appropriate, paragraph (f) of this § 240.15c3) of the market value of the underlying security.

(7) Long over-the-counter options. In the case of a broker-dealer who is long a put or call endorsed or written by a broker-dealer in his capital, proprietary or other accounts; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi) (A) thru (K) or, where appropriate, paragraph (f) of § 240.15c3) of the market value of the underlying security, not to exceed any unrealized profit to be recognized pursuant to paragraph (c)(2)(i)(B) of § 240.15c3.

(8) Uncovered listed options: In the case of any option listed on a registered national securities exchange or a facility of a registered national securities association; deducting 30 percent of the market value of any net long positions in options in the same underlying security, with the same exercise price and the same expiration date. In the case of any net short position in an option in the same underlying security, with the same exercise price and the same expiration date and for which the broker-dealer does not have a related position in the underlying security, the deduction shall be determined as in paragraph (a) (1) or (2) of this section.

(9) Certain security positions with offsetting long options: In the case of a broker-dealer who is long a security for which he is also long a put listed on a registered national securities exchange or a facility of a registered national securities association (such broker-dealer may also be short a call) in his capital, proprietary or other accounts; deducting 30 percent or, where appropriate, the percentage specified in paragraph (f) of the market value of the long security position not to exceed the amount by which the market value of equivalent units of the long security position exceeds the exercise value of the put. Provided, that if the exercise value of the put exceeds the market value of equivalent units of the long security position, no percentage deduction shall be applied.

(10) In the case of a broker-dealer who is short a security for which he is also long a call listed on a registered national securities exchange or a facility of a registered national securities association (such broker-dealer may also be short a put) in his capital, proprietary or other accounts; deducting 30 percent or, where appropriate, the percentage specified in paragraph (f) of the market value of the short security position not to exceed the amount by which the exercise value of the long call exceeds the market value of equivalent units of the short security positions. *Provided,* That if the exercise value of the call is less than the market value of equivalent units of the short security position no percentage deduction shall be applied.

(11) Certain spread positions. In the case of a broker-dealer who is short a call listed on a registered national securities exchange or facility of a registered national securities association and is also long a call listed on a registered national securities exchange or facility of a registered national securities association in the same class of option contracts which have different exercise values and the long option expires subsequent to the short option, the deduction provided by this section shall be the amount which the exercise value of the long call exceeds the exercise value of equivalent units of the short call. *Provided,* That if the exercise value of the long call is less than the exercise value of the short call, no deduction is required.

(12) In the case of a broker-dealer who is short a put listed on a registered national securities exchange or facility of a registered national securities association and is also long a put listed on a registered national securities exchange or facility of a registered national securities association in the same class of option contracts which have different exercise values and the long option expires subsequent to the short option, the deduction provided by this section shall be the amount by which the exercise value of the short put exceeds the exercise value of equivalent units of the long put. Provided, that if the exercise value of the long put is greater than the exercise value of the short put, no deduction is required.

3. Section 240.15c3–1b is added to read as follows:

§ 240.15c3–1b. Appendix B to Rule 15c3–1.

(a) *Deductions From Net Worth for Certain Commodities Transactions.* Every broker-dealer shall:

(1) Deduct 30 percent of the market value of all "long" and all "short" future commodity contracts (other than those contracts representing spreads and straddles in the same commodity and those offsetting or hedging any "spot" commodity positions) carried in the capital, proprietary or other accounts of the broker-dealer and, if such broker-dealer is a partnership, in the commodities accounts of partners.

(2) Deduct 30 percent of the market value of spot commodities long or short in the capital, proprietary and other accounts of the broker-dealer and in customer's, broker-dealer's, limited partner's, officer's and director's accounts liquidating to a deficit; Provided, that the deduction shall be 10 percent of the market value of the spot commodities to the extent they are hedged by future commodity contracts or forward spot commodity contracts in the same commodity.

(3) Deduct, after application of outstanding calls for margin, marks to market or other required deposits met within 5 business days, the total of credit lines granted by the broker-dealer in "trade" accounts with net long positions or in "trade" accounts with net short positions, whichever is greater, plus any credit lines granted on open commodity contracts in "trade" accounts with no net long or net short position (in computing the credit line granted in the case of each account, deduct the amount of the equity or deficit therein. Provided, that any deficit is deducted under other provisions of this section). For purposes of this subdivision "trade" accounts shall mean an account for a business entity which regularly is engaged in the importing or processing of the commodity or the by-products thereof for which the credit line is granted.

(4) Deduct the total amount by which the daily limit fluctuation of all future commodity contracts carried for a customer's, broker-dealer's, limited partner's, officer's and director's account or accounts controlled by such persons exceeds 10 percent of the debit-equity total of the broker-dealer as defined in paragraph (d) of this section. Contracts in each customer's, broker-dealer's, limited partner's, officer's or director's account representing purchases and sales of a like amount of the same commodity in the same market in the same crop year may be eliminated. The daily limit fluctuations for future contracts effected in foreign markets are to be considered the same as if such contracts had been effected in a domestic market.

(5) Deduct, exclusive of liquidating deficits deducted under other provisions of this section, the amount of cash required to provide margin on all future commodity contracts in customer's, broker-dealer's, limited partner's, officer's or director's accounts equal to the amount necessary, after application of outstanding calls for margin, marks to market or other required deposits which are met within 5 business days, to restore the original margin required by the relevant commodity exchange or clearing house, whichever is greater, per contract, when the original margin has been depleted by 50 percent.

(6) Deduct, exclusive of liquidating deficits deducted under other provisions of this section, the amount of cash required to provide margin equal to 20 percent of the market value in each customer's, broker-dealer's, limited partner's, officer's, or director's account with equity, after application of outstanding calls for margin, marks to market or other required deposits met within 5 business days, when such account contains spot commodity positions, evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange, which are the result of a future contract tendered through an exchange within the last 90 days, and are not hedged by future contracts in the same commodity. The margin required shall be 100 percent and the amount of the deduction required herein shall be the amount required to provide margin equal to 100 percent where the spot commodity positions (i) result from other than a tender made on a futures contract within the past 90 days or (ii) are not evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange.

(7) Deduct the amount of the cash required to provide margin equal to 10 percent of the market value in each customer's, broker-dealer's, limited partner's, officer's, or director's combined account with equity, after application of outstanding calls for margin, marks to the market or other required deposits met within 5 business days, when such account contains spot commodity positions evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange, which are the result of a future contract tendered through an exchange within the last 90 days and are not hedged by future contracts in the same commodity. The margin required shall be 100 percent where the spot commodity positions (i) result from other than a tender made on a futures contract within the past 90 days or (ii) are not evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange.

(8) Deduct an amount equal to ½ percent of the market value of the total long or total short futures contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any "spot" commodity positions) in each commodity, whichever is greater, carried for all customers, broker-dealers, limited partners, officers or directors.

4. Section 240.15c3–1c is added to read as follows:

§ 240.15c3–1c. Appendix C to Rule 15c3–1.

(a) *Deductions From Net Worth for Certain Undermargined Accounts.* Every broker-dealer shall:

(1) Deduct the amount of cash required in each customer's, broker-dealer's, limited partner's, officer's or director's account to meet the maintenance margin requirements of the regulatory or self-regulatory authority designated by SIPC as the Examining Authority for the broker-dealer, after application of calls for margin, marks to the market or other required deposits which are met within 5 business days.

(2) Deduct with respect to a call short in a customer's, broker-dealer's, limited partner's, officer's or director's account when such person's account is not also long equivalent units of the underlying security an amount equal to 30 percent of the market value of equivalent units of the underlying security increased by any unrealized loss on the transaction or reduced by any excess of the exercise value of the call over the current market value of the underlying security, less any margin deposits collateralizing the account and any calls for margin, marks to the market or other required deposits met within 5 business days or less. Provided, that in no event shall the deduction provided by this subdivision be less than $250 for each option contract for 100 shares, less any margin or other deposits collateralizing the account and any calls for margin, marks to the market or required deposits met within 5 business days or less.

(3) Deduct with respect to a put short in a customer's, broker-dealer's, limited partner's, officer's or director's account when such person's account is not also short equivalent units of the underlying security, an amount equal to 30 percent of the market value of equivalent units of the underlying security increased by any unrealized loss on the transaction or reduced by any excess of current market value of the underlying security over the exercise value of the put, less any margin deposits collateralizing the account and any calls for margin, marks to the market or required deposits met within 5 business days. Provided, that in no event shall the deduction provided by this subdivision be less than $250 for each option contract for 100 shares, less any margin deposits collateralizing the account and any calls for margin, marks to the market or required deposits met within 5 business days.

5. Section 240.15c3–1d is added to read as follows:

§ 240.15c3–1d. Appendix D Satisfactory Subordination Agreements.

(a) (1) *Introduction.* This Appendix sets forth minimum and non-exclusive requirements for satisfactory subordination agreements (hereinafter "subordination agreement"). The self-regulatory organization which has been designated by SIPC as the Examining Authority for the broker-dealer may require or the broker-dealer may include such additional provisions as they deem necessary or appropriate to the extent such provisions are not inconsistent with the provisions of this section.

(2) *Certain definitions.* For purposes of this section:

(i) A subordination agreement may be either a subordinated loan agreement or a secured demand note agreement.

(ii) The term "subordinated loan agreement" shall include the agreement or agreements evidencing or governing a subordinated borrowing of cash.

(iii) The term "secured demand note agreement" shall mean the agreements (including the secured demand note) which evidence or govern the contribution of a secured demand note to a broker-dealer and the pledge of securities and/or cash with the broker-dealer to secure payment of such secured demand note and which may provide that neither the lender, his heirs, executors, administrators or assigns shall be personally liable on such note and in the event of default the broker-dealer shall look for payment of such note solely to the collateral then pledged to secure the same.

(A) If such note is not paid upon presentment and demand as provided for therein, the broker-dealer shall have the right to liquidate all or any part of the collateral then pledged to secure payment of the same and to apply the net proceeds of such liquidation, together with any cash included in the collateral, in payment of such note.

(B) Until such collateral is liquidated, the lender, as defined herein, may retain ownership of the collateral and have the benefit of any increases and bear the risks of any decreases in the value of the collateral, may substitute other securities or collateral and may retain the right to vote securities contained within the collateral and any right to income therefrom or distributions thereon, except the broker-dealer shall have the right to receive and hold as pledgee all dividends payable in securities and all partial and complete liquidating dividends.

(C) The lender may have the right to direct the sale of any securities included in the collateral and to direct the purchase of securities with any cash included therein and withdraw excess collateral prior to the broker-dealer exercising his rights to liquidate the collateral and apply the proceeds to the payment of the secured demand note, provided that the net proceeds of any such sale and the securities so purchased are held by the broker-dealer as pledgee and are included within the collateral to secure payment of the secured demand note, and provided further that so such transaction shall be permitted if, after giving effect thereto, the market value of the securities after giving effect to the percentage deductions specified in paragraph (c)(2)(vi) or, where appropriate, paragraph (f) of this section plus any cash proceeds of the sale and any other cash collateral is less than the amount of the secured demand note.

(iv) Upon any payment of all or any part of the unpaid principal amount of a secured demand note a broker-dealer may issue to the lender some other instrument evidencing a subordination agreement in the amount of such payment or otherwise credit the capital accounts of the broker-dealer or issue preferred stock of the broker-dealer.

(v) The term "lender" as used in this section shall include the person who loans cash or securities to a broker-dealer pursuant to a subordinated loan agreement and the person who contributes a secured demand note to a broker-dealer and secures payment of such note by pledging cash and/or securities with the broker-dealer pursuant to a secured demand note collateral agreement.

(b) *Minimum requirements for subordination agreements.* Subject to paragraph (a) of this section, a subordination agreement shall mean a written agreement between the broker-dealer and the lender, which is consistent with the provisions of this section and is a valid and binding obligation enforceable in accordance with its terms (subject as to enforcement to applicable bankruptcy, insolvency, reorganization, moratorium and other similar laws) against the lender, its heirs, executors, administrators, successors and assigns.

(1) Specific amount: All subordination agreements shall be for a specific dollar amount which shall not be reduced for the duration of the agreement except as otherwise provided in this paragraph;

(2) Effective subordination: The subordination agreement shall effectively subordinate any right of the lender, to demand or receive payment or return of the cash loaned or securities pledged or to receive payment of interest or compensation, to the claims of all present and future creditors of the broker-dealer arising out of any matter occurring prior to the date on which such obligation matures except for claims which are the subject of subordination agreements which may rank on the same priority as or junior to such subordination agreement;

(3) Proceeds of subordinated loan agreements: The proceeds of a subordinated loan agreement defined in paragraph (a)(2)(ii) of this section shall be used and dealt with by the broker-dealer as part of its capital and shall be subject to the risks of the business;

(4) Certain rights of the broker-dealer: The broker-dealer shall have the right to:

(i) Deposit any cash proceeds of a subordinated loan agreement and any cash included within the collateral to a secured demand note in an account or accounts in its own name in any bank or trust company;

(ii) Pledge, repledge, hypothecate, rehypothecate, any or all of the securities pledged as collateral subject to a subordination agreement, without notice, separately or in common with other securities or property, to secure any indebtedness of the broker-dealer;

(iii) Lend to itself or others any or all of the securities pledged subject to a subordination agreement;

(5) Subject of subordination agreements: Only cash and securities which are fully paid for and which may be publicly offered or sold without registration under the Securities Act of 1933, and the sale and transfer of which are not otherwise restricted, may be the subject of or collateral for a subordination agreement with a broker-dealer. If the market value of any securities or cash collateralizing a subordination agreement after application of the deductions specified in paragraph (c)(2)(vi) of this section or, where appropriate, paragraph (f) plus any cash proceeds or collateral arising from the sale thereof at any time are less than the unpaid principal amount of a secured demand note, the broker-dealer must immediately notify the lender and the self-regulatory organization, which has been designated by SIPC as the Examining Authority for such broker-dealer or, where a broker-dealer is not a member of a self-regulatory organization, the Commission's Regional Office for the region in which the broker-dealer has his principal place of business. Following such notice:

(i) The lender, prior to noon of the business day next succeeding the giving of such notice, may contribute additional cash or securities sufficient to bring the value of the securities and any cash which is the subject of or collateral for a subordination agreement after giving effect to the percentage deductions specified in paragraph (c)(2)(vi), or, where appropriate, paragraph (f) of this section plus any additional cash contributed or pledged up to an amount not less than the unpaid principal amount of the subordination agreement[s].

(ii) Unless additional cash or securities are pledged by the lender as provided in (i) above, the broker-dealer at noon on the business day next succeeding the giving of notice to the lender must commence sale of such of the securities as may be necessary to bring the value of the remaining securities after giving effect to the percentage deductions specified in paragraph (c)(2)(vi) or, where appropriate, paragraph (f) of this section for the securities and any cash plus the cash proceeds of the sale of the securities up to an amount not less than the unpaid principal amount of the subordination agreement[s]. The broker-dealer may not purchase for its own account any securities subject to such a sale.

(iii) Notwithstanding (ii) above, the broker-dealer in lieu of selling the securities pledged subject to a subordination agreement may reduce the amount thereof; Provided, that after such reduction aggregate indebtedness of the broker-dealer would not exceed 1000 per centum of his net capital, and provided, further, that no single subordination agreement shall be permitted to be reduced by more than 15 percent of the original face amount of the subordination agreement and after such reduction no excess collateral may be withdrawn.

(6) Permissive prepayments: In the case of any subordination agreement which has a term exceeding one year, a broker-dealer at his option but not at the option of the lender, may, if the subordination agreement so provides, prepay the entire amount of the subordi-

nation agreement or return any collateral pledged subject to a subordination agreement or any portion thereof prior to its maturity date but in no event may any prepayment be made before the expiration of one year from the date such subordination agreement became effective; *Provided*, That no such prepayment shall be made, if, after giving effect to such prepayment and repayment of any other subordination agreements or installment or sinking fund payments pursuant to subordination agreements whose maturity or accelerated maturity falls due or which is scheduled to fall due within six months after the date such prepayment of the subordination agreement is to occur pursuant to this provision, without reference to any projected profit or loss, either aggregate indebtedness of the broker-dealer exceeds 1000 per centum of his net capital or his net capital is less than 120 per centum of the minimum dollar amount provided by this section. Notwithstanding the above, no such prepayment shall occur without the written approval of the self-regulatory organization, designated by SIPC as the Examining Authority for such broker-dealer or, where the broker-dealer is not a member of a self-regulatory organization, the Regional Office of the Commission in which the broker-dealer has his principal place of business.

(7) (i) Suspended repayment: The obligation of the broker-dealer to repay any subordination agreement or make any installment or sinking fund payment or payment of interest or compensation required pursuant to a subordination agreement shall be suspended and the obligation shall not mature if, after giving effect to such payment and the payment of any other subordination agreement or installment or sinking fund payment required pursuant to subordination agreement[s], the scheduled maturity date[s] of which, whether normal or accelerated, falls due on or before the scheduled maturity date, whether normal or accelerated, of such subordination agreement, either the aggregate indebtedness of the broker-dealer exceeds 1200 per centum of its net capital or its net capital is less than 120 percent of the minimum dollar amount required by this section. Provided, that if the obligation of the broker-dealer to repay the subordination agreement does not mature and is suspended for a period not less than six months the broker-dealer and the lender may agree that the broker-dealer shall thereupon commence the rapid and orderly liquidation of the broker-dealer but payment of the obligation shall remain subordinate pursuant to the provisions of this section.

(ii) Whenever a subordination agreement provides that a broker-dealer shall commence a rapid and orderly liquidation, as permitted in (i) above, the date on which the liquidation commences shall be the maturity date for each subordination agreement of the broker-dealer then outstanding but payment of the same shall remain subordinated pursuant to the provisions of this section.

(8) (i) Accelerated maturity-obligation to repay to remain subordinate: Subject to paragraph (b) (9) of this section, no default in the payment of interest or in the performance of any covenant or condition by the broker-dealer shall have the effect of accelerating the maturity of a subordination agreement to a date earlier than six months from the date such acceleration privilege is exercised. *Provided*, That in the event of the receivership, insolvency, liquidation pursuant to the Securities Investor Protection Act of 1970 or otherwise, bankruptcy, assignment for the benefit of creditors, reorganization, whether or not pursuant to the bankruptcy laws or any marshalling of the assets and liabilities of the broker-dealer or in the event that aggregate indebtedness exceeds 1500 percentum of net capital for more than 15 consecutive days commencing on the date on which the broker-dealer first notifies the self-regulatory organization designated by SIPC as the Examining Authority for such broker-dealer or, in the event the broker-dealer is not a member of a self-regulatory organization, the Regional Office of the Commission in which the broker-dealer has his principal place of business or the date on which such self-regulatory organization or the Commission so notifies the broker-dealer of the existence of such condition or the broker-dealer's registration is revoked by the Commission, the lender may accelerate the maturity of a subordination agreement to the date of the occurrence of such event but payment of same shall remain subordinate as required by the provisions of this section.

(ii) Whenever any satisfactory subordination agreement of a broker-dealer matures pursuant to (i) above, each other subordination agreement of the broker-dealer then outstanding shall also mature at the same date, but payment of same shall remain subordinate as required by the provisions of this section.

(9) Subject to paragraph (b) (8) of this section, a broker-dealer and a lender may agree to accelerate the maturity of a specified subordination agreement upon the happening of any specified event or such events as are satisfactory to the self-regulatory organization designated by SIPC as the Examining Authority for such broker-dealer to a date not earlier than six months from the date such acceleration privilege is exercised. Provided, that in no event shall the accelerated maturity date be less than one year from the date the subordination agreement became effective.

(10) Prohibited cancellation: The subordination agreement shall not be subject to cancellation by either party and the subordination agreement shall not be repaid and the agreement shall not be terminated, rescinded or modified by mutual consent or otherwise if the effect thereof would be to render the agreement inconsistent with the conditions of this section.

(11) Notice of maturity or accelerated maturity: Every broker-dealer shall immediately notify the self-regulatory organization which has been designated by SIPC as the Examining Authority for such broker-dealer or, where the broker-dealer is not a member of a self-regulatory organization, the Commission's Regional Office for the region where the broker-dealer has his principal place of business of the maturity or accelerated maturity of any subordination agreement at least six months prior to maturity of any such subordination agreement if, after giving effect to the payment of the subordination agreement or any installment or sinking fund payment required pursuant to a subordination agreement without reference to any projected profit or loss, either the aggregate indebtedness of the broker-dealer exceeds 1200 percentum of its net capital or its net capital is less than 120 percent of the minimum dollar amount required by this section.

(12) Certain legends: If the applicable requirements of this subparagraph are not satisfied by the provisions of the note, debenture or other evidence of indebtedness included within a subordination agreement, then such notes or written instruments evidencing the subordination agreement shall bear on their face an appropriate legend stating that such notes or instruments are issued subject to the requirements of this section and the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference.

(13) Legal title to securities: All securities pledged as collateral subject to a subordination agreement must be held by the broker-dealer in its own name or the name of its nominee or custodian; and

(14) Temporary subordinations: For the purpose of enabling a broker-dealer to participate as an underwriter with respect to a public offering of securities in compliance with the net capital requirements of this section a broker-dealer shall be permitted in any 12 month period and on no more than three occasions in any such 12 month period, to incur indebtedness which is subject to a satisfactory subordination agreement on a temporary basis which bears a maturity date of no more than 45 days from the date such subordination agreement became effective. *Provided*, That this temporary relief shall not apply to a broker-dealer if, at such time, he is subject to any of the reporting provisions of Rule 17a–11 under the Securities Exchange Act of 1934 [17 CFR § 240.17a–11], irrespective of his compliance with such provisions; and provided, further, that immediately prior to incurring such subordinated indebtedness his ratio of aggregate indebtedness to net capital does not exceed 1000 percentum and that the amount of his subordinated indebtedness does not exceed the limits specified in paragraph (d) of this section. Such temporary subordinated indebtedness shall not be subject to any cancellation or acceleration provisions by mutual consent or otherwise and the obligations to repay same shall be suspended if aggregate indebtedness of the broker-dealer exceeds 1200 percentum of his net capital.

(15) Filing of agreements: Two copies of any such subordination agreement, and of any notes or written instruments evidencing the indebtedness, shall be filed at least 10 days prior to the agreement becoming effective, with the Commission's Regional Office for the region in which the broker-dealer maintains his principal place of business, and if the broker-dealer is a member of a self-regulatory organization which has been designated by SIPC as the Examining Authority for such broker-dealer, the agreement shall also be filed with such self-regulatory organization at such earlier time as that organization may by rule require. The broker-dealer shall also file a statement setting forth the name and address of the lender, the business relationship of the lender to the broker-dealer, and whether the broker-dealer carried funds or securities for the lender at or about the time the agreement was entered into. All agreements shall be examined and approved by the Commission's Regional Office or the self-regulatory organization with whom such agreement is required to be filed prior to their becoming effective.

(16) *Subordination agreements in effect prior to adoption:* Any subordination agreement which has been entered into prior to (date of adoption) and which has been deemed to be satisfactorily subordinated pursuant to this section or the net capital rules of a registered national securities exchange the members of which previously had been exempted from this section shall continue to be deemed a satisfactory subordination agreement until the maturity of such agreement. Provided, that no agreement which provides for automatic or optional renewal by the broker-dealer or lender shall be deemed to be a satisfactory subordination agreement unless any such renewed agreement meets the requirement of this section. *Provided, further,* That all subordination agreements must meet the requirements of this Appendix within 5 years of the effective date of these amendments.

6. Section 240.15c3–1e is added to read as follows:

§ 240.15c3–1e. Appendix E Consolidated Net Capital Computations for Certain Subsidiaries and Affiliates.

(a) *Flow through capital benefits.* Every broker-dealer in computing its net capital pursuant to this section shall, subject to the provisions of paragraphs (b) and (d) of this section, consolidate in a single computation assets and liabilities of any subsidiary or affiliate for which it guarantees, endorses or assumes directly or indirectly the obligations or liabilities. The assets and liabilities of a subsidiary or affiliate whose liabilities and obligations have not been guaranteed, endorsed, or assumed directly or indirectly by the broker-dealer may also be so consolidated if an opinion of counsel as called for in paragraph (b) of this section is obtained.

(b) (1) *Required counsel opinions.* If the consolidation of the assets, liabilities or other obligations of any such subsidiary or affiliate results in the increase of the broker-dealer's net capital and/or decrease in the broker-dealer's ratio of aggregate indebtedness to net capital or decreases the minimum net capital requirement called for by paragraph (f) (1) of this section and an opinion of counsel called for in this paragraph has not been obtained, such benefits shall not be recognized in the broker-dealer's computation pursuant to this section.

(2) Consolidation shall be permitted with respect to any subsidiaries or affiliates which are majority-owned and controlled by the broker-dealer for which the broker-dealer can demonstrate to the satisfaction of the Commission, through (i) its Regional Office for the region in which the broker-dealer maintains its principal place of business, or (ii) where the broker-dealer is a member of a self-regulatory organization, the self-regulatory organization designated as its Examining Authority by an opinion of counsel that the net asset values or a portion thereof of the subsidiary or affiliate may be caused by the broker-dealer or a trustee appointed pursuant to the Securities Investor Protection Act of 1970 or otherwise, to be distributed to the broker-dealer within 30 calendar days. Such opinion shall also set forth the actions necessary to cause such a distribution to be made, identify the parties having the authority to take such actions, identify and describe the rights of other parties or classes of parties, including but not limited to customers, general creditors, subordinated lenders, minority shareholders, employees, litigants and governmental or regulatory authorities, who may delay or prevent such a distribution and such other assurances as the Commission by rule or interpretation may require. Such opinion shall be periodically renewed in connection with the broker-dealer's annual audit pursuant to Rule 17a–5 under the Securities Exchange Act of 1934 [17 CFR § 240.17a–5], or upon any material change in circumstances.

(c) *Principles of consolidation.* In preparing a consolidated computation of net capital and/or aggregate indebtedness pursuant to this section, the following minimum and non-exclusive requirements shall be observed:

(1) Consolidated net worth shall be reduced by the estimated amount of any tax expected to be incurred upon distribution of the assets of the subsidiary or affiliate.

(2) Liabilities of a consolidated subsidiary or affiliate which are subordinated to the claims of present and future creditors pursuant to a satisfactory subordination agreement shall not be included in consolidated net worth unless such subordination extends also to the claims of present or future creditors of the parent broker-dealer and all consolidated subsidiaries.

(3) Liabilities of a consolidated subsidiary or affiliate which are consolidated in accordance with paragraph (c) (2) above may not be prepaid, repaid or accelerated if any of the entities included in such consolidation would be unable to comply with the provisions of Appendix (D) to this section.

(d) *Certain precluded acts.* No broker-dealer shall guarantee, endorse or assume directly or indirectly any obligation or liability of a subsidiary or affiliate unless the obligation or liability is reflected in the computation of net capital and/or aggregate indebtedness pursuant to this section, except as provided in paragraph (b) (1) of this section.

All interested persons are invited to submit their views and comments on this proposal by December 31, 1974 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear the File No. S7–533 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 11, 1974.

[FR Doc.74–27880 Filed 11–27–74;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CHIEF COUNSEL'S ADVISORY COMMITTEE ON RULES OF PROFESSIONAL CONDUCT

Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. App. I, Supp. II) the Office of Chief Counsel, Internal Revenue Service, announces the establishment of the following advisory committee:

Title: The Chief Counsel's Advisory Committee on Rules of Professional Conduct.

Purpose: The Committee will study the various rules of conduct currently applicable to practitioners representing taxpayers before the Internal Revenue Service and the courts and make specific recommendations with respect to recurring problems, including, but not limited to, those that develop as a result of taxpayer representation by former Internal Revenue Service or Chief Counsel employees or by others with whom such former employees are associated in professional practice. The Committee will also review Treasury Department Circular 230 governing practice before the Treasury Department and recommend whether and in what respects its provisions may need modification. The Committee will consider and make recommendations toward establishment of a uniform policy on proper professional conduct in the representation of taxpayers before the Internal Revenue Service and the courts.

Statement of Public Interest: Various rules of professional conduct govern individuals representing taxpayers before the Internal Revenue Service or the courts. The scope and interrelation of these rules, and their application to specific situations, is not always clear. Recurring problems arise on which clarification and guides are needed. Moreover, Treasury Department Circular 230, specifically governing practice before the Internal Revenue Service, does not always provide a satisfactory reference for raising and answering questions concerning the propriety of a proposed course of conduct or for processing complaints of alleged improper conduct.

It is in the public interest to insure that the highest ethical standards are observed in the course of taxpayer representation in order to avoid impropriety or the appearance of impropriety. The advice and recommendations of the Committee are indispensable to accomplish this goal since there is no other source within the Department of the Treasury or other Advisory Committee that is capable of rendering the necessary assistance.

The membership of the Committee will be fairly balanced in terms of the points of view represented and the functions to be performed. Towards this end, the Committee will consist of at least one former government attorney, one recognized scholar on the rules of professional conduct, and several practitioners from diverse geographical areas that are associated with various sizes of firms.

Authority for this Committee will expire two years from the date the Committee's charter is approved by signature of the Assistant Secretary of the Treasury for Administration unless the Chief Counsel formally determines that continuance is in the public interest.

Dated: November 25, 1974.

MEADE WHITAKER,
Chief Counsel,
Internal Revenue Service.

[FR Doc.74-28022 Filed 11-27-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

THE JUDGE ADVOCATE GENERAL'S SCHOOL

Notice of Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

a. Name of Committee: Board of Visitors, The Judge Advocate General's School, U.S. Army, Charlottesville, Virginia 22901.

b. Date of Meeting: December 9, 1974.

c. Place: The Judge Advocate General's School, U.S. Army, Charlottesville, Virginia 22901.

d. Time: 0800-1700.

e. Proposed Agenda:

0800-1000 Briefings and discussion of role, mission, and objectives of the School.

1000-1200 Interviews with individual students, staff, and faculty.

1200-1300 Luncheon.

1300-1500 Inspection of new JAG School Building and facilities.

1500-1700 Final meeting, discussion, preparation of preliminary report.

2. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Dated: November 18, 1974.

By authority of the Secretary of the Army:

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74-27913 Filed 11-27-74;8:45 am]

Office of the Secretary of Defense

DEFENSE PANEL ON INTELLIGENCE

Notice of Closed Meeting

The Third meeting of the Defense Panel on Intelligence will be held December 12, 1974 in the Pentagon, Office of the Secretary of Defense, and in the interest of national security the meeting shall be closed to the public under the provisions of section 552(b)(1) of Title 5, United States Code, since classified material will be discussed at all sessions of the meeting. Subject matter is to assess the cumulative effects of actions which have been taken to improve intelligence within the Department of Defense in response to recommendations of the Blue Ribbon Defense Panel and to the President's memorandum of November 5, 1971.

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

NOVEMBER 25, 1974.

[FR Doc.74-27930 Filed 11-27-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

HOH INDIAN RESERVATION, WASHINGTON

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicants

NOVEMBER 22, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Hoh Indian Reservation, Washington was adopted on March 7, 1974 by the Hoh Tribal Business Committee which has jurisdiction over the

area of Indian Country included in the ordinance reading as follows:

Whereas, Pub. L. 277, 83rd Congress, approved August 15, 1953, provided that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country, provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER; and,

Whereas, the Hoh Tribal Business Committee, the governing body of the Hoh Indian Tribal Community, which has jurisdiction over the Hoh Indian Reservation, now believes that the introduction, sale, or possession of intoxicating beverages upon and within the Hoh Indian Reservation should be allowed, provided the same is in conformity with the laws of the State of Washington and only by such persons or corporations as are approved by the Hoh Tribal Business Committee; now, therefore,

Be it enacted by the Hoh Tribal Business Committee of the Hoh Reservation that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the Hoh Indian Tribal Community, provided that such introduction, sale, or possession is in conformity with the laws of the State of Washington and only by person, persons, or corporations as are approved by the Hoh Tribal Business Committee; and

Be it further enacted by the Tribal Business Committee of the Hoh Reservation that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed; and

Be it further enacted by the Tribal Business Committee of the Hoh Reservation that this ordinance shall become effective after it has been submitted to the Secretary of the Interior for his certification and published in the FEDERAL REGISTER.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-27820 Filed 11-27-74;8:45 am]

LA JOLLA BAND OF MISSION INDIANS RESERVATION, CALIFORNIA

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

NOVEMBER 22, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the La Jolla Indian Reservation, California was adopted on March 24, 1974 by the La Jolla Band of Mission Indians which has jurisdiction over the area of Indian Country included in the ordinance reading as follows:

An ordinance to establish regulations and procedures for governing the Control of Indian Liquor on the La Jolla Indian Reservation in compliance with the Federal Indian Liquor Laws.

Whereas, Pub. L. 277 83rd Congress, approved August 15, 1953 provided that sections 1154, 1156, 3113, 3488 and 3618 Title 18 United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian Country provided such act or transaction is in conformity with both the laws of the State in which both act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER.

Now therefore be it now resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the La Jolla Band of Mission Indian, provided that such introduction sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances, heretofore enacted which prohibit this sale, introduction or possession of intoxicating beverages are hereby repealed.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-27819 Filed 11-27-74;8:45 am]

MANZANITA BAND OF MISSION INDIANS, CALIFORNIA

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

NOVEMBER 22, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938) and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Manzanita Band of Mission Indian Reservation, California, was adopted May 25, 1974 by the Manzanita Band of Mission Indians which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Whereas, Pub. L. 277, 83rd Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER; and,

Now, Therefore, be it hereby resolved that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Manzanita Band, provided, that such introduction sale or possession is in conformity with the laws of California, and

Be it further resolved, that any tribal laws, resolutions or ordinances, heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-27818 Filed 11-27-74;8:45 am]

NEZ PERCE TRIBE OF IDAHO

Use and Distribution of Funds

NOVEMBER 22, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Nez Perce Tribe in Indian Claims Commission Docket 175-B. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 8, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on July 10, 1974, and by the Senate on July 23, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on October 10, 1974, as provided by section 5 of the 1973 act, *supra*.

The plan reads as follows:

The funds appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Nez Perce Indians in Docket 175-B before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of eighty (80 percent of the judgment fund principal and its accrued interest, in shares as equal as possible, to all members of the Nez Perce Tribe of Idaho who were born on or prior to and are living on the approval date of this plan. Procedures for updating the tribal membership roll shall be implemented through the publication of rules and regulations in the FEDERAL REGISTER.

The shares of living competent adults shall be paid directly to them. The shares belonging to minors, legal incompetents, and deceased persons shall continue to be invested as individual Indian money until a suitable trust is developed and approved by the Secretary, or are disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200-4.297).

The programing aspect of this plan shall consist of the utilization of ten (10) percent of the judgment fund principal, and its accrued interest for a Tribal Land Acquisition Program. These funds are to be expended subject to the approval of the Secretary, in accordance with the provisions of the Nez Perce Tribal Land Enterprise outlined in Tribal Resolution NP 74–122. The remaining ten (10) percent of the judgement fund principal, and its accrued interest, shall be utilized in the Nez Perce Tribal Scholarship and Vocational Assistance Program and expended subject to the approval of the Secretary of the Interior, in accordance with the provisions outlined in the "Plan of Operation of the Nez Perce Tribal Educational Assistance Program."

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–27821 Filed 11–27–74;8:45 am]

Bureau of Land Management

[A 8736]

ARIZONA

Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A 8736, for withdrawal of lands from location and entry under the general mining laws, but not the mineral leasing laws, subject to existing valid rights.

The Forest Service proposes to withdraw these lands for their historical value. The site is the old Dragoon Spring Stage Station which is one of many stations constructed by the Butterfield-Overland Stage Company in the 1850's. This particular station is one of the few remaining along the old stage route, and this site has been nominated for inclusion in the National Register of Historic Sites. Any mining activity would adversely affect its historical value.

On or before December 30, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

CORONADO NATIONAL FOREST

Dragoon Spring Stage Station Historic Site

T. 16 S., R. 23 E.,
Sec. 32, SW¼NW¼NW¼SE¼, SE¼NE¼NE¼SW¼, NE¼SE¼NE¼SW¼, NW¼SW¼NW¼SE¼.

The area described contains 10 acres in Cochise County.

Dated: November 22, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74–27886 Filed 11–27–74;8:45 am]

[CA 977]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

NOVEMBER 22, 1974.

Subject to prior valid rights, the U.S. Forest Service, Department of Agriculture, has filed application CA 977 for the withdrawal of six acres of national forest lands described herein from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601, 604) as amended for the purpose of granting easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964 (78 Stat.; 16 U.S.C. 532, 533).

The lands are located within the Mendocino National Forest and have been open to entry under the general mining laws, subject to valid existing rights. The lands are proposed for a road right-of-way to provide safe vehicle access to approximately 8,500 acres of public lands. About 4,700 acres of the total are timber producing lands and logs from these lands will be hauled to milling points over this road. The road also provides access to recreationists.

On or before January 2, 1975 all persons who wish to submit comments, suggestions or objections with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of Interior, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the Authorized Officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and their resources. Adjustments will be made as necessary to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The Authorized Officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 11 W.,

Beginning at a point on the East line of Sec. 1, T. 20 N., R. 11 W., M.D.B. & M. which point lies approximately 3,500 feet North of the Southeast corner of Section 1 thence westerly through Lot 7 of said Section 1 to a point on the West line of Lot 7 which point lies approximately N38°–30'E 4,040 feet from the Southwest corner of Section 1. (Parcel 1)

Beginning at a point on the South line of Lot 5 of Sec. 1, T20 N., R. 11 W., M.D.B. & M. which point lies approximately N23°–00'E 4,050 feet from the Southwest corner of Section 1 thence northerly through Lot 5 of said Section to a point on the South Line of Lot 3 which point lies approximately S77°–30'E 2,000 feet from the Northwest corner of Section 1 thence Northwesterly through said Lot 3 to a point on the North line of which point lies approximately East 1,750 feet from the Northwest corner of said section. (Parcel 2)

The area described aggregates six acres in Mendocino County, California.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–27885 Filed 11–27–74;8:45 am]

GEOTHERMAL LEASE SALES

Tentative Schedule

The following notice announces certain Known Geothermal Resources Areas tentatively scheduled for sale for the remainder of Fiscal Year 1975 and all of Fiscal Year 1976.

FISCAL YEAR 1975

Date:	*KGRA*
December 17	Beowawe, Nev.
January 28	Southeastern, Ariz.
February 18	Cove Fort, Utah.
March 18	Lake City, Calif., Surprise Valley, Calif.
March 25	Geysers, Calif.
April 8	Fly Ranch, Nev.
April 23	Vale Hot Springs, Oreg.
April 30	Colorado (4 KGRA's)
May 15	Kilborne Hole, N. Mex.
May 22	Mickey Hot Springs, Oreg. (Alvord Desert KGRA)
May 29	Alvord Hot Springs, Oreg. (Alvord Desert KGRA)
June 5	Borax Lake Hot Springs, Oreg. (Alvord Desert KGRA).
June 12	Thermo-Lund, Utah.
June 19	Mtn. Home—Bruneau, Idaho.
June 26	Stillwater-Soda Lake, Nev.

FISCAL YEAR 1976

July	Warner Valley, Oreg.
August	Cow Mtn. No. 1, Calif., Cow Mtn. No. 2, Calif.
September	Steamboat Springs, Nev.
October	New Mexico (North-Central).
November	Weiser, Idaho.
December	Coso Hot Springs, Calif., Crater Springs, Utah.

January	Double Hot Springs, Nev.
February	Klamath, Oreg., Yellowstone, Idaho, Yellowstone, Mont.
March	Wendell-Amedee, Calif.
April	Boulder, Mont., Gerlach, Nev.
May	Corwin, Mont., Baca Location No. 1, N. Mex.
June	Marysville, Mont., Navajo Lake, Utah.

Each sale will range from 10–30,000 acres.

Individual sale announcements will appear as special notices in the FEDERAL REGISTER and in a newspaper of general circulation in the State and county affected.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: November 21, 1974.

W. W. LYONS,
Deputy Under Secretary.

[FR Doc.74-27689 Filed 11-27-74;8:45 am]

GEOTHERMAL LEASE SALE

Notice of Competitive Bids

The following notice describes certain lands to be offered for competitive lease sale in the Beowawe, Hot Springs Point and Brady-Hazen Known Geothermal Resources Areas, located in Lander, Eureka and Churchill Counties, Nevada. Sealed bonus bids must be received on or before 10:30 A.M. on December 18, 1974, at the State Office of the Bureau of Land Management, Reno, Nevada. Lease forms, stipulations, and optional use bid forms are available through the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nevada 89502.

NOTICE OF GEOTHERMAL LEASE SALE BEOWAWE, HOT SPRINGS POINT AND BRADY-HAZEN KGRA'S

U.S. Department of the Interior, Bureau of Land Management, State Office, Reno, Nevada. Notice is hereby given that eight leasing units of land, totaling 16,530.22 acres within the Beowawe Known Geothermal Resources Area in Lander and Eureka Counties, three leasing units of land, totaling 5,341.00 acres in the Hot Springs Point Known Geothermal Resources Area in Eureka County and four leasing units of land, totaling 8,273.76 acres in the Brady-Hazen Known Geothermal Resources Area in Churchill County, Nevada, are offered for geothermal leasing through sealed bids on the terms hereinafter specified, to the responsible, qualified bidders of the highest cash bonus for the privilege of leasing units one (1) to eight (8), inclusive, in the Beowawe KGRA, units one (1) to three (3) in the Hot Springs Point KGRA, and units one (1) to four (4) in the Brady-Hazen KGRA, pursuant to the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025) and the regulations promulgated thereunder (43 CFR Group 3200). Separate bids for each leasing unit in each KGRA must be submitted to the Nevada State Office, Bureau of Land Management, 300 Booth Street (Room 3008), Reno, Nevada 89502, and time stamped on or before 10:30 a.m., p.s.t., December 18, 1974. Bids will be opened and read at 11 a.m., December 18, 1974, in Room 4002 Federal Building, 300 Booth Street, Reno, Nevada, in accordance with 43 CFR 3200.6 (a). Bids may not be modified or withdrawn unless the modification or withdrawal is received prior to the time fixed for opening of bids. No bids received after the hour specified herein will be considered. The government reserves the right to reject any and all bids. Each bidder must submit with each bid a certified or cashier's check, bank draft or money order, made payable to the Bureau of Land Management, or cash, in the amount of one-half the amount of bid, and proof of qualifications, as required by the regulations 43 CFR, Group 3200.

The envelope in which the bid is submitted must be plainly marked so that it is not opened before the date and hour set out herein. It must show the lease unit number and that it is for the Beowawe, Hot Springs Point or Brady-Hazen KGRA. Before issuance of a lease, the successful bidder must pay the remainder of the bonus, plus the first year's rental. In addition before lease issuance, the successful bidder must furnish an acceptable lease compliance surety bond in the sum of not less than $10,000.00, together with a proposed plan of operation as required by 43 CFR 3210.2–1(d) and must complete Forms 1140–7, Equal Opportunity Affirmative Action Program Representation, and 1140–8, Equal Opportunity Compliance Report Certification.

The successful bidder may furnish a bond in the amount of not less than $150,000 for full nationwide coverage for all of said bidder's geothermal leases, or not less than $50,000 for coverage of all geothermal leases in the State of Nevada. The deposits of the unsuccessful bidders will be returned upon acceptance of the successful bid. Bidders are warned against violation of section 1860, Title 18, U.S. Code, prohibiting unlawful combination or intimidation of bidders. Any bonus bid considered as inadequate on the basis of the estimated value of the lease unit will be rejected. Royalties payable to the United States will be at the rate of: (a) 10 percent of the amount or value of steam or any other form of heat or energy derived from production, (b) 5 percent of the value of any by-product derived from production under the lease; except that as to any by-product which is a mineral named in section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the royalty for such mineral shall be the same as provided in that Act, and (c) 5 percent of the value of commercially demineralized water sold or utilized by the lessee, except that no payment of royalty will be required on such water used in plant operation for cooling or in the generation of electric energy or otherwise. Annual rental for the first through the fifth lease years will be at the rate of $2.00 per acre or fraction thereof; for the sixth lease year and for each year thereafter prior to production, the rental will be the amount of the rental for the preceding year, plus an additional $1.00 per acre. The lands are offered in leasing units as follows:

BEOWAWE KGRA, MD MERIDIAN, LANDER AND EUREKA COUNTIES, NEVADA

Leasing Unit No. 1: T. 30 N., R. 47 E., sec. 4, Lots 1, 2, 3, 4, S½N½, S½ (all); T. 31 N., R. 47 E., sec. 32, All; sec. 34, All. 1942.64 acres.

Leasing Unit No. 2: T. 31 N., R. 47 E., sec. 16, All; sec. 22, All; sec. 28, All. 1920.00 acres.

Leasing Unit No. 3: T. 31 N., R. 47 E., sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 10, All; sec. 12, All. 1,937.68 acres.

Leasing Unit No. 4: T. 31 N., R. 47 E., sec. 14, All; sec. 24, All; sec. 26, All; T. 31 N., R. 48 E., sec. 18, Lots 1, 2, 3, 4, W½NE¼, E½W½, SE¼. 2,478.72 acres.

Leasing Unit No. 5: T. 31 N., R. 48 E., sec. 14, All; sec. 16, Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (All); sec. 20, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 22, All. 2,520.62 acres.

Leasing Unit No. 6: T. 31 N., R. 48 E., sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 4, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 8, NE¼, W½, N½SE¼; sec. 10, Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (All). 2,467.83 acres.

Leasing Unit No. 7: T. 32 N., R. 48 E., sec. 24, W½NW¼; sec. 26, Lots 1, 2, 3, 4, NW¼NE¼, W½SW¼; sec. 34, Lots 1, 2, 3, 4, E½W½, W½E½. 844.20 acres.

Leasing Unit No. 8: T. 31 N., R. 48 E., sec. 12, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 24, All; T. 31 N., R. 49 E., sec. 6, Lots 6, 7, SE¼NE¼, E½SW¼, SE¼; sec. 8, SW¼; sec. 18, Lots 1, 2, 3, 4, E½W½, E½ (All). 2,418.53 acres.

HOT SPRINGS POINT KGRA, MD MERIDIAN, EUREKA COUNTY, NEVADA

Leasing Unit No. 1: T. 30 N., R. 49 E., sec. 16, All. 640.00 acres.

Leasing Unit No. 2: T. 29 N., R. 48 E., sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All); T. 30 N., R. 48 E., sec. 26, All; sec. 36, Lots 1, 2, 3, 4, N½, N½S½, (All); T. 30 N., R. 49 E., sec. 30, Lots 1, 2, 3, 4, (All). 2,141.06 acres.

Leasing Unit No. 3: T. 29 N., R. 48 E., sec. 10, All; sec. 12, All; sec. 14, All; sec. 22, All. 2,560.00 acres.

BRADY-HAZEN KGRA, MD MERIDIAN, CHURCHILL COUNTY, NEVADA

Leasing Unit No. 1: T. 22 N., R. 26 E., sec. 25, All. 640.00 acres.

Leasing Unit No. 2: T. 22 N., R. 26 E., sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 10, E½E½; sec. 12, E½, NW¼NW¼, W½SW¼, SE¼SW¼; sec. 14, All; sec. 24, All. 2,561.20 acres.

Leasing Unit No. 3: T. 22 N., R. 26 E., sec. 16, All; sec. 22, All; sec. 27, All; sec. 28, All. 2,560.00 acres.

Leasing Unit No. 4: T. 22 N., R. 26 E., sec. 26, All; T. 22 N., R. 27 E., sec. 6; SE¼; sec. 8, All; sec. 18, Lots 1, 2, E½NW¼, E½; sec. 30, Lots 1, 2, 3, 4, E½W½, E½ (All). 2,512.56 acres.

In addition to lease terms and requirements contained in the lease form, the following stipulations will apply to all of the lands included in the Beowawe and Hot Springs Point KGRA leasing units:

1. The certified statement required by Section 18 of the lease form must be completed by a qualified archeologist who is acceptable to the Authorized Officer.

2. Springs and water developments on Federal land may be used only with the

prior, written approval of the Authorized Officer.

Attention is directed to Leasing Unit No. 2 in the Brady-Hazen KGRA which has a civil action pending on it. The civil action was filed by Union Oil Company of California for a claimed grandfather conversion right, based on mining claims. The successful bid on this leasing unit is subject to the outcome of this civil action in Federal District Court.

In addition to lease terms and requirements contained in the lease form, the following special stipulations will apply to all of the lands included in T. 22 N., R. 26 E., MD Meridian of Brady-Hazen KGRA leasing units:

1. The Lessor reserves the ownership of brines and condensates and the right to receive or take possession of all or any part thereof following the extraction or utilization by Lessee of the heat energy and byproducts other than demineralized water associated therewith subject to such rules and regulations as shall be prescribed by the Secretary of the Interior. If the Lessor elects to take the brines and condensates, the Lessee shall deliver all or any portion thereof to the Lessor at any point in the Lessee's geothermal gathering system after separation of the steam and brine products or from the disposal system as specified by the Lessor for the extraction of said brines and condensates by such means as the Lessor may provide and without cost to the Lessee. There is no obligation on the part of the Lessor to exercise its reserved rights. The Lessor shall not be liable in any manner if those rights are not exercised, and, in that event, the lessee shall dispose of the brines and condensates in accordance with applicable laws, rules and regulations.

2. The Lessor reserves the right to conduct on the leased lands, testing and evaluation of geothermal resources which the Lessor determines are required for its desalinization research programs for utilization of geothermal fluids. These programs may include shallow temperature gradient hole underground explorations, if they are conducted in a manner compatible with lease operations and the production by Lessee of geothermal steam and associated geothermal resources. Lessor reserves the right to erect, maintain, and operate any and all facilities, pipelines, transmission lines, access roads, and appurtenances necessary for desalinization research on the leased premises. Any desalting plants, piping, wells, or other equipment installed by the Lessor on the leased premises shall remain the property of the Lessor; and the Lessee shall conduct his operations in a manner compatible with the operation and maintenance of any desalting plants, piping, wells, or other equipment installed by the Lessor. Any brines and condensates removed by the Lessor shall be replaced without cost to the Lessee with fluids as compatible with reservoir fluids as the brines or condensates that the Lessor removed and where the Lessor and Lessee determine that they are needed by the Lessee for his operations or for reinjection into the geothermal anomalies.

3. The Lessor and the Lessee, if authorized by law, may enter into cooperative agreements for joint development and production of geothermal resources from the leased premises consistent with applicable laws and regulations.

4. Any geophysical, geological, geochemical, and reservoir hydraulic data collected by either the Bureau of Reclamation or the Lessee will be made available upon request to the other party, and the data furnished to Reclamation by the Lessee shall be considered confidential so long as the following conditions prevail:

(a) Until the Lessee notifies Reclamation that there is no requirement to retain the submitted data in confidential status or until Lessee relinquishes all interest in the leased area from where the information was obtained.

(b) Reclamation shall not incorporate data received from the Lessee in its publications or reports during the period that confidential data are being retained without written authorization from the Lessee.

(c) Information obtained by Reclamation, and upon request submitted to the Lessee, shall not be used in publications or reports issued by Lessee without written consent of Reclamation until the data have been published or otherwise given distribution by Reclamation.

5. There is also reserved to the United States, the right of its officers, agents, employees, licensees and permittees, at all proper times and places freely to have ingress to, passage over, and egress from all of said lands for the purpose of exercising, enforcing and protecting the rights reserved herein.

6. The Lessee further agrees that the United States, its officers, agents and employees and its successors and assigns shall not be held liable for any damage to the Lessee's improvements or works by reason of the exercise of the rights here reserved; nor shall anything contained in this paragraph be construed as in any manner limiting other reservations in favor of the United States contained in this lease.

Copies of lease forms, bond forms, regulations, special stipulations, and optional bid forms may be obtained from the Bureau of Land Management, 300 Booth Street, Reno, Nevada 89502.

WILLIAM J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc.74-27826 Filed 11-27-74;8:45 am]

[M 30472]

MONTANA

Order Providing for Opening of Public Lands

NOVEMBER 22, 1974.

In an exchange made under the provisions of section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g, the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 2 N., R. 5 W.,
Sec. 15, All; and
Sec. 21, N½ and N½SE¼.

The area described contains 1,040.00 acres.

The reconveyed lands are located in Jefferson County, approximately six miles northwest of Whitehall. Topography varies from rolling to rough. Soils are shallow and rocky; vegetation is sage, rabbit brush, native grasses, and scattered juniper. The lands are within a block of Federal lands presently under an allotment management plan and will be managed for multiple resource use in conjunction with these adjoining national resource lands.

At 10 a.m. on January 7, 1975, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the operation of the public land laws.

The mineral rights in the lands were not exchanged; therefore, the mineral status of the lands is not affected by this order.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101.

KENNETH J. SIRE,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.74-27887 Filed 11-27-74;8:45 am]

[NM 23670, 23705]

NEW MEXICO

Notice of Application

NOVEMBER 19, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 5, SE¼SE¼;
Sec. 8, N½NE¼; SW¼NE¼; NW¼SE¼.
T. 20 S., R. 28 E.,
Sec. 23, NE¼NW¼.

These pipelines will convey natural gas across .939 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-27827 Filed 11-27-74;8:45 am]

[NM 23666, 23667, 23671]

NEW MEXICO

Notice of Applications

NOVEMBER 19, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 9, SW¼NE¼.
T. 19 S., R. 28 E.,
Sec. 35, SE¼NW¼, SW¼NE¼.
T. 20 S., R. 29 E.,
Sec. 16, W½NW¼.

These pipelines will convey natural gas across .963 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27828 Filed 11-27-74;8:45 am]

[NM 23643]

NEW MEXICO

Notice of Application

NOVEMBER 19, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for a 3½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 16 S., R. 30 E.,
Sec. 27, SW¼SE¼;
Sec. 34, NW¼NE¼; S½NE¼; N½SE¼; SE¼SE¼;
T. 17 S., R. 30 E.,
Sec. 3, Lot 1.

This pipeline will convey natural gas across 1.185 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27829 Filed 11-27-74;8:45 am]

[NM 23434, 23438, 23658, 23672]

NEW MEXICO

Notice of Applications

NOVEMBER 18, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 7 W.,
Sec. 6, Lot 1, SE¼NE¼;
Sec. 30, N½NE¼.
T. 26 N., R. 10 W.
Sec. 12, N½NW¼.
T. 31 N., R. 13 W.,
Sec. 30, Lots 17, 18, 19.

These pipelines will convey natural gas across .913 mile of natural resource lands in Rio Arriba and San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27830 Filed 11-27-74;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL: SHEEP AND GOATS

Report on Emergency Use of M-44 Devices Through September

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program, from inception and through the month of September. This is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135K), and in accordance with 46 CFR part 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER Notice of June 20, 1974 (39 FR 22166).

Cumulative data for approval to use the M-44 device for June through September 1974 is as follows:

M-44.—Emergency use approval, June 1 through September 30, 1974

State	Number counties	Number ranches	Number sheep and goats protected	Number M-44's approved
Arizona	3	19	3,754	412
California	1	1	200	20
Idaho	1	1	1,400	20
Montana	21	35	23,835	997
Nevada	2	5	7,921	180
New Mexico	7	18	8,862	639
Oregon	4	21	2,577	226
Texas	38	139	114,509	2,490
Utah	12	21	20,818	385
Wyoming	7	27	34,792	435
Totals	96	287	218,668	5,795

Although summer weather conditions inhibited M-44 effectiveness, 250 coyotes were taken by this device during this time period. Acceptance of the device has increased with the onset of fall weather.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on sheep and goats was conducted by trained Service personnel in accordance with the Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids, as it appears in the FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 1974.

Dated: November 20, 1974.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.74-27888 Filed 11-27-74;8:45 am]

Geological Survey

PUBLIC INSPECTION OF RECORDS

OCS Order No. 12, Pacific Area

A notice published in the FEDERAL REGISTER on June 3, 1974 (39 FR 19524) solicited comments on the content of the proposed OCS Order.

Changes made in the order since its earlier publication as a proposed Order include the listing of information available for inspection from various forms required to be submitted pursuant to OCS Order No. 11, soon to be issued in the Pacific Area.

Paragraph 1.B.(3) was amended to indicate that the time period for the mandatory release of date on non-producing leases does not include that time in which operations or production are suspended by order of the Secretary of the Interior or his representative.

Also included is a new paragraph advising of the availability for public inspection of accident investigation reports, pollution incident reports, inspection reports, and enforcement actions.

Other modifications were made in the Order consistent with the intent of the Order, but clarifying its meaning.

This order will be effective December 1, 1975.

W. A. RADLINSKI,
Acting Director.

[OCS Order No. 12]

PUBLIC INSPECTION OF RECORDS

LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES IN THE OUTER CONTINENTAL SHELF, PACIFIC AREA

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.97 and 43 CFR 2.2. Section 250.97 of 30 CFR provides as follows:

Public Inspection of Records. Geological and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the Supervisor determines that release of such information is required and necessary for the proper development of the field or area.

Section 2.2 of 43 CFR provides in part as follows:

Determinations as to Availability of Records. (a) Section 552 of Title 5, U.S. Code, as amended by Pub. L. 90–23 (the act codifying the "Public Information Act") requires that identifiable agency records be made available for inspection. Subsection (b) [1] of section 552 exempts several categories of records from the general requirements but does not require the withholding from inspection of all records which may fall within the categories exempted. Accordingly, no request made of a field office to inspect a record shall be denied unless the head of the office or such higher field authority as the head of the bureau may designate shall determine (1) that the record falls within one or more of the categories exempted and (2) either that disclosure is prohibited by statute or Executive Order or that sound grounds exist which require the invocation of the exemption. A request to inspect a record located in the headquarters office of a bureau shall not be denied except on the basis of a similar determination made by the head of the bureau or his designee, and a request made to inspect a record located in a major organizational unit of the Office of the Secretary shall not be denied except on the basis of a similar determination by the head of that unit. Officers and employees of the Department shall be guided by the "Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act" of June 1967.

(b) An applicant may appeal from a determination that a record is not available for inspection to the Solicitor of the Department of the Interior, who may exercise all of the authority of the Secretary of the Interior in this regard. The Deputy Solicitor may decide such appeals and may exercise all of the authority of the Secretary in this regard.

The operator shall comply with the requirements of this Order. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CR 250.12(b).

1. *Availability of Records Filed on or After the Effective Date of This Order.* It has been determined that certain records pertaining to leases and wells in the Outer Continental Shelf and submitted under 30 CFR 250 shall be made available for public inspection, as specified below, in the Area office, Los Angeles, California.

A. *Form 9–152—Monthly Report of Operations.* All information contained in this form shall be available except the information required in the Remarks column.

B. *Form 9–330—Well Completion or Recompletion Report and Log.*

(1) Prior to commencement of production, all information contained on this form shall be available except Item 1a, Type of Well; Item 4, Location of Well, At top prod. interval reported below; Item 22, If Multiple Compl., How Many; Item 24, Producing Interval; Item 26, Type Electric and Other Logs Run; Item 28, Casing Record; Item 29, Liner Record; Item 30, Tubing Record; Item 31, Perforation Record; Item 32, Acid, Shot, Fracture, Cement Squeeze, etc.; Item 33, Production; Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(2) After commencement of production, all information shall be available except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers.

(3) If production has not commenced after an elapsed time of five years from the date of filing Form 9–330 as required in 30 CFR 250.38(b), excluding the total of such time that operations and production are suspended by direction of the Secretary of the Interior or his duly authorized representative, and further excluding the total of such time that operations and production are prohibited by Court order, all information contained on this form shall be available except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers. Within 90 days prior to the end of the 5-year period, exclusive of exceptions noted above, the lessee or operator shall file a Form 9–330 containing all information requested on the form, except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers, to be made available for public inspection. Objections to the release of such information may be submitted with the completed Form 9–330.

C. *Form 9–331—Sundry Notices and Report on Wells.* (1) When used as a "Notice of Intention to" conduct operations, all information contained on this form shall be available except Item 4, Location of Well, At top prod. interval; and Item 17, Describe Proposed or Completed Operations.

(2) When used as a "Subsequent Report of" operations, and after commencement of production, all information contained on this form shall be available except information under Item 17 as to subsurface locations and measured and true vertical depths for all markers and zones not placed on production.

D. *Form 9–331C—Application for Permit to Drill, Deepen or Plug Back.* All information contained on this form and location plat attached thereto, shall be available except Item 4, Location of Well, at proposed prod. zone; and Item 23, Proposed Casing and Cementing Program.

E. *Form 9–1869—Quarterly Oil Well Test Report.* All information contained on this form shall be available.

F. *Form 9–1870—Semi-Annual Gas Well Test Report.* All information contained on this form shall be available.

G. *Multi-Point Back Pressure Test Report.* All information contained on the form used to report the results of required multi-point back pressure test of gas wells shall be available.

H. *Sales of Lease Production.* (1) Information contained on monthly Geological Survey computer printout showing sales volumes value, and royalty of production of oil, condensate, gas and liquid products, by lease, shall be made available.

2. *Filing of Reports.* All reports on Form 9–152, 9–330, 9–331, 9–331C, 9–1869, 9–1870, and the forms used to report the results of multi-point back pressure tests, shall be filed in accordance with the following: All reports submitted on these forms after the effecive date of this Order shall include a copy with the words "Public Information" shown on the lower right-hand corner. All items on the form not marked "Public Information" shall be completed in full; and such forms, and all attachments thereto, shall not be available for public inspection. The copy marked "Public Information" shall be completed in full, except that the items described in 1.A., B., C., and D. above, and the attachments relating to such items, may be excluded. The words "Public Information" shall be shown on the lower right-hand corner of this set. This copy of the form shall be made available for public inspection.

3. *Availability of Records Filed Prior to December 1, 1974.* Information filed prior to December 1, 1974, on Forms 9–152, 9–330, 9–331, and 9–331C is not in a form which can be readily made available for public inspection. Requests for information on these forms shall be submitted to the Supervisor in writing and shall be made available in accordance wth 43 CFR Part 2.

4. *Availability of Inspection Records.* All accident investigation reports, pollution incident reports, facilities inspection

[1] Subsection (b) of section 552 provides that:

(b) This section does not apply to matters that are—* * *

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

(9) Geological and geophysical information and data, including maps, concerning wells.

data, and records of enforcement actions are also available for public inspection.

Approved: November 21, 1974.

Effective: December 1, 1974.

F. J. SCHAMBECK,
Oil and Gas Supervisor, Pacific Area.

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.74-27833 Filed 11-27-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-45]

B & S COAL CO.

Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), B & S Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1, Logan County, West Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

I. *Nature of Mining Operations.* A. Petitioner operates an underground bituminous coal mine. In connection with operation of Petitioner's mine, coal, mine refuse, supplies, materials and personnel must be transported over a roadway on the surface. This roadway has been constructed and is maintained by Petitioner. Inasmuch as the roadway is located in the mountainous area of West Virginia, it is an all elevated roadway, that is, it contains grades of 6 percent to 8 percent, rather than being laid out on level ground. Accordingly, such roadway is covered by the Interior Department mandatory safety standard as set forth in 30 CFR 77.1605(k).

II. *Safety considerations.* The access roadways which are the subject of this petition are one mile in length and have been carved out of the side of hills and mountains. Consequently, the roads are narrow and the outer banks are on fill material which will not provide sufficient anchorage for guard rails. The use of berms would trap run-off water resulting from rain or thawing ice and snow, cause erosion of the roadway, and result in hazardous driving conditions. Beyond this, during the winter months the freezing of trapped water in the roadway would be extremely hazardous. Thus, compliance with the requirements of berms or guard rails under 30 CFR 77.1605(k) would result in a diminution of safety.

III. *Alternate method.* A—Petitioner does not deny that there are safety hazards in operating vehicles over elevated roadways in mountainous areas. However, it does not feel that such hazards can be overcome—they would actually be increased—by application of 30 CFR 77.1605(k).

B—Accordingly Petitioner proposes the following alternate method which it feels would afford a greater measure of protection to the employees at the subject mine:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

5. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:

(a) Original manufacturers brakes.

(b) Engine or Jacobs brakes.

(c) Emergency (parking) braking system.

7. A minimum width of 24 feet shall be provided and maintained along two-lane roads, and where widths of less than 24 feet are provided and maintained, the roads shall be designated as single-lane roads.

8. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

9. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

10. Passing of any vehicle by another vehicle while traveling in the same direction is prohibited except in the case where one vehicle is parked in a run-around area out of the normal lanes of travel.

11. The speed at which trucks are operated shall be consistent with the condition of roadway, clearance, visibility and traffic.

C—The foregoing alternate method has been approved by Administrative Law Judges of the Office of Hearings and Appeals of the Department of the Interior for application under circumstances similar to those present at the subject mine. It is a method which has been developed with the assistance of technical experts of the Mining Enforcement and Safety Administration and addresses itself to not only the safety objectives sought by 30 CFR 77.1605(k) but also to the particular hazards that would be created if application of such standard were required.

In consideration of the above, Petitioner requests that the proposed alternate system be approved as the replacement mandatory standard for 30 CFR 77.1605(k).

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 30, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 21, 1974.

[FR Doc.74-27831 Filed 11-27-74;8:45 am]

[Docket No. M 75-31]

REPUBLIC STEEL CORP.

Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Republic Steel Corporation has filed a petition to modify the application of 30 CFR 75.305 to its Clyde Mine, Cleveland, Ohio.

30 CFR 75.305 provides:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. * * *

Petitioner hereby requests modification of 30 CFR 75.305 as it applies to those return air courses located at its Clyde Mine from Clyde Shaft to the entrance of 2 Flat of said mine.

1. Modification of § 75.305 is sought in light of the fact that Petitioner's Clyde Mine is an old mine with many worked out areas. Many of the return air entries were developed 40 years ago prior to the use of roof bolting for roof control. The support timbers installed during the original mining cycles have deteriorated and many roof falls have occurred in these return airways rendering them impassible.

The air courses are located in a non-producing area and were not traveled prior to the enactment of the Coal Mine Health and Safety Act of 1969. However, air and methane readings can be taken in certain areas along the return courses to assure that methane does not accumulate beyond legal limits.

To require restoration of the return air courses to travelable condition would be an almost impossible task necessitating exorbitant expenditures and years of work to complete.

2. *Alternate Method.* Of the alternate methods available, Petitioner asserts that only one alternate method is both practicable and feasible and would, at all times, guarantee the miners at the subject mine no less than the same measure of protection afforded by the mandatory standard. This alternate method would require the construction of air measuring stations from Clyde Shaft to the entrance of 2 Flat. Said air measuring stations would assure compliance within the criteria set forth in 30 CFR 75.305. The return air from the return air courses in question would at no time have any effect on the present active workings at the subject mine.

Guidelines would be as follows:

1. Methane and air readings will be made by certified personnel.
2. Methane will not be allowed to accumulate beyond legal limits in these return airways.
3. The three (3) measuring stations will, at all times, be maintained in a good working condition.
4. A date board or book will be located at each measuring station and air and methane readings will be taken and recorded.
5. Examinations will be made at each measuring station daily by a properly qualified person.
6. The number of employees who work in this area will be minimal. Each man is able to reach a separate split of air in a reasonable period of time. Each man working in this area is required to carry a one hour self-rescuing device on his person at all times.
7. A diagram showing the direction of air flows in this area will be posted at the measuring stations and at other strategic locations.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 30, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 21, 1974.

[FR Doc.74-27832 Filed 11-27-74;8:45 am]

Agricultural Marketing Service

[Marketing Order No. 905]

SHIPPERS ADVISORY COMMITTEE MEETING

Postponement of Public Meeting

The meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905) originally scheduled for December 3, 1974, is postponed until December 17, 1974. The meeting will be held in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time. This notice is issued pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770). Marketing Order No. 905 regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The need for postponement of the meeting of the Shippers Advisory Committee results from recent changes in the demand situation for citrus fruits produced in Florida.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Grower Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: November 27, 1974.

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

[FR Doc.74-28142 Filed 11-27-74;11:24 am]

Farmers Home Administration

[Designation No. AO97]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the 29 counties in Missouri. The Secretary has found that this need exists as a result of natural disasters listed on the following chart:

Missouri—1974

County	Excessive rainfall, flooding	Drough	Freeze	Windstorm	Hailstorm
Audrain	Apr. 1 to June 15	July 3 to Aug. 26	Oct. 1 and 2		
Bates	Apr. 1 to June 10	June 10 to Aug. 8	do		
Bollinger	Apr. 1 to May 31	June 1 to Aug. 15	Mar. 21 to 24 Oct. 1 and 2		
Caldwell		July 4 to Aug. 1	do		
Callaway	Apr. 1 to June 15	June 20 to Aug. 2	do		
Cape Girardeau	Mar. 1 to June 10	June 1 to Aug. 8	Mar. 21 to 24 Oct. 1 and 2		
Carroll		June 1 to Aug. 5	do		
Cass	May 1 to June 10	June 10 to Aug. 8	do		
Christian	June 1 to 10	June 11 to July 31	Mar. 21 to 25		
Cooper	May 5 to June 1	June 1 to Aug. 9	Oct. 1 and 2		
Dallas	Apr. 1 to May 31	June 15 to Aug. 1	Mar. 24		
Greene	June 1 to 11	June 11 to July 31	Mar. 21 to 25		
Iron	Mar. 1 to June 15	June 15 to Aug. 15	Mar. 23 Oct. 1 and 2		
Jasper	Mar. 1 to 31	June 10 to Aug. 15	Mar. 23 and 24		
Linn	Mar. 1 to July 3	July 14 to Aug. 7	Oct. 1 and 2		
Madison	Apr. 1 to May 31	June 1 to Aug. 15	Mar. 21 to 24 Oct. 1 and 2		
McDonald	Mar. 1 to Apr. 30, flood—May 17.	June 1 to Aug. 3	Mar. 23 and 24	June 8	May 14
Monroe	Apr. 22 to July 3	July 3 to Aug. 16	Oct. 1 and 2		
Morgan	Mar. 1 to June 10	June 10 to Aug. 15	Mar. 23 and 24		
Newton	Mar. 1 to Apr. 30, flood—May 17.	June 1 to Aug. 3	do	June 8	Do.
Perry	Mar. 1 to Apr. 30	June 1 to Aug. 8	Mar. 21 Oct. 1 and 2		
Polk	Apr. 1 to May 31	June 15 to Aug. 1	Mar. 24 Oct. 1 and 2		
Putnam	July 3, flooding—July 3 to 7		do		July 3
Saline	May 5 to June 1	June 1 to Aug. 9	do		
Schuyler	May 15 to June 1, flood—July 3	July 4 to Aug. 15	do		
St. Francois	Mar. 1 to June 15	June 15 to Aug. 15	Mar. 23 Oct. 1 and 2		
Ste. Genevieve	Mar. 1 to June 10	June 10 to Aug. 15	Mar. 23 Oct. 1 and 2		
Sullivan	May 1 to 31, flood—July 3	July 3 to Aug. 3	do		
Washington	Mar. 1 to June 10	June 10 to Aug. 15	Mar. 23 and 24 Oct. 1 and 2		

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 16, 1975, for physical losses and August 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 21st day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-27723 Filed 11-27-74;8:45 am]

[Notice of Designation Number A098]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Nebraska:

Buffalo	Madison
Cedar	Sherman
Kearney	Thayer
Keya Paha	(7)

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought from June 1 to October 1, 1974, in these seven counties. Also in addition to the drought, the following natural disasters also were reported:

Freeze September 2, 1974, in Buffalo, Cedar, and Kearney Counties
Freeze September 3, 1974, in Madison County
Freeze September 2 and 3, 1974, in Sherman County
Hailstorms August 13 and 17, 1974 in Thayer County
Hailstorm and windstorm September 7, 1974, in Cedar County

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 16, 1975, for physical losses and August 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 21st day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-27882 Filed 11-27-74;8:45 am]

[Designation Number AO99]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in North Dakota:

Sheridan	Wells

The Secretary has found that this need exists as a result of a natural disaster consisting of drought from June 1 through August 1, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 16, 1975, for physical losses and August 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 21st day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-27881 Filed 11-27-74;8:45 am]

Rural Electrification Administration

LEESPORT TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974 (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $4,750,000 to Leesport Telephone Co., Leesport, Pennsylvania. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. David R. Willits, President, Leesport Telephone Company, 100 Lake Street, Dallas, Pennsylvania 18612.

To assure consideration, proposals must be submitted by December 30, 1974, to Mr. David R. Willits. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Leesport Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 22d day of November, 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-27940 Filed 11-27-74;8:45 am]

TACONIC TELEPHONE CORPORATION

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974 (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,645,000 to Taconic Telephone Corporation, Chatham, New York. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. John B. Ackley, President, Taconic Telephone Corporation, 19 Railroad Avenue, Chatham, New York 12037.

To assure consideration, proposals must be submitted by December 30, 1974, to Mr. John B. Ackley. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Taconic Telephone Corporation and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 22d day of November, 1974.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.74-27942 Filed 11-27-74;8:45 am]

WESTERN FARMERS ELECTRIC COOPERATIVE

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in proposed REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,383,000 to Western Farmers Electric Cooperative of Anadarko, Oklahoma and, (b) supplementing such a loan with an insured REA loan at 5 percent interest in the amount of $20,133,000 to this cooperative. These funds will provide for the construction of 145 miles of gas-pipe line for the existing Anadarko Power Plant and 289 miles of electric transmission line and related substation facilities, respectively.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Robert E. Good, Manager, Western Farmers Electric Cooperative, P.O. Box 429, Anadarko, Oklahoma 73005.

In order to be considered, proposals must be submitted by January 27, 1974, to Mr. Good. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Western Farmers and REA deem appropriate. Prospective lenders are advised that it is anticipated that the financing proposed for this project will be available from the Federal Financing Bank.

Copies of proposed REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 22 day of November, 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74–27941 Filed 11–27–74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CEDARS-SINAI MEDICAL CENTER, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by December 23, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00540–33–46040. Applicant: Cedars-Sinai Medical Center, 4833 Fountain Avenue, Los Angeles, California 90029. Article: Electron Microscope, Model JEM 100. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to survey electron microscopy of the thymus of amphibians, reptiles, birds, and mammals, including normal and diseased tissue. The origin, structure, and fate of annulated lamellae within the mucosa of the epididymis will also be studied. Several problems will be examined related to heart disease in which both experimental and human tissues will be studied. Both low and high magnification studies of myoid cells of the retina will will be made. In addition there are projected requirements for analytical electron microscopy and transmission/scanning electron microscopy. Application received by Commissioner of Customs: June 25, 1974.

Docket number: 75–00182–33–46040. Applicant: Tennessee State University, Dept. of Biology, 3500 Centennial Blvd., Nashville, Tennessee 37203. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to study the localization of viruses and antibodies associated with murine leukemias and the molecular involvement between the host cell membrane and the virus particle. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75–00183–33–46070. Applicant: Bowdoin College, Brunswick, Maine 04011. Article: Scanning Electron Microscope, Model SSM–2A. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used to examine the membranes of muscle and red blood cells from normal and dystrophic animals and human patients. Application received by Commissioner of Customs: October 29, 1974.

Docket Number: 75–00184–33–22400. Applicant: The University of Rochester, School of Medicine and Dentistry, 601 Elmwood Avenue, Rochester, N.Y. 14642. Article: MSE 150 Watt Ultrasonic Disintegrator, PG–100 and Titanium Exponential Micro Probe 34041. Manufacturer: Measuring & Scientific Equipment, United Kingdom. Intended use of article: The foreign article is to be used to reproducibly disrupt extremely small quantities of human white blood cells in order to determine inherited differences in PGM_3, a sensitive labile enzyme contained in such cells. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75–00185–56–54100. Applicant: U.S. Department of Commerce, NOAA, NMFS, Office of Resource Research, Fishery Technology Group, 330 Whitehaven Street, NW., Washington, D.C. 20235. Article: Undulating Oceanographic Recorder System. Manufacturer: The Plessey Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used to replace a continuous Plankton Recorder and will:

(a) Sample the plankton over an extended range of depth (instead of the present single depth).

(b) Measure and record, in situ, a number of physical parameters of vital importance in marine ecology as well as in physical oceanography and meteorology. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75–00186–33–90000. Applicant: University of Alabama Hospitals, Department of Diagnostic Radiology, 619 South Nineteenth St., Birmingham, Alabama 35233. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for detection and evaluation of primary and secondary tumors. Comparisons will be made evaluating the accuracy of detection between the Computer Assisted Tomography (CAT) and conventional radiographic methods (brain scan, pneumonencephalogram and arteriography). Stroke patients will be studied at various intervals following the onset of symptoms to determine CAT's potential and accuracy in early detection of strokes. The article will also be used for the evaluation of infants with hydrocephalus and congenital anomalies and follow-up examination of the above conditions post-treatment. Evaluation of CAT's diagnostic capability through statistical analysis of the data print-out sheets as compared to the photographic printout. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75–00187–33–90000. Applicant: Baptist Memorial Hospital, 11 Dallas Street, San Antonio, Texas 78286. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to determine minute variations in the density of brain tissue providing information on brain conditions during investigations of cerebral diseases such as tumors, cysts, and hemorrhages. The article will also be used in the training of residents in radiology at the Hospital as well as for the training of students in radiological

techniques in the school of X-ray Technology. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00188-00-46040. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Admin. Bldg., Urbana, Illinois 61801. Article: Low Temperature Specimen Stage, Type KH-4BM (Modified). Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is an accessory device for an existing electron microscope which will allow the general observation of specimens at low temperatures (in addition to room temperature) for the study of nucleation and growth of martensitic phases at low temperatures; pre-transformation lattice instabilities as observed at room temperatures and below. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00189-33-46500. Applicant: University of South Florida Medical School, Pathology, 4202 Fowler Avenue, Tampa, Florida 33620. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of altered structure of cellular organelles of tissues from organs of experimental animals or of human autopsy or surgical material. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00190-33-90000. Applicant: Tallahassee Neurological Foundation, Inc., 2412 W. Plaza Drive, Eastwood Plaza, Tallahassee, Florida 32303. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the study of the human brain in patients who have lost the ability to speak. The objectives to be pursued in the course of the investigation include precise identification of areas of brain damage which result in various types of aphasia. Application received by Commissioner of Customs: October 29, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-27864 Filed 11-27-74;8:45 am]

KEAN COLLEGE OF N.J.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00054-33-46040, Applicant: Kean College of New Jersey, Pathology Department, Morris Avenue, Union, New Jersey 07083. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of tissues, cells, bacteria and viruses to localize enzymatic activity at the subcellular level and to develop selective stains for cellular components. The article will also be used in a course, Biology 4200, to teach biochemical concepts governing the preparation of biological specimens for electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant's initial application was received by Customs (January 2, 1974).

Reasons: This application is a resubmission of Docket Number 74-00259-33-46040 which was denied without prejudice to resubmission on April 19, 1974 for informational deficiencies. The applicant requires an electron microscope which is suitable for the instruction of undergraduates in basic electron microscopy and micrograph interpretation. The foreign article is a relatively simple, medium resolution electron microscope providing 7 Angstroms (Å) point-to-point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications at 140-60,000x with 140 to 1000x in the normal microscope range which permits an overlap of light and electron microscopy. The article is also designed for confident use [through ease of operation] by beginning students with a minimum of detailed programming.

Domestic instruments available at the time the initial application was received were the Model EMU-4C, supplied by the Adam David company and the Model ETEM-101 manufactured by Elektros Incorporated. The Model EMU-4C is a relatively complex instrument designed for the use of an experienced operator which provides low distortion magnifications at 500X and higher. The Model ETEM-101 is a relatively simple low resolution instrument (10Å point to point). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 5, 1974 that for the applicant's intended uses (1) a 60 KV accelerating voltage for adequate illumination (2) a maximum overlap of the optical (microscope) range and (3) simplicity and ease of operation are pertinent. HEW also advises that the Model EMU-4C is too complex for the applicant's educational purposes. In addition, HEW advises that the Model ETEM-101 does not provide an equal overlap of the optical magnification range or 60 KV accelerating voltage. HEW also cites as precedent Docket Number 75-00031-99-46040 which conforms in certain essential particulars with this application. We, therefore, find that neither the Model EMU-4C nor the Model ETEM-101 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the initial application was received by Customs.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the initial application was received by Customs.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-27867 Filed 11-27-74;8:45 am]

TULANE U. SCH. OF MED.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00062-33-90000. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, La. 70112. Article: EMI Scanning Unit with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in teaching specialists in training in neurology and psychiatry, as well as medical students in methods of diagnosis of neurological diseases. Didactic work will include theory, methodology, and interpretation of the data that are collected. The article will be used also for clinical research centering on assaying the relative effectiveness of this instrument versus existing techniques of pneumoencephalography, radioisotope scanning, and angiography.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray

tomography. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 5, 1974 that the speed, sensitivity, and non-invasive methodology of the article are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-27869 Filed 11-27-74;8:45 am]

TUSKEGEE INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00176-33-46040. Applicant: Tuskegee Institute, Purchasing Department, P.O. Box 1239, Tuskegee Institute, Ala. 36088. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in experiments to identify by electron microscopy ultrastructural changes in the following tissues:

(I) In vitro grown cells (Hela and Mouse fibroblasts).

(II) Brain, uterus and liver of Mice and Sheep,

(III) Rat liver,

(IV) Oviduct and uterine tissue from rabbits, rats, and some birds, and

(V) Developing Oocytes isolated from Ovaries of Salamanders. Specific projects to be investigated include: (I) Diet Related Toxemia in Pregnancy, (II) Pesticides in Mammalian Cell Systems, (III) Ultrastructural changes Induced in Animal tissue by listeria Monocytogenes and its Components, (IV) Thyroid Hormone and Ablastin Influence on Trypanosoma Lewisi Mitochondria, (V) The Influence of Drugs on Ultrastructural changes in the Female Genital Tract, and

(VI) Ultrastructure of Lampbrush Chromosomes.

The article will also be used in the course Techniques in Electron Microscopy which will include some theory of electron optics, the preparation of specimens and the operation of the electron microscope and associated equipment.

Comments: No comments have been received with respect to this application. A letter dated January 3, 1974 was received from Adam David Company and is being treated as an offer to supply additional information under § 701.10 of the regulations.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

T .etaoin

Reasons: In the reply to Question 8 in this application, the applicant alleged the foreign article provided the following pertinent features:

(1) a prepumped airlock chamber;

(2) a magnification range continuous between 200-200,000x without specimen removal or pole-piece change;

(3) a single condenser system providing spot sizes close to that for double condenser system with a single control;

(4) available multiple camera system for 35 millimeter (mm) 70 mm and plate camera which are interchangeably usable; and

(5) resolution guaranteed 5 Angstroms.

The Department of Health, Education, and Welfare (HEW) compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the Model EMU-4C supplied by the Adam David Company. HEW advises in its memorandum dated August 7, 1974 that the applicant's description of its intended research and teaching does not establish a pertinent specification [within the meaning of § 701.2(n) of the regulations] for the article that upholds duty-free entry. Specifically HEW advises that (1) the article and the domestic EMU-4C are equivalent with respect to guaranteed resolution and magnification range, and that (2) the domestic instrument also provides a prepumped specimen airlock, single condenser, if desired, and a selection of cameras. HEW further advises that the EMU-4C has all the features needed to carry out the work proposed.

It is noted that while the plate camera was ordered with the article, the 35 mm and 70 mm cameras were not ordered. Features not ordered with the article cannot be considered in the determination of scientific equivalency, pursuant to §§ 701.2(d) and 701.6(a)(3) of the regulations.

Accordingly, we find that the domestic Model EMU-4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-27866 Filed 11-27-74;8:45 am]

UNIVERSITY OF MONTANA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00031-99-46040. Applicant: University of Montana, Missoula, Montana 59801. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used primarily for educational purposes which are designed to provide instruction and experience in electron microscopy for both graduates and undergraduates in the allied health sciences. Undergraduate participation will be almost entirely at the level of formal course offerings. These offerings will provide the students with a sound introduction to the theory and practice of specimen preparation, electron microscopic operation, and interpretations of photomicrographs. Predoctoral and premaster's graduate students with research interests and thesis projects concerned with biological ultrastructure will be allowed to use the electron microscope for their research. Certain graduate students and faculty members will be given the opportunity to receive individual instruction in electron microscopic techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (January 9, 1974).

Reasons: This application is a resubmission of Docket Number 74-00265-99-46040 which was denied without prejudice to resubmission on April 19, 1974 for informational deficiencies. The applicant requires an electron microscope which is suitable for instruction of undergraduates in basic electron microscopy and micrograph interpretation. The foreign article is a relatively simple, medium resolution electron microscope providing 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV),

and low distortion magnifications at 140–60,000x with 140 to 1000x in the normal microscopic range which permits an overlap of light and electron microscopy. The article is also designed for confident use [through ease of operation] by beginning students with a minimum of detailed programming.

Domestic instruments available at the time the article was ordered were the Model EMU–4C, a relatively complex instrument designed for the use of an expert which provides low distortion magnification at 500x and higher, available from the Adam David Company and the Elektros Incorporated Model ETEM–101, a relatively simple low resolution instrument. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 24, 1974, that for the applicant's intended uses (1) 60 KV accelerating voltage for adequate contrast, (2) low magnifications overlapping the optical microscope and (3) simplicity and ease of operation are pertinent. HEW also advised that the article provides better low magnification range capabilities (140x–1000x range) and a higher accelerating voltage (60KV) than the ETEM–101. In addition HEW advised that the Model EMU–4C is too complex for the applicant's educational purposes.

We, therefore, find that neither the Model EMU–4C nor the Model ETEM–101 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–27865 Filed 11–27–74;8:45 am]

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket numer: 75–00030–90–90000. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. Article: Rotating Anode X-Ray Diffraction System, Model RU–200 PL. Manufacturer: Rigaku Denki Co., Japan. Intended use of article: The article is intended to be used for studies of purified enzymes, including hexokinase and alkaline phosphatase, and membranes to determine the detailed three dimensional structure of the molecule and its complexes in order to understand the specificity, mechanism chemistry, and stability of the enzyme. The article will also be used in the courses: Molecular Biophysics and Biochemistry for teaching purposes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focused spot of minimal size (point foci 0.1 x 0.1 millimeters squared) and a rotating anode target for maximum X-ray brilliance. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated November 4, 1974 that the capabilities described above are pertinent to the applicant's purposes. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–27868 Filed 11–27–74;8:45 am]

Office of the Secretary

SEMINAR ON INSTITUTIONAL AND LEGAL CONSTRAINTS TO COOPERATIVE ENERGY R&D

Notice of Meeting

The U.S. Department of Commerce and the Industrial Research Institute will co-sponsor a seminar on institutional and legal constraints to cooperative energy research and development. The seminar is scheduled for December 16, 1974, at the Main International Conference Room, Department of State, 2201 C Street, NW., Washington, D.C.

Advanced registration is required. The registration fee of $20.00 includes luncheon at the Department of State.

To register, send your name, title, affiliation, address and check for $20.00 to Commerce Technical Advisory Board, U.S. Department of Commerce, Room 3877, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Make checks payable to "Seminar on Cooperative R&D." Please respond as quickly as possible. Space is limited and reservations will be accepted on a first-come first-served basis. Cancellations may be made if received by December 10, 1974.

Background. Our Nation is now involved in a thorough examination of the deployment of our national resources to meet our long term energy requirements. Because of the high risk and large investments involved, many experts feel that a number of industry-Government and multicompany cooperative research and development programs should be considered.

At the recommendation of the Commerce Technical Advisory Board, the Department of Commerce and the Industrial Research Institute are sponsoring a seminar to provide an opportunity for open dialogue between industry and Government on this important subject. Industry spokesmen will have an opportunity to indicate their potential interest in joint ventures and to express their percepion of the major barriers to such ventures. Government spokesmen can spell out the acceptable approaches to joint ventures. Both sides can explore the importance of joint ventures to our future development of energy resources.

AGENDA

Monday Morning, December 16, 9:30 a.m.

CALL TO ORDER

Betsy Ancker-Johnson, Assistant Secretary for Science and Technology, U.S. Department of Commerce.

Keynote Speaker: Honorable Frederick B. Dent, Secretary, U.S. Department of Commerce.

Session Chairman: S. William Gouse, Jr., Director, Office of R&D, and Acting Director, Office of Coal Research, U.S. Department of the Interior.

OVERVIEW STATEMENTS ON THE CONSTRAINTS TO FORMATION OF R&D CONSORTIA

William D. Carey, Member of CTAB, Vice President, Arthur D. Little, Inc.; F. L. Cuthbert, Principal Investigator, Industrial Research Institute.

FEAR OF ANTITRUST VIOLATIONS AS DETERRENTS

Cases Presented by: Dayton H. Clewell, Senior Vice President, Mobil Oil Corporation; David Swan, Vice President-Technology, Kennecott Copper Corporation.

COFFEE BREAK

Government Speakers:

Thomas E. Kauper, Assistant Attorney General for the Antitrust Division, U.S. Department of Justice; Karl E. Bakke, General Counsel, U.S. Department of Commerce.

OPPORTUNITY FOR QUESTIONS ON THE CASES

12:30 P.M., LUNCH, DEPARTMENT OF STATE

Monday Afternoon, December 16, 2 p.m.

Session Chairman: Donald W. Collier, IRI Vice President—Research, Borg-Warner Corporation (Past President, IRI).

GOVERNMENT PATENT POLICY AS A DETERRENT IN THE FORMATION OF R&D CONSORTIA

Case Presented by: Jason M. Salsbury, Director, Chemical Research, American Cyanamide Company.

Government Speaker: Betsy Ancker-Johnson, Chairman, Government Patent Policy Committee.

GOVERNMENT DELAYS AS A DETERRENT

Case Presented by: Philip C. White, General Manager, Research, Standard Oil Company (Indiana) (Past President, IRI).

GENERAL DISCUSSION

Panel to include all speakers

Anticipated Adjournment Time: 4:30 p.m.

Further information may be obtained by writing Dr. Bruce Robinson or Mrs. Florence Feinberg, Room 3877, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, or by calling either at (202) 967–5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary of Commerce for Science and Technology.

NOVEMBER 20, 1974.

[FR Doc.74-27870 Filed 11-27-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 5B3051]

BORG-WARNER CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B3051) has been filed by Carr, Bonner, O'Connell, Kaplan and Thompson, 900 Seventeenth St., NW., Washington, DC 20006, on behalf of Borg-Warner Corp. proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of an acrylonitrile/butadiene/styrene copolymer in contact with food other than carbonated beverages. The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 21, 1974.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.74-27871 Filed 11-27-74;8:45 am]

INSPECTION AND RELATED SERVICES OF DRUGS MANUFACTURED IN FOREIGN COUNTRIES

Agreement Between the Defense Supply Agency and the Food and Drug Administration

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

An interagency agreement was approved and accepted by the Food and Drug Administration and the Defense Supply Agency on October 15, 1974 and October 22, 1974, respectively. This agreement, which provides for reimbursement by the Defense Supply Agency to the Food and Drug Administration for performing certain inspection and related services relating to drugs manufactured in foreign countries, reads as follows:

INTERAGENCY AGREEMENT BETWEEN THE DEFENSE SUPPLY AGENCY AND THE FOOD AND DRUG ADMINISTRATION

The Defense Supply Agency (hereinafter called DSA) agrees to reimburse the Food and Drug Administration (hereinafter called FDA) for services as provided and described herein.

Purpose: To provide for DSA certain inspection and related services of drugs manufactured in foreign countries.

I. STATUTORY RIGHTS AND OBLIGATIONS

Any and all statutory rights and obligations of FDA with respect to licensed biologics, certifiable antibiotics and drugs and with respect to the evaluation and issuance, by FDA, of New Drug Applications, are in no way affected by this agreement.

II. SERVICES TO BE PERFORMED

A. *FDA agrees:*

To inspect, at DSA's request, drug manufacturing plants and facilities of foreign manufacturers being considered by DSA as possible suppliers of drugs.

1. Such inspection by FDA will be performed by qualified FDA personnel.

2. Such inspections will be made for the purpose of appraising and evaluating the quality assurance capability and performance in relation to compliance with the Current Good Manufacturing Practice Regulations (21 CFR 133), where applicable, and requirements of solicitations for bids and resulting contracts. Such inspections will also identify the existence of foreign patents or licenses, if materials to be used are from Communist controlled areas, whether clients are in compliance with applicable approved new drug applications and whether the specification requirements of DSA can be met.

3. FDA will furnish DSA with a written report of its findings. The report will make a recommendation as to whether the firm surveyed is qualified to produce the pertinent supplies as required by solicitation for bid and contracts. These reports will be furnished within 30 days or an earlier mutually agreed upon time. If written reports cannot be furnished within the agreed upon time, FDA will telephone results of inspection to DSA and follow with written confirmation.

B. *DSA agrees:*

1. To furnish written requests for inspection services.

2. To furnish FDA with an annual estimate of the number of inspections to be required, the estimate not to be binding on either party.

3. To notify FDA of any specific changes in DSA contracting and purchasing arrangements which might affect this agreement.

4. To furnish FDA concurrent with requests for foreign inspection any background or inspectional data, as available in-house, for any foreign inspection conducted by FDA under this agreement.

5. To furnish FDA copies of all current drug and pharmaceutical specifications used in procurement. This will include, but not be limited to, Federal specification, military purchase descriptions, etc.

C. *Revisions:*

1. Additional procedures and revisions as may be necessary for the implementation of this agreement and to effectuate the intention of the parties may be developed jointly by FDA and DSA. Such revisions shall become effective on such date as is mutually agreed upon by the parties.

2. In the event that the time requirements expressed herein cannot be met by FDA, the DSA will be advised promptly.

D. *Other Provisions:*

1. In the event FDA has inspected the facilities of the foreign manufacturer within one (1) calendar year of the date of the inspection request from DSA, a written report of that inspection will be furnished DSA. DSA will review the report and if additional information is required, FDA will furnish the required information or perform the supplementary inspection necessary.

2. Nothing in this agreement will preclude DSA representatives from making visits to foreign suppliers with FDA or separately.

3. FDA personnel carrying out inspection services will be made available as witnesses or be permitted to supply information and data to DSA for GAO protest, Armed Services Board of Contract Appeal cases and such other cases where expertise is required.

III. LIAISON OFFICERS

A. Mr. Gordon J. Keefe, Special Project Officer for Medical Materiel Management, DSAH–PV, Headquarters Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. Telephone: (202) 274–6441.

B. Mr. Richard McDermaid, Foreign Inspection Program, HFO–120, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852. Telephone: (301) 443–1855.

IV. PERIOD OF AGREEMENT

This agreement, when accepted by both parties, will have an effective date beginning July 1, 1974, and continue for an indefinite period of time, and may be modified by mutual consent of both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

V. COST

DSA shall reimburse FDA an amount not to exceed $20,000 for FY 75 services as outlined in this agreement.

VI. FUNDING

A. Billing will be based on the rates effective under the Food and Drug Administration's user charges policy at the time service is rendered and shall be based on actual time records covering each inspection analysis performed by FDA. Such billings shall designate the service performed (i.e., inspection of facilities, testing of samples, etc.), name of manufacturer or bidder involved, and shall itemize the charges by designating the type of cost (i.e., salaries, per diem, transportation, etc.), and the computation of the sum billed.

B. FDA shall submit vouchers quarterly, on Standard Form 1080, and mail to:

Defense Personnel Support Center, 2800 South 20th Street, Philadelphia, Pennsylvania 19101, Attn: Medical Materiel Directorate DPSC–A.

C. Administrative billing requirements shall be in accordance with GAO Policy and Procedure, Title 7, section 8.4.

VII. AUTHORITY

This agreement is entered into under the authority of the Economy Act approved June 30, 1932, as amended 31 U.S.C. 686.

Approved and accepted for the Food and Drug Administration.

EDWARD A. STEFFEE,
Associate Commissioner for Administration.

Date: October 15, 1974.

Approved and accepted for the Defense Supply Agency.

P. F. COSGROVE, Jr.,
Deputy Director.

Date: October 22, 1974.

Effective date. This agreement became effective July 1, 1974.

Dated: November 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27873 Filed 11-27-74;8:45 am]

INVESTIGATIONAL USE OF DRUGS BY THE DEPARTMENT OF DEFENSE

Memorandum of Understanding Between the Food and Drug Administration and the Department of Defense

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

A Memorandum of Understanding was approved and accepted by the Food and Drug Administration and the Department of Defense on August 19, 1974 and October 24, 1974, respectively, replacing one that was signed in 1964. This memorandum, which establishes procedures to be followed by the Department of Defense and the Food and Drug Administration regarding the investigational use of drugs by the Department of Defense, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE DEPARTMENT OF DEFENSE CONCERNING INVESTIGATIONAL USE OF DRUGS BY THE DEPARTMENT OF DEFENSE

The Department of Defense (hereinafter called DOD) and the Food and Drug Administration of the Department of Health, Education, and Welfare (hereinafter called FDA) hereby jointly agree to the terms and conditions as described herein.

Purpose. To establish the procedures to be followed by the Department of Defense and the Food and Drug Administration regarding the investigational use of drugs by the Department of Defense. This Memorandum of Understanding, when signed by representatives of the agencies, replaces the current Memorandum of Understanding signed in 1964.

Background. Section 505(a) of the Federal Food, Drug, and Cosmetic Act, as amended by section 104 of Pub. L. 87-781, 76 Stat. 784; 21 U.S.C. 355(a) (1970) established procedures for the approval required before a new drug can be introduced into interstate commerce. Section 505(i) of the act (21 U.S.C. 355(i)) establishes exemptions from the approval procedures for drugs which will be used only for manufacture of other drugs or for investigational purposes. That section provides the authority for the regulations to give effect to the general guidance of the statute, promulgated in 21 CFR 312.1 (formerly 130.3) by Secretary of Health, Education, and Welfare. These regulations establish the procedure and prescribe the necessary forms to be filed in order to exempt drugs to be used only for investigational purposes from the approval procedures of the Federal Food, Drug, and Cosmetic Act.

A Memorandum of Understanding was executed by the Departments of Defense and Health, Education, and Welfare in 1964 to state the procedures that will be followed to ensure that the requirements of the Federal Food, Drug, and Cosmetic Act and the investigational drug regulations issued under that act are fully met without jeopardizing or impeding the requirements of national security or the requirements of Federal laws and regulations relating to such use of drugs.

The Surgeon General of each Military Department has established within his office a formal "Review Board" which carefully considers each research proposal from its own agency or from outside contractors or grantees which involve the use of human subjects in the clinical investigation of new drugs. Each "Review Board" is staffed with highly qualified professionals capable of performing competent review of such research proposals to ensure adequate protection of human subjects. The DOD assumes full responsibility for the protection of all human subjects involved in research under its sponsorship whether this involves investigational drugs or other hazards. Before a clinical test may be performed with an investigational drug, the plan of the test and other pertinent details must be submitted to the appropriate "Review Board," the Board must indicate its approval, and the approval must be confirmed by the appropriate Surgeon General.

Experience in operating under this Memorandum of Understanding from 1964 to 1974 indicates that the DOD adheres to the standards of the FDA; that human subjects have been adequately protected in the DOD-sponsored studies; that the DOD has been able to effectively carry out its responsibilities for national security without compromise of the intent of the above-cited statutes and regulations; and that certain exemptions provided the DOD from meeting the ordinary requirements of the investigational new drug regulations are no longer necessary. Accordingly, the DOD and the FDA agree to the following new procedures to meet the requirements of the Federal Food, Drug, and Cosmetic Act concerning investigational use of drugs:

I. SUBSTANCE OF AGREEMENT

The Food and Drug Administration and the Department of Defense agree that:

1. Clinical investigations that are classified for reasons of national security will not require the filing of a formal "Claim for Exemption" to the FDA. The DOD shall be solely responsible for determining the security classification of such research projects. Approval by the appropriate "Review Board" and Surgeon General of a test classified for reasons of national security will automatically exempt the drug being employed from the application of the new drug section of the Food, Drug, and Cosmetic Act during such investigational study. The DOD will report to the FDA unclassified findings associated with such studies which the FDA should be aware of in order to make a sound evaluation of non-classified studies proposed on the same or similar drugs. Additionally, the DOD will discuss its classified investigations of drugs on a frequent basis with personnel from the FDA who have proper security clearance.

2. When the unique requirements of the military dictate the extensive use in military personnel of drugs which, though not yet approved, have been tested under the investigational new drug regulations sufficiently to establish with reasonable certainty their safety and efficacy, special ad hoc review and approval for such use will be effected expeditiously through joint action by representatives of the Department of Defense and the Food and Drug Administration to ensure timely response to the military need. The DOD will report to the FDA findings associated with such use which the FDA should be aware of in order to make a sound evaluation of other studies proposed on the same or similar drug.

3. In all other cases involving the clinical testing of investigational drugs under programs sponsored by the DOD and conducted either by the DOD within its own research facilities, or for the DOD by a contractor or grantee, the ordinary provisions of 21 CFR 312.1 (formerly 130.3) of the Code of Federal Regulations governing the investigational use of new drugs in human beings shall be followed.

II. NAME AND ADDRESS OF PARTICIPATING AGENCIES

A. Department of Defense
Washington, DC 20314

B. Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20852

III. LIAISON OFFICERS

A. Col. Edward J. Huycke
Director, Professional Services
Office of the Assistant Secretary of Defense (Health and Environment)
Washington, DC 20301
Telephone: (202) 697-9658

B. John Jennings, M.D.
Associate Commissioner for Medical Affairs, HFM-1
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20852
Telephone: (301) 443-4124

IV. PERIOD OF AGREEMENT

This agreement, when accepted by both parties, covers an indefinite period of time and is subject to modification by mutual consent by both parties.

V. AUTHORITY

This agreement is entered into under the authority of the Economy Act, approved June 30, 1932, as amended, 31 U.S.C. 686.

Approved and accepted for the Department of Defense.

V. MCKENZIE,
Acting Assistant Secretary, Health and Environment.

Date 10/24/74

Approved and accepted for the Food and Drug Administration.

A. M. SCHMIDT,
Commissioner, Food and Drug Administration.

Date 8/19/74

Effective date. This Memorandum of Understanding became effective on October 24, 1974.

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27872 Filed 11-27-74;8:45 am]

PANEL ON REVIEW OF ANTIMICROBIAL AGENTS

Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of November 15, 1974 (39 FR 40315), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is given that the meeting of the Panel on Review of Antimicrobial Agents scheduled for December 20, 21, and 22, 1974 is cancelled.

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–27878 Filed 11–27–74;8:45 am]

National Institutes of Health

ALLERGY AND IMMUNOLOGY STUDY SECTION, ET AL.

Notice of Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the following study sections for January 1975 and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463 for the review, discussion and evaluation of applications for research projects and for grants and awards for research and training activities. The applications 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 applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301–496–7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

Study section	January 1975 meetings	Time	Location
		a.m.	
Allergy and Immunology, Dr. Mischa E. Friedman, room 320, telephone 301–496–7380.	16–18	8:45	Holiday Inn, Chevy Chase, Md.
Applied Physiology and Bioengineering, Mrs. Ileen E. Stewart, room 318, telephone 301–496–7581.	23–25	8:30	Building 31, Room 9, Bethesda, Md.
Bacteriology and Mycology, Dr. Milton Gordon, room A–27, telephone 301–496–7340.	9–11	8:30	Connecticut Inn, Washington, D.C.
Biochemistry, Dr. William R. Sanslone, room 350, telephone 301–496–7516.	17–19	9:00	Linden Hill, Bethesda, Md.
Biomedical Communications, Mrs. Ileen E. Stewart, room 318, telephone 301–496–7581.	16–17	9:00	Holiday Inn, Chevy Chase, Md.
Biophysics and Biophysical Chemistry A, Dr. Irvin Fuhr, room 4A–09, telephone 301–496–7060.	10–11	9:00	Shoreham Hotel, Washington, D.C.
Biophysics and Biophysical Chemistry B, Dr. John B. Wolff, room 4A–07, telephone 301–496–7070.	16–18	8:30	Building 31, room 3, Bethesda, Md.
Cardiovascular and Pulmonary, Dr. Berton J. Leach, room 339, telephone 301–496–7901.	8–11	8:30	Holiday Inn, Bethesda, Md.
Cardiovascular and Renal, Dr. Floyd O. Atchley, room 339, telephone 301–496–7901.	15–18	8:30	Do.
Cell Biology, Dr. Evelyn A. Horenstein, room 4A–04, telephone 301–496–7020.	16–18	9:00	Shoreham Hotel, Washington, D.C.
Communicative Sciences, Mr. Frederick J. Gutter, room 321, telephone 301–496–7550.	8–10	9:00	Building 31, room 3, Bethesda, Md.
Computer and Biomathematical Sciences, Dr. Bernice S. Lipkin, room 310, telephone 301–496–7568.	15–17	9:00	Holiday Inn, Bethesda, Md.
Dental, Dr. Thomas M. Tarpley, Jr., room 4A–03, telephone 301–496–7818.	21–24	9:00	Building 31, room 10, Bethesda, Md.
Developmental Behavioral Sciences, Dr. Bertie H. R. Woolf, room 4A–10, telephone 301–496–7471.	22–24	8:30	Do.
		p.m.	
Endocrinology, Mr. Morris M. Graff, room 333, telephone 301–496–7346.	6–9	7:00	Sheraton Inn, Silver Spring, Md.
Epidemiology and Disease Control, Mr. Glenn G. Lamson, Jr., room 4A–11, telephone 301–496–7080.	15–17	8:30	Building 31, room 7, Bethesda, Md.
Experimental Psychology, Dr. A. Keith Murray, room 220, telephone 301–496–7004.	15–18	9:30	Shoreham Hotel, Washington, D.C.
Experimental Therapeutics, Dr. Anne R. Bourke, room 319, telephone 301–496–7839.	9–11	8:30	Building 31, room 6, Bethesda, Md.
General Medicine A, Dr. Harold M. Davidson, room 354, telephone 301–496–7797.	19–21	9:00	Do.
General Medicine B, Dr. William F. Davis, Jr., room 322, telephone 301–496–7730.	15–18	2:00	Embassy Row Hotel, Washington, D.C.
Genetics, Dr. Katherine S. Wilson, room 349, telephone 301–496–7271.	16–18	9:00	Building 31, room 6, Bethesda, Md.
Hematology, Dr. Joseph E. Hayes, Jr., room 355, telephone 301–496–7508.	13–15	9:00	Holiday Inn, Chevy Chase, Md.
Human Embryology and Development, Dr. Samuel Moss, room 221, telephone 301–496–7597.	8–11	9:00	Building 31, room 7, Bethesda, Md.
Immunobiology, Dr. James H. Turner, room A–25, telephone 301–496–7780.	23–25	9:00	Drake Wiltshire Hotel, San Francisco, Calif.
Medicinal Chemistry A, Dr. Asher A. Hyatt, room 222, telephone 301–496–7286.	12–14	9:00	Holiday Inn, Bethesda, Md.
Medicinal Chemistry B, Mr. Richard P. Bratzel, room 222, telephone 301–496–7286.	5, 8–9	9:00	Monteleone Hotel, New Orleans, La.
Metabolism, Dr. Robert M. Leonard, room 218, telephone 301–496–7091.	15–18	8:30	Sheraton Inn, Silver Spring, Md.
Microbial Chemistry, Dr. Gustave Silber, room 357, telephone 301–496–7130.	9–11	8:30	Embassy Row Hotel, Washington, D.C.
Molecular Biology, Dr. Donald T. Disque, room 328, telephone 301–496–7830.	16–18	8:30	Building 31, room 8, Bethesda, Md.
Neurology A, Dr. William E. Morris, room 326, telephone 301–496–7095.	8–11	9:00	Do.
Neurology B, Dr. Willard L. McFarland, room 2A–10, telephone 301–496–7422.	16–18	8:30	Embassy Row Hotel, Washington, D.C.
Nutrition, Dr. John R. Schubert, room 204, telephone 301–496–7178.	15–18	8:30	Building 31, room 4, Bethesda, Md.
Pathology A, Dr. William B. Savchuck, room 337, telephone 301–496–7305.	8–10	8:30	Sheraton Inn, Silver Spring, Md.
Pathology B, Dr. James K. MacNamee, room 352, telephone 301–496–7244.	9–11	8:30	Holiday Inn, Bethesda, Md.
Pharmacology, Dr. Joseph A. Kaiser, room 334, telephone 301–496–7408.	22–25	9:00	Building 31, room 8, Bethesda, Md.
Physiological Chemistry, Dr. Robert L. Ingram, room 338, telephone 301–496–7837.	13–17	9:00	Sheraton-Four Ambassadors, Miami, Fla.
Physiology, Dr. Clara E. Hamilton, room 219, telephone 301–496–7878.	23–25	9:00	Building 31, room 4, Bethesda, Md.
Population Research, Miss Carol A. Campbell, room 210, telephone 301–496–7140.	24–26	9:00	Skyline Inn, Washington, D.C.
Radiation, Dr. Robert L. Straube, room 206, telephone 301–496–7510.	14–17	8:30	Building 31, room 10, Bethesda, Md.
Reproductive Biology, Dr. Robert T. Hill, room 206, telephone 301–496–7318.	13–15	9:00	United Inn, Bethesda, Md.
Surgery A, Dr. Raymond J. Helvig, room 336, Telephone 301–496–7771.	10–11	8:30	Building 31, room 9, Bethesda, Md.
Surgery B, Dr. Joe W. Atkinson, room 348, telephone 301–496–7506.	10–11	8:30	Do.
Toxicology, Dr. Rob S. McCutcheon, room 226, telephone 301–496–7570.	15–18	8:00	Westwood Bldg., room D, Bethesda, Md.
Tropical Medicine and Parasitology, Dr. George W. Luttermoser, room 319, telephone 301–496–7494.	8–10	9:00	Connecticut Inn Motel, Washington, D.C.
Virology, Dr. Claire H. Winestock, room 340, telephone 301–496–7128.	9–11	9:00	Building 31, room 10, Bethesda, Md.
Visual Sciences A, Dr. Orvil E. A. Bolduan, room 2A–05, telephone 301–496–7180.	15–17	9:00	Holiday Inn, Bethesda, Md.
Visual Sciences B, Dr. Marie A. Jakus, room 353, telephone 301–496–7251.	15–17	9:00	Do.

(Catalog of Federal Domestic Assistance Program Nos. 13.333, 13.349, 13.393–13.396, 13.836–13.844, 13.846–13.871, 13.876, National Institutes of Health, DHEW)

Dated: November 20, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–27715 Filed 11–27–74;8:45 am]

GRANT-SUPPORTED CLINICAL CANCER PROGRAM

Establishment of Program

Notice is hereby given that the National Cancer Institute, under the authority of section 301 and Title IV, Part A, of the Public Health Service Act, as amended (42 U.S.C. 241, 281 et seq.) will establish a grant-supported program to improve the teaching of cancer prevention, diagnosis, and treatment by means of coordinated, correlated, and interdisciplinary educational programs. These awards are intended: to encourage planning and development of educational programs aimed towards achievement of optimal care of the cancer patient; to enable students in the health professions to acquire basic knowledge of neoplastic disease and of preventive measures, as well as diagnostic and therapeutic skills and experience in optimal cancer care and to stimulate and expand efforts in cancer education and in the delivery of health care services as they apply to the cancer patient. This is an educational program which provides support for improving the teaching of cancer-related topics rather than a fellowship program which would provide individual stipendiary support.

Eligible institutions include schools of medicine, schools of osteopathy, affiliated teaching hospitals, schools of dentistry and public health, and specialized cancer institutions capable of giving intensive training in cancer management. Applications shall be subject to technical review by an initial review committee and must receive favorable recommendation from the National Cancer Advisory Board. Application must be made to the Division of Research Grants, National Institutes of Health, and must be received by February 1, June 1, and October 1 of each year in order to be reviewed at the succeeding meetings of the National Cancer Advisory Board, (i.e., June, November and March respectively). Although applications are currently being solicited, no awards will be made until issuance of final Federal regulations for the program. These regulations are currently being developed.

For further information contact Chief, Education Branch, Division of Cancer Research Resources and Centers, Bethesda, Maryland 20014.

(Catalog of Federal Domestic Assistance Program No. 13.398, National Institutes of Health)

Dated: November 18, 1974.

ROBERT S. STONE,
Director,
National Institutes of Health.

[FR Doc.74-27814 Filed 11-27-74;8:45 am]

Office of Education

TALENT SEARCH, UPWARD BOUND, SPECIAL SERVICES FOR DISADVANTAGED STUDENTS, AND EDUCATIONAL OPPORTUNITY CENTERS PROGRAMS

Closing Date for Receipt of Applications

Pursuant to the authority contained in Title IV, part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d–1070d–1), notice is hereby given that the Commissioner of Education has established a closing date for receipt of applications for awards under the Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers Programs.

All applications must be received on or before January 10, 1975.

A. *Submission procedures.*—(1) Proposals for Talent Search, Upward Bound, and/or Special Services for Disadvantaged Students projects must be submitted to the appropriate Regional Office of Education, Application Control Center, Attention: 13.482 (Special Services for Disadvantaged Students), 13.488 (Talent Search), and/or 13.492 (Upward Bound).

(2) Proposals for Educational Opportunity Centers projects must be submitted to the Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.543 (Educational Opportunity Centers).

(3) Proposals for National Demonstration Talent Search, Upward Bound, or Special Services for Disadvantaged Students projects must be submitted to the Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.482 (Special Services for Disadvantaged Students), 13.488 (Talent Search), or 13.492 (Upward Bound).

B. *Applications sent by mail.* An application sent by mail will be considered to be received on time by the appropriate Application Control Center cited above if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C., for Education Opportunity Centers or National Demonstration proposals, or the mail room of the appropriate Regional Office of Education for Talent Search, Upward Bound, and Special Services for Disadvantaged Students proposals. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education, including the Regional Offices of Education).

C. *Hand-delivered applications.* An application to be hand-delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C., or the appropriate Regional Office of Education Application Control Center. Hand-delivered applications will be accepted daily between the hours of 9 a.m. and 4 p.m. except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

D. *Program information and forms.* Information and application forms may be obtained from the appropriate Regional Office of Education or from the Division of Student Support and Special Programs, Rm. 4010, 7th and D Sts., SW., Washington, D.C. 20202.

E. *Applicable regulations.* The regulations applicable to these programs include the Office of Education General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973, the regulations set forth at 45 CFR Part 154 (Educational Opportunity Centers) and 45 CFR Part 155 (Upward Bound) and the funding criteria for Upward Bound projects, Educational Opportunity Centers, Talent Search, and Special Services for Disadvantaged Students projects published in this issue of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Programs, Numbers 13.482 Special Services for Disadvantaged Students, 13.488 Talent Search, 13.492 Upward Bound, and 13.543 Educational Opportunity Centers)

Dated: November 1, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74-27923 Filed 11-27-74;8:45 am]

Office of the Secretary

LONG-TERM CARE MARKET PLACE

Notice of Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the results of activity associated with HEW project entitled, "Report on Deficiencies of the Long-Term Care Market Place with Emphasis on Reform."

There appears to be general agreement that the reimbursement mechanism characteristic of both the acute and chronic health care sectors provides few stimuli for cost containment, and has largely been responsible for the cost spiral that has characterized the institutional components of the health care industry. This study focuses specifically on the long-term care sector of the health industry, analyzes its current reimbursement structure, reviews the pertinent literature in the areas of incentive reimbursement and patient and facility assessment, and presents a specific model for developing an incentive reimbursement program which should improve economic performance without sacrificing appropriate elements of patient care.

Three major areas were identified which jointly contributed to the recognized deficiences of long-term care. The areas and the contributing elements within each are:

1. Institutional Deficiencies—poor compliance with various codes and regulations; patient misplacement; paucity of suitable alternatives to institutionalization; and the limited involvement of the medical and lay communities in the long-term care setting.

2. Industry Deficiencies—the current reimbursement system which fails to encourage economic efficiency; and the absence of a competitive environment.

3. Regulatory Deficiencies—absence of uniform codes for licensing and setting of standards with regard to acceptable levels of care; poor and uneven enforcement of existing standards and codes; and a significant communications gap among the public health, rate setting, and social welfare agencies charged with policymaking in the long-term care area.

Four major market consequences are identified as the result of these deficiencies. They are: high prices relative to the quality of the product provided, a low level of product satisfaction, a limited product range, and a low level of patient health status. In light of these deficiencies and consequences, a proposed incentive reimbursement system was developed to alter the reimbursement process. As such it can be incorporated into almost any financing vehicle or program.

A copy of this report, now in production, will be filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and copies may be obtained through that office.

Dated: November 25, 1974.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.74-27925 Filed 11-27-74;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

Correction

In FR Doc. 74-27112 appearing at page 40968 of the issue of Friday, November 22, 1974, the following correction should be made in Table 6-7.1, appearing at page 40969:

1. In the first line of the first column under the heading "Winter degree days", the number "8,500" should read "4,500".

2. In the last line of the same column, the number "4,001" should read "8,001".

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS GENERAL ELECTRIC COMPANY SUBCOMMITTEE

Notice of Meeting

NOVEMBER 22, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' General Electric Company Subcommittee will hold a meeting on December 16, 1974 in Room 1046 at 1717 H Street NW., Washington, D.C.

The purpose of the meeting will be to discuss General Electric's Standard Safety Analysis Report (GESSAR). This is the fourth meeting on this subject.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

MONDAY, DECEMBER 16, 1974, 9 A.M.-5 P.M. DISCUSSIONS WITH THE GENERAL ELECTRIC COMPANY AND THE AEC REGULATORY STAFF.

Representatives of the General Electric Co. will make presentations on General Electric's Standard Safety Analysis Report (GESSAR).

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of, the day's public session, which will involve a discussion of its preliminary views, and an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the Subcommittee may hold a closed session with the Regulatory Staff and representatives of the General Electric Co. to discuss privileged information relating to the proposed standard design features.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of each day's session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than December 9, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on December 16, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 13, 1974 to the Advisory Committee on Reactor Safeguards (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.s.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 meting, will be permitted both before and after the meeting and during any recess. The use of such equipment, will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection on or after December 18, 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.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after March 17, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee,
Management Officer.

[FR Doc.74-27795 Filed 11-27-74;8:46 am]

[Docket Nos. 50-524, 50-525, 50-526, and 50-527]

ALABAMA POWER CO.

Application for Construction Permits and Facility Licenses; Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

The Alabama Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 27, 1974, for authorization to construct and operate four generating units utilizing four boiling water reactors. The application was tendered on August 16, 1974. Following a preliminary review for completeness, the application (the preliminary safety analysis report and antitrust information) was found to be acceptable for docketing. Docket Nos. 50-524, 50-525, 50-526, and 50-527 have been assigned to the application and they should be referenced in any correspondence relating to the application. The environmental report, which was also tendered on August 16, 1974 and supplemented on October 14, 1974, was accepted for a detailed review on November 15, 1974.

The proposed nuclear facilities, designated by the applicant as the Alan R. Barton Nuclear Plant, Units 1, 2, 3, and 4 are to be located in Chilton and Elmore Counties, Alabama, approximately 15 miles southeast of Clanton, along the west side of the Coosa River. Each unit is designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1159 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before January 28, 1975. The request should be filed in connection with Docket Nos. 50-524-A, 50-525-A, 50-526-A, and 50-527-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Clanton Public Library, 100 First Avenue, Clanton, Alabama 35045.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report dated November 11, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities is being made available for public inspection at the aforementioned locations and at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104; Birmingham Regional Planning Commission, 2121 Building, Room 1524, Eighth Avenue North, Birmingham, Alabama 35203; Central Alabama Regional Planning Commission, 210 Washington Building, Montgomery, Alabama 36104.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 15th day of November 1974.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2-1 Directorate of Licensing.

[FR Doc.74-27691 Filed 11-27-74;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-51, issued to the Arkansas Power and Light Company, which revised Technical Specifications for operation of the Arkansas Nuclear One, Unit 1, located on a peninsula on the northern shores of Lake Dardanelle, in Pope County, 2 miles southeast of the village of London and 5 miles northwest of the city of Russellville in Arkansas. The amendment is effective as of its date of issuance.

The amendment permits monitoring the temperature differential across the plant condenser once each shift rather than every two hours when the plant is at steady state power levels. The temperature differential across the condenser will be measured within two hours after a change in power level has stabilized. The amendment requires monitoring of condenser outlet temperature every two hours if condenser inlet exceeds 85°F with four circulating water pumps running or 70°F with three circulating pumps running.

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 Chapter 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 20, 1974, (2) Amendment No. 1 to License No. DPR-51, with Change No. 1, and (3) the Commission's related Environmental

Evaluation. 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 Arkansas Polytechnic College, Russellville, Arkansas.

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, Maryland, this 22d day of November 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-27932 Filed 11-27-74;8:45 am]

[Docket Nos. Stn 50-498 and Stn 50-499]

HOUSTON LIGHTING AND POWER CO.

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in 10 CFR Part 50, Appendix D, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed South Texas Project, Units 1 and 2, to be constructed by the Houston Lighting and Power Company in Matagorda County, Texas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Matagorda County Courthouse, 1700 Seventh Street, Bay City, Texas 77414. The Draft Environmental Statement is also being made available at the Division of Planning Coordination, Office of the Governor, P.O. Box 12428, Capitol Station, Austin, Texas 78711. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Environmental Report, as supplemented, submitted by the Houston Lighting and Power Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on July 19, 1974 (39 FR 26472).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by January 20, 1975.

Comments by Federal, State and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and at the Matagorda County Courthouse, Bay City, Texas. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 25th day of November, 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects, Branch 3, Directorate of Licensing.

[FR Doc.74-27931 Filed 11-27-74;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located near Camp Pendleton, San Diego County, California. The amendment is effective as of its date of issuance.

The amendment incorporates environmental technical specifications in Provisional Operating License No. DPR-13, and deletes Paragraph 4 therein, relating to the allocation of special nuclear material pursuant to 10 CFR § 50.60.

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 Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see the application for amendment, dated February 21, 1974 and Amendment No. 6 to License No. DPR-13, with any attachments. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and in the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of Amendment No. 6 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, Maryland, this 22nd day of November 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.74-27933 Filed 11-27-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27019]

LISSONE LINDEMAN, U.S.A., INC., D/B/A LISLIND INTERNATIONAL

Foreign Indirect Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding which is currently in recess will reconvene and be held on December 9, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., November 22, 1974.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.74-27935 Filed 11-27-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, FR Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Director of Policy Planning, Antitrust Division to Deputy Assistant Attorney General, Office of the Assistant Attorney General, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-27903 Filed 11-27-74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy

Director of Operations, Office of the Assistant Attorney General, Antitrust Division.

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

[FR Doc.74-27904 Filed 11-27-74;8:45 am]

DEPARTMENT OF JUSTICE

Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, FR Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from First Assistant to the Assistant Attorney General, Antitrust Division to Chief Deputy Assistant Attorney General, Office of the Assistant Attorney General, Antitrust Division.

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

[FR Doc.74-27905 Filed 11-27-74;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Public Affairs Director, Office of the Secretary.

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

[FR Doc.74-27902 Filed 11-27-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Title Change in Noncareer Executive Assignment

By notice of September 1, 1971, FR Doc. 71-12771 the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position of Deputy Assistant Secretary for Safety and Consumer Affairs, Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Environment, Safety & Consumer Affairs, Office of the Secretary.

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

[FR Doc.74-27900 Filed 11-27-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Assistant to the Director, Office of the Director.

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

[FR Doc.74-27901 Filed 11-27-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 300-7; OPP-32000/147]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before January 27, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 27, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 3533-LA. Airkem, A Div. of Airwick Inds. Inc., 111 Commerce Rd., Carlstadt NJ 07072. AIRKEM ROC RESIDUAL ODOR CONTROLLED INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrmidinyl) phosphorothioate 0.500%; Pyrethrins 0.045%; Technical piperonyl butoxide (equivalent to 0.072%) (butylcarbityl) (6-propylpiperonyl) ether and other related compounds (0.018%) 0.090%; N-octyl bicyclo heptene dicarboximide 0.151%; Petroleum distillate 68.710%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3533-LT. Airkem, A Div. of Airwick Inds. Inc., 111 Commerce Rd., Carlstadt NJ 07072. AIRKEM RIC RESIDUAL INSECT CONTROL. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500% Pyrethrins 0.052%; Technical piperonyl butoxide (equivalent to 0.209%) (butylcarbityl) (6-propylpiperonyl) ether and 0.052% other related compounds 0.260%; Petroleum distillate 68.544%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1762-GG. Associated Chemists Inc., 4401 S.E. Johnson Creek Blvd., Portland OR 97206. PINE NEEDLE ODOR SANITIZER. Active Ingredients: Sodium carbonate 5%; n-alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chlorides 2%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-EN. Atlantic Chemicals, Inc., PO Box 8035, Orlando FL 32806. 10-TO-1 CUNILATE WOOD SEAL. Active Ingredients: Copper 8-Quinolinolate (Metallic Copper 0.70%) 3.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-RI. Atlantic Chemicals, Inc. SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 10.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-ER. Atlantic Chemicals, Inc. A.C.I. DOWICIDE A-HEXAMINE, DOW-A HEX CONCENTRATE. Active Ingredients: Sodium Orthophenyl Phenate 35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-EE. Atlantic Chemicals, Inc. ATAMINE ALGAECIDE. Active Ingredients: Methydodecylbenzyl Trimethyl Ammonium Chloride 8%; Methyl Dodecylzylyene bis (Trimethyl Ammonium Chloride) 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-RO. Atlantic Chemicals, Inc. 2-TO-1 CUNILATE WOOD SEAL. Active Ingredients: Copper 8-Quinolinolate (Metallic Copper 0.14%) 0.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352-317. E. I. DuPont De Nemours & Co., 6054 DuPont Bldg., Wilmington, DE 19898. SINBAR TERBACIL WEED KILLER. Active Ingredients: Terbacil (3-tert-butyl-5-chloro-6-methyluracil) 80%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 4816–67. FMC Corporation, Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. CODE 716.00 ROTENON SOLUTION FK–11. Active Ingredients: Rotenone 2.50%; Other Cube Extractives 5.00%; Technical Piperonyl Butoxide 2.50%; Aromatic Petroleum Derivative Solvent 80.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 302–241. The Chas. H. Lilly Co., 109 SE Alder, Portland OR 97214. ENVY 2,4-D. Active Ingredients: Triethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 50.32%; 2,4-Dichlorophenoxyacetic Acid 10.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1266-RLU. Malter International Corp., PO Box 6099, New Orleans LA 70114. MALTER INTERNATIONAL BANIS LIQUID CONCENTRATED RESIDUAL INSECTICIDE. Active Ingredients: Petroleum Distillates 42.0%; Ethyl Alcohol 35.9%; Methyl Alcohol 5.0%; Methylene Chloride 5.0%; 0-Isopropoxyphenyl methycarbamate 4.0%; Ethyl Acetate 1.7%; 2,2-dichlorovinyl dimethyl phosphate 0.93%; Related Compounds 0.07%; Methyl Isobutyl Ketone 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33009-R. Nottingham Co., PO Box 17896 Station N, Atlanta GA 30325. PINE OIL–150, FOR MANUFACTURING GERMICIDES. Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 655–LER. Prentiss Drug & Chemical Co., Inc., 363 7th Ave., New York NY 10001. PRENTOX METHOXYCHLOR-DDVP EMULSIFIABLE CONCENTRATE. Active Ingredients: Methoxychlor Technical 14.67%; 2,2-Dichlorovinyl Dimethyl Phosphate 1.38%; Related Compounds 0.11%; Aromatic Petroleum Derivatives 78.84%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655–LEN. Prentiss Drug & Chemical Co., Inc., 363 7th Ave., New York NY 10001. PRENCHLOR 20% OIL SOLUBLE CONCENTRATE. Active Ingredients: Technical Chlordane 20.0%; Petroleum Distillate 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538–REO. O. M. Scott & Sons Co., Marysville OH 43040. PROTURF FERTILIZER AND CRABGRASS PREVENTER FOR USE ON LAWN AND TURFGRASSES ONLY. Active Ingredients: S-(0,0-Diisopropyl phosphorodithioate) ester of N-(2-Mercaptoethyl) benzenesulfonamide 5.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 777–LR. Lehn & Fink Products Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LYSOL BRAND DISINFECTANT BASIN/TUB/TILE PUMP SPRAY CLEANER. Active Ingredients: Tetrasodium ethylenediamine, tetraacetate 1.52%; Sodium metasilicate 0.06%; Alkyl dimethyl benzyl ammonium chlorides 0.08%; Alkyl dimethyl benzyl ammonium chlorides 0.02%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 557–RORI. Swift Chemical Co., 111 W. Jackson Blvd., Chicago, IL 60604. K–MART WEED AND FEED. Active Ingredients: Dimethylamine salts of 2,4-dichlorophenoxyacetic acid 0.976%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RORT. Swift Chemical Co., 111 W. Jackson Blvd., Chicago, IL 60604. VIGORO INDOOR-OUTDOOR INSECT KILLER POWDER. Active ingredients: 2-(1-Methylethoxy) Phenol Methylcarbamate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148–RROU. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66110. FREE STYLE POOL START C. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 49.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–389. Wilbur-Ellis Co., PO Box 1286 Fresno CA 93715. RED-TOP NUSAN 30 E. C. Active Ingredients: 2-(thiocyanomethylthio benzothiazole 30%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 2935–380. Wilbur-Ellis Co. RED-TOP TRITHION 4 EMULSIVE. Active Ingredients: Carbophenothion 45%; Xylene 46%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–377. Wilbur-Ellis Co. RED-TOP LINDANE 1.7% SPRAY. Active Ingredients: Lindane (gamma isomer of benzene hexachloride) 20%; Petroleum hydrocarbons 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–368. Wilbur-Ellis Co. RED-TOP ETHION 4 SPRAY. Active Ingredients: Ethion 47.10%; Petroleum Hydrocarbons 47.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–363. Wilbur-Ellis Co. RED-TOP METHYL PARATHION 5 SPRAY. Active Ingredients: 0,0-Dimethyl 0-p-nitrophenol thiophosphate %4.5%; Xylene 40.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–360. Wilbur-Ellis Co. RED-TOP ETHYL-METHYL PARATHION 6–3 SPRAY. Active Ingredients: Parathion: O, O-diethyl O-p-nitrophenyl phosphorothioate 58.0%; O, O-dimethyl O-p-nitrophenyl phosphorothioate 29.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–329. Wilbur-Ellis Co. RED-TOP PARATHION 8 FLOWABLE. Active Ingredients: Parathion 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–353. Wilbur-Ellis Co. RED-TOP CONTACT WEED KILLER. Active Ingredients: 4,6-Dinitro-o-secbutylphenol 30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–311. Wilbur-Ellis Co. RED-TOP SUPERIOR SPRAY OIL. Active Ingredients: Mineral Oil 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–386. Wilbur-Ellis Co. RED-TOP DIAZINON-SUPERIOR SPRAY OIL. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimindyl) phosphorothioate 4.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–308. Wilbur-Ellis Co. RED-TOP SEVIN 10 SULFUR 50 DUST. Active Ingredients: Carbaryl 10%; Sulfur 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–284. Wilbur-Ellis Co. RED-TOP DIBROM 8 SPRAY. Active Ingredients: Naled 58%: Xylene 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–235. Wilbur-Ellis Co. RED-TOP LINDANE 20 SPRAY. Active Ingredients: Lindane (gamma isomer of benzene hexachloride) 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–233. Wilbur-Ellis Co. 7.5 SULFUR 50 DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 7.5%; Sulfur 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–223. Wilbur-Ellis Co. RED-TOP KELTHANE 4 DUST. Active Ingredients: 1,1-bis (chlorophenyl)-2,2,2-trichloroethanol 4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–167. Wilbur-Ellis Co. RED-TOP PHOSDRIN 4 SPRAY. Active Ingredients: Alpha Isomer of 2-Carbomethoxy-1-methylvinyl Dimethyl Phosphate 30.0%; Related Compounds 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–165. Wilbur-Ellis Co. RED-TOP EHTION 25 SPRAY POWDER. Active Ingredients: Ethion 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–162. Wilbur-Ellis Co. RED-TOP THIODAN 2 SPRAY. Active Ingredients: Endosulfan 24%; Xylene 69%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–138. Wilber-Ellis Co. RED-TOP PARATHION 4 SPRAY. Active Ingredients: Parathion 47%; Petroleum hydrocarbons 48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–87. Wilbur-Ellis Co. RED-TOP MALATHION 4 DUST. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935–138. Wilbur-Ellis Co. RED-TOP PARATHION 25 SPRAY POWDER. Active Ingredients: Parathion 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168–UOI. Wasatch Chemical Div., Entrada Ind. Inc., PO Box 6219, Salt Lake City UT 84106, WASO CAPTAN 5 DUST. Active Ingredients: Captan (N-trichloromethylthio - 4 - cyclohexene1,2-dicarboximide) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270–RON. Zep Manufacturing Co., PO Box 2015, Atlanta GA 30301. ZEP X-12174 HOSPITAL TYPE CLEANER-DISINFECTANT - DEODORANT - FUNGICIDE-VIRUCIDE. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium, Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1270–RIO. Zep Manufacturing Co. ZEP VANQUISH INSECTICIDE SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d - trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270–RIG Zep Manufacturing Co. ZEP X–8974 GERMICIDAL CLEANER AND DEODORANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.052%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.052%; Tetrasodium ethylenediamine tetraacetate 0.080%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent corrections in the list of Applications Received previously published in the FEDERAL REGISTER of November 11, 1974 (39 FR 39768).

EPA File Symbol 11556-UI. Cutter Animal Health Lab., Div. of Bayvet Corp., PO Box 390, Shawnee Mission KS 66201. MALEX POUR-ON FOR LICE. Originally published as EPA File Symbol 11556-IIT.

EPA File Symbol 498-OU. Chase Products Co., 19th & Gardner Rd., Broadview IL 60153. SPRAY-PAK SPRAY-FOG. Active Ingredients: Ronnel [O, O-Dimethyl O-(2,4,5-Trichlorophenyl) Phosphorothioate] 2.00% * * * Pyrethrins 0.40% * * * Originally published as Pyrethrins 0.4%.

The following item represents a correction in the list of Applications Received published in the FEDERAL REGISTER of November 12, 1974 (39 FR 39907).

EPA File Symbol 6735-EGE. Tide Products, Inc., PO Box 1020, Edinburg TX 78539. TIDE SEVIMOL 4. Originally published as EPA File Symbol 6735-EDGE. Tide Products, Inc., PO Box 1020, Edinburg T-X 78539.

Dated: November 21, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-27791 Filed 11-27-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-137]

GRANITE STATE GAS TRANSMISSION, INC.

Application

NOVEMBER 20, 1974.

Take notice that on November 4, 1974, Granite State Gas Transmission, Inc. (Applicant), P.O. Box 508, Portsmouth, N.H. 03801, filed in Docket No. CP75-137 an application pursuant to sections 7(b) and (c) of the Natural Gas Act for permission and approval to abandon by sale certain transmission line and related land and rights-of-way together with three metering stations, and for authorization to construct a new metering station on its 4-inch mainline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon, by sale to its parent, Northern Utilities, Inc., approximately 57,330 feet of 4-inch transmission line and related land and rights-of-way extending from Great Bay to Somersworth, New Hampshire, and three metering stations serving the cities of Dover and Somersworth. Applicant states that because the area is now largely residential and commercial, Northern Utilities, Inc. can better integrate this transmission line with its existing distribution facilities to serve the Dover/Somersworth area than would be the case if it continued to operate as part of Applicant's interstate pipeline. Applicant further states that the property will be sold to Northern Utilities, Inc. for the depreciated original cost on the date of transfer.

In connection with said abandonment and transfer, Applicant proposes to install a new metering station on its maintest in accordance with the requireat Great Bay. Applicant estimates the cost of the meter location to be $5,615, which will be financed with cash on hand.

Applicant claims that the proposed abandonment and construction will not cause any change in or diminution of its present service.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate 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.74-27849 Filed 11-27-74;8:45 am]

[Docket No. CP75-139]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Application

NOVEMBER 20, 1974.

Take notice that on November 7, 1974, Inter-City Minnesota Pipelines Ltd., Inc. (Applicant), 1500 Richardson Building, 1 Lombard Place, Winnipeg 2, Manitoba, Canada, filed in Docket No. CP75-139 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of additional volumes of natural gas to its two customers, the Village of Warroad, Minnesota (Warroad) and Inter-City Gas Limited, Inc. (Inter-City Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order of August 10, 1970 (44 FPC 262), as amended September 26, 1973 (50 FPC ____), the Commission authorized the importation and sale of 48,296 Mcf of natural gas by Applicant, on a permanent daily basis. Applicant claims that to date it has not imported and sold this total authorization in the United States. Applicant seeks to provide its customers with certain additional amounts of gas from the volumes Applicant is already authorized to import and sell. Accordingly, Applicant requests authorization to sell (1) an additional 258 Mcf of gas daily to Warroad pursuant to Applicant's SG-1 Rate Schedule, (2) 242 Mcf of gas per day to Warroad pursuant to Applicant's TWS-1 Rate Schedule, and (3) 3,248 Mcf of gas per day to Inter-City Gas pursuant to Applicant's TWS-1 Rate Schedule.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27850 Filed 11-27-74;8:45 am]

[Docket No. E-9023]

INTERSTATE POWER CO.

Extension of Time

NOVEMBER 21, 1974.

On November 18, 1974, Interstate Power Company filed a motion to extend the date for filing a revised fuel adjustment clause fixed by order issued October 18, 1974, in the above-designated matter.

Upon consideration, the date for filing the above material is extended to and including December 4, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27862 Filed 11-27-74;8:45 am]

[Rate Schedule Nos. 56, etc.]

KERR-McGEE CORP., ET AL.

Rate Change Filings

NOVEMBER 19, 1974

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and followed in Opinion No. 699, issued June 21, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing 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.

Appendix

Filing date	Producer	Rate schedule No.	Buyer	Area
Oct. 30, 1974	Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, Okla. 73102.	56	The Jupiter Corp	South Louisiana.
Nov. 1, 1974	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	3	Columbia Gas Transmission.	Do.
Do	do	4	do	Do.
Nov. 4, 1974	do	57	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do	do	58	do	Do.
Do	do	132	do	Do.
Do	Burmah Oil and Gas Co., 2800 North Loop West, Houston, Tex. 77018.	30	Lone Star Gas Co	Other Southwest.
Nov. 6, 1974	Phillips Petroleum Co., Bartlesville, Okla. 74004.	[1] 568	Arkansas Louisiana Gas Co.	Do.
Nov. 8, 1974	Lamar Hunt Trust Estate, 1401 Elm, Dallas, Tex. 75202.	8	Texas Eastern Transmission.	Do.
Do	William Herbert Hunt Trust Estate, 1401 Elm, Dallas, Tex. 75202.	10	do	Do.
Do	Nelson Bunker Hunt Trust Estate, 1401 Elm, Dallas, Tex. 75202.	7	do	Do.
Do	Lamar Hunt, 1401 Elm, Dallas, Tex. 75202.	9	do	Do.

[1] Tentative designation of new contract proposing to cover sales presently made under Phillips Petroleum Company FPC Gas Rate Schedule Nos. 48 and 417.

[FR Doc.74-27703 Filed 11-27-74;8:45 am]

[Docket No. E-8832]

METROPOLITAN EDISON CO.

Postponement of Hearing Date

NOVEMBER 21, 1974.

On November 15, 1974, the Borough of Middletown filed a motion to postpone the hearing date fixed by order issued June 6, 1974, as most recently modified by notice issued November 1, 1974, in the above-designated matter. On November 11, 1974 Metropolitan Edison Company filed an answer opposing the length of the extension proposed. On November 15, 1974, the Borough of Middletown filed a response agreeing to an earlier date.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until December 11, 1974, at 10 a.m. e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27854 Filed 11-27-74;8:45 am]

[Docket No. RP71-16; PGA75-3]

MIDWESTERN GAS TRANSMISSION CO.

Proposed PGA Rate Adjustment

NOVEMBER 20, 1974.

Take notice that on November 15, 1974, Midwestern Gas Transmission Co. (Midwestern) tendered for filing Seventh Revised Sheet No. 5 and First Revised Sheet Nos. 84, 85 and 86 in Third Revised Volume No. 1 of its FPC Gas Tariff, to be effective on January 1, 1975.

Midwestern states that the purpose of the revised tariff sheets is (1) to increase its Northern System rates to reflect an increase in rates to $1.00 (Canadian) per MMbtu which Midwestern must pay as of January 1, 1975, to TransCanada Pipe Lines, Limited (TransCanada), pursuant to TransCanada's export licenses as recently amended by the Canadian National Energy Board, and (2) to make related technical changes in Midwestern's Northern System PGA provisions to conform to the changes in price form (Mcf to MMbtu and U.S. dollars to Canadian dollars) resulting from this new TransCanada rate increase and, further, to make all future PGA rate increases and surcharges, including the January 1, 1975, rate increase, applicable to its commodity rates.

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 December 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27856 Filed 11-27-74;8:45 am]

[Docket No. E-8841]

MISSISSIPPI POWER & LIGHT CO.

Filing of Supplement to Interconnection Agreement

NOVEMBER 21, 1974.

Take notice that on June 10, 1974, the Mississippi Power and Light Co., tendered for filing pursuant to part 35 of the Commission's regulations under the Federal Power Act, a letter Agreement dated April 17, 1974, amending the interconnection between itself and the City of Yazoo City, Mississippi. Mississippi Power & Light Company requests that its filing be designated as a Supplement to its Rate Schedule FPC No. 122. Attached to the amending letter are "Schedule C, Reserve Capacity" and "Schedule D, unintentional Energy." In accordance with the amending letter agreement the included service schedules C and D are to replace the formerly effective Schedule A and Schedule B, which were included with the original filing of the subject

agreement. Mississippi Power and Light Company has no comparable service schedules in its interconnection agreements with other utilities. No changes in the facilities of either party will be required to implement the letter amendment and related service schedules included in this filing.

Mississippi Power and Light Company requests that the Commission permit the amendment to the subject Interconnection Agreement to become effective at the earliest date permitted by the rules.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before December 13, 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 any 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 documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27851 Filed 11-27-74;8:45 am]

[Docket No. E-9063]

MISSOURI POWER AND LIGHT CO.

Correction to Filing

NOVEMBER 21, 1974.

Take notice that on October 15, 1974, Missouri Power and Light Co. (Missouri) disclosed the following error in its filing of October 15, 1974, notice of which was issued on October 29, 1974:

On Page 2 of Missouri's transmittal letter under paragraph entitled "Summary", the figure of 56 cents per M/Btu should be revised to appear as 36 cents per M/Btu.

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 December 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27859 Filed 11-27-74;8:45 am]

[Docket No. E-9046]

MONTAUP ELECTRIC CO.

Supplemental Data and Petition for Waiver of Notice Requirements

NOVEMBER 21, 1974.

Take notice that on November 18, 1974, Montaup Electric Co. (Montaup) tendered supplemental data intended to make complete its original filing of October 1, 1974. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Montaup requests that the thirty day notice requirement under section 205(d) of the Federal Power Act be waived in light of the fact that its October 1, 1974 filing was in substantial compliance with the Commission's regulations, and none of its customers will be adversely affected thereby. The requested effective date becomes December 1, 1974.

Montaup indicates that it has mailed copies of the subject supplemental data to all parties on the official service list in the above-mentioned docket.

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 December 10, 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.74-27857 Filed 11-27-74;8:45 am]

[Docket No. RP74-35]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

NOVEMBER 20, 1974.

Take notice that on November 13, 1974, National Fuel Gas Supply Corp. (formerly United Natural Gas Co.) (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Fourteenth Revised Sheet No. 3-A to be effective November 1, 1974.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provision in section 16 of the General Terms and Conditions approved by the Commission's Order issued December 10, 1973, in Docket No. RP74-35. National further states that such tariff sheets reflect an adjustment in National's rates of .80¢ per MCF on Fourteenth Revised Sheet No. 3-A. According to National, this adjustment reflects the same PGA adjustment as was contained in its filing of October 21, 1974, but since National's interim rates approved in Docket No. RP74-100 on October 31, 1974, supersede two of the three rate schedules affected by the October 21, 1974 filing, National is withdrawing the October 21 filing and tendering this filing in its place. In addition, National requests waiver of the 45 day notice requirement contained in its tariff and waiver of any of the Commission's Rules and Regulations as may be required to permit this filing to become effective November 1, 1974.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27861 Filed 11-27-74;8:45 am]

[Docket No. RP74-101]

NATIONAL FUEL GAS SUPPLY CORP.

Withdrawal of Filing

NOVEMBER 20, 1974.

Take notice that on October 21, 1974, National Fuel Gas Supply Corp. (National) tendered for filing Fourth Revised Sheet No. 2 and Alternate Fourth Revised Sheet No. 2 to its FPC Gas Tariff, Original Volume No. 2. By order issued October 31, 1974, the Commission approved National's October 4, 1974 interim rate request in Docket No. RP74-100. The approved interim rates, effective November 1, 1974, supersedes the rates proposed by National's October 21 filing, and therefore, National filed to withdraw the October 21 filing on November 8, 1974.

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 Comission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27860 Filed 11-27-74;8:45 am]

[Docket No. CP75-141]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

NOVEMBER 21, 1974.

Take notice that on November 11, 1974, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket CP 75-141 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Arkansas Louisiana Gas Co. (Arkla) and to construct and operate certain facilities related thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange up to 10,000 Mcf of gas per day with Arkla in Washita and Grady Counties, Oklahoma, pursuant to a 20-year gas exchange agreement between the parties dated July 5, 1974. Applicant states that under said agreement Arkla will deliver exchange volumes to Applicant from gas available to Arkla in Washita County, at a proposed exchange point in that county, and Applicant will redeliver thermally equivalent volumes to Arkla at an existing delivery point at the intersection of Applicant's and Arkla's systems in Grady County. Applicant claims that its exchange gas will emanate from existing sources of supply in the general area of the Grady County delivery point.

Applicant states that the proposed exchange is beneficial to Applicant in that it will reduce the gas haul between the exchange points in Grady and Washita Counties and result in a cost savings in compression fuel. Applicant maintains that the proposed exchange will not occasion change in any of Applicant's other sales, services or operations.

The application states that the estimated cost of the proposed facilities is $5,300, which cost initially will be met from funds on hand and ultimately will be reimbursed to Applicant by Arkla. The application further states that there will be no monetary compensation involved in this proposed gas-for-gas exchange with Arkla.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27847 Filed 11-27-74;8:45 am]

[Docket No. E-9104]

NEVADA POWER CO.

Change in Rate Schedule

NOVEMBER 21, 1974.

Take notice that on November 12, 1974, the Nevada Power Co. (NPC) tendered for filing a change in rate schedule for the California-Pacific Utilities (CPUC) at Henderson, Nevada and at Needles, California. Nevada states that the change in CPUC's rates will consist of an increase in energy component of 12.20 mills to CPUC at Henderson, and 13.0 mills to CPUC at Needles.

NPC has requested that the effective date be as of the receipt of their application.

NPC also states that the proposed filing includes a fuel adjustment clause.

NPC states that the proposed change in the rate schedule is necessary because they have been unable to attract the capital it needs to supply the reasonably expected requirements of its customers. NPC further stated that this rate relief is urgent.

NPC states that copies of this filing have been mailed to CPUC, Public Service Commission of Nevada, Public Utilities Commission of California, and the Federal Power Commission.

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 positions or protests should be filed on or before December 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27852 Filed 11-27-74;8:45 am]

[Docket No. RP74-88]

NORTH PENN GAS CO.

Extension of Time

NOVEMBER 21, 1974.

On November 14, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as modified by notice issued September 16, 1974, in the above-designated matter. No party opposes the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, December 5, 1974.
Service of Intervenor's Testimony, December 20, 1974.
Service of Company's Rebuttal Testimony, January 8, 1975.
Hearing, January 28, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27858 Filed 11-27-74;8:45 am]

[Docket No. RP72-154; PGA 75-3]

NORTHWEST PIPELINE CORP.

Proposed Change in FPC Gas Tariff

NOVEMBER 21, 1974.

Take notice that Northwest Pipeline Corp. (Northwest) on November 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $13,754,133 based on the twelve (12) month period ending August, 1974.

By order issued October 30, 1974, in Docket Nos. RP72-154 and CP73-332, the Commission amended Northwest's import authorizations to permit Northwest to continue to import natural gas from Canada at the price of $1.00 per Mcf, to become effective on November 1, 1974, for deliveries at Sumas, Washington (Export License GL-41) and January 1, 1975, for deliveries at Kingsgate, British Columbia (Export License GL-4). The purpose of the instant filing, Northwest states, is to track the aforementioned increase in the cost of Canadian gas purchased at the Kingsgate import point as previously authorized by that October 30 order.

Copies of the filing were served upon all parties of record in Docket Nos. RP72-154 and RP74-95 and otherwise,

upon Northwest's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 16, 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.74-27853 Filed 11-27-74;8:45 am]

[Docket No. CP75-140]

PACIFIC ALASKA LNG CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 11, 1974, Pacific Alaska LNG Co. (Applicant),[1] P.O. Box 54288, Terminal Annex, Los Angeles, California 90054, filed in Docket No. CP 75-140 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing 1) the construction and operation of certain pipeline and natural gas liquefaction facilities, 2) the transportation of natural gas in interstate commerce, and 3) the sale of such natural gas to Southern California Gas Company (SoCal), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to undertake a project designed to transport natural gas in the form of vaporous and liquefied natural gas (LNG) from producing areas in Alaska to southern California for sale to SoCal. To implement such design, Applicant states that it will gather gas produced in the Cook Inlet area of Alaska, liquefy the gas, and load the LNG aboard LNG ships for transportation by Pacific Lighting Marine Company (Pacific Marine) to the Los Angeles Harbor facilities of Western LNG Terminal Company (Western Terminal). Thereupon, Applicant states, the LNG will be regasified by Western Terminal and delivered through Western Terminal's pipelines to SoCal's distribution system for sale by Applicant to SoCal.

Applicant proposes to construct in two phases facilities to liquefy and transport up to approximately 400,000 Mcf of gas per day. Applicant states that it will construct facilities to transport and liquefy up to approximately 200,000 Mcf per day in Phase I, and in Phase II it will add necessary facilities to liquefy and transport the full 400,000 Mcf per day. Applicant seeks unconditional authorization for Phase I construction and related gas sales. But, because Applicant anticipates that during this application's pendency it will not have adequate gas supplies to support Phase II, Applicant requests that Phase II construction and related sales be conditioned to a supplemental showing by Applicant of the required gas supply to support Phase II of the project.

Applicant presently anticipates that Phase I of the project will be operational in 1979, and that full operation at 400,000 Mcf of gas per day will begin in 1980.

Applicant claims that it has contracted for uncommitted volumes of gas from certain independent producers,[2] which gas Applicant intends to gather to a central location in the North Foreland, Alaska, area and transport across the Cook Inlet to the proposed liquefaction site in Nikiski, Alaska. For purposes of said gas gathering and transporting, Applicant proposes, for Phase I, pipelines to the Beluga River and Ivan River Fields consisting of 83.0 miles of 6- to 24-inch pipe on 60.0 miles of right-of-way. Applicant projects that during Phase II it will add 21.5 miles of 24-inch pipeline, which will extend the initial line into other supply areas. Applicant estimates the pipeline costs (including an allowance for inflation) to be $134 million for Phase I and $31 million for Phase II.

Applicant states that the proposed liquefaction plant will consist of two identical mixed component refrigeration cycle trains which will treat, dehydrate, compress and liquefy the natural gas at an initial net production rate of 200,000 Mcf per day, which will later be increased to approximately 400,000 Mcf per day. To store the LNG Applicant proposes to construct two, 55,000-barrel double-walled tanks with external pumps which can remove the stored LNG from the two tanks in combination or separately at a maximum rate of up to 76,000 barrels of LNG per hour. In addition, Applicant proposes to construct, at the head of a 2,200-foot trestle, marine terminal facilities for the berthing and servicing of the LNG carrier ships. The estimated cost of the liquefaction plant and marine terminal facilities is $338 million for Phase I and $163 million for Phase II.

Applicant claims to have contracted with Pacific Marine for the transportation of the LNG in two ships (each of 120,000–160,000 cubic meter capacity) to Los Angeles Harbor. Applicant states that Pacific Marine initially will operate one LNG ship which will transport a volume of LNG equivalent to approximately 200,000 Mcf of gas per day and ultimately will operate two LNG ships which will transport a volume of LNG equivalent to 400,000 Mcf of gas per day. The application indicates that the cost of the ships, estimated to be $379.5 million, and the cost of shipping operations, estimated to be up to $65.2 million annually, will be reimbursed by Applicant to Pacific Marine through the "shipping rate" charges.

Applicant further claims to have entered into an agreement with Western Terminal whereby Western Terminal has agreed to terminal, offload, store, and regasify the LNG and to deliver the gas into the facilities of SoCal, all on a cost-of-service basis. The application indicates that total capital costs for terminaling facilities through Phase II will be approximately $164.6 million and that operations costs may be as high as $48.1 million annually.

Applicant estimates annual gas delivery to SoCal to be 85.5 million Mcf in 1979 (Phase I) and 146 million Mcf beginning in 1980 (Phase II). Applicant proposes to sell such gas to SoCal under a cost-of-service tariff.

Applicant states that total capital expenditures for the project through Phase II are estimated to be $924 million, expressed in 1974 prices,[3] or $1.98 per Mcf of gas delivered to SoCal.

Applicant expects that its tariff will provide the credit support for the necessary financing incident to the instant project. Therefore, Applicant requests the Commission to provide within its certification order that Applicant's proposed tariff will become effective 30 days after certificate issuance.

In support of the instant proposals, Applicant states that in light of the current energy shortage, especially critical in the southern California area, no effort should be spared to develop new sources of natural gas. Applicant maintains that the Cook Inlet area is one such source, for there are presently seven known gas field discoveries within the Cook Inlet area which are currently shut-in because of the non-availability of gas markets.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, 1974 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and

[1] A wholly-owned subsidiary of Pacific Lighting Corporation.

[2] Applicant states that it currently has contracts for the purchase of natural gas from Atlantic Richfield Company, Shell Oil Company, Standard Oil Company of California, and Union Oil Company of California.

[3] It is estimated that economic inflation will increase the total capital costs to an aggregate of over $1.2 billion.

15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27842 Filed 11-27-74;8:45 am]

[Docket No. CP75-144]

SOUTHERN NATURAL GAS CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 14, 1974, Southern Natural Gas Co. (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP75-144 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain receiving station facilities in Lafourche and West Carroll Parishes, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon the Bully Camp receiving station, consisting of certain metering and regulating facilities, located on Applicant's Montegut-Gloria Line in Lafourche Parish, and the Epps receiving station, connections and tap line on Applicant's North Main Loop Line in West Carroll Parish. Applicant states that the Bully Camp receiving station was destroyed by fire and no gas has been received from this station since February 1973. Applicant further states that the wells supplying the Epps receiving station have been plugged and abandoned pursuant to a certificate of cancellation from the Louisiana Department of Conservation issued August 17, 1973. Applicant claims that not only is no service being rendered by the facilities proposed to be abandoned, but also that no service now being rendered will be affected by the proposed abandonment.

Applicant states that it intends to survey the facilities to be abandoned and either to salvage or retire the material as appropriate.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27848 Filed 11-27-74;8:45 am]

[Docket No. CI75-312]

SUN OIL CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 4, 1974, Sun Oil Co. (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI75-312 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Skelly Oil Co. (Skelly) from the Drinkard Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of gas to Skelly from Wells 1-T and 3-T, Eva Owen Lease, Drinkard Field, which has been made pursuant to a percentage-type contract with Skelly. Applicant states further that as oil wells, the casinghead gas therefrom is dedicated to Skelly, and as gas wells the gas-well gas therefrom is dedicated to El Paso Natural Gas Co. (El Paso). Applicant proposes to abandon the sale to Skelly because the New Mexico Oil Conservation Commission has reclassified the wells from oil wells to gas wells; and, therefore, Skelly is no longer contractually entitled to the gas from the subject acreage. Applicant claims that sales from said acreage to El Paso will be covered by a contract between the parties dated June 1, 1957, designated as Applicant's FPC Gas Rate Schedule No. 340.

The application indicates that Skelly has not concurred in the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 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 Commisison by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27845 Filed 11-27-74;8:45 am]

[Docket No. CP75-145]

TEXAS EASTERN TRANSMISSION CORP.

Application

NOVEMBER 21, 1974.

Take notice that on November 14, 1974, Texas Eastern Transmission Corp. (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-145 an application pursuant to section 7(c) of the Natural Gas Act, implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1975, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas, which will be purchased from producers and other similar sellers, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in the general area of its existing system.

Applicant further states that the total cost of the facilities proposed herein is not to exceed $2,000,000, with single project limitations not to exceed $500,000 for both onshore and offshore projects, which cost is to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27844 Filed 11-27-74;8:45 am]

[Docket No. RP75-16-5]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition for Extraordinary Relief

NOVEMBER 21, 1974.

Take notice that on November 11, 1974, the City of Linden, Alabama (Linden), Marengo Corporation (Marengo), and Gulf States Paper Corp. (Gulf States) jointly filed a petition for extraordinary relief pursuant to section 1.7(b) of the Commission's rules of practice and procedure. Linden, et al. request that the Commission issue an order directing Transcontinental Gas Pipe Line Corp. (Transco) to deliver 500 Mcf per day to Linden for sale to Marengo for delivery to Gulf States during the period from November 15, 1974, to February 1, 1975, and to deliver 450 Mcf during the period from February 1, 1975 to April 15, 1975, and from November 15, 1975, to April 15, 1976. Linden, et al. state that deliveries would be made pursuant to existing agreements between Transco and Linden, Linden and Marengo, and Marengo and Gulf States.

Linden, et al. state that Linden operates a natural gas distribution system within the City of Linden with natural gas purchased from Transco. In addition, Linden, et al. state that Linden has contracted to sell to Marengo all natural gas, received or receivable by Linden from Transco, in excess of its domestic requirements, for resale by Marengo to Gulf States. Linden, et al. state that Linden's contract demand from Transco is 2,000 Mcf per day pursuant to Tranco's Rate Schedule CD-1.

Linden, et al. state that they have recently been advised by Transco that Linden's firm contract demand volumes would be curtailed commencing November 15, 1974, to the extent that such volumes are used to serve Gulf States. Linden, et al. state that the requested relief is being sought in view of this advice. Linden, et al. claim that they seek relief only when interruptible service from Southern Natural Gas Company (Southern) is being curtailed and only as an interim measure while alternate facilities are being constructed and alternate fuel is being obtained.

In support of their petition, Linden, et al. allege that the volumes of gas requested will be used by equipment which is vital to the continued operation of the Demopolis mill operated by Gulf States. Linden, et al. claim that absent the requested relief, it will be necessary for Gulf States to shut down its Demopolis plant on days when Southern curtails its service. Linden, et al. state that a shutdown of the Demopolis plant would idle 300 employees if the shutdown were of limited duration and 400 employees if it were extended. Linden, et al. state that for every day's shutdown, 520 tons of production of bleached coated paper board will be lost. Linden, et al. state that this production accounts for approximately 10 percent of the national production of this paper board, which is used principally in making frozen food containers.

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 December 6, 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.74-27855 Filed 11-27-74;8:45 am]

[Docket No. CP75-146]

TRANSWESTERN PIPELINE CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 14, 1974, Transwestern Pipeline Co. (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-146 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 (b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing construction, during the calendar year 1975, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers and other similar sellers, all as more fully set forth in the application, which is on file with the Commission and open to the public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in the general area of its existing system.

Applicant further states that the total costs of the facilities proposed herein is not to exceed $5,000,000, with single project limitations not to exceed $1,000,000, which cost is to be financed from funds made available from company operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commisson, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without

further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27843 Filed 11-27-74;8:45 am]

[Docket No. CP75-143]

TRUNKLINE GAS CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 13, 1974, Trunkline Gas Co. (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-143 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of gas with Natural Gas Pipeline Company of America (Natural) and the construction and operation of facilities required to implement such exchange, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate exchange points at two points of interconnection of Applicant's and Natural's systems in Montgomery County, Texas, (one point referred to as "Trunkline's Delivery Point" and the other referred to as "Natural's Delivery Point") and to operate exchange points, for which no new facilities are required to be constructed, at Texaco, Inc.'s Henry Plant in Vermilion Parish, Louisiana, and Phillips Petroleum Company's Brazoria Plant in Brazoria County, Texas.

Under a July 30, 1974, exchange agreement, as amended, the proposed exchange points, as well as other points as may be mutually acceptable to the parties, will be used exclusively for the exchange of gas between Applicant and Natural when emergency conditions exist on the pipeline system of either company. The agreement provides that in the event of an emergency the parties will exchange unspecified quantities of gas for such period of time as may be mutually and reasonably possible, consistent with prudent operating procedures, and that all such volumes delivered will be redelivered concurrently on a thermally equivalent basis, or as soon as practicable after such emergency has ended.

Applicant estimates the construction cost of the proposed facilities to be $82,000, which will be met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27846 Filed 11-27-74;8:45 am]

FEDERAL RESERVE SYSTEM

BANKSHARES OF INDIANA, INC.

Order Denying Acquisition of Goodwin Brothers Leasing, Inc.

Bankshares of Indiana, Inc., Merrillville, Indiana, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire[1] all of the assets of Goodwin Brothers Leasing, Inc., Lexington, Kentucky, a company that engages in the activities of full-payout leasing of real and personal property and commercial financing. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (6)(a) and (b)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 26786). The time for filing comments and views has expired, and the Board has considered the application and all comments and views received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls one bank, Bank of Indiana (N.A.) ("Bank"), with deposits of $155 million, which represents about 1 per cent of the total deposits in commercial banks in Indiana. Applicant is the 15th largest banking organization in the State.[2]

Company, organized in 1957, has total assets of $7.2 million and total lease receivables of $5.7 million. Company is primarily engaged in leasing, on a full-payout basis, personal property.[3] Company leases construction equipment, restaurant and grocery equipment, furniture and fixtures, vehicles and dairy cows. With offices in Lexington and Louisville, Kentucky, and in Nashville and Memphis, Tennessee, Company serves portions of Tennessee, Kentucky, Ohio, Indiana, West Virginia, Georgia, Alabama, Mississippi and Arkansas. Company competes with numerous national and regional lessors and is not viewed as dominant in any of the markets it serves. Applicant does not engage in any leasing activity directly or indirectly and there is no evidence in the record that, absent this proposal, Applicant would be likely to engage de novo in leasing operations in the areas served by Company. Furthermore, acquisition of Company would not give Applicant a dominant position in any relevant market. On the basis of these and other facts of record, it appears that no substantial amount of existing or potential competition in personal or real property leasing would be eliminated by consummation of this proposal.

Company also engages in commercial lending activities incidental to its leasing operations and in 1973, Company had commercial finance receivables of $762,000. This activity is primarily conducted from the Lexington office and is engaged in for a limited number of customers. Company is a relatively minor competitive factor in the commercial lending market it serves. Company does not derive any of its commercial loans from Bank's market area and the amount and size of Bank's loans in Company's service area indicate that Bank and Company are only marginal competitors. The Board finds that overall competitive considerations with regard to commercial finance loans are consistent with approval of the application.

In order to approve the subject application section 4(c)(8) of the Act requires

[1] Upon acquisition of Company, Applicant proposes to transfer the assets and liabilities of Company to a wholly-owned operating subsidiary of Applicant's banking subsidiary (See 12 CFR 7.7376 and 7.7380).

[2] Banking data are as of December 31, 1973.

[3] Company also presently engages in leas-

the Board to find that Applicant's acquisition of Company can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. In applying this test the Board finds that this application should be denied.

Over the past few years Company has not had a significant increase in its gross receivables. During the same period, Company's earnings have been uneven and recently have decreased. Further, while Company appears to be conservatively capitalized for a leasing company, its cost of funds has been high. Upon acquisition by Applicant, Company would be transferred to Bank and Bank would provide funds to Company at a lower rate.

The Board has on numerous occasions stated that one of the primary purposes of a holding company is to serve as a source of financial strength for its subsidiary banks. Applicant has experienced significant growth in its assets over the last few years and this growth has not been accompanied by a concomitant increase in its equity base. Applicant's overall capital position in relation to its total assets has improved somewhat recently; however, it is the Board's judgment that further augmentation is needed. While acquisition of Company would initially improve Bank's capital position somewhat, such improvement would be only temporary and it appears that thereafter Applicant would be called upon to devote significant resources to Company. The Board is of the view that any additional funds should be used to strengthen Bank rather than be diverted to expand or support Company's leasing activities. Accordingly, in the Board's judgment, this proposal could detract from Applicant's overall financial condition and reduce Applicant's ability to provide additional financial support to its subsidiary bank. In cases where a banking organization has experienced significant growth in assets without a concomitant increase in its capital accounts, the Board, under current economic and financial conditions, gives additional weight to considerations of whether proposals that would utilize funds for further expansion rather than for improvement of the organization's capital position are consistent with the public interest standard of section 4(c)(8) of the Act. Under the circumstances of this case, the Board does not regard this proposal as being in the public interest. While Applicant proposes, upon acquiring Company, to open a new office to serve northwestern Indiana and to serve smaller customers, it is the Board's view that such benefits to the public do not outweigh the possible adverse financial effects connected with this proposal.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that the possible adverse effects of consummation of the proposal are not outweighed by reasonably expected benefits to the public and that the application should be, and hereby is, denied.

By order of the Board of Governors,[4] effective[5] November 19, 1974.

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

[FR Doc.74-27840 Filed 11-27-74;8:45 am]

D. H. BALDWIN CO.

Acquisition of Computer Congenerics Corporation of Colorado

D. H. Baldwin Company, Cincinnati, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in a joint venture with Computer Congenerics Corporation, Denver, Colorado and thereby acquire voting shares of Computer Congenerics Corporation of Colorado, Denver, Colorado. Notices of the application were published on August 1, 1974 in The Denver Post, a newspaper circulated in Denver, Colorado, and on August 4, 1974, in The Daily Sentinel, a newspaper circulated in Grand Junction, Colorado.

Applicant states that the proposed subsidiary would perform bookkeeping or data processing services for the internal operations of such bank holding company and its subsidiaries and storing and processing other banking, financial or related economic data, including performing payroll, accounts receivable or payable, or billing services. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 17, 1974.

Board of Governors of the Federal Reserve System, November 18, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27838 Filed 11-27-74;8:45 am]

FIDELITY AMERICAN BANKSHARES, INC.

Acquisition of Bank

Fidelity American Bankshares, Inc., Lynchburg, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Citizens National Bank of Emporia, Emporia, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 19, 1974.

Board of Governors of the Federal Reserve System, November 20, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27837 Filed 11-27-74;8:45 am]

UNITED CAROLINA BANCSHARES CORP.

Establishment of UCB Management Services Division

United Carolina Bancshares Corporation, Whiteville, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y, for the formation of a new division to be known as UCB Management Services Division ("Division"), that would engage in the activity of providing management consulting advice on an explicit fee basis to nonaffiliated banks with respect to personnel operations and facilities planning. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(12)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 33833). The time for filing comments and views has expired, and the

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

[5] Board action was taken before Governor Coldwell was a board member.

Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant is the sixth largest banking organization in North Carolina with total deposits of $348 million representing 3 percent of the total deposits in commercial banks in the State.[1] Applicant controls four North Carolina banks: American Bank & Trust Company, Monroe; Cape Fear Bank & Trust Company, Fayetteville; Capitol National Bank, Raleigh; and Waccamaw Bank & Trust Company, Whiteville. In addition, the Applicant controls several nonbanking subsidiaries including companies that engage in consumer finance and mortgage banking.

Division proposes to provide management consulting advice to rural small and medium-sized nonaffiliated banks in North Carolina only. Division would provide to client banks, on an explicit fee basis, management consulting advice with respect to personnel operations including employee relations, compensation, compliance with regulations[2] and training, and with respect to bank facilities planning and security procedures.

It appears that no adverse effects on competition would result from Division offering these services. There are at present only a small number of firms that offer management consulting services. De novo entry by Applicant may not be expected to have any adverse effects on competition.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest. Division would provide an additional source of management consulting services to small, nonaffiliated banks. To the extent that these banks are more efficiently managed, the public should benefit.

Based upon the foregoing and other considerations reflected in the record, the Board has determined in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in §§ 225.4(c) and 225.4(a)(12) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

By order of the Board of Governors,[3] effective November 20, 1974.

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

[FR Doc.74-27839 Filed 11-27-74;8:45 am]

[1] All banking data are as of December 31, 1973, and reflect holding company acquisitions and formations approved through October 31, 1974.

[2] The Applicant has satisfied the Board that advice given with regard to compliance with regulations will be incidental to its personnel operations and will not constitute a rendering of legal advice.

[3] Voting for this action: Vice Chairman Mitchell, Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COUNCIL RECOMMENDATIONS FOR THE 1975 REPORT YEAR

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on December 13, 1974 from 9 a.m.-5 p.m. and December 14, 1974 from 9 a.m.-4 p.m. The meeting will be held at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will include Subcommittee meetings, a briefing by Dr. John Elias, Chairman of the Distributive Education Department, University of Missouri, and a review of preliminary Subcommittee drafts of Council recommendations for 1975 Report Year.

Because of limited space, all persons wishing to attend should call for reservations by December 6, 1974, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on November 25, 1974.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.74-27924 Filed 11-27-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-73]

SPACE PROGRAM ADVISORY COUNCIL

Notice of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet at the National Aeronautics and Space Administration on December 16-17, 1974. The meeting will be held in room 6004 of Federal Office Building 6, located at 400 Maryland Avenue SW, Washington, DC 20546. The meeting is open to members of the public, from 8:30 a.m. to 3:30 p.m. on December 16, 1974, and from 8 a.m. to 4:30 p.m. on December 17, 1974, on a first-come, first-served basis to within the 40-seat capacity of the room. Visitor's will be requested to sign a visitor's register.

This notice of meeting may not be published in the FEDERAL REGISTER in time to meet the required public notice period. Should actual date of publication in the FEDERAL REGISTER not provide the 15-day notice, the reason was due to the unusual amount of time required to involve appropriate NASA officials in formulating the substance of an agenda. Rescheduling of the meeting to a later date was not considered to be a practicable alternative. NASA regrets the lateness.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy, and space physics. The Committee presently has 12 members including the Chairman, Dr. Michael B. McElroy. For further information regarding the meeting, please contact Mr. Guenter Strobel; area code 202/755-3645. The agenda for the meeting is as follows:

DECEMBER 16, 1974

ITEM 1

Time	*Topic*
8:30 a.m.-9:30 a.m.	*Space Science Program Status, Planetary Programs,* Mr. Kraemer; *Solar Electric Propulsion,* OAST; *Lunar Programs,* Mr. Roberson; *Physics and Astronomy,* Dr. Schardt.

Action: The Committee is required to consult and advise the Associate Administrator and the Space Program Advisory Council on the timeliness and effectiveness of NASA Programs in the physical sciences and the degree to which those programs in the physical sciences and the degree to which those programs contribute to the overall agency objectives. To fulfill this responsibility, it is necessary that the Committee periodically review the status of those programs.

ITEM 2

Time	Topic
9:30 a.m.–10:30 a.m.	*LST Program Reconfiguration*, Dr. O'Dell, et al. *Action:* The Committee will be presented with the current tentative reconfiguration plans for the LST. The Committee is requested to comment on these plans, and advise the Associate Administrator for Space Science on the best strategy to follow to obtain a viable LST program, with minimum LST Scientific Specifications and the best possible Post Launch operations.

ITEM 3

10:30 a.m.–12 p.m.	*Near Term New Starts*, Mr. Herman, Mr. Roberson, Dr. Schardt. *Action:* The Committee is requested to comment and advise on current new start planning, and on the selection of future space science programs.

ITEM 4

1 p.m.–2 p.m.	*Long Term New Starts*, Dr. Hinners. *Action:* The Committee will be presented with options for Long Term New Starts, FY 1977 Budget Issues, and current constraints and guidelines. The Committee is requeste to review these plans and the issues they raise, and to recommend to the Associate Administrator for Space Science options for the best Physical Science Program which can be undertaken under present constraints.

ITEM 5

2 p.m.–3:30 p.m.	*Space Science Board Priorities Report*, Dr. M. Rosen (SSB). *Action:* The Committee will receive a presentation on the SSB's Priority Report, to keep the Committee currently informed.

ITEM 6

3:30 p.m.–6 p.m.	*Executive Session, Closed to the Public*, Dr. Hinners. *Action:* FY 76 budget matters and related program considerations in the physical sciences program area will be presented and discussed. The Committee is requested to review the general program issues and comment on program content, direction and scientific alternatives. These matters may not be disclosed publicly until the President's FY 1976 budget is submitted to Congress. Because of these considerations, the session will be closed pursuant to 5 US Code 552(b)(5) and OMB Circular A–10.
6 p.m.	Adjourn.

DECEMBER 17, 1974

ITEM 7

8 a.m.–12 p.m.	*Committee Working Session*, Chairman. *Action:* The members of the Committee will use this period to prepare working papers and draft letters/reports to the Associate Administrator and/or the Space Program Advisory Council.
1 p.m.–4:30 p.m.	*Item 7 Continued.*
4:30 p.m.	Adjourn.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

[FR Doc.74–28128 Filed 11–27–74;10:49 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Student-Originated Studies Project Directors Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a Student-Originated Studies (SOS) Project Directors Meeting, which is under the aegis of the Advisory Panel on Science Education Projects. The meeting is to be held from 8 a.m. to 4:30 p.m. on December 26, 27, and 28, 1974, in the Diplomat Room of the Shoreham-Americana Hotel, 2500 Calvert Street NW., Washington, D.C.

The purpose of this Advisory Panel on Science Education Projects is to provide a forum for the exchange of information relating to the Foundation's support activities in the field of science education and, in the process, to provide recommendations on ways to improve the efforts of the Foundation in support of science education.

The purpose of the SOS Project Directors meeting is to provide a forum for the exchange of information relating to the student-originated studies activity which is supported by the National Science Foundation, with a view to determining the impact of the Foundation's efforts in science education. Specifically, the project directors will report the results of completed projects sponsored by the SOS program.

The meeting will be open to the public. Persons who plan to attend should contact Mr. Alexander J. Barton, Program Manager, no later than December 20 (telephone 202/282–7930, Rm. 600–W, National Science Foundation, Washington, D.C. 20550).

For further information about Student-Originated Studies, please contact Mr. Barton at the above address. Summary minutes relative to 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 21, 1974.

[FR Doc.74–27898 Filed 11–27–74;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Student-Originated Studies Panel Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Student-Originated Studies Subpanel of the Advisory Panel on Science Education Projects to be held from 9 a.m. to 4:30 p.m. on December 16, 17, and 18, 1974, in the Franklin Room of the Sheraton Park Hotel, 2660 Woodley Road NW., Washington, D.C.

The purpose of this Subpanel is to identify new directions and possible future trends in innovative science education concerning student-originated studies and to provide a mechanism for the review and evaluation of specific proposals for support in the student-originated studies activity.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

For further information about the Student-Originated Studies Subpanel, please contact Mr. Alexander J. Barton, Program Manager, Rm. W–600, National Science Foundation, Washington, D.C. 20550, telephone 202–282–7930.

FRED K. MURAKAMI,
Committee Management Office.

NOVEMBER 22, 1974.

[FR Doc.74–27899 Filed 11–27–74;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 22, 1974 (44 USC 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

ENVIRONMENTAL PROTECTION AGENCY

Chromosome Study in Welder Trainees, Form ____, Occasional, Hall (395-4697), Army welder trainees.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics: Study of State Survey Methods and Results (1973 C IR Validity), Form OE 4484-3, Single time, Panchon (395-3898), SEA's and LEA's.

TENNESSEE VALLEY AUTHORITY

Skill Supply Questionnaire, Form ____, Single time, Johnston (395-3840), Proprietary vocational schools in TVA region.

REVISIONS

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Monthly Coal Report Supplement, Form 6-1400-M-X, Occasional, Evinger (x) (395-3648).
- Coke and Coal-Chemical Materials Supplement, Form 6-1365-M-X, Occasional, Evinger (x) (395-3648).

Bureau of Reclamation: Application for Farm Unit, Form 7-511a, Occasional, Evinger (395-3648), Individuals.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Qualifications Inquiry—Professional and Scientific Positions, Form NASA 676, Occasional, Evinger (395-3648), Business Associates of applicants for employment.

Employment Inquiry for Job Applicant, Form NASA 606, Occasional, Evinger (395-3648), Business associates of applicants for employment.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-27994 Filed 11-27-74;8:45 am]

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 25, 1974 (44 USC 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:
- Instructions for Selecting Shipping Documents and Transcription Records for Shipments from Establishment 1974 Commodity Transportation Survey of Wholestalers and Mineral Industries, Form S-188, S-189, Single time, Strasser (395-3880), Selected wholesalers assemblers of farm products and mineral industries.
- Annual Demographic Survey—March 1975 CPS-1, Form CPS-1, CPS 580, CPS 581, CPS 630, Single time, Hall (395-4697), Individuals.

National Oceanic and Atmospheric Administration: 1974 Northwest Salmon Fishing Survey, Form ____, Single time, Lowry (395-3772), Commercial salmon fishermen—Pacific Northwest.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Post Pretest R & D Users Questionnaire—Older American Act, Title IV, Form OS-52-74, Single time, HRD (395-3532), Reese (395-5630), R & D Users.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Bonus Incidence Supplement, Form BLS 3056, Single time, Strasser (395-3880), Business firms.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Consultant Request Form, Form ____, Occasional, Lowry (395-3772), Colleges, universities, cultural institutions.

Grant Application Face Sheet for Consultants Grants, Form ____, Occasional, Lowry (395-3772), Colleges, universities, cultural institutions.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard: Boating Safety Educational Material, Form ____, Single time, Lowry (395-3772), Government agencies.

VETERANS ADMINISTRATION

Request for Water and Sanitary Assessment Information, Form FL 26-617, Occasional, Caywood (395-3443), County government.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Application for Donation of Surplus Personal Property, Form SF 123, Occasional, Caywood (395-3443), Donees.

DEPARTMENT OF LABOR

Labor Management Services Administration: Information and Signature Sheet for Financial Report of Labor Organization under Trusteeship, Form G-6, Occasional, Caywood (395-3443).

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Request for Classification—Cotton, Form CN-357, Occasional, Evinger (395-3648), Cotton merchants.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration: Survey on Public Education Campaign, Form ADAMAAA 1104, Occasional, Reese (395-5630), Individuals 18 yrs. old and older.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation: Evidence of Qualification of Farm Applicant—Fulltime Farm Unit, Form 7-511d, Occasional, Evinger (395-3648), Individuals.

Recreation and Wildlife Summary, Form 7-1643, Annual, Evinger (395-3648), Agencies administering Reclamation recreation areas.

NATIONAL SCIENCE FOUNDATION

Industrial Panel on Science and Technology: Form ____, Occasional, Weiner (395-4890), R & D performing companies.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 74-28048 Filed 11-27-74;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

Credit Balance

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30, 1974, was $89,489,260.34.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 22nd day of November, 1974.

JAMES L. COWEN,
Chairman.

NEIL P. SPEIRS,
Member.

WYTHE D. QUARLES, Jr.,
Member.

By the Railroad Retirement Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

NOVEMBER 22, 1974.

[FR Doc.74-27836 Filed 11-27-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5577]

YANKEE ATOMIC ELECTRIC CO.

Proposed Issue and Sale of Short-Term Promissory Notes to a Bank and a Dealer in Commercial Paper and Request for Exemption From Competitive Bidding

Notice is hereby given that Yankee Atomic Electric Company ("Yankee Atomic"), 20 Turnpike Road, Westborough, Massachusetts 01581, an electric utility subsidiary company of New England Electric System and Northeast Utilities, registered holding companies, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Yankee Atomic proposes to issue and sell from time to time, but not later than December 31, 1975, short-term promissory notes, in order to finance its nuclear fuel requirement, and for other corporate purposes. The notes are expected to be sold to The First National Bank of Boston, Boston, Massachusetts, or to A. G. Becker & Company, Incorporated ("Becker"), a dealer in commercial paper, or both, up to a maximum aggregate principal amount of $18,000,000 to be outstanding at any one time. The Yankee Bond Indenture limits the amount of short-term indebtedness which may be outstanding to $18,000,000, $15,000,000 for nuclear fuel and $3,000,000 for other corporate purposes.

The proposed short-term borrowing will be repaid from time to time in part from internally generated funds and the balance will be refinanced either through additional short-term borrowings or permanent financing.

The proposed borrowings from The First National Bank of Boston will be evidenced by notes payable maturing in less than one year from the date of issuance and will provide for prior payment in whole or in part without premium. The notes will bear interest at not in excess of the prime rate at such bank in effect at the time borrowings are made. If balances were maintained to solely fulfill prevailing compensating balance requirements of 15 percent to 20 percent, the effective interest cost to Yankee Atomic would be about 12.35 percent to 13.13 percent per annum based on the current prime rate of 10.5 percent.

Yankee Atomic also proposes to issue and sell its commercial paper during the period through December 31, 1975, directly to Becker, a dealer in commercial paper. Becker, as a principal, will reoffer such commercial paper to not more than 200 of its customers whose names appear on a non-public list prepared by Becker in advance. No additions will be made to such list of customers. The commercial paper so issued and sold will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditions, the effective interest cost to Yankee Atomic, and Yankee Atomic's cash requirements at the time of issuance. The commercial paper will be in denominations of not less than $50,000 and not more than $1,000,000, and will not by its terms be prepayable prior to maturity. The commercial paper will be purchased by Becker from Yankee Atomic at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public utility issuers to commercial paper dealers. Becker will initially reoffer the commercial paper at a discount rate not more than ⅛ of 1 percent per annum less than the prevailing discount rate to Yankee Atomic. The effective interest to Yankee Atomic on such paper will not exceed the effective interest cost at the time of issue for borrowings from The First National Bank of Boston, except that, in order to obtain maximum flexibility, commercial paper with a maturity of not more than 90 days may be issued with an effective cost in excess of the effective interest cost from The First National Bank of Boston.

Yankee Atomic requests authority under Rule 24 of the Act to file within 30 days after the end of each calendar quarter a certificate of notification covering all transactions effected pursuant to the borrowing authority requested herein during such quarter.

Yankee Atomic now requests pursuant to the provisions of (a)(5) of Rule 50 that it be granted an exemption from the competitive bidding requirements of Rule 50 with respect to the proposed issuance and sale of commercial paper on the grounds that the commercial paper to be issued will have maturities of not more than nine months, the current rates for commercial paper for prime borrowers such as Yankee Atomic are readily ascertainable by reference to daily financial publications and it is not practical to publish invitations for bids for commercial paper.

No fees or commissions are to be paid in connection with the proposed transactions. No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 20, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive 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.74-27879 Filed 11-27-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5296]

CEDC MESBIC, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that CEDC MESBIC, Inc. (CEDC), 106 Main Street, Hempstead, New York 11550, 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.

CEDC was licensed by the Small Business Administration (SBA) on December 29, 1972. The licensee's voting stock is owned by CEDC, Incorporated, a New York not-for-profit corporation.

On October 21, 1974, the licensee's Investment Committee and Board of Directors approved an application for a loan in the amount of $150,000 to the Arthur J. Choice Oil Corporation, 128 Babylon Turnpike, Roosevelt, New York 11575, an independent fuel oil dealer. The loan will bear interest at the rate of 8 percent per annum, payable monthly, and shall be subject to a moratorium on principal repayments until an SBA guaranteed bank loan is repaid. Thereafter, licensee's loan is to be repaid as rapidly as possible, but in no event beyond 12 years from the date of the loan. The terms of this loan are comparable to other financings made by the licensee.

This company, like other independent fuel oil dealers, has been seriously affected by the fuel-energy crisis.

Mr. Arthur J. Choice is the sole owner of this small business concern.

The transaction falls within the purview of the cited regulation by reason of the fact that Mr. Choice is the Chairman of the Board of the licensee. Mr. Choice owns none of the licensee's stock, did not participate in the board's deliberation concerning this loan, and abstained from voting on the subject resolution.

Notice is hereby given that any interested person may submit to SBA written comments on this financing, on or before December 16, 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 Hempstead, New York.

Dated: November 21, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-27835 Filed 11-27-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

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 Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, January 7; Wednesday, January 8; Thursday, January 9; and Friday, January 10, 1975. The meeting will begin at 9 a.m. in the Chinese Room of the Mayflower located at 1127 Connecticut Avenue, NW., Washington, D.C. The meeting will be open to the public, and all interested parties are encouraged to attend.

The proposed agenda for the ensuing meeting calls for the Committee to continue its consideration of the recommendations of the 1926/1910 Project Subcommittee. The recommendations are oriented toward selected items in Part 1910 of 29 CFR which the Subcommittee deemed applicable to Part 1926 of 29 CFR.

Any member of the public wishing to submit written presentations and/or recommendations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by December 31, 1974. 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. Consequently, persons desiring to make an oral presentation should submit a written request to be heard to the Committee Management Officer by December 31, 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 Chairman for his consideration.

All materials which have been submitted to or developed by the Committee as well as the official record of all Committee proceedings are available for public 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 communications relating to Committee activities or requests for copies of materials utilized by the Committee 1726 M Street, NW.

Julius Jimeno
Committee Management Officer
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, NW.
Washington, D.C. 20210
Phone: 202/961-2248, 3181

Signed at Washington, D.C. this 21st day of November, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-27907 Filed 11-27-74;8:45 am]

[V-74-20]

PLASTIC APPLICATORS, INC.

Grant of Variance

I. *Background.* Plastic Applicators, Inc., 9900 Northwest Freeway, Houston, Texas 77007 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 39 CFR 1905.11 for a permanent variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.107(j)(2). The standard prohibits spray booths from being alternately used for drying by any arrangement which would materially increase the temperature of the room. Facilities affected by this application are:

Plastic Applicators, Inc.
7020 Old Katy Road
Houston, Texas 77024

Plastic Applicators, Inc.
300 E. Railroad Ave.
Morgan City, La. 70380

Plastic Applicators, Inc.
300 West 61st St.
Odessa, Texas 79760

Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on April 10, 1974 (39 FR 13050). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. *Facts.* Part of the applicant's work process involves coating the inside of plain carbon steel pipes with plastic to prevent corrosion. To accomplish this, the spraying and drying processes are performed in the same room according to the following procedure.

A cart load of primed pipes is brought into an enclosure ventilated by a fume-removal ventilation system. The enclosure is closed and a second ventilation system, controlled by interlocks, purges the area for five minutes. Hot air is then circulated through the enclosure slowly raising the temperature to a range of 250° F to 450° F. The heating element remains outside the enclosure at all times. This temperature is maintained for at least an hour, then the room is cooled to 140° F or less before opening the enclosure.

A second coat of plastic is applied to the pipes while they are located in the enclosure. A probe is inserted into the pipes to apply the plastic. Most overspray is contained within the pipes. However, disposable masks are used to collect any overspray which might escape the pipes. These masks are disposed of prior to the next heat cycle. During this process the doors of the enclosure are open, and a movable ventilation system, separate from the one associated with heat, is used.

After the second coat had been applied, the ventilation is continued for at least thirty minutes, during which any necessary hand touch-up work is done. The enclosure is then closed and the purge ventilation cycle and heat cycle are repeated.

III. *Decision.* 29 CFR 1910.107(j)(2) prohibits enclosures used for spraying operations from being alternately used for drying operations by any arrangement which would cause a material increase in the surface temperature of the enclosure. This is intended to prevent a fire caused by the ignition of fumes or overspray residues.

The applicant's spraying operation is unusual in that the area to be sprayed is the inside of the pipes. Therefore, overspray is limited to a minimum and is contained by the disposable masks. Dual ventilation systems remove all fumes from the air during a 30 minute period following the spraying and a final five minute purge prior to the introduction of the heat.

The heat source is outside the spray enclosure with hot air circulated to raise the temperature of the room. The heating and ventilation systems conform to the requirements of NFPA 86A-1969 concerning ovens. All operating procedures are contained in a manual which has been used for over ten years and training

sessions are conducted regularly. These procedures are enforced by audits of the operations by the applicant's engineering and quality control groups.

The procedures being used prevent a buildup of overspray residue in the spray enclosure, and insure the removal of fumes before the introduction of heat. The procedures therefore meet the purpose of § 1910.107(j)(2) and provide a place of employment as safe as would be obtained by complying with the standard.

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that Plastic Applicators, Inc. be, and it is hereby, authorized to use its spray enclosure alternately as a drying area although this results in a material increase in the surface temperature of the enclosure, in lieu of complying with the requirements of 29 CFR 1910.107(j)(2) under the following conditions:

(1) This authority is restricted to spraying the inside of pipes.

(2) Disposable masks shall be used at the end of the pipes to catch any overspray and shall be removed prior to the heat cycle.

(3) The movable ventilation system shall be used during the spraying operations.

(4) The ventilation system shall operate a minimum of thirty minutes after completion of the spraying operation and prior to the introduction of heat.

(5) A second ventilation system shall purge the closed room for a minimum of five minutes prior to the introduction of heat.

(6) Heat shall be introduced to the room by circulating hot air. At no time shall the heating element be in the spray enclosure.

(7) The room shall be cooled to a maximum of 140° F before the enclosure is opened and the spraying process is repeated.

As soon as possible Plastic Applicators, Inc. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on November 29, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 20th day of November 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–27906 Filed 11–27–74;8:45 am]

Office of the Secretary

COMPREHENSIVE MANPOWER SERVICES

Financial Assistance and Request for Preapplication for Federal Assistance

Pursuant to Title I of the Comprehensive Employment and Training Act of 1973 (hereinafter referred to as the Act), the Secretary of Labor provides comprehensive manpower services throughout the United States with fiscal year 1976 funds. The program includes the development and creation of job opportunities and the training, education, and other services needed to enable individuals to secure and retain employment at their maximum capacity. This comprehensive manpower program will be carried out by qualified prime sponsors through financial assistance to be made available by the Secretary of Labor. Although many prime sponsors were designated in fiscal year 1975, each year existing prime sponsors and those wishing to become prime sponsors must submit a preapplication for Federal assistance to be considered for the subsequent fiscal year funds. Eligibility criteria and procedures for preapplication are described below:

Prime Sponsors. In order to be eligible to receive financial assistance under Title I of the Act, a prime sponsor must be:

(a) A State;

(b) A unit of general local government which has a population of 100,000 or more on the basis of the most satisfactory current data available to the Secretary;

(c) Any combination of units of general local government which includes any units of general local government qualifying under paragraph (b) above;

(d) Any unit of general local government or any combination of such units, without regard to population, which in exceptional circumstances, is determined by the Secretary of Labor:

(1) (i) To serve a substantial portion of a functioning labor market area, or (ii) to be a rural area having a high level of unemployment; and

(2) To have demonstrated (i) that it has the capability for adequately carrying out programs under this Act, and (ii) that there is a special need for services within the area to be served, and (iii) that it will carry out such programs and services in such areas as effectively as the State; or

(e) A limited number of existing concentrated employment program grantees serving rural areas having a high level of unemployment which the Secretary determines have demonstrated special capabilities for carrying out programs in such areas and are designated by him for that purpose.

Procedures for applying for prime sponsorship. In accordance with section 102(c)(1) of the Act, and in order to be considered eligible for prime sponsorship under Title I, the Secretary of Labor hereby informs all potentially eligible applicants that they must submit a preapplication for Federal assistance no later than December 13, 1974.

The preapplication must be submitted to appropriate Assistant Regional Directors for Manpower (ARDM), the Governor, and appropriate State and area-wide clearinghouses (see OMB Circular A–95). The preapplication will consist of the Preapplication for Federal Assistance form, Part I, contained in Federal Management Circular No. 74–7 (formerly OMB Circular A–102), with an attachment giving the following information:

(a) Geographical area(s) to be served;

(b) Population of area(s) to be served;

(c) Certification that the potential prime sponsor, except for CEP prime sponsors, has the required general government authority; a potential prime sponsor is defined as a unit of general local government or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers (section 601(10) of the Act); and

(d) Certification that the development of the applicant's plan will be in accordance with the directions specified in the Act and regulations (e.g., involvement of local elected officials of the areas to be served).

Special procedures for: (a) *Independently eligible prime sponsors.* Based upon information currently available and according to the 1970 official census as published by the U.S. Bureau of the Census, the jurisdictions on the attached list of States and units of general local governments may be eligible to be prime sponsors under section 102(a)(1) and (2) of the Act. See Attachment No. 1.

The Department of Labor is presently reviewing with the Bureau of Census, the feasibility of utilizing updated population figures. Any jurisdiction which believes that its population increased to 100,000 since 1970 should submit a preapplication according to the procedures set forth above. Such a jurisdiction will be considered eligible for prime sponsorship if the Department of Labor determines that the new census data is satisfactory and whether the jurisdiction's population has, in fact, increased to 100,000.

(b) *Units of government which have less than 100,000 population desiring to be prime sponsors because of exceptional circumstances.* Any unit of general local government which does not have a population of 100,000, but wishes to be named a prime sponsor because of exceptional circumstances under the provisions of section 102(a)(4) should submit a preapplication according to procedures set forth above. In addition, the preapplication should include information relative to:

(1) The labor market area in which the unit of general local government is located;

(2) The proportion of the labor market area population which resides within the jurisdiction of the unit of general local government;

(3) The unit of general local government's administrative and organizational capability for adequately carrying out programs under the Act;

(4) The unit of general local government's ability to carry out the program as effectively as the State, e.g., past experience in operating manpower or manpower-type programs, effective linkages with community-based organizations and programs, administrative efficiency in terms of costs, and existence and effective operation of an Operational Planning Grant, a Public Employment Program or other manpower delivery services; and

(5) The special need for services within the area to be served, e.g., a high proportion of groups within the population such as disadvantaged youth, offenders, high school dropouts, a high unemployment rate, substantial outmigration, or unique commuting problems.

(c) *Rural concentrated employment program grantees.* Any of the existing four Concentrated Employment Program (CEP) prime sponsors serving a rural area having a high level of unemployment and desiring to serve as a prime sponsor again should submit a preapplication according to the procedures set forth above. In addition such CEP must cite whatever special capabilities it has demonstrated in carrying out manpower programs.

(d) *Consortia.* Combinations of units of general local government may form a consortium to plan and operate a comprehensive manpower program. The nature of consortia agreements are set forth in detail in §§ 95.3 (3) and (4) of the regulations for the Comprehensive Employment and Training Act of 1973 (29 CFR 95.3 (3) and (4)).

In order to encourage consortia which comprise substantial portions (e.g., 75 percent) of labor market areas, the Secretary may use up to 5 percent of the funds available for Title I of the Act to provide additional funding for such consortia. Consortia which do not serve such areas shall not be eligible for additional funds. Prior to making decisions concerning these funds, the ARDM shall consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

A consortium must submit a preapplication according to the procedures set forth above. The preapplications for a new consortium or an existing consortium whose membership has changed from last year must include the signature of the chief elected official or chief executive officer of each consortium member. However, in the case of an established consortium with no membership changes, the preapplication may, with the consent of all consortium members, be signed by the consortium's chief executive officer.

In addition, each consortium shall submit a formal agreement including all items required by § 95.11(c) of the regulations to the Act to the appropriate ARDM by March 1, 1975. An established consortium which submitted a formal written agreement last year may attest in writing that the agreement is the same or specify amendments to the agreement. The formal agreement or attestation must be signed by the chief elected official or chief executive officer of each consortium member.

List of manpower regional offices. All preapplication information and consortia agreements (described above) must be submitted to the appropriate Assistant Regional Director for Manpower. The names, addresses and areas of responsibility of the ARDM's are listed on Attachment No. 2.

Implementation schedule. Title I and II grants for Fiscal Year 1976 will be executed by July 1, 1975. (When Title II planning figures are available, prime sponsors eligible for Title II grants will be requested to submit a preapplication identical to the one discussed in this announcement for Title I.)

The approximate target date for the initial publication of the revised regulations for Title I and II is January 31, 1975. It is anticipated that planning figures for Title I also will be released by January 31, 1975. Prime sponsors will be expected to submit their grant applications to the appropriate ARDM by June 2, 1975.

Eligible applicants for Title III programs for Indian tribes (section 302 of the Act) are required to submit their preapplications by March 1, 1975, as prescribed by § 97.5 in the regulations published in the FEDERAL REGISTER on June 26, 1974, titled Special Federal Programs and Responsibilities under the Comprehensive Employment and Training Act—Indian Manpower Programs. In addition to the items on the Federal Management Circular No. 74–7 preapplication form, eligible Title III applicants may wish to include endorsements from community-based organizations attesting to their capability to run a title III program.

Signed at Washington, D.C., this 25th day of November, 1974.

PETER J. BRENNAN,
Secretary of Labor.

LISTING OF JURISDICTIONS OF 100,000 OR MORE POPULATION FOR COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

AREA

ALABAMA

Birmingham	Jefferson County
Huntsville	Mobile County
Mobile	Tuscaloosa County
Montgomery	Balance Alabama
Calhoun County	

ALASKA

Great Anchorage Borough	Balance Alaska

ARIZONA

Phoenix	Maricopa County
Tucson	Balance Arizona

ARKANSAS

Little Rock	Balance Arkansas
Pulaski County	

CALIFORNIA

Anaheim	Torrance
Berkeley	Alameda County
Fremont	Butte County
Fresno	Contra Costa County
Garden Grove	Fresno County
Glendale	Kern County
Huntington Beach	Los Angeles County
Long Beach	Marin County
Los Angeles	Merced County
Oakland	Monterey County
Pasadena	Orange County
Riverside	Riverside County
Sacramento	Sacramento County
San Bernardino	San Bernardino County
San Diego	San Diego County
San Francisco City/County	San Joaquin County
San Jose	San Luis Obispo County
Santa Ana	San Mateo County
Stockton	Santa Barbara County
Santa Clara County	Stanislaus County
Santa Cruz County	Tulare County
Solano County	Ventura County
Sonoma County	Balance California

COLORADO

Colorado Springs	El Paso County
Denver City/County	Jefferson County
Adams County	Pueblo County
Arapahoe County	Balance Colorado
Boulder County	

CONNECTICUT

Bridgeport	Stamford City
Hartford City	Waterbury City
New Haven City	Balance Connecticut

DELAWARE

New Castle County	Balance Delaware

DISTRICT OF COLUMBIA

FLORIDA

Ft. Lauderdale	Escambia County
Hialeah	Hillsborough County
Hollywood	Lee County
Jacksonville City/Duval County	Leon County
Miami	Orange County
St. Petersburg	Palm Beach County
Tampa	Pinellas County
Alachua County	Polk County
Brevard County	Sarasota County
Broward County	Valusia County
Dade County	Balance Florida

GEORGIA

Atlanta	De Kalb County
Columbus City/Muscogee County	Fulton County
Macon	Valusia County
Savannah	Balance Georgia
Cobb County	

HAWAII

Honolulu City/Honolulu County	
Balance Hawaii	

IDAHO

Ada County	Balance Idaho

ILLINOIS

Chicago	Madison County
Peoria	McHenry County
Rockford	McLean County
Champaign County	Rock Island County
Cook County	Sangamon County
Du Page County	St. Clair County
Kane County	Tazewell County
La Salle County	Will County
Lake County	Balance Illinois
Macon County	

INDIANA

Evansville	
Ft. Wayne	
Gary	
Hammond	
Indianapolis City/Marion County	
South Bend	
Allen County	
St. Joseph County	
Delaware County	
Elkhart County	
La Porte County	
Lake County	
Madison County	
Tippicanoe County	
Virgo County	
Balance Indiana	

IOWA

Cedar Rapids	Scott County
Des Moines	Woodbury County
Black Hawk County	Balance Iowa

KANSAS

Kansas City
Topeka
Wichita
Johnson County
Balance Kansas

KENTUCKY

Lexington City/Fayette County
Louisville
Jefferson County
Kenton County
Balance Kentucky

LOUISIANA

Baton Rge. City/E. Baton Rge. Par.
New Orleans City/Parish
Shreveport
Calcasieu Parish
Jefferson Parish
Lafayette Parish
Ouachita Parish
Rapides Parish
Balance Louisiana

MAINE

MARYLAND

Baltimore
Anne Arundel County
Baltimore County
Harford County
Montgomery County
Prince Georges County
Washington County
Balance Maryland

MASSACHUSETTS

Boston City/Suffolk County
Cambridge
New Bedford
Springfield
Worcester
Balance Massachusetts

MICHIGAN

Ann Arbor
Dearborn
Detroit
Flint
Grand Rapids
Lansing
Livonia
Warren
Bay County
Berrien County
Calhoun County
Genesee County
Ingham County
Jackson County
Kalamazoo County
Kent County
Macomb County
Monroe County
Muskegon County
Oakland County
Ottawa County
Saginaw County
St. Clair County
Washtenaw County
Wayne County
Balance Michigan

MINNESOTA

Duluth
Minneapolis
St. Paul
Anoka County
Dakota County
Hennepin County
Ramsey County
St. Louis County
Balance Minnesota

MISSISSIPPI

Jackson
Harrison County
Balance Mississippi

MISSOURI

Independence City
Kansas City
Springfield City
St. Louis City
Jefferson County
St. Louis County
Balance Missouri

MONTANA

NEBRASKA

Lincoln City
Omaha City
Balance Nebraska

NEVADA

Las Vegas City
Clark County
Washoe County
Balance Nevada

NEW HAMPSHIRE

NEW JERSEY

Camden City
Elizabeth City
Jersey City
Newark City
Paterson City
Trenton City
Atlantic County
Bergen County
Burlington County
Camden County
Cumberland County
Essex County
Gloucester County
Hudson County
Mercer County
Middlesex County
Morris County
Ocean County
Passaic County
Somerset County
Union County
Balance New Jersey

NEW MEXICO

Albuquerque City
Balance New Mexico

NEW YORK

Albany City
Buffalo City
New York City
Rochester City
Syracuse City
Town of Cheektowaga
Town of Islip
Town of Smithtown
Town of Hempstead
North Hempstead Twp
Oyster Bay Twp
Town of Tonawanda
Yonkers City
Town of Babylon
Town of Brookhaven
Town of Huntington
Albany County
Broome County
Chautauqua County
Chemung County
Dutchess County
Erie County
Monroe County
Niagara County
Oneida County
Onondaga County
Orange County
Oswego County
Rensselaer County
Rockland County
Saratoga County
Schenectady County
St. Lawrence County
Ulster County
Westchester County
Balance New York

NORTH CAROLINA

Charlotte City
Greensboro City
Raleigh City
Winston-Salem City
Buncombe County
Cumberland County
Durham County
Gaston County
Guilford County
Mecklenburg County
Onslow County
Wake County
Balance North Carolina

NORTH DAKOTA

OHIO

Akron City
Canton City
Cincinnati City
Cleveland City
Columbus City
Dayton City
Parma City
Toledo City
Youngstown City
Allen County
Butler County
Clark County
Columbiana County
Cuyahoga County
Franklin County
Greene County
Hamilton County
Lake County
Licking County
Lorain County
Lucas County
Mahoning County
Montgomery County
Portage County
Richland County
Stark County
Summitt County
Trumbull County
Balance Ohio

OKLAHOMA

Oklahoma City
Tulsa City
Comanche County
Oklahoma County
Balance Oklahoma

OREGON

Portland City
Clackamas County
Lane County
Marion County
Multnomah County
Washington County
Balance Oregon

PENNSYLVANIA

Allentown City
Erie City
Philadelphia City/County
Pittsburgh City
Scranton City
Allegheny County
Beaver County
Berks County
Blair County
Bucks County
Butler County
Cambria County
Chester County
Cumberland County
Dauphin County
Delaware County
Erie Country
Fayette County
Franklin County
Lackawanna County
Lancaster County
Lawrence County
Lehigh County
Luzerne County
Lycomins County
Mercer County
Montgomery County
Northampton County
Schuylkill County
Washington County
Westmoreland County
York County
Balance Pennsylvania

PUERTO RICO

Bayamon Mun.
Carolina Mun.
Ponce Municipio
San Juan Mun.
Balance Puerto Rico

RHODE ISLAND

Providence City
Balance Rhode Island

SOUTH CAROLINA

Columbia City
Anderson County
Charleston County
Greenville County
Richland County
Spartanburg County
Balance South Carolina

SOUTH DAKOTA

TENNESSEE

Chattanooga City
Knoxville City
Memphis City
Nashville City/Davidson County
Hamilton County
Knox County
Sullivan County
Balance Tennessee

TEXAS

Amarillo City
Austin City
Beaumont City
Corpus Christi City
Dallas City
El Paso City
Fort Worth City
Houston City
Lubbock City
San Antonio City
Bell County
Bexar County
Brazoria County
Cameron County
Dallas County
Galveston County
Harris County
Hidalgo County
Jefferson County
McLennan County
Tarrant County
Wichita County
Balance Texas

UTAH

Salt Lake City
Salt Lake County
Utah County
Weber County
Balance Utah

VERMONT

VIRGINIA

Alexandria City
Hampton City
Newport News City
Norfolk City
Portsmouth City
Richmond City
Virginia Beach City
Arlington County
Fairfax County
Henrico County
Prince William County
Balance Virginia

WASHINGTON

Seattle City
Spokane City
Tacoma City
Clark County
King County
Kitsap County
Pierce County
Snohomish County
Spokane County
Yakima County
Balance Washington

WEST VIRGINIA

Cabell County
Kanawha
Balance West Virginia

WISCONSIN

Madison City
Milwaukee City
Brown County
Dane County
Kenosha County
Milwaukee County
Outagamie County
Racine County
Rock County
Waukesha County
Winnebago County
Balance Wisconsin

WYOMING

VIRGIN ISLANDS

AMERICAN SAMOA

GUAM

TRUST TERR.

ASSISTANT REGIONAL DIRECTORS FOR MANPOWER

	States in Regions
Region I, Boston: Lawrence W. Rogers, ARDM U.S. Department of Labor J. F. Kennedy Bldg., Room 1703 Boston, Massachusetts 02203	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
Region II, New York: Edward W. Aponte, ARDM U.S. Department of Labor 1515 Broadway, New York, New York 10036	New Jersey, New York, Puerto Rico, the Virgin Islands.
Region III, Philadelphia: J. Terrell Whitsit, ARDM U.S. Department of Labor P.O. Box 8796 Philadelphia, Pennsylvania 19101	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Washington, D.C.
Region IV, Atlanta: William U. Norwood, Jr., ARDM U.S. Department of Labor 1317 Peachtree Street, NE. Room 405 Atlanta, Georgia 30309	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Region V, Chicago: Richard Gilliland, ARDM U.S. Department of Labor 230 South Dearborn Street Chicago, Illinois 60605	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
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Region VII, Kansas City: Neal B. Hadsell, ARDM U.S. Department of Labor Federal Bldg., Room 3000 911 Walnut Street Kansas City, Missouri 64106	Iowa, Kansas, Missouri, Nebraska.
Region VIII, Denver: Robert Brown, ARDM U.S. Department of Labor 16015 Federal Office Bldg. 1961 Stout Street Denver, Colorado 80202	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
Region IX, San Francisco: William Haltigan, ARDM U.S. Department of Labor 450 Golden Gate Avenue Box 36084 San Francisco, California 94102	Arizona, California, Nevada, Guam, Hawaii, American Samoa, Trust Territory of the Pacific Islands.
Region X, Seattle: Jess C. Ramaker, ARDM U.S. Department of Labor 2154 Arcade Plaza 1321 Second Avenue Seattle, Washington 98101	Alaska, Idaho, Oregon, Washington.

[FR Doc.74-27911 Filed 11-27-74;8:45 am]

OKLAHOMA PLANT OF ASG INDUSTRIES INC.

Certification of Eligibility To Apply for Adjustment Assistance

Under date of October 8, 1974, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers of North America, AFL–CIO, and by the Window Glass Cutters League of America, AFL–CIO, on behalf of workers and former workers of the Okmulgee, Oklahoma sheet glass plant of ASG Industries, Inc., Kingsport, Tennessee. The request for certification was made under Proclamation 3967 (Adjustment of Duties on Certain Sheet Glass) of February 27, 1970. In that Proclamation the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threaten to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

The Director, Office of Foreign Economic Policy, upon receipt of the petition, instituted an investigation (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342, 37 FR 2472, 39 FR 37550, 29 CFR 90.11). After that, the Director made a recommendation to me relating to the matter of certification. In the recommendation she noted that a significant number or proportion of the workers at the Okmulgee, Oklahoma plant became unemployed or underemployed when the firm began to curtail production at the plant in May 1974. She further noted that imports of sheet glass of the types produced at the Okmulgee plant decreased substantially from prior levels during 1973 and the first six months of 1974. The primary

factor in the company's decision to curtail production at the plant was the accelerating decline in domestic building construction. Residential housing starts in the United States declined significantly from 1972 to 1973, and declined sharply in the first eight months of 1974 compared to the first eight months of 1973. Nearly all of the sheet glass produced at the Okmulgee plant is used in building construction. Also a factor in the closing of the plant was increasing customer preference for float glass over sheet glass. Float glass is a higher quality glass than sheet glass and can be produced in window glass thickness at a cost equal to or less than the cost of producing sheet glass. Domestic production of float glass increased substantially from 1971 to 1973. ASG itself produced significant quantities of float glass in window glass thicknesses in the first nine months of 1974.

After due consideration, I have concluded that increased imports of sheet glass were not the major factor causing the unemployment or underemployment of the workers at the Okmulgee, Oklahoma plant of ASG Industries, Inc., Kingsport, Tennessee. Accordingly, I make no certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 22nd day of November 1974.

JOEL SEGALL,
Deputy Under Secretary,
International Affairs.

[FR Doc.74-27908 Filed 11-27-74;8:45 am]

RHODE ISLAND

Extended Unemployment Compensation

The Rhode Island Employment Security Act establishes a program of extended unemployment compensation in accordance with the provisions of the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Extended unemployment compensation is payable under the program to unemployed workers who have received all of the regular unemployment compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 and 20 CFR 615.16(b), notice is hereby given that Mary C. Hackett, Director of the State of Rhode Island Department of Employment Security, has determined that there was a State on indicator in Rhode Island for the week ending October 26, 1974, and that an extended benefit period commenced with the week beginning November 10, 1974.

Signed at Washington, D.C., this 22nd day of November 1974.

WILLIAM H. KOLBERG,
Assistant Secretary
for Manpower.

[FR Doc.74-27909 Filed 11-27-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 642]

ASSIGNMENT OF HEARINGS

NOVEMBER 25, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 118959 Sub Nos. 108, 109, 110, 111, 112 and 113; Jerry Lipps, Inc., now being assigned hearing January 20, 1975 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-C 8338, Hunt Truck Lines, Inc.—Investigation and Revocation of Certificate, now being assigned January 14, 1975 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC-C 7996, Film Transit, Inc., et al. V. Cape Air Freight, Inc., now being assigned January 20, 1975 (1 week), at Kansas City, Mo., in a hearing room to be later designated.

MC 136032 Sub 2, Texas Continental Express, Inc., now being assigned January 20, 1975 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 134922 Sub 75, B. J. McAdams, Inc., now being assigned January 21, 1975 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-12090, Cedar Rapids Steel Transportation, Inc. — Purchase — The Kinnison Trucking Company, Amd No. MC 114273 Sub 158, Cedar Rapids Steel Transportation, Inc., now being assigned January 15, 1975 (3 Days), at Columbus, Ohio.

MC 139650, Whitley County Concrete and Supply Co., Inc., now assigned December 17, 1974, at Lexington, Ky., cancelled and reassigned December 17, 1974 (3 days), at Frankfort, Ky., in Conference Room, 4th Floor, State Office Building.

MC-F-12175, Roadway Express, Inc.—Control and Merger—Atlas Transit, Inc., and MC 2202 Sub 464, Roadway Express, Inc., now assigned December 3, 1974, at Memphis, Tenn., will be held in Room 1006, Tax Court, Federal Office Bldg., 167 N. Main St.

MC 107515 Sub 892, Refrigerated Transport Co., Inc., now assigned December 4, 1974, at Chicago, Ill., will be held in Room 1725, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 128375 Sub 90, Crete Carrier Corporation Extension—Santa Ana, Calif., now assigned December 3, 1974, at Chicago, Ill., will be held in Room 1725, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 138259 Sub 3, Northwest Express, Inc., now assigned December 5, 1974, at Billings, Mont., is cancelled and the application is dismissed.

MC 135387 Sub 2, Harbor Transfer, Inc., now assigned December 3, 1974, at Washington, D.C., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27945 Filed 11-27-74;8:45 am]

[Notice No. 194]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 28, 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 18, 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-75273. By order of November 20, 1974, the Motor Carrier Board approved the transfer to Joan C. Sloan, doing business as D & J Transportation, San Francisco, Calif., of Certificate of Registration No. MC 121436 (Sub-No. 1), issued March 23, 1964, to Rossi Freight Lines, Inc., San Francisco, Calif., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Public Convenience and Necessity granted in Decision No. 62555 and transferred to applicant in Decision No. 82950 by the Public Utilities Commission of the State of California. E. H. Griffiths, 1182 Market St., San Francisco, Calif. 94102, representative for applicants.

No. MC-FC-75300. By order of November 15, 1974, the Motor Carrier Board on reconsideration approved the transfer to De Casper Brothers Freight Lines, Inc., 3 River Street, Bradford, Pa. 16701, of the operating rights in Certificates Nos. MC 2470, MC 2470 (Sub-No. 2), and MC 2470 (Sub-No. 3), issued October 16, 1958, May 6, 1958, and August 12, 1964, respectively, to Thomas C. Donahue, doing business as Donahue's Service, 312 East Weber Avenue, Du Bois, Pa. 15801, authorizing the transportation of general commodities, except Class A and B explosives, over regular routes between Punxsutawney, Pa., and Sykesville, Pa., between Punxsutawney and Rossiter, Pa., and between junction Pennsylvania Highways 36 and 236 and junction unnumbered highway and U.S. Highway 119 restricted, among other things, to service which is auxiliary to or supplemental of rail service of the Baltimore & Ohio Railroad Company; general commodities, except Class A and B explosives, from Punxsutawney, Pa., to points in Pennsylvania within 25 miles of Punxsutawney; household goods, between Punxsutawney, Pa., and points within 15 miles thereof, on the one hand, and, on

the other, points in New York, New Jersey, Ohio, Maryland, and West Virginia; general commodities, except Class A and B explosives, between Sykesville, Pa., and Du Bois, Pa.; between junction U.S. Highways 119 and 322 and Clearfield, Pa.; between Du Bois, Pa., and Clearfield, Pa.; between Du Bois, Pa., and junction U.S. Highways 219 and 322; between junction U.S. Highway 119 and Pennsylvania Highway 410 and Rockton, Pa.; between Cramer, Pa., and junction Pennsylvania Highways 952 and 410; and between Sykesville, Pa., and junction unnumbered highway and Pennsylvania Highway 410, restricted to service which is auxiliary to or supplemental of rail service; and general commodities, with the usual exceptions, between Du Bois, Pa., on the one hand, and, on the other, points in Pennsylvania within 30 miles of Du Bois, restricted to service auxiliary to or supplemental of rail service.

No. MC-FC-75367. By order entered 11-15-74 the Motor Carrier Board approved the transfer to Leprechaun Lines, Inc., Newburg, N.Y., of the operating rights set forth in Certificate No. MC 112108 (Sub-No. 1), issued April 17, 1957, to Roy V. Knapp, Inc., Poughkeepsie, N.Y., authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in Dutchess County, N.Y. (with specified exceptions), to points in Massachusetts, Connecticut, and the District of Columbia, Clyde E. Herring, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27946 Filed 11-27-74;8:45 am]

[Notice No. 157]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 21, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, by December 16, 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 14702 (Sub-No. 67TA), filed November 14, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ingots*, from Centerville, Iowa, to Cleveland, Canton, Massillon, Warren, and Youngstown, Ohio; Sharon and Farrell, Pa.; Kokomo, Ind.; and Peoria, Ill., for 180 days. Supporting shipper: Iowa Steel & Wire Co., Centerville, Iowa 52544. Send protests to: District Supervisor James Johnson, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 19945 (Sub-No. 49TA), filed November 14, 1974. Applicant: BEHNKEN TRUCK SERVICE, INC., Route #13, New Athens, Ill. 62264, Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump vehicles, from the plantsite and storage facilities of Lac-Lede Steel Company at Alton, Ill., to Frit Industries, Inc., at Humboldt, Iowa, for 180 days. Supporting shipper: Carl Schauble, Vice-President, Frit Industries, Inc., P.O. Box 1324, Ozark, Ala. 36360. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 22278 (Sub-No. 47TA), filed November 14, 1974. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Lake Mills, Iowa, as an off-route point in connection with carrier's regular route operations, for 180 days.

NOTE.—Applicant indicates its intention to tack with other authority held in Docket MC 22278 at junction of U.S. Highways 18 and 65 in Mason City, Iowa. Interline with any authorized and properly certificated interstate carrier serving the common points held by applicant in Docket MC 22278 at Omaha, Nebr.; Mason City, Charles City, Waverly, Waterloo, Clinton, Cedar Rapids, Marshalltown, Ames, Boone, Carroll, Davenport, Iowa City, Ottumwa, Chariton, Albia, Osceola, Creston, Red Oak, Glenwood, Council Bluffs, and Sioux City Iowa; Chicago, Ill.; and Gary, Hammond, Whiting, and East Chicago, Ind.

Supporting shipper: Deluxe Products, Division of Walker-A Tenneco Co., 311 North Park, Lake Mills, Iowa 50450. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 29886 (Sub-No. 318TA), filed November 13, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, initial movements, in driveway service, from the plantsite of International Harvester Co. in San Leandro, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: International Harvester Company, 401 N. Michigan Avenue, Chicago, Ill. 60611. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 30561 (Sub-No. 2TA), filed November 14, 1974. Applicant: JOSEPH RUFFIN, doing business as RUFFIN'S MOTOR FREIGHT, 34 Elder Avenue, Yeadon, Pa. 19050. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, Pa. 19143. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glassware*, as described in Appendix IX, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the ports, warehouses, and storage facilities used by Associated Imports, Inc., at or near Baltimore, Md., Boston, Mass., Chicago, Ill., Detroit, Mich., New York, N.Y., Philadelphia, Pa., Savannah, Ga., Wilmington, Del.; and Portage, Ind., to points in the United States (except Alaska, Hawaii, and those states west of the Mississippi River), under a continuing contract or contracts with Associated Imports, Inc., of Providence, R.I., for 180 days. Supporting shipper: Associated Imports, Inc., 322 Waterman Avenue, Providence, R.I. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 30837 (Sub-No. 466TA), filed November 13, 1974. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Charles M. Pieroni, 4000 West Sample Street, South Bend, Ind. 46627. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in initial movements, in driveaway service, from the plant site of International Harvester Company in San Leandro, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: International Harvester Company, 401 N. Michigan Avenue, Chicago, Ill. 60611 (J. M. Gamble). Send

protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 30887 (Sub-No. 215TA), filed November 15, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, Baltimore, Md. 21225. Applicant's representative: William B. Eckels (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in special constructed and permitted rear unloading bulk tank trucks capable of maintaining the product at 360–370° F in transit, from Longview, Tex., to St. Mary's Ga., for 180 days. Supporting shipper: Gus Brown, Asst. Division Traffic Manager, Texas Eastman Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 61396 (Sub-No. 275TA), filed November 14, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, 2565 St. Marys Avenue, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Omaha, Nebr., to Enid, Okla., Lawrence, Kans., Fort Dodge, Iowa, and Sioux City, Iowa, for 180 days. Supporting shipper: Warren-Douglas Chemical Co., Inc., 3002 "F" Street, Omaha, Nebr. 68107. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 66462 (Sub-No. 17TA), filed November 12, 1974. Applicant: THE WILLETT COMPANY, 700 So. Des Plaines St., Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Acid, muriatic, in bulk, in tank vehicles, from the storage facilities of K. A. Steel Chemical in Lemont, Ill., to points in Lake and Porter Counties, Ind., for 180 days. Supporting shipper: Jack H. Stilzer, Sales Manager of Acids, Thompson-Hayward Chemical Co., 2401 So. Damen Avenue, Chicago, Ill. 60608. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 66462 (Sub-No. 18TA), filed November 12, 1974. Applicant: THE WILLETT COMPANY, 700 So. Des Plaines St., Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid, muriatic*, in bulk, in tank vehicles, from the plant site of Keil Chemical Company in Hammond, Ind., to points in Illinois, for 180 days. Supporting shipper: Paul Thompson, Vice President, Keil Chemical Company, 3000 Sheffield Avenue, Hammond, Ind. 46320. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 95304 (Sub-No. 23 TA), filed November 14, 1974. Applicant: NORTHERN NECK TRANSFER INC., P.O. Box 345, Montross, Va. 22520. Applicant's representative: William H. Edwards, Rectory Road, Montross, Va. 22520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, pallet parts, knocked down or assembled*, from Mineral, Va., to points in Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Rhode Islaind, Ohio, District of Columbia, and West Virginia, for 180 days. Supporting shipper: E. D. B. Yancey, President, Dominion Pallet, Inc., Mineral, Va. Send protests to: District Supervisor C. M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 97310 (Sub-No. 19TA), filed November 13, 1974. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, Miss. 39301. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives and commodities requiring special equipment or injurious to other lading), (1) Between Centre, Ala., and Atlanta, Ga.: From Centre, Ala., over Alabama Highway 9 to the Alabama-Georgia State line, thence over Georgia Highway 20 to Rome, Ga., thence over U.S. Highway 411 to junction of U.S. Highway 41, thence over U.S. Highway 41 to Marietta, Ga., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, serving all intermediate points between Centre and Rome, including Rome; (2) Between Centre, Ala., and Birmingham, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278 at or near Gadsden, Ala., thence over U.S. Highway 278 to its junction with U.S. Highway 11 at or near Attalla, Ala., thence over U.S. Highway 11 to Birmingham, Ala., and return over the same route; (3) Between Centre, Ala., and Montgomery, Ala.: (a) From Centre, Ala., over U.S. Highway 411 to its junction with Alabama State Highway 77, at or near Gadsden, Ala., thence over Alabama State Highway 77 to its junction with U.S. Highway Alternate 231 at or near Lincoln, Ala., thence over U.S. Highway Alternate 231 to its junction with U.S. Highway 231 at or near Sylacauga, Ala., thence over U.S. Highway 231 to Montgomery, Ala., and return over the same route and (b) From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278, thence over U.S. Highway 278 to its junction with Interstate Highway 59, thence over Interstate Highway 59 to its junction with Interstate Highway 65, thence over Interstate Highway 65 to Montgomery, Ala., and return over the same route (operating over U.S. Highway 31 between Birmingham and Montgomery for such portions of said route for which Interstate Highway 65 has not yet been completed).

(4) Between Tuscumbia, Ala., and Centre, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with Alabama State Highway 68; thence over Alabama State Highway 68 to its junction with U.S. Highway 11, thence over U.S. Highway 11 to its junction with Alabama State Highway 117 at or near Hammondville, Ala. (Also over Interstate Highway 59 from its junction with Alabama State Highway 68 to its junction with Alabama State Highway 117 at or near Hammondville, Ala.); thence over Alabama State Highway 117 to its junction with Alabama State Highway 40, thence over Alabama State Highway 40 to its junction with Alabama State Highway 35, thence over Alabama State Highway 35 to its junction with U.S. Highway 72 at or near Scottsboro, Ala., thence over U.S. Highway 72 to Tuscumbia, Ala., and return over the same route; (5) Between Centre, Ala., and Florence, Ala.: (a) From Centre, Ala., over U.S. Highway 411 to Gadsden, Ala., thence over U.S. Highway 278 to Cullman, Ala., thence over Interstate Highway 65 to its junction with Alabama State Highway 157, thence over Alabama State Highway 157 to Florence, Ala., and return over the same route, and (b) From Centre, Ala., over U.S. Highway 411 to Gadsden, Ala., thence over U.S. Highway 278 to Cullman, Ala., thence over Interstate Highway 65 to its junction with Alabama State Highway 67, thence over Alabama State Highway 67 to its junction with U.S. Highway Alternate 72, at or near Decatur, Ala., thence over U.S. Highway Alternate 72 to its junction with U.S. Highway 72, thence over U.S. Highway 72 to Florence, Ala., and return over the same route.

(6) Between Centre, Ala., and Huntsville, Ala.: (a) From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278 at or near Gadsden, Ala., thence over U.S. Highway 278 to its junction with Interstate Highway 65 at or near Cullman, Ala., thence over Interstate Highway 65 to its junction with U.S. Highway Alternate 72, thence over U.S. Highway Alternate 72 to Huntsville, Ala., and return over the same route, (b) From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278 at or near Gadsden, Ala.,

thence over U.S. Highway 278 to its junction with U.S. Highway 231, thence over U.S. Highway 231 to Huntsville, and return over the same route; (7) Between Centre, Ala., and Selma, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with Alabama State Highway 119 at or near Leeds, Ala., thence over Alabama State Highway 119 to its junction with Alabama State Highway 25 at or near Montevallo, Ala., thence over Alabama State Highway 25 to its junction with Alabama State Highway 139, thence over Alabama State Highway 139 to its junction with Alabama State Highway 22 at or near Maplesville, Ala., thence over Alabama State Highway 22 to Selma, Ala., and return over the same route; (8) Between Centre, Ala., and Marion, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with Alabama State Highway 119 at or near Leeds, Ala., thence over Alabama State Highway 119 to its junction with Alabama State Highway 25 at or near Montevallo, Ala., thence over Alabama State Highway 25 to its junction with Alabama State Highway 5, at or near Centreville, Ala., thence over Alabama State Highway 5 to Marion, Ala., and return over the same route;

(9) Between Centre, Ala., and Cuba, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278 at or near Gadsden, Ala., thence over U.S. Highway 11 and/or Interstate Highway 59 to Cuba, Ala., and return over the same route. In conjunction with Route 1, above, service is authorized to and from all points in the commercial zone of Atlanta, Ga., and in conjunction with Routes 2–9 above, service is authorized to all intermediate points and all off-route points in Alabama on and north of U.S. Highway 80 in the transportation of traffic moving to, from, or through Centre, Ala.; (10) Between Birmingham, Ala., and Huntsville, Ala., as an alternate route for operating convenience only, serving Birmingham and Huntsville for purposes of joinder: From Birmingham over Interstate Highway 65 to junction thereof with U.S. Highway Alternate 72, thence over U.S. Highway Alternate 72 to Huntsville, Ala., and return over the same route, for 180 days.

NOTE.—Applicant seeks authority to tack Routes 2–9 above, inclusively with Route 1 at Centre, Ala. Applicant also seeks authority to tack Routes 2, 3 (a) and (b), 7, 8, and 9 with its existing regular route authority at common service points. Applicant seeks authority to serve the Commercial Zone of Atlanta, Ga., and authority to tack and interchange with existing carriers at Atlanta, Ga.; Birmingham, Gadsden, Florence, Montgomery, Selma, Demopolis, and Tuscaloosa, Ala.; and Jackson, Meridian, and Vicksburg, Miss. Supporting shippers: There are approximately 202 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 103490 (Sub-No. 70TA), filed November 18, 1974. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro chemicals), in bulk, in tank vehicles, from points in New Haven County, Conn., to points in Westchester, Putnam, and Dutchess Counties, N.Y., for 180 days. Supporting shipper: Gulf Oil Company-U.S., J. R. Millikan, Suprv. Fleet/Traffic, City Avenue at Schuylkill Expressway, Philadelphia, Pa. 19101. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 103993 (Sub-No. 841TA), filed November 13, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Portable bleachers, mounted on wheeled undercarriages, from points in St. Joseph County, Mich., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Herbert Jennings, Inc., Box 308, Litchfield, Mich. 49252. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 842TA), filed November 13, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings and sections of buildings*, on undercarriages; (2) *equipment, materials, parts, and accessories* used in the erection and completion of buildings and sections of buildings (except commodities in bulk), from the plantsite of Diebold Contract Services, Inc., in Dona Ana County, N. Mex., to points in the United States on and west of the eastern boundaries of Minnesota, Wisconsin, Illinois, Missouri, Arkansas, and Louisiana; and (3) *equipment, materials, parts, and accessories* used in the erection and completion of buildings and sections of buildings (except commodities in bulk), from the destination territory named above, to the plantsite of Diebold Contract Service, Inc., in Dona Ana County, N. Mex., for 180 days. Supporting shipper: Diebold Contract Services, Inc., 12690 60th St. North, Clearwater, Fla. 33520. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 112520 (Sub-No. 294TA), filed November 12, 1974. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Tall oil fatty acids, terpinolene and disproportionated rosin soap*, in bulk, in tank vehicles, from Panama City, Fla., to Chicago, Ill., Addyston, Ohio, Mogadore, Ohio, East St. Louis, Ill., and Enoree, S.C., for 180 days. Supporting shipper: Arizona Chemical Company, Berdan Avenue, Wayne, N.J. 07470. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113823 (Sub-No. 222TA), filed November 15, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Williamsport, Md., to Riverton, Va., for 180 days. Supporting shipper: Allegheny Power Service Corporation, 1310 Fairmont Avenue, Fairmont, W. Va. 26554. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Room 317, Washington, D.C. 20423.

November 8, 1974. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, Ill. 60174. Applicant's representatives: Irving R. Segal, 1719 Packard Building, Philadelphia, Pa. 19102, and S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Arizona, to points in Arizona, traversing the following named routes for operating convenience: (1) Utah, (a) U.S. Highway 89 between Arizona-Utah border (N. of Page, Ariz.) and Jct. Utah Highway 15 at Mt. Carmel Jct., Utah; (b) U.S. Highway 89 Alt. between Arizona-Utah border (N. of Fredonia, Ariz.) and Jct. U.S. Highway 89 at Kanab, Utah; (c) Utah Highway 15 between Jct. U.S. Highway 89 (at Mt. Carmel), Utah) and Jct. 115 (N. of St. George, Utah); (d) Utah Highway 59 between Arizona-Utah border (W. of Fredonia, Ariz.) and Jct. Utah Highway 15 at Hurricane, Utah; (e) 115 (N. of St. George, Utah) from Jct. Utah Highway 15 (N. of St. George, Utah) and to Arizona-Utah border; (f) U.S. Highway 91 between Jct. 115 (E. of St. George, Utah)

and Arizona-Utah border (N. of Beaver Dam, Ariz.); and (g) Unnamed Utah road between Jct. 115 and Arizona-Utah border (N. of Wolf Hole, Ariz.); (2) California, U.S. Highway 60, 110 between Blythe, Calif., and the Arizona-California border; and (3) New Mexico, (a) Portion of reservation road connection Luckachukai and Ft. Definance, N. Mex. which runs just inside the Western border of New Mexico (N.W. of Gallup, N. Mex.); (b) U.S. Highway 80 between Arizona-New Mexico border (N.E. of Douglas, Ariz.) and Jct. 110 (W. of Lordsburg, N. Mex.); and (c) 110 between Arizona-New Mexico border and Jct. U.S. Highway 80 (W. of Lordsburg, N. Mex.), for 180 days. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Applicant holds intrastate authority from the Arizona Corporation Commission authorizing service between all points in Arizona. This application is being filed for operating convenience, and to permit service to Littlefield, Ariz., which can only be reached by routes outside of Arizona. Applicant does not intend to tack the authority here applied for to another authority held by it, or to interline with other carriers. Supporting shippers: There are approximately 132 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: William 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 115730 (Sub-No. 2TA), filed November 14, 1974. Applicant: THE MICKOW CORP., 1914 East Euclid, P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and solid waste*, from points in Iowa, to points in Illinois and points in Indiana within the Chicago, Ill., Commercial Zone, for 180 days. Supporting shipper: Beck Auto Parts, West Highway 44, Guthrie Center, Iowa 50115. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 116077 (Sub-No. 359TA), filed November 12, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper mash*, in bulk, in tank vehicles, from New Iberia, La., to points in Tennessee, for 180 days. Supporting shipper: Allen Estilette Pepper Co., Inc., P.O. Box 1387, New Iberia, La. 70560. Send protests to: District Supervisor John Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, Room 8610, Federal Building, Houston, Tex. 77002.

No. MC 116077 (Sub-No. 360TA), filed November 13, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur trioxide*, in bulk, in tank vehicles, from Houston, Tex., to Lockland, Ohio, for 180 days. Supporting shipper: Stauffer Chemical Company, Product Transportation, Westport, Conn. 06880. Send protests to: District Supervisor John Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, Room 8610, Federal Building, Houston, Tex. 77002.

No. MC 116645 (Sub-No. 18TA), filed November 13, 1974. Applicant: DAVIS TRANSPORT CO., a Corporation, P.O. Box 56, Gilcrest, Colo. 80623. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening*, consisting of a blend of animal and vegetable oils, in bulk, from Denver, Colo., and its commercial zone, to Albuquerque, N. Mex., for 180 days. Supporting shipper: Rust Sales Company, East 61st Avenue and Franklin Street, Denver, Colo. 80216. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 117119 (Sub-No. 517TA), filed November 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bags, from Minneapolis, Minn., to plantsite of Morton Foods Company at Russellville, Ark., for 180 days. Supporting shipper: Morton Frozen Foods Company, Warehousing & Distribution, P.O. Box 250, Russellville, Ark. 72801. Send protests to: William H. Land, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119632 (Sub-No. 60TA), filed November 18, 1974. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio. Applicant's representative: Michael L. Reed (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Medina, Ohio, to Owensboro, Ky., for 180 days. Supporting shipper: Menasha Corporation, 211 Commerce Street, Medina, Ohio 44256. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124078 (Sub-No. 623TA), filed November 13, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lima, Ohio, to Charles City and Waterloo, Iowa, for 180 days. Supporting shipper: Vistron Corporation, 313 Midland Building, Cleveland, Ohio 44115 (Leonard W. Petersen). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125518 (Sub-No. 7TA), filed November 7, 1974. Applicant: CLETUS RUHLMAN, doing business as C. RUHLMAN TRUCKING COMPANY, 265 South Riverside Drive, New Miami, Ohio 45012. Applicant's representative: Norbert B. Flick, Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump trucks, from gravel pits of American Materials Corporation at or near Harrison, Ohio, to Magaw Hot Mix Plant at or near Brookville, Ind., for 180 days. Supporting shipper: American Materials Corporation, Hamilton, Ohio 45012. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 128030 (Sub-No. 92TA), filed November 14, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, NOI, from Champaign, Ill., to points in Alabama, Arkansas, Delaware, Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Washington, D.C., and Wisconsin, for 180 days. Supporting shipper: Stanley H. Wallace, President, Agra-Labs, Inc., 716 S. Randolph St., Champaign, Ill. 61801. Send protests to: Robert G.

Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128555 (Sub-No. 6TA), filed November 12, 1974. Applicant: MEAT DISPATCH, INC., 2103 17th Street East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen), from Rochester, N.Y., to points in Georgia and Florida, for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178.

No. MC 128607 (Sub-No. 5TA), filed November 14, 1974. Applicant: BOYD TRUCKING CO., P.O. Box 577, Cottonwood, Calif. 96022. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pencil stock*, from the plant site of the Worden Division of Hudson Lumber Company at Worden, Oreg., to the plant site of Hudson Lumber Company at San Leandro, Calif., for 180 days. Supporting shipper: Hudson Lumber Company, San Leandro Boulevard at Hudson Lane, San Leandro, Calif. 94577. Send protests to: District Supervisor A. J. Rodriguez, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128607 (Sub-No. 6TA), filed November 14, 1974. Applicant: BOYD TRUCKING CO., P.O. Box 577, Cottonwood, Calif. 96022. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from the plant site of Kimberly Clark Corp. at Anderson, Calif., to the plant site of Weyerhaeuser Company approximately five miles west of Klamath Falls, Oreg., for 180 days. Supporting shipper, Kimberly Clark Corp., P.O. Box 697, Anderson, Calif. 96007. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, anS Farncisco, Calif. 94102.

No. MC 134022 (Sub-No. 12TA), filed November 15, 1974. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, P.O. Box 115, West Bend, Wis. 53095. Applicant's representative. Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* in less than truckload shipments, in peddle-type movements only, from the plant and warehouse sites of Kaukauna Dairy Products, Little Chute and Kaukauna (Town of Vinland), Wis., to Fargo, N. Dak.; Great Falls, Lewiston, Billings and Bozeman, Mont.; Spokane, Kennewick, Wenatchee, and Seattle, Wash.; Boise, Idaho; Eugene, Salem, Medford, and Portland, Oreg., and *return of damaged and rejected shipments* from above destinations, to points of origin, for 180 days Supporting shipper: Kaukauna Dairy Products, 211 E. Fourth Street, Kaukauna, Wis. (Matthew C. Zima, Traffic Manager) Send protests to: District Supervisor John E Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134806 (Sub-No. 29TA), filed November 12, 1974. Applicant: B–D–R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street, NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanned leather*, from Sheboygan, Wis., to Wilton, Maine, for 180 days. Supporting shipper: G. H. Bass & Co., Wilton, Maine 04294. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 134806 (Sub-No. 30TA), filed November 12, 1974. Applicant: B–D–R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints* (except in bulk), *supplies and machinery* for tanning leather, from points in Wisconsin and Illinois, to points in San Francisco, Alameda, Napa, Solano, San Mateo, and Santa Cruz Counties, Calif., for 180 days. Supporting shipper: West Coast Tanners Production Club, 1099 Quesada Avenue, San Francisco, Calif. 94124. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 135052 (Sub-No. 8TA), filed November 12, 1974. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool and bulk sealing cement*, from Greenfield, Ind., to Centralia, Ill., for 180 days. Supporting shipper: Insul-Coustic/Birma Corporation, 825 East Main Street, Greenfield, Ind. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 135556 (Sub-No. 5TA) (Correction), filed October 22, 1974, published in the FEDERAL REGISTER issue of November 11, 1974, and republished as corrected this issue. Applicant: RAYMOND R. CARPENTER AND JAMES E. CARPENTER, doing business as CARPENTER BROS. TRUCKING, Route #2, Box 2005, Bucyrus, Ohio 44820. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215.

NOTE.—The purpose of this republication is to change the phrase from "in trailers-on-flat-car service and having an immediate prior or subsequent movement by air" to "in trailers-on-flat-car service and having an immediate prior or subsequent movement by rail", which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 135913 (Sub-No. 6TA), filed November 13, 1974. Applicant: BREEN TRUCKING, INC., 8459 Church Road, Grosse Ile, Mich. 48138. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal castings*, from Waupaca, Wis., to Detroit, Mich., under a continuing contract with Lillibridge Manufacturing, Inc., for 180 days. Supporting shipper: Lillibridge Manufacturing, Inc., Ben McVeigh, Vice President, 6911 E. Lafayette, Detroit, Mich. 48207. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 136211 (Sub-No. 26TA), filed November 13, 1974. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: T. M. Brown, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furnishings, and appliances* between Nashville, Tenn., on the one hand, and, on the other, points in that part of Kentucky on and within a line beginning at the junction of the Kentucky-Tennessee state border and Kentucky Highway 139, thence along Kentucky Highway 139 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 31–E, thence along U.S. Highway 31–E to junction with the Kentucky-Tennessee border, thence along the Kentucky-Tennessee border to point of beginning, for 180 days. Supporting shipper: Morris Furniture Stores, 7119 Centennial Blvd., Nashville, Tenn. 37209. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 136553 (Sub-No. 28TA), filed November 13, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Dry fertilizer and dry fertilizer materials*, from Marshall, Minn., to points in Iowa, Illinois, Wisconsin, Nebraska, and South Dakota, and (b) *Agricultural limestone*, from Gilmore City, Iowa, and Irene, S. Dak., to Marshall, Minn., for 180 days. Supporting shipper: Soil Chem, Inc., 311 East College Drive, Marshall, Minn. 56258. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139584 (Sub-No. 3 TA), filed November 14, 1974. Applicant: John Busch, Box 211, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, commodities contaminating to other lading, Class A and B explosives, and commodities requiring special equipment), from the facilities of Northeastern Pennsylvania Shipper's Cooperative Association, Inc., at Wilkes-Barre, Pa., and Horseheads, N.Y., to its distribution centers at Chicago, Ill.; St. Louis, Mo.; Dallas and Houston, Tex.; Los Angeles and San Francisco, Calif.; Portland, Oreg.; Seattle, Wash.; Salt Lake City, Utah; Detroit, Mich.; and Atlanta, Ga., for 150 days. Supporting shipper: Northeastern Pennsylvania Shippers Cooperative Association, Inc., P.O. Box 1034, Wilkes-Barre, Pa. 18703. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 140057 (Sub-No. 3TA), filed November 12, 1974. Applicant: R. L. BERTOLINO REFRIGERATED TRUCKS, INC., 404 South 24th Street, Billings, Mont. 59101. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses*, from Spokane, Wash., to points in Oregon, for 180 days. Supporting shipper: Hygrade Food Products Corporation, 707 North Regal Street, P.O. Box 2567 Terminal Annex, Spokane, Wash. 97220. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 140183 (Sub-No. 1TA), filed November 14, 1974. Applicant: PETER H. ENSMINGER, doing business as E'S TRANSPORT COMPANY, 10211 Kessler, Overland Park, Kans. 66212. Applicant's representative: Peter H. Ensminger (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed motor vehicles* in driveaway service, between points in Kansas and Missouri, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: General Motors Acceptance Corporation, P.O. Box 8557, Kansas City, Mo. 64114. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140284 (Sub-No. 2TA), filed November 13, 1974. Applicant: JOSEPH D. HANNAH, doing business as HANNAH TRUCKING, 35 Rathburn Street, West Asheville, N.C. 28806. Applicant's representative: W. C. Mauldin, 417 Old Post Road, Cherryville, N.C. 28021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Junked and/or scrap automobiles* for reclamation of raw materials, from Haywood County, N.C., to Knoxville, Tenn., for 180 days. Supporting shipper: Schulhofer's Inc., Howell Mi Road, Waynesville, N.C. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 140340 (Sub-No. 1TA), filed November 14, 1974. Applicant: GARY V. DIXON, doing business as DIXON MOTOR FREIGHT, Old Egg Harbor Road, Lindenwold, N.J. 08021. Applicant's representative: Gary V. Dixon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crackling bone meal (inedible)*, in bulk, in van trailers equipped with roof hatches, from Philadelphia, Pa., to Fayetteville, N.C., for 180 days. Supporting shipper: Cross Brothers Meat Packers, Inc., 3600 N. Front Street, Philadelphia, Pa. 19140. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

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

[FR Doc.74-27947 Filed 11-27-74;8:45 am]

federal register

FRIDAY, NOVEMBER 29, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 231

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

CONDITIONS OF PARTICIPATION- HOSPITALS AND NURSING FACILITIES

Utilization Review

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Utilization Review; Conditions of Participation

On January 9, 1974, there was published in the FEDERAL REGISTER (39 FR 1447) a notice of proposed rule making which set forth proposed amendments to regulations relating to utilization review procedures for hospitals and skilled nursing facilities, as conditions for participation in the Medicare program. These proposed amendments were issued pursuant to the provisions of section 1861(k) of the Social Security Act (42 U.S.C. 1395x(k)), as amended by section 237(c) of the Social Security Amendments of 1972 (Pub. L. 92–603). Section 237(c) added authority under which the Secretary may require the use in the Medicare program (title XVIII of the Social Security Act) of utilization review procedures established pursuant to the Medicaid program (title XIX of the Social Security Act), if he determines that such procedures are superior in their effectiveness to the utilization review procedures of the Medicare program. Interested parties were given the opportunity to submit within 30 days data, views, or arguments on the proposed amendments. The comment period was extended by the Secretary for an additional 30 days to March 11, 1974, and notice of this extension appeared in the FEDERAL REGISTER of February 8, 1974.

Final regulations which amend the regulations of the Social and Rehabilitation Service dealing with the utilization review requirements of State plans under the Medicaid program are being published in this edition of the FEDERAL REGISTER. The amendments to the Social and Rehabilitation Service regulations, in part, implement section 1903(g)(1)(C) of the Act, as added by section 207 of Pub. L. 92–603, by requiring States to have in operation an effective program of control over utilization of hospital, mental hospital, skilled nursing facility, and intermediate care facility services, utilizing procedures for concurrent review of the necessity for hospital admission and continued stay of each patient, and retrospective review of the quality and nature of utilization of services in such institutions. Since many providers of services participating in the Medicare program also participate in the Medicaid program, it would generally be inefficient to have differing utilization review requirements applicable to the same facility under each program, especially when compliance with such requirements is a responsibility of the same State agency (in accordance with section 1864 and 1902(a)(9) of the Act (42 U.S.C. 1395aa and 1396a(a)(9)), as amended by section 239 of Pub. L. 92–603).

Pursuant to the Secretary's authority under section 1861(k) of the Social Security Act as added by section 237(c) of Pub. L. 92–603, he has determined that the Medicaid program requirements for: review of all hospital admissions; review of extended hospital stays; composition of the committee or group responsible for utilization review in hospitals and skilled nursing facilities; and the requirement for completion of at least one medical care evaluation study each year in hospitals and skilled nursing facilities, included in the Social and Rehabilitation Service regulations published on this date in this edition of the FEDERAL REGISTER, are superior to the requirements otherwise applicable under section 1861(k) of the Act. Accordingly, these requirements are incorporated as utilization review requirements of the Medicare program.

Other amendments concerning the hospital and skilled nursing facility written plan of utilization review and medical care evaluation studies are set forth by the Secretary under authority of section 1861(k) of the Act. These regulations further set forth the authority of the Secretary to use section 237(c) of Pub. L. 92–603 by providing that, if the Secretary determines that alternative procedures established under a State plan pursuant to title XIX of the Act are superior in effectiveness to the utilization review requirements under title XVIII of the Act, some or all of such procedures may, at the option of the Secretary, be required in hospitals and skilled nursing facilities in that State. The title XIX waivers authorized by 45 CFR 250.19(b) may be granted initially for a period of at least 12 months, but no more than 24 months, from the effective date of these regulations. During this period, title XIX systems which receive waivers shall not be used under title XVIII except where the waivered title XIX system is a PSRO. This time will be used to gather operating experience and data on the effectiveness of the procedures specified by these regulations. Subsequent granting of waivers for the continued operations of an alternative review system established under a State plan pursuant to title XIX of the Act may be sought at the end of that initial period, and shall be made only after a careful review of effectiveness in relation to the procedures specified in this regulation.

Slightly over 1,000 comments were received from many sources (including representatives of national, State and local organizations) concerned with quality assurance of medical care and the appropriate utilization of health care resources. All of the comments received on the proposed regulations have been carefully considered. Specific comments covered the following concerns:

1. *Preadmission certification by the utilization review committee is cumbersome, expensive, and a poor use of limited physician resources.* Requirements for preadmission certification of hospital admissions by the utilization review committee have been deleted. In response to comments received, and pursuant to section 237(c) of P.L. 92–603, a review system for hospitals has been substituted which provides for the inclusion of nonphysician professional personnel in the review committee or group and which allows, where possible, use of such support personnel under the direction of physicians. The review system required by these amendments is based on the concept that the medical profession should assume greater responsibility for high quality medical care and the necessity and appropriateness of care in hospitals and skilled nursing facilities. These regulations require the group or committee responsible for the hospital's utilization review to review elective and emergency admissions within one day following admission, using criteria it has developed, to determine whether the admission is medically necessary. If approved by the group or committee, the case will be assigned an extended stay review date. Prior to or at the time assigned for extended stay review, the group or committee will determine, using criteria it has developed, whether further stay in the hospital is medically necessary. The methods and procedures for using criteria (and, where available, norms) to screen admissions and cases of extended stay must be described in the hospital's written plan of utilization review. Procedures are also set forth for reviewing the quality of care on a retrospective basis by means of medical care evaluation studies. The regulations, in addition, provide, under authority of section 237(c) of Pub. L. 92–603, that the hospital will complete at least one such study each year. These amendments do not preclude a hospital from employing preadmission review of elective admissions, but where such a system of review is used, the regulations require that it be used at least for those categories of elective admissions which produce unusually high costs, or which have been found by the group or committee to be of questionable necessity, or admissions which have been proposed by physicians whose patterns of care have been found to be questionable.

2. *Allowing each institution to apply its own norms for length of stay would permit an inefficient hospital to continue its practices.* The regulations have been revised to provide for use of available regional norms selected by the hospital utilization review committee in determining extended stay review points. Such norms, and the methods for their use, must be included in the hospital's written plan of utilization review.

3. *For title XVIII purposes, hospitals should not be required, in every instance, to use all procedures specified in a waivered title XIX review plan.* Where a State utilization review system, established pursuant to title XIX, is granted a waiver from the otherwise applicable utilization review requirements under title XIX, the regulations set forth herein would not require that they be utilized by hospitals and skilled nursing facilities in that State for title XVIII beneficiaries in all instances. When a waiver of title XVIII

review procedures is granted to a State, in accordance with 45 CFR 250.19(b), a determination will be made in each case by the Secretary as to the applicability of those procedures to title XVIII beneficiaries in the State. Further, the Secretary would publish regulations, initially under notice of proposed rule making with appropriate opportunity for public comment, which set forth the applicability of such waivered procedures to title XVIII beneficiaries in each case where a waiver is granted to a State. In the process of rule making, the Secretary will consider the desirability of having uniform utilization review requirements under title XVIII and title XIX in any given State.

4. *Regulations interfere with PSRO formulation and the development of an effective review program.* The evolution of the Professional Standards Review Organization program pursuant to title XI, Part B of the Act, added by section 249F of Pub. L. 92–603, has been carefully considered in developing these regulations. In developing final regulations to use the authority of and to implement section 237(c) of Pub. L. 92–603, care has been taken to assure that these regulations are supportive of the implementation of the PSRO program and consistent with approaches to be employed for PSRO review of hospital and skilled nursing facility care. Accordingly, these amendments provide that utilization review in hospitals shall employ a system of concurrent review and medical care evaluation studies compatible with that to be used in the PSRO program. The PSRO law provides for PSRO's to rely on the review activities of hospital utilization review committees which the PSRO determines are functioning effectively. Effective operation of the hospital review system required under these regulations should facilitate the development and establishment of PSRO's and enable PSRO's to concentrate their efforts on relatively smaller areas of questionable professional activity.

5. *Professional personnel employed by an institution should not be excluded from utilization review committees.* The prohibition against professional personnel employed by a hospital serving on the hospital's utilization review committee has been eliminated as a result of section 18(v) of Pub. L. 93–233, which amended the title XIX requirements in section 1903(g)(1)(C) pertaining to the composition of the utilization review committee that are being incorporated into the title XVIII regulations by these amendments However, the regulations retain the prohibition against professional personnel employed by a skilled nursing facility performing utilization review in skilled nursing facilities since section 18(v) of Pub. L. 93–233 did not eliminate this prohibition.

6. *Regulations impose too great a burden on physicians' time to the detriment of patient care.* The regulations have been revised to clarify that nonphysician personnel qualified to perform medical care review may assist physician members of the committee by doing much of the paperwork and performing other functions such as screening, using physician-developed criteria. Physician participation in the utilization review process could thereby concentrate on matters requring professional medical judgment.

The regulations pertaining to skilled nursing facilities do not adopt the procedures set forth in the proposed regulations published January 9, 1974, for the review of each admission by the utilization review group or committee before, or in the case of an individual admitted within 14 days of discharge from a hospital, no later than one day after admission. Because of concerns voiced over the burden such a requirement would impose on skilled nursing facilities which, unlike hospitals, do not have organized medical staffs, alternative requirements for review of admissions are under consideration. In view of the nature of such alternatives, it will be necessary to prepare additional regulations for republication under notice of proposed rule making, with opportunity for interested persons to comment.

The attached regulations, however, amend the requirements with respect to review of extended stay cases in skilled nursing facilities to provide that, with certain exceptions, the initial extended stay review occurs at a point no later than 30 days after admission. Under the proposed regulations, such reviews would have been required, generally, not later than 21 days after admission, but the period was changed in order to be more in line with existing patterns of care in skilled nursing facilities.

The amendments as announced under the notice of proposed rule making (39 FR 1447) are therefore adopted, with the noted changes. In addition, some parts of the regulations have been redrafted for clarification purposes, in line with the comments received.

(Secs. 1102, 1861(k), and 1871, 49 Stat. 647, as amended; 79 Stat. 331, as amended; 86 Stat. 1421; 42 U.S.C. 1302, 1395x(k), and 1395hh)

Effective date. These amendments shall be effective on February 1, 1975, except that for good cause shown, the Secretary may grant an additional reasonable period of time for hospitals to develop the criteria specified in § 405.1035 (e)(6) or for a skilled nursing facility to develop the criteria specified in § 405.-1137(d)(2).

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance)

Dated: November 20, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 25, 1974.

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

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below:

1. Section 405.1035 is amended by revising paragraphs (a), (b), (d)(4) and (5), (e), (f), and (g), and adding paragraphs (j) and (k) to read as follows:

§ 405.1035 Condition of participation—utilization review plan.

(a) *Condition.* The hospital has in effect a plan for utilization review which applies to the services furnished by the hospital to inpatients who are entitled to benefits under the program. A hospital's utilization review plan must provide at least for the timely review of the medical necessity of admissions, extended duration stays, and professional services rendered, and has as its objectives both high quality patient care and effective and efficient utilization of available health facilities and services.

(b) [Amended]

In paragraph (b) the word "should" is changed to "shall" each place it occurs.

* * * * *

(d) *Standard: Written description of plan.*

* * * * *

(4) The method to be used in selecting categories of admissions to be subjected to closer professional scrutiny pursuant to paragraph (f)(3) of this section and methods for selection and conduct of medical care evaluation studies;

(5) The methods and criteria (including norms where available) to be used to assign initial extended stay review dates pursuant to paragraph (f)(6) of this section and used to assign or select subsequent dates for continued stay review.

(e) *Standard: Performance of function; general.* (1) The utilization review function is performed by a staff committee of the hospital composed of two or more physicians with participation of other professional personnel, or by a group outside the hospital which is similarly composed and which is established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or by a group established and organized in a manner approved by the Secretary that is capable of performing such function.

(2) The medical care evaluation studies and educational duties of the review program, and the review of admissions and long-stay cases need not be carried out by the same group or committee; and they need not be performed by a specially established group. In smaller hospitals, all of these functions may be carried out by a committee of the whole or a medical care appraisal committee with other duties as well.

(3) The committee or group is broadly representative of the medical staff. However, the committee's or group's reviews may not be conducted by any person who is financially interested in any hospital or by any person who was professionally involved in the care of the patient whose case is being reviewed.

(4) A final determination of the committee or group that an admission or continued stay is not medically necessary is made by at least two physician members of the committee or group, except that the final determination may be made by one physician member where

the attending physician, when given an opportunity to present his views pursuant to paragraph (f)(5) or (g)(2) of this section, does not do so, or does not contest the finding that the admission or continued stay is not medically necessary. (See § 405.162 regarding the restriction on payment after an adverse decision by the committee or group.)

(5) Procedures are also established for providing sufficient information to the committee or group to carry out the reviews required by paragraph (f) and (g) of this section. These procedures provide that required information be obtained from medical or other hospital records, and require that the patient's physician provide additional information where necessary.

(6)(i) The physician members of the committee or group, in accordance with guidelines established by the Secretary, select or develop written criteria and standards for reviewing the necessity for admissions and continued stays and conducting medical care evaluation studies. For purposes of this section, medical care criteria are defined as predetermined elements against which aspects of the quality of a medical service may be compared. Standards are defined as professionally developed expressions of the range of acceptable variations from a norm or criterion. Norms are defined as numerical or statistical measures of usually observed performance. More extensive written criteria and standards are applied in the review of admissions and continued stays (as required by paragraphs (f)(3) and (g)(1) of this section) which the committee's or group's experience indicates are associated with high costs or frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable.

(ii) The Secretary may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a hospital to select or develop the written criteria and standards required by this paragraph: (A) where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and (B) where the committee or group establishes a timetable for meeting the requirements which is acceptable to the Secretary.

(7) In addition to the review of individual cases specified in paragraphs (f)(1), (f)(3), and (g)(1) of this section, the committee or group analyzes its findings and takes appropriate action to correct or further investigate any deficiencies that are identified in the process of reviewing admissions and cases of extended duration, and to recommend more effective hospital care procedures. Possible actions might include performing special medical care evaluation studies; undertaking review and revision of the hospital's discharge planning program, where appropriate; and coordinating utilization review with other hospital staff activities.

(f) *Standard: Admission review.* (1) Elective and emergency admissions are reviewed within one working day following admission by a physician member, or by a qualified nonphysician representative of the committee or group responsible for conducting utilization review, who is appropriately trained and otherwise qualified to perform the assigned review functions, using criteria as specified in paragraph (e)(6) of this section, and based on the following information:

(i) Identification of the individual (patient), by appropriate means to assure confidentiality, and identification of the attending physician;

(ii) The date of admission, and where appropriate, date of application for and authorization of title XVIII benefits, if later than the date of admission;

(iii) The diagnosis or symptom(s) indicating the need for the admission;

(iv) The physician's plan of treatment;

(v) Where appropriate, date of operating room reservation;

(vi) Other supporting material (e.g., recent test findings, recent case history, schedule of tests planned, etc.) the group or committee may deem appropriate; and

(vii) In the case of emergency admissions, the justification for such admission.

(2) Where the review pursuant to paragraph (f)(1) of this section indicates that an admission meets the criteria specified in paragraph (e)(6) of this section and falls into a category which the group or committee can demonstrate, based on its experience, is not associated with unnecessary admissions or frequent furnishing of unnecessary services, the admission may be assigned an extended stay review date pursuant to paragraph (f)(6) of this section without further review.

(3) The system of review of admissions by the committee or group provides for closer professional scrutiny, using criteria as provided for in paragraph (e)(6) of this section, of cases involving diagnoses or treatments that are associated with unusually high costs or the frequent furnishing of excessive services, and cases attended by physicians whose patterns of care are frequently found to be questionable, such cases being identified as a result of a medical care evaluation study or the analysis of review findings pursuant to paragraph (e)(7) of this section or other appropriate data. Where the hospital employs preadmission review, it shall be utilized, at least, for those categories of elective admissions which produce unusually high costs, or which have frequently been found to be of questionable necessity, or which have been proposed by physicians whose patterns of care have been found questionable.

(4) If the admission is approved, the committee or group, or its representative, assigns the case an appropriate extended stay review date, as provided in paragraph (f)(6) of this section.

(5) If the committee or group, or its nonphysician representative, where a physician member concurs, has reason to believe that the admission was not medically necessary, the committee or group shall so notify the individual's attending physician and afford him an opportunity to present his views before it makes a final determination. If the final determination of the committee or group is that medical necessity for the admission has not been shown, the committee or group shall give written notification to the hospital, the individual (or, where appropriate, his next of kin), and his attending physician no later than two working days following admission. (Written notice may be preceded by oral notification.) If an elective admission is subject to preadmission review, notification of the final determination to the institution, the individual, and the attending physician shall take place prior to admission.

(6) An initial extended stay review date is assigned to each admission based on the individual's condition and the date by which there is a reasonable likelihood that the patient can be discharged, using criteria developed by the committee or group pursuant to paragraph (e)(6) of this section. Where available, appropriate norms selected by the committee or group from regional norms, such as those developed by abstracting services or third party payors, in accordance with guidelines established by the Secretary, are used to assign the extended stay review date. The regional norms must be based on current and statistically valid data on duration of stays in hospitals for patients whose characteristics (e.g., age, diagnosis, etc.) are similar to those of the individual. Where norms are used, the initial extended stay review date is based on the 50th percentile of such norms except where the committee or group can demonstrate that another review date is more appropriate. With respect to individuals admitted to psychiatric hospitals, the initial extended stay review date is in no case later than 30 days after admission.

(7) The committee or group establishes procedures for identifying, and where appropriate, modifying the initially approved length of stay because of a change in the patient's condition or a change in the treatment schedule.

(g) *Standard: Extended stay review.* (1) Prior to or on the date assigned for extended stay review, the committee or group responsible for conducting utilization review makes a finding as to whether further stay in the hospital by the individual is medically necessary. Such review is based on the attending physician's reasons for and plan for continued stay, and such other documentation as the committee or group considers necessary. For purposes of such review, cases may be screened by a qualified nonphysician representative of the committee or group who uses appropriate criteria established pursuant to paragraph (e)(6) of this section, provided that those cases in which further stay does not appear medically necessary according to such criteria are referred to a

physician member of the committee or group for further review. If the individual's further stay is determined to be medically necessary, the duration of the further stay shall be certified for an appropriate period of time based on criteria established by the committee or group. Before the expiration of the new period, the case must be reviewed again in like manner, with such reviews being repeated as long as the stay continues beyond the scheduled review dates and notice has not been given pursuant to paragraph (g)(2) of this section.

(2) If the committee or group, or its nonphysician representative, where a physician member concurs, has reason to believe that further stay is not medically necessary, the committee or group shall so notify the individual's attending physician and afford him an opportunity to present his views before it makes a final determination. If the final determination of the committee or group is that further stay in the hospital is not medically necessary, written notice of such finding is given to the hospital, the attending physician, and the individual (or, where appropriate, his next of kin) not later than two days after such determination is made and, in no event, later than two working days after the end of the certified period.

* * * * *

(j) *Standard: Medical care evaluation studies.* Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and sugest possible changes for maintaining consistently high quality patient care and effective and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility, and the community. Studies on a sample or other basis must include, but need not be limited to: admissions, durations of stay, ancillary services furnished (including drugs and biologicals), and professional services performed on the hospital premises. At least one study must be in progress at any given time, and at least one study must be completed each year. The study will be accomplished by considering and analyzing data obtained from any one or a combination of the following sources:

(1) Medical records or other appropriate hospital data;

(2) External organizations which compile statistics, design profiles, and produce other comparative data; and

(3) By cooperative endeavor with the PSRO, fiscal intermediary(ies), providers of services, or other appropriate agencies.

The group or committee shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(k) *Standard: Applicability under title XVIII of utilization review requirements approved under title XIX.* Notwithstanding the preceding paragraphs of this section, if the Secretary determines that the utilization review procedures established by a State pursuant to title XIX of the Social Security Act are superior in their effectiveness to the procedures required under this section, any provision of the State plan for which the waiver of the requirements set forth in this section for utilization review in hospitals is granted shall, to the extent deemed appropriate by the Secretary, be utilized by hospitals in that State, instead of the procedures specified in this section.

2. Section 405.1137 is amended by deleting the last sentence of the introductory material, by revising paragraphs (a), (b), (c), (d), and (e), and by adding a new paragraph (i) to read as follows:

§ 405.1137 Condition of participation—utilization review.

The skilled nursing facility carries out utilization review of the services provided in the facility at least to inpatients who are entitled to benefits under the program(s). Utilization review has as its overall objectives both the maintenance of high quality patient care and assurance of appropriate and efficient utilization of facility services. There are two elements to utilization review: medical care evaluation studies that identify and examine patterns of care provided in the facility, and review of extended duration cases which is concerned with efficiency, appropriateness, and cost effectiveness of care.

(a) *Standard: Written plan of utilization review activity.* The skilled nursing facility has a currently applicable written description of its utilization review plan. Such description includes:

(1) The organization and composition of the committee or group which will be responsible for the utilization review function;

(2) Frequency of meetings;

(3) The type of records to be kept;

(4) The methods and criteria (including norms where available) to be used to define periods of continuous extended duration and to assign or select subsequent dates for continued stay review;

(5) Methods for selection and conduct of medical care evaluation studies;

(6) The relationship of the utilization review plan to claims administration by a third party;

(7) Arrangements for committee reports and their dissemination;

(8) Responsibilities of the skilled nursing facility's administrative staff.

(b) *Standard: Composition and organization of utilization review committee.* (1) The utilization review function is conducted by a staff committee of the skilled nursing facility composed of two or more physicians, with participation of other professional personnel, or by a group outside the facility which is similarly composed and which is established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or by a group established and organized in a manner approved by the Secretary that is capable of performing such function.

(2) The medical care evaluation studies, as described in paragraph (c) of this section, and educational duties of the review program, and the review of admissions and long-stay cases need not be performed by the same committee or group and they need not be performed by a specially established group.

(3) Review by the committee or group may not be conducted by any person who is employed by or who is financially interested in any skilled nursing facility or by any person who was professionally involved in the care of the patient whose case is being reviewed.

(c) *Standard: Medical care evaluation studies.* Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and suggest, where appropriate, possible changes for maintaining consistently high quality patient care and effective and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility and the community. Studies on a sample or other basis include, but need not be limited to: admissions, durations of stay, ancillary services furnished (including drugs and biologicals), and professional services performed on facility premises. At least one study must be in progress at any given time, and at least one study must be completed each year. The study will be accomplished by considering and analyzing data obtained from any one or a combination of the following sources:

(1) Medical records or other appropriate data;

(2) External organizations which compile statistics, design profiles, and produce other comparative data; and

(3) By cooperative endeavor with the PSRO, fiscal intermediary(ies), providers of services, or appropriate agencies.

The committee or group shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(d) *Standard: Extended stay review.* (1) Periodic review is made of each current inpatient skilled nursing facility beneficiary case of continuous extended duration, the length of which is defined in the utilization review plan, to determine whether further inpatient stay is necessary. The plan may specify a differ-

ent number of days for different diagnostic classes of cases, or may use the same number of days for all cases. In any event the period(s) specified bears a reasonable relationship to current average length-of-stay statistics and does not exceed 30 days after admission. An exception to this 30-day limit may be made where the extended stay review date is based on:

(i) The average, or some other appropriate point (e.g., median) of current length of stay data for diagnostic classes of cases selected by the committee or group in accordance with guidelines established by the Secretary, when the average (or other length of stay review point) for the individual's specific diagnostic class or category, based on functional capability, exceeds 30 days; or

(ii) a period, established pursuant to section 1814(h)(1) of the Act, which exceeds 30 days.

(2) The initial extended stay review takes place prior to or at the end of the period of extended duration specified pursuant to paragraph (d)(1) of this section. The review is based on the attending physician's reasons for and plan for continued stay and any other documentation the committee or group deems appropriate. Cases may be screened by a qualified nonphysician representative of the committee or group who uses criteria established by the physician members of the committee, provided that cases are referred to a physician member for further review when it appears that the patient no longer requires further inpatient care. Where the committee or group selects a nonphysician representative to screen extended stay review cases, it will select an individual with experience in such screening or appropriate training in the application of the screening criteria used, or both. The Secretary may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a skilled nursing facility to select or develop the written criteria and standards required by this paragraph: (i) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and (ii) where the committee or group establishes a timetable for meeting the requirements which is acceptable to the Secretary.

(3) Where a finding is made that the individual continues to need inpatient skilled nursing care, an additional stay is approved for a period the committee or group deems appropriate, provided that reviews are made at least every 30 days for the first 90 days and at least every 90 days thereafter. Before the expiration of each new period, the case must be reviewed again in like manner, with such reviews being repeated as long as the stay continues beyond the scheduled review dates and notice has not been given pursuant to paragraph (e) of this section.

(e) *Standards: Admission or further stay not medically necessary.* (1) A final determination of the committee or group that an admission or continued stay is not medically necessary is made by at least two physician members of the committee or group, except that the final determination may be made by one physician member where the attending physician, when given an opportunity to express his views, does not do so, or does not contest the finding that the admission or continued stay is not medically necessary. (See § 405.166 regarding the restriction on payment after an adverse decision by the committee or group.)

(2) If the committee or group, or its nonphysician representative where a physician member concurs, has reason to believe from the review of an admission or an extended duration case or a case reviewed as part of a medical care evaluation study that further stay is no longer medically necessary (or that admissions were not medically necessary), the committee or group shall notify the individual's attending physician and afford him an opportunity to present his views before it makes a final determination. If the final determination of the committee or group is that further stay is no longer medically necessary, written notification of the finding is given to the facility, the attending physician, and the individual (or where appropriate, his next of kin) no later than two days after such final determination is made and, in no event in the case of an extended duration case, later than 3 working days after the end of the extended duration period specified pursuant to paragraph (d) of this section.

* * * * *

(i) *Standard: Applicability of utilization review requirements approved under title XIX.* Notwithstanding the preceding paragraphs of this section, if the Secretary determines that the utilization review procedures established by a State pursuant to title XIX of the Social Security Act are superior in their effectiveness to the procedures required under this section, any provision of the State plan for which the waiver of the requirements set forth in this section for utilization review in skilled nursing facilities is granted shall, to the extent deemed appropriate by the Secretary; be utilized by skilled nursing facilities in that State, instead of the procedures specified in this section.

[FR Doc.74-27936 Filed 11-27-74;8:45 am]

federal register

FRIDAY, NOVEMBER 29, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 231

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

MEDICAID

Utilization Control of Care and Services

Title 45—Public Welfare

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

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Utilization Review

Notice of proposed rulemaking was published on January 9, 1974, (39 FR 1500), to implement sections 207 (in part), 237(a) and 239(b) (in part) of Pub. L. 92-603 amending title XIX of the Social Security Act to provide for a reduction in Federal financial participation unless the State has an effective program of control over the utilization of institutional services; and requiring hospitals, mental hospitals and skilled nursing facilities to use the utilization review procedures required by section 1861(k) of the Social Security Act unless a waiver is granted by the Secretary. Interested parties were given the opportunity to submit within 30 days data, views, or arguments on the proposed amendments. The comment period was extended by the Secretary for an additional 30 days to March 11, 1974, and notice of this extension appeared in the FEDERAL REGISTER of February 8, 1974.

Over 4,700 comments were received from State health and welfare departments, consumer-oriented organizations, providers and provider organizations and other interested individuals. Specific comments covered the following concerns:

1. *Pre-admission certification by the utilization review committee is cumbersome, expensive and a poor use of limited physician resources.* Requirements for preadmission certification by the hospital utilization review committee have been deleted. Instead a concurrent review system which allows use of support personnel under the direction of physicians has been substituted. However, the utilization review committee may require review prior to admission for certain providers or categories of admission where experience indicates such review is warranted. Admission reviews in mental hospitals, skilled nursing facilities and intermediate care facilities are to be carried out by utilizing existing review mechanisms under medical review and independent professional review.

2. *Allowing each institution to apply its own norms for length of stay would permit an inefficient hospital to continue its practices.* The regulations have been revised to provide for use of regional norms where available selected by the hospital review committee. Such regional norms must be based on current and statistically valid data.

3. *Waiver provision disallows the broad scale application of variations that was intended by Congress.* Language has been modified to make it clear that the granting of waivers to the title XVIII utilization review requirements conforms to congressional intent. In addition provisions for periodic review and re-evaluation of waivers have been added. Initial waivers will be in effect for a period of at least 1 year but no longer than 2 years in order to allow for a 1 year period of time during which operational experience and data can be obtained on these revised utilization review regulations for titles XVIII and XIX and for a subsequent year during which to re-evaluate the State systems. State waivered systems will be reassessed against these new utilization review procedures at the end of the initial period based on the data obtained.

The criteria which will be used to evaluate initial waiver requests and to periodically reassess waivers include: effectiveness relative to the title XVIII utilization review procedures in operation at the time of the waiver request or reassessment; compatibility with the PSRO review system; presence of quality controls; capacity of the data system; operational status; and operational cost. During the period of an initial waiver, a State title XIX agency will have the opportunity to summit data concerning the effectiveness of the State system as compared to the new requirements established herein. If a waiver is not granted or is rescinded upon reassessment the State will have to assure that the requirements contained in § 250.19(a) are met. If a waiver is granted, the Secretary may then also require the use of the State Title XIX utilization review system for Title XVIII patients in that State to the extent he deems appropriate. Prior to applying the waivered procedures to title XVIII in any State, the Secretary will publish regulations, following the notice of proposed rulemaking procedures, which set forth the proposed applicability of such procedures to the title XVIII program. In the rulemaking process the Secretary will consider the desirability of having uniform utilization review requirements for the title XVIII and XIX programs in any State. States which have requested waivers for existing systems prior to the effective date of these regulations may continue to use such systems until a determination is made on such waiver requests.

4. *Regulations interfere with PSRO formulation and the development of an effective review program.* Utilization review requirements have been modified to conform to existing regulations and assure compatibility with the development of Professional Standards Review Organizations (PSRO). Legislation requires continuation of State utilization review activities pending assumption of full review responsibilities by PSROs.

5. *Physicians employed by an institution should not be excluded* from utilization review committees. Exclusion has been deleted with respect to hospitals in accordance with Pub. L. 93-233. However, the statutory exclusion remains for personnel performing utilization review in all other facilities.

6. *Notice of utilization review committee decision should be given to the patient as well as his physician.* Regulations have been revised to include notice to the individual, his next of kin or sponsor where possible, the facility administrator, and the single State agency.

7. *Creation of utilization review committees in ICFs is unnecessary.* Regulations have been modified to make it clear that utilization review in ICFs need not be performed through the use of committees and that the State may perform utilization review directly or through other methods provided for under its State plan. Comments also indicated that a quarterly utilization review in ICF's was too frequent because of the conditions of individuals in these facilities and the fact that utilization review is a new requirement for this level of care. Furthermore, many States hope to expand their Independent Professional Review to cover utilization review. Therefore, the requirement has been changed to provide for a review every 6 months.

8. *Regulations as written are confusing.* The regulations have been restructured to distinguish between the requirements for a utilization control program and utilization review in facilities and to distinguish between single State agency and facility requirements.

Other changes are as follows:

1. Responsibility for the utilization control program is now specifically delegated to the medical assistance unit of the single State agency.

2. A section providing for coordination of on-site inspections under medical review and independent professional review has been added to the medical review regulations.

3. Changes have been made in the medical review and independent professional review regulations to conform the plan of care requirements to those in § 250.18.

4. The regulations provide for a phase-in period to implement facility utilization review plans. Since section 207 of Pub. L. 92-603 is self-executing, validation surveys will be conducted during that phase-in period to monitor adherence to the requirements effective since July 1, 1973. Portions of the regulations contained in § 250.18 relate to regulations previously published; they are included here as parts of the utilization control program. States have had notice of these requirements and Federal validation surveys will also monitor whether these requirements are being met.

5. Changes have been made in § 249.10 (b) and 249.33 to reflect that where a waiver has been granted for a title XIX utilization review system, the utilization review requirements under title XVIII need not be met.

The review system required by these changes for hospitals, mental hospitals and skilled nursing facilities under section 1861(k) is based on the concept that the assurance of high quality medical care and the necessity and appropriateness of care in hospitals, mental hospitals and skilled nursing facilities can be accomplished through peer review activities. States are therefore required to assure that institutional committees

supervise the operation of a comprehensive utilization review system, compatible with the PSRO review system, and based upon (a) concurrent review of admissions in hospitals, (b) concurrent review of continued stays, and (c) medical care evaluation studies.

Accordingly, the proposed regulations, as modified, are adopted.

1. Section 249.10 of Part 249 of Title 45 is amended by revising paragraph (b)(1) and (b)(14)(i)(*a*) to read as follows:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * *

(b) *Federal financial participation.*

* * *

(1) *Inpatient hospital services (other than services in an institution for tuberculosis or mental diseases).* "Inpatient hospital services" are those items and services ordinarily furnished by the hospital for the care and treatment of inpatients provided under the direction of a physician or dentist in an institution maintained primarily for treatment and care of patients with disorders other than tuberculosis or mental diseases and which is licensed or formally approved as a hospital by an officially designated State standard-setting authority and is qualified to participate under title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation; and which has in effect a utilization review plan applicable to all patients who receive medical assistance under title XIX of the Act which meets the requirements of section 1861(k) of the Social Security Act unless a waiver has been granted by the Secretary.

* * * * *

(14) *Inpatient hospital services, skilled nursing facility services, and intermediate care facility services for individuals 65 years of age or over in an institution for tuberculosis or mental diseases.* For purposes of this subparagraph:

(i)(*a*) "Inpatient hospital services" in an institution for mental diseases are those items and services which are provided under the direction of a physician for the care and treatment of inpatients in a psychiatric hospital which meets the requirements under title XVIII, section 1861(f) of the Social Security Act, except for 20 CFR 405.1035(f) and where a waiver has been granted pursuant to section 1903(i)(4) of the Social Security Act, the conditions of 20 CFR 405.1035 need not be met.

* * * * *

2. Section 249.33 of Part 249 of Title 45 is amended by revising paragraph (a)(1) to read as follows:

§ 249.33 Standards for payment for skilled nursing facility and intermediate care facility services.

(a) *State plan requirements.* * * *

(1) * * *

(i) The agency designated pursuant to § 250.100(c) of this chapter that the facility meets the statutory definition contained in section 1861(j) of the Social Security Act and is in full compliance with the standards prescribed by the Secretary in the regulations promulgated thereunder; except that for purposes of 20 CFR 405.1134(c), the agency may waive, or, for purposes of 20 CFR 405.1134(e), the agency may permit, variations in the provisions therein for facilities participating only under title XIX, provided such waiver or variation is authorized under conditions promulgated by the Secretary; and where a waiver has been granted pursuant to section 1903(i)(4) of the Social Security Act, the conditions of 20 CFR 405.1137 need not be met; or

(ii) The Secretary, pursuant to section 1910 of the Act, that the facility has been determined to qualify as a skilled nursing facility under title XVIII of the act and, in the case where a waiver has been granted pursuant to section 1903(i)(4) of the Act, the conditions of 20 CFR 405.1137 need not be met; or

(iii) The Secretary, pursuant to section 1905 of the Act, in the case of a facility located in the State on an Indian reservation that it meets the statutory definition contained in section 1861(j) of the Social Security Act and is in full compliance with the standards prescribed by the Secretary in the regulations promulgated thereunder, except that where a waiver has been granted pursuant to section 1903(i)(4) of the Act, the conditions of 20 CFR 405.1137 need not be met.

* * * * *

3. New §§ 250.18 and 250.19 are added to Part 250 of Title 45 and the heading and text of § 250.20 are revised as follows:

§ 250.18 Utilization control.

State plan requirements; single State agency. A State plan for medical assistance under title XIX of the Social Security Act must:

(a) Provide that the medical assistance unit of the single State agency will establish and implement a statewide surveillance and utilization control program that safeguards against unnecessary or inappropriate utilization of care and services available under the plan, and excess payments, and that assesses the quality of such services. Such program must include provisions for:

(1) A continuous program of review of the utilization of care and services for which payment is claimed under the State's medical assistance plan which is described in writing and provides:

(i) For the on-going evaluation, on a sample basis, of the necessity for and the quality and timeliness of the services provided to eligible individuals receiving services under the plan to promote the most effective and appropriate use of available services and facilities;

(ii) For a post-payment review process that allows for the development and review of recipient utilization profiles, provider service profiles, and exceptions criteria; and that identifies exceptions in order to rectify misutilization practices of recipients, providers, and institutions;

(iii) That each participating hospital, mental hospital, skilled nursuing facility, and intermediate care facility has in effect or is covered by a written utilization review plan which meets the requirements specified in paragraphs (a)(1), (2), (3), or (4) of § 250.19, respectively, unless a waiver is granted pursuant to § 250.19(b);

(iv) That in the case of each skilled nursing facility the group performing the utilization review activities shall review each eligible individual's discharge plan, which plan shall be developed in accordance with the provisions of this paragraph (a)(1)(iv). Such plan shall ensure that each eligible individual has a planned program of post-facility continuing care which takes into account such eligible individual's post discharge needs.

(A) The facility shall maintain written discharge planning procedures which describe:

(*1*) Which staff member of the facility or which outside health, social, or welfare agency will have operational responsibility for discharge planning;

(*2*) The manner in, and methods by, which such staff member or agency will function, including its authority and its relationship with the facility's staff;

(*3*) The time period in which each eligible individual's need for discharge planning will be determined (which period may not be later than seven days after the day of admission);

(*4*) The maximum time period after which a reevaluation of each eligible individual's discharge plan will be made;

(*5*) The local resources available to the facility, the individual, and the attending physician to assist in developing and implementing individual discharge plans; and

(*6*) The provisions for periodic review and reevaluation of the facility's discharge planning program.

(B) At the time of the eligible individual's discharge, the facility shall provide to those persons (if any) responsible for the eligible individual's post discharge care such information about such discharged individual as will ensure the optimal continuity of care, such as current information relative to diagnoses, prior treatment, rehabilitation potential, physician advice concerning immediate care, and pertinent social information;

(v) For a periodic review and evaluation of the necessity for admission and the continued stay of each eligible individual receiving inpatient hospital, mental hospital, skilled nursing facility or intermediate care facility services by medical and other appropriate professional personnel who are not themselves directly responsible for the care of the eligible individual or financially interested in any such institution or, except in the case of hospitals, employed by any such institution. Such reviews and evaluations shall be carried out in accordance with the requirements specified in paragraphs (a)(1), (2), (3), and (4) of § 250.19 unless a waiver is granted pursuant to § 250.19(b). In the case of patients in mental hospitals and skilled nursing facilities and residents in inter-

mediate care facilities, such admission review shall be accomplished by medical and other professional personnel of the medical assistance unit of the single State agency (or its designees) through a review and assessment of the recommendations and evaluations made and submitted pursuant to §§ 250.23(a)(1) and 250.24(a)(1).

(2) Certification at the time admission or, in the case of an individual who makes application for assistance while in an institution, prior to authorization of payment and recertification at least every 60 days thereafter, by a physician for each eligible individual receiving inpatient hospital, mental hospital, skilled nursing facility and intermediate care facility services, that such services are or were required to be given on an inpatient basis.

(3) A written plan of care established and periodically reviewed and evaluated by a physician and other personnel involved in the care of the eligible individual for each such individual receiving inpatient care and services in accordance with the following provisions:

(i) Orders and activities are developed in accordance with physician's instructions and are reviewed and revised as appropriate by all personnel involved in the care of the eligible individual;

(ii) In mental hospitals and intermediate care facilities such plan is reviewed at least every 90 days; in hospitals (including tuberculosis and specialty hospitals) and skilled nursing facilities, at least every 60 days;

(iii) The plan includes diagnosis, symptoms, complaint(s), and/or complications indicating the need for admission; a description of the functional level of the individual; orders (as appropriate) for medications, treatment, restorative and rehabilitative services, activities, social services and diet; and plans for continuing care and discharge as appropriate;

(iv) The plan of care required under § 250.23(a)(1) for patients in skilled nursing facilities and mental hospitals and under § 250.24(a)(1) for residents in intermediate care facilities is deemed to meet this requirement for skilled nursing facilities and mental hospital patients and intermediate care facility residents respectively.

(4) A program of medical review (including medical evaluation and on-site inspection) of the care of patients in mental hospitals and skilled nursing facilities which meet the requirements of § 250.23; and

(5) A program of independent professional review (including medical evaluation and on-site inspection) of the care of residents in intermediate care facilities which meets the requirements of § 250.24.

(b) Provide that the medical assistance unit of the single State agency will be responsible for monitoring the statewide utilization control program established in accordance with paragraph (a) of this section and taking all necessary corrective action to insure the effectiveness of such program. The medical assistance unit shall establish methods and procedures to implement this responsibility and copies of such methods and procedures shall be on file in the single State agency and be disseminated to all staff involved in carrying out the utilization control program.

(c) Provide that the single State agency will establish written criteria to be used, in its implementation of the provisions of this section (except in the case of hospitals, mental hospitals, and skilled nursing facilities under § 250.19(a)(1), (2), and (3)) for evaluating the appropriateness and quality of care and services provided under the State plan.

(d) Provide for an agreement between the single State agency and the State health agency, or other appropriate State medical agency, whereby such health agency or medical agency is responsible for establishing a plan for the review by appropriate professional health personnel of the appropriateness and quality of care and services furnished to eligible individuals under the plan, in order to provide guidance with respect thereto in the administration of the plan to the single State agency described in § 205.100(a)(1)(i) and, where applicable, the State agency responsible for licensing health institutions in accordance with § 250.100(c), of this chapter, and will perform such other functions as may be agreed upon.

(e) Provide that the medical assistance unit of the single State agency shall make such reports as are required by the Social and Rehabilitation Service.

§ 250.19 Utilization review.

(a) *Utilization review of institutional services.* Each hospital, mental hospital, skilled nursing facility and intermediate care facility providing inpatient services under a State's medical assistance plan has in effect a written facility utilization review plan for the review of the need for services provided to eligible individuals under the State's plan which meets the following requirements:

(1) Inpatient hospital services: (Includes services provided by tuberculosis and specialty hospitals but excludes services provided by mental hospitals.) The facility plan:

(i) Provides for the identification of individual patients by appropriate means to assure confidentiality.

(ii) Sets forth the organization, composition, and functions of the group or committee performing utilization review and provides:

(A) For a staff committee of the facility composed of two or more physicians with participation of other professional personnel, or a group outside the facility which is similarly composed and established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or a similarly composed group established and organized in a manner approved by the Secretary that is capable of performing such function; and

(B) That the group or committee shall not be composed of medical or other professional personnel who are directly responsible for the care of the patient whose care is being reviewed or who are financially interested in any hospital.

(iii) Sets forth the methods and procedures to be used:

(A) In selecting categories of admissions to be subjected to closer professional scrutiny pursuant to paragraph (a)(1)(viii)(B) of this section;

(B) In selecting and conducting medical care evaluation studies pursuant to paragraph (a)(1)(xi) of this section; and

(C) Modifying the initially approved length of stay because of change in the patient's condition or treatment schedule.

(iv) Sets forth the methods and criteria (including norms where applicable) to be used to assign initial continued stay review dates pursuant to paragraph (a)(1)(ix) of this section and used to assign or select subsequent dates for continued stay review.

(v) Sets forth the frequency of meetings of the committee or group.

(vi) Sets forth the records to be kept, and the types of reports to be made, the time frames in which such reports are to be made, and the arrangements for their dissemination to appropriate individuals and agencies.

(vii) Provides that each such eligible individual's record shall include the information necessary for review by the group or committee responsible for conducting the utilization review functions of the hospital. Such information includes but is not limited to the following documentation:

(A) Identification of the eligible individual and physician;

(B) Date of admission, and date of application for and authorization of benefits if later than the date of admission;

(C) The plan of care; (see § 250.18(a)(3))

(D) Where appropriate, date of operating room reservation;

(E) In the case of emergency admissions, the justification for such admission;

(F) Where the attending physician feels that continued stay is necessary, the reasons for and the plan for continued stay; and

(G) Such supporting material as the group or committee may deem appropriate.

(viii) Provides for the review of the admission of each eligible individual within 1 working day (except that in the case where a provider or category of admission has been designated by the group or committee for pre-admission review pursuant to paragraph (a)(1)(xii) of this section a final determination with respect to the necessity for admission is made prior to admission) or, in the case of an individual who makes application for assistance while in such hospital, within 1 working day after the hospital is notified or receives notification of such application, by the committee, a subgroup of the committee, or a designee of the committee in accordance with the following provisions:

(A) Final determination of the necessity for admission and any notification

of an adverse decision is made no later than 2 working days after admission or, in the case of an individual who makes criteria is reviewed by the committee or a subgroup which includes at least application for assistance while in such hospital, not later than 2 working days after the hospital is notified or receives notification of such application;

(B) The admission is evaluated against written criteria which have been selected or developed by the committee to assess the necessity for admission. More extensive written criteria and closer professional scrutiny are applied in the review of admissions which the group or committee's experience indicates are associated with high costs, frequent furnishing of excessive services or in cases attended by physicians whose patterns of care are frequently found to be questionable. The single State agency may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a hospital to select or develop the written criteria and standards required by this paragraph:

(*1*) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and

(2) Where the committee or group establishes a timetable for meeting the requirements which is accetable to the single State agency.

Where a facility participates in both the title XVIII and XIX programs, an extension shall be granted by the single State agency pursuant to this section which is limited to the terms and duration of any extension granted by the Secretary under title XVIII for the committee or group to develop written criteria and standards.

(C) Any admission which does not meet the criteria is reviewed by the committee or a subgroup which includes at least one physician, for a determination of the necessity for admission;

(D) Where the committee or subgroup has reason to believe that the admission is not medically necessary, it shall so notify the eligible individual's attending physician following such a decision and afford him an opportunity to present his views before a final determination is made;

(E) If, after opportunity is given, the attending physician does not present additional information or clarification, the decision of the committee or subgroup shall be considered final and written notification thereof shall be sent to:

(*1*) The hospital administrator;

(2) The attending physician;

(3) The single State agency; and

(*4*) The individual and where possible, the next of kin or sponsor;

(F) If, after opportunity is given and the attending physician has presented additional information or clarification, at least 2 physicians determine that admission is not necessary, written notification thereof shall be sent to:

(*1*) The hospital administrator;

(2) The attending physician;

(3) The single State agency; and

(*4*) The individual and where possible, the next of kin or sponsor.

(ix) Provides that upon a determination that admission is necessary, a review date shall be assigned and recorded in the patient's record for such eligible indivdual based on the patient's condition and the projected discharge date, using criteria developed by the committee pursuant to paragraph (a)(1)(iv) of this section. Where available, appropriate norms selected by the group or committee from available regional norms such as those developed by abstracting services or third party payors, are used. The regional norms must be based on current and statistically valid data on duration of stay in hospitals for patients whose characteristics (e.g. age, diagnosis, etc.) are similar to those of the patient. Where norms are used the initial continued stay review date is no longer than the 50th percentile of such norms except where the group or committee can demonstrate that another review date is more appropriate.

(x) Provides for a review on or before the assigned review date of the necessity for continued stay for each eligible individual remaining in the hospital at the time of the review by the group or committee performing the utilization review function, or by a subgroup of such group or committee, or by a designee of such group or committee.

(A) Final determination of the necessity for continued stay and any notification of an adverse decision is made no later than 2 working days after the assigned review date; however if the final determination is made before the assigned review date notification is made not later than 2 days after such final determination;

(B) Such group or committee or its designee shall review the documentation for each continued stay of an eligible individual;

(C) The continued stay of each eligible individual is evaluated against written criteria which have been developed by the committee or group to assess the necessity for continued stay. More extensive written criteria and closer professional scrutiny are applied in the review of continued stay cases which the group or committee's experience indicates are associated with high costs, frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable. The single State agency may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a hospital to select or develop the written criteria and standards required by this paragraph:

(*1*) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and

(2) Where the committee or group establishes a timetable for meeting the requirements which is acceptable to the single State agency.

Where a facility participates in both the title XVIII and XIX programs, an extension shall be granted by the single State agency pursuant to this section which is limited to the terms and duration of any extension granted by the Secretary under title XVIII for the committee or group to develop written criteria and standards.

(D) If the eligible individual's continued stay is approved as being medically necessary the duration of such continued stay shall be determined in accordance with the procedures specified in paragraph (a)(1)(iv) and (ix) of this section, for such period of time as is appropriate and recorded in the patient's record. At the expiration of such further stay, such case shall be reviewed in like manner with such review being repeated so long as medical necessity for the stay exists;

(E) Any continued stay case which does not meet the criteria is reviewed by the committee or a subgroup which includes at least one physician, for a determination of the need for continued stay;

(F) In cases where such group or committee has reason to believe that continued stay is not medically necessary, it shall so notify the eligible individual's attending physician of such a decision and afford him an opportunity to present his views before it makes a final determination;

(G) If, after opportunity is given, the attending physician does not present additional information or clarification, the decision of the committee or subgroup shall be considered final and written notification thereof shall be sent to:

(*1*) The hospital administrator;

(2) The attending physician;

(3) The single State agency; and

(*4*) The individual and where possible, the next of kin or sponsor;

(H) If, after opportunity is given and the eligible individual's attending physician has presented additional information or clarification, at least 2 physicians determine that the continued stay has not been justified, written notification thereof shall be sent to:

(*1*) The hospital administrator;

(2) The attending physician;

(3) The single State agency; and

(*4*) The individual and where possible, the next of kin or sponsor.

(xi) Provides that:

(A) Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and suggest, where appropriate, possible changes for maintaining consistently high quality patient care and effective and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility, and the community. Studies, on a sample or oth-

er basis, include but need not be limited to admission, duration of stay, and ancillary services (including drugs and biologicals) furnished and professional services performed on hospital premises. At least one study is in progress at any given time and at least one study must be completed each year. The study will be accomplished by considering data obtained from any one or a combination of the following sources:

(*1*) Medical records or other appropriate hospital data; or

(2) External organizations which compile statistics, design profiles, and produce other comparative data; or

(*3*) Cooperative endeavor with the PSRO, fiscal intermediary(ies), other providers of services, or other appropriate agency; and

(B) The group or committee shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(xii) Provides that the group or committee will analyze its findings and take appropriate action to correct or further investigate any deficiencies or problems in the review process for admissions or continued stay cases or to recommend more effective hospital care procedures or to designate certain providers or categories of admissions for review prior to admission.

(2) *Inpatient mental hospital services.* The facility plan:

(i) Provides for the identification of individual patients by appropriate means to assure confidentiality.

(ii) Sets forth the organization, composition, and functions of the utilization review group or committee and provides:

(A) For a staff committee of the facility composed of two or more physicians (one of whom is knowledgeable or skilled in the diagnosis and treatment of mental diseases), with participation of other professional personnel, or a group outside the facility which is similarly composed and established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or a similarly composed group established and organized in a manner approved by the Secretary that is capable of performing such function; and

(B) That the group or committee shall not be composed of medical or other professional personnel who are directly responsible for the care of patients whose care is being reviewed or who are financially interested in any mental hospital.

(iii) Set forth the methods and procedures to be used:

(A) In selecting and conducting medical care evaluation studies pursuant to paragraph (a)(2)(x) of this section; and

(B) In modifying the initially approved length of stay because of change in the patient's condition or treatment schedule.

(iv) Sets forth the methods and criteria (including norms where applicable) to be used to assign initial continued stay review dates pursuant to paragraph (a)(2)(viii) of this section and used to assign or select subsequent dates for continued stay review.

(v) Sets forth the frequency of meetings of the committee or group.

(vi) Sets forth the records to be kept, and the types of reports to be made, the time frames in which such reports are to be made, and the arrangements for their dissemination to appropriate individuals and agencies.

(vii) Provides that each such eligible individual's record shall include the information necessary for the review by the group or committee responsible for conducting the utilization review function of the mental hospital. Such information includes but is not limited to the following documentation:

(A) Identification of the eligible individual and physician;

(B) The date of admission, and the date of application for and authorization of benefits if later than the date of admission;

(C) The plan of care; (see § 250.18 (a)(3))

(D) Where the attending physician feels that continued stay is necessary, the reasons for and the plan for continued stay; and

(E) Such supporting material as the review group or committee may deem appropriate.

(viii) Provides for a review of the necessity of continued stay on or before a specified date either assigned at admission or, in the case of an individual who makes application for assistance while in such mental hospital, within 1 working day after the mental hospital is notified or receives notification of such application. The assignment of the review date is based on the patient's condition and the projected discharge date, using criteria developed by the committee pursuant to paragraph (a)(2)(iv) of this section. Where available, appropriate norms selected by the group or committee from available regional norms such as those developed by abstracting services or third party payors, are used. The regional norms must be based on current and statistically valid data on duration of stay in mental hospitals for patients whose characteristics (e.g. age, diagnosis, etc.) are similar to those of the patient. Where norms are used the initial continued stay review date is no longer than the 50th percentile of such norms except where the group or committee can demonstrate that another review date is more appropriate. In any case the initial review date is not longer than 30 days after admission. Subsequent reviews must occur at least every 90 days thereafter. The assigned review date is recorded in the patient's record.

(ix) Provides that the review of continued stay cases shall be conducted by the committee or group, a subgroup, or a designee of such committee or group in accordance with the following provisions:

(A) Final determination of the necessity for continued stay and notification of an adverse decision is made not later than 2 working days after the assigned review date; however, if the final determination is made before the assigned review date, notification is made no later than 2 days after such final determination;

(B) Such group or committee or its designee shall review the documentation for each continued stay of an eligible individual;

(C) The continued stay of each eligible individual is evaluated against written criteria which have been developed by the group or committee to assess the necessity for continued stay. More extensive written criteria and closer professional scrutiny are applied in the review of continued stay cases which the group or committee's experience indicates are associated with high costs, frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable. The single State agency may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a mental hospital to select or develop the written criteria and standards required by this paragraph:

(*1*) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and

(2) Where the committee or group establishes a timetable for meeting the requirements which is acceptable to the single State agency.

Where a facility participates in both the title XVIII and XIX programs, an extension shall be granted by the single State agency pursuant to this section which is limited to the terms and duration of any extension granted by the Secretary under title XVIII for the committee or group to develop written criteria and standards.

(D) If the eligible individual's continued stay is approved as being medically necessary, the duration of such continued stay shall be determined and a new review date assigned in accordance with paragraphs (a)(2)(iv) and (viii) of this section for such period of time as is appropriate and recorded in the patient's record. At the expiration of such continued stay such case shall be reviewed in like manner with such review being repeated so long as medical necessity for the stay exists;

(E) Any continued stay case which does not meet the criteria is reviewed by the committee or a subgroup which includes at least one physician, for a determination of the necessity for continued stay;

(F) In cases where such group or committee has reason to believe that continued stay is not medically necessary, it shall so notify the eligible individual's attending or staff physician of such a decision and afford him an opportunity to present his views before it makes a final determination;

(G) If, after opportunity is given, the attending or staff physician does not present additional information or clarification, the decision of the committee or subgroup shall be considered final and

written notification thereof shall be sent to:

(1) The hospital administrator;

(2) The attending or staff physician;

(3) The single State agency; and

(4) The individual and where possible, the next of kin or sponsor;

(H) If, after opportunity is given, and the eligible individual's attending or staff physician has presented additional information or clarification, at least two physicians (one of whom is knowledgeable or skilled in the treatment of mental diseases) determine that the eligible individual no longer needs inpatient mental hospital services, written notification thereof shall be sent to:

(1) The hospital administrator;

(2) The attending or staff physician;

(3) The single State agency; and

(4) The individual and where possible, the next of kin or sponsor.

(x) Provides that:

(A) Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and suggest, where appropriate, possible changes for maintaining consistently high quality patient care and effective and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility, and the community. Studies, on a sample or other basis, include but need not be limited to admission, duration of stay, and ancillary services (including drugs and biologicals) furnished and professional services performed on hospital premises. At least one study is in progress at any given time and at least one study must be completed each year. The study will be accomplished by considering data obtained from any one or a combination of the following sources:

(*1*) Medical records or other appropriate hospital data; or

(2) External organizations which compile statistics, design profiles, and produce other comparative data; or

(*3*) Cooperative endeavor with the PSRO, fiscal intermediary(ies), other providers of services, or other appropriate agency; and

(B) The group or committee shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(xi) Provides that the group or committee will analyze its findings and take appropriate action to correct or further investigate any deficiencies or problems in the review process or to recommend more effective hospital care procedures.

(3) *Skilled nursing facility services.* (Includes such services in an institution for mental diseases or tuberculosis but excludes such services in Christian Science sanatoriums.) The facility plan:

(i) Provides for the identification of individual patients by appropriate means to assure confidentiality.

(ii) Sets forth the organization and composition of the utilization review group or committee and provides:

(A) For a staff committee of the facility composed of two or more physicians, with participation of other professional personnel, or a group outside the facility which is similarly composed and established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or a similarly composed group established and organized in a manner approved by the Secretary that is capable of performing such function. In the case of an institution for mental diseases at least one physician is knowledgeable or skilled in the diagnosis and treatment of mental diseases; and

(B) That the group or committee shall not be composed of medical or other professional personnel who are directly responsible for the care of patients whose care is being reviewed or who are employed by or financially interested in any skilled nursing facility.

(iii) Sets forth the methods and procedures to be used:

(A) In selecting and conducing medical care evaluation studies pursuant to paragraph (a)(3)(x); and

(B) In modifying the initially approved length of stay because of change in the patient's condition or treatment schedule.

(iv) Sets forth the methods and criteria to be used to assign initial continued stay review dates pursuant to paragraph (a)(3)(viii) of this section and used to assign or select subsequent dates for continued stay review.

(v) Sets forth the frequency of meetings of the committee or group.

(vi) Sets forth the records to be kept, and the types of reports to be made, the time frames in which such reports are to be made, and the arrangements for their dissemination to appropriate individuals and agencies.

(vii) Provides that each such eligible individual's record shall include the information necessary for the review by the group or committee responsible for conducting the utilization review function of the skilled nursing facility. Such information includes but is not limited to the following documentation:

(A) Identification of the eligible individual and physician;

(B) The date of admission, and the date of application for and authorization of benefits if later than the date of admission;

(C) The plan of care (see § 250.18(a)(3));

(D) Where the attending physician feels that continued stay is necessary, the reasons for and the plan for continued stay; and

(E) Such supporting material as the review group or committee may deem appropriate.

(viii) Provides for a review of the necessity of continued stay on or before a specified date assigned at admission or, in the case of an individual who makes application for assistance while in such skilled nursing facility, within 1 working day after such facility is notified or receives notification of such application. The assigned review date is recorded in the patient's record and is either:

(A) By specific periods for diagnostic categories or categories based on functional capabilities but at least every 90 days, or

(B) Every 30 days for the first 90 days and at least every 90 days thereafter.

(ix) Provides that the review of continued stay cases shall be conducted by the group or committee, a subgroup, or a designee of such group or committee in accordance with the following provisions:

(A) Such group or committee or its designee shall review the documentation for each continued stay of an eligible individual;

(B) The continued stay of each eligible individual is evaluated against written criteria which have been developed by the group or committee to assess the necessity for continued stay. More extensive written criteria and closer professional scrutiny are applied in the review of continued stay cases which the group or committee's experience indicates are associated with high costs, frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable. The single State agency may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a skilled nursing facility to select or develop the written criteria and standards required by this paragraph:

(*1*) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and

(*2*) Where the committee or group establishes a timetable for meeting the requirements which is acceptable to the single State agency.

Where a facility participates in both the title XVIII and XIX programs, an extension shall be granted by the single State agency pursuant to this section which is limited to the terms and duration of any extension granted by the Secretary under title XVIII for the committee or group to develop written criteria and standards.

(C) If the eligible individual's continued stay is approved as being medically necessary, the duration of such continued stay shall be determined and a new review date assigned in accordance with paragraphs (a)(3)(iv) and (viii) of this section for such period of time as is appropriate and recorded in the patient's record. At the expiration of such continued stay such case shall be reviewed in like manner with such review being repeated so long as medical necessity for the stay exists;

(D) Any continued stay which does not meet the criteria is reviewed by the committee or a subgroup which includes at least one physician, for a determination of the necessity for continued stay;

(E) In cases where such group or committee has reason to believe that continued stay is not medically necessary, it shall notify the eligible individual's attending physician and afford him a reasonable opportunity to present his views before making a final determination:

(F) If, after opportunity is given, the attending physician does not present additional information or clarification, the decision of the committee or subgroup shall be considered final and written notification shall be sent not later than 2 days after such final determination but in no case later than 3 working days after the assigned review date to:

(1) The attending physician;

(2) The facility administrator;

(3) The patient and where possible, the next of kin or the sponsor;

(4) The single State agency;

(G) If, after opportunity is given and the eligible individual's attending physician has presented additional information or clarification, at least two physicians (one of whom is knowledgeable or skilled in the treatment of mental diseases in the case of an institution for mental diseases) determine that the eligible individual no longer needs skilled nursing nursing facility services, written notification shall be made not later than 2 days after such final determination but in no case later than 3 working days after the assigned review date to:

(1) The attending physician;

(2) The facility administrator;

(3) The patient and where possible, the next of kin or sponsor; and

(4) The single State agency.

(x) Provides that:

(A) Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and suggest, where appropriate, possible changes for maintaining consistently high quality patient care and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility, and the community. Studies, on a sample or other basis, include but need not be limited to admission, duration of stay, and ancillary services (including drugs and biologicals) furnished and professional services performed on facility premises. At least one study is in progress at any given time and at least one study is completed each year. The study will be accomplished by considering data obtained from any one or a combination of the following sources:

(1) Medical records or other appropriate data; or

(2) External organizations which compile statistics, design profiles, and produce other comparative data; or

(3) Cooperative endeavor with the PSRO, fiscal intermediary(ies), other providers of services, or other appropriate agency; and

(B) The group or committee shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(xi) Provides that the group or committee will analyze its findings and take appropriate action to correct or further investigate deficiencies or problems in the review process or to recommend more effective procedures.

(4) *Intermediate care facility services.* (Includes such services in an institution for mental diseases or tuberculosis but excludes such services in Christian Science sanatoriums.) The State plan (see § 250.18 may provide for a facility based review or a program of direct review in intermediate care facilities to be performed by personnel of the medical assistance unit of the single State agency, by personnel under contract to such agency, or by such other method as provided for under the State plan. In any case, the facility must have on file a written plan which:

(i) Provides for the identification of individual residents by appropriate means to assure confidentiality.

(ii) Includes a written description of:

(A) How, when, and by whom the utilization review function is to be performed. Utilization review must be carried out by at least one or more physicians and other professional personnel who are not themselves directly responsible for the care of the resident and who are not employed by or financially interested in any intermediary care facility. In the case of an institution for mental diseases or an institution for the mentally retarded at least one individual shall be knowledgeable or skilled in the treatment of mental diseases or mental retardation, respectively;

(B) The responsibilities of the facility's administrative staff in support of utilization review including procedures for taking any necessary corrective action.

(iii) Sets forth the methods and criteria to be used to assign initial and subsequent continued stay review dates pursuant to paragraph (a)(4)(vi).

(iv) Sets forth the records to be kept, and the types of reports to be made, the time frames in which such reports are to be made, and the arrangements for their dissemination to appropriate individuals and agencies.

(v) Provide that each eligible individual's record shall include the information necessary for utilization review. Such information includes but is not limited to the following documentation:

(A) Identification of the eligible individual and physician and qualified Mental Retardation Professional where appropriate;

(B) The date of admission, and the date of application for and authorization of benefits if later than the date of admission;

(C) The plan of care; (see § 250.18 (a)(3))

(D) Where the attending physician or Qualified Mental Retardation Professional feels that continued stay is necessary, the reasons for and the plan for continued stay; and

(E) Such supporting material as is necessary.

(vi) Provides for a review of the necessity for continued stay at least every 6 months or more frequently if indicated at the time of assessment. Reviews which meet the requirements of on-site inspections under independent professional review (see § 250.24) are acceptable as meeting this requirement for the period in which conducted if the composition of such independent professional review team meets the requirements specified in paragraph (a)(4)(ii) of this section.

(vii) Provides that the review of continued stay cases shall be conducted in accordance with the following provisions:

(A) The group performing utilization review or its designee shall review the documentation for each continued stay of an eligible individual;

(B) The continued stay of each eligible individual is evaluated against written criteria which have been developed by the group to assess the necessity for continued stay. More extensive written criteria and closer professional scrutiny are applied in the review of continued stay cases which the group's experience indicates are associated with high costs, frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable:

(C) If the resident's stay is approved as being necessary the duration of such continued stay shall be determined and a new review date assigned in accordance with paragraph (a)(4)(iii) of this section for such period of time as is appropriate and recorded in the resident's record. At the expiration of such continued stay such case will be reviewed in like manner with such review being repeated so long as necessity for the stay exists;

(D) Any continued stay case which does not meet the criteria is reviewed by the group or a subgroup which includes at least one physician, for a determination of the necessity for continued stay;

(E) In cases where the group carrying out the utilization review function or its designees have reason to believe that continued stay is not necessary, it shall so notify the resident's attending physician (and in the case of an institution for the mentally retarded, the Qualified Mental Retardation Professional responsible for such resident within 1 working day of such a decision and afford him a reasonable opportunity to present his views but not in excess two working days from the date of such

notification, before a final determination is made;

(F) If, after opportunity is given, the attending physician (or Qualified Mental Retardation Professional if applicable) does not present additional information or clarification, the decision of the group shall be considered final and written notification thereof shall be sent not later than 2 days after such final determination to:

(1) The attending physician;

(2) The facility administrator;

(3) The resident and where possible, the next of kin or sponsor; and

(4) The single State agency.

(G) If, after opportunity is given and the attending physician (or qualified mental retardation professional if applicable) has presented additional information or clarification, the group (or in the case of a medical determination, the physician member(s) of the group) determines that the individual no longer needs intermediate care facility services, written notification shall be made not later than 2 days after such final determination to:

(1) The attending physician;

(2) The facility administrator;

(3) The resident and where possible, the next of kin or sponsor; and

(4) The single State agency.

(b) *Waivers.* The requirements set forth in this section under paragraph (a)(1) (except (a)(1)(ii)(B)) for hospitals (including tuberculosis hospitals), paragraph (a)(2) (except (a)(2)(ii)(B)) for mental hospitals, and paragraph (a)(3) (except (a)(3)(ii)(B)) for skilled nursing facilities (excluding Christian Science sanatoriums) may be waived by the Secretary if the single State agency demonstrates to his satisfaction that it has in operation specific utilization review procedures which are superior in their effectiveness to the procedures required under section 1861(k) of the Social Security Act. Such State procedures will be assessed and waivers granted based on criteria established by the Secretary. Such waivers will be reviewed and evaluated at least one year but no longer than 2 years after the effective date of these regulations and will be periodically reviewed and evaluated with similar frequency thereafter. In the event State procedures are no longer determined to be superior in their effectiveness, the waiver will be withdrawn and facilities covered by the waiver will have to meet all the requirements of paragraph (a) of this section. Such utilization review procedures need not be in operation with respect to all hospitals, mental hospitals or skilled nursing facilities under the State's title XIX plan at the time that a waiver is requested from the Secretary. A State may apply for a waiver at any time when it has such procedures in operation, whether on a demonstration basis or otherwise. A waiver may be granted for procedures throughout the State or any part thereof. Any hospital, mental hospital, or skilled nursing facility participating under the State's title XIX plan which is not covered by any such waiver granted by the Secretary must continue to meet all the requirements of paragraph (a) of this section.

§ 250.20 Federal financial participation in State expenditures for control and review of utilization of care and services.

(a) Federal financial participation is available for the costs of utilization control, in accordance with the conditions and at the rates applicable under title XIX.

(b) After an individual has received care as an inpatient in a hospital (including a hospital for tuberculosis), skilled nursing facility or intermediate care facility (excluding Christian Science sanatoriums) for 60 days or in a mental hospital for 90 days (whether or not such days are consecutive, during any fiscal year, which for purposes of this section means the four calendar quarters ending with June 30) the Federal medical assistance percentage with respect to amounts paid for any such care furnished thereafter to such individual in the same fiscal year shall be decreased 33⅓ percentum unless the State agency responsible for the administration of the plan makes a showing satisfactory to the Administrator that, with respect to each calendar quarter for which the State submits a request for payment at the full Federal medical assistance percentage for amounts paid for inpatient hospital services (including tuberculosis hospitals), skilled nursing facility services, or intermediate care facility services furnished beyond 60 days, or for inpatient mental hospital services furnished beyond 90 days, there is in operation in the State an effective program of control over utilization of such services.

(1) A satisfactory showing must be made by the State, in the form prescribed by the Social and Rehabilitation Service, that there is in operation an effective program of control over utilization of institutional services provided under the plan which complies with the requirements of §§ 250.18, 250.19, 250.23, and 250.24. Such a showing must be made for each calendar quarter for which the State requests Federal financial participation at the full Federal medical assistance percentage for payments for institutional services.

(2) The showing must include a description of the methods used for assuring that records are available which show the number of days each individual has received institutional services, and such other information, records or data as may be required by the Administrator. Such records must be available for review by Federal officials. In determining the number of days each individual has received institutional services, there shall not be counted any days with respect to which such individual is entitled to have payments made (in whole or in part) on his behalf under section 1812 of the Social Security Act.

(3) Review of State agencies engaged in the administration of a State plan and sample on-site surveys in private and public institutions in which recipients of medical assistance have received care and services under the State's plan will be conducted to determine if a State has an effective program for controlling the utilization of institutional services as required by §§ 250.18, 250.19, 250.23 and 250.24. The Administrator will make the findings with respect to such surveys (as well as the showings of the State agency required under this paragraph) available for public inspection.

(4) Upon finding that a State does not have an effective program for controlling the utilization of institutional services, the Administrator will so notify the single State agency. The Administrator will estimate the amount of the reduction and direct the single State agency to make proper adjustments for that amount on its next statement of expenditures. This estimate will be established for each quarter in which a reduction is taken. These estimated amounts may later be adjusted if the single State agency determines to the satisfaction of the Administrator the exact amount which was inappropriately claimed.

(5) A reduction will be applied beginning in the quarter for which the Administrator finds that a State did not have an effective program of utilization control. Until the single State agency submits to the Secretary a satisfactory showing that it has an effective program for controlling the utilization of institutional services which meets the requirements specified in §§ 250.18, 250.19, 250.23, 250.24, Federal financial participation will be reduced. When the Administrator verifies that the State has an effective program of control, the single State agency will be notified that as of the quarter for which the satisfactory showing has been verified, the reduction in Federal financial participation is terminated. If the Administrator finds that the State's program of control continues to be deficient the single State agency will be notified and directed to continue to make proper adjustment on all subsequent statements of expenditures until such time as the State submits a satisfactory showing and the Administrator finds that the State has an effective program of control over the utilization of institutional services.

(6) Services furnished pursuant to a contract with a health maintenance organization as defined in section 1876 of the Social Security Act are exempt from the provisions of paragraph (b) of this section.

(c) Effective July 1, 1973, Federal financial participation is not available with respect to any amount expended for care and services furnished under the plan by a hospital, mental hospital or skilled nursing facility (excluding Christian Science sanatoriums) unless such facility has in effect a utilization review plan which meets the requirements of section 1861(k) of the Social Security Act (with the same standards and procedures and the same review committee or group if the hospital or skilled nursing facility participates under title XVIII). The conditions of this paragraph (c) may be waived by the Secretary in accordance with paragraph (b) of § 250.19 of this part if the single State agency

demonstrates to his satisfaction that it has in operation utilization review procedures which are superior in their effectiveness to the procedures required under section 1861(k) of the Social Security Act. Such utilization review procedures need not be in operation with respect to all skilled nursing facilities, hospitals or mental hospitals under the State's title XIX plan at the time that a waiver is requested from the Secretary. A State may be granted a waiver if it is using such procedures on a demonstration basis. Any hospital, mental hospital and skilled nursing facility participating under the State's title XIX plan which are not covered by any such waiver granted by the Secretary must continue to meet the requirements of section 1861 (k) of the Social Security Act.

4. Section 250.23 of Part 250 of Title 45 is amended as set forth below:

a. Wherever it appears, the word "home" is changed to "facility."

b. Paragraph (a)(1)(ii) is revised as set forth below; paragraph (b)(2) is revoked; paragraph (b)(1) is redesignated as paragraph (b); and a new paragraph (c) is added as follows:

§ 250.23 Periodic medical review and medical inspections in skilled nursing facilities and mental hospitals.

(a) *State plan requirements; medical review.* * * *

(1) * * *

(ii) The plan of care includes diagnosis, symptoms, complaint(s), and/or complications indicating the need for admission, a description of the functional level of the patient; written objectives; orders (as appropriate) for medications, treatment, restorative and rehabilitative services, therapies, activities, social services, diet, and special procedures recommended for the health and safety of the patient; and plans for continuing care (including provisions for review and necessary modification of the plan) and discharge;

* * * * *

(c) *Coordination of independent professional and medical review.* Periodic inspections by medical review teams as required by paragraph (a) of this section may be conducted by independent professional review teams where the composition of such a team meets the requirements of paragraph (a)(2) of this section or is modified or supplemented to meet such requirements for purposes of its medical review activities and where such independent professional review team is willing and able to undertake in addition to its regular independent professional review program the on-site inspection functions required by paragraph (a)(3) of this section.

5. Section 250.24 of Part 250 of Title 45 is amended by revising paragraph (a)(1)(ii) to read as follows:

§ 250.24 Independent professional review in intermediate care facilities.

(a) *State plan requirements.* * * *

(1) * * *

(ii) The individual plan for care includes: diagnosis, symptoms, complaint(s), and/or complications indicating the need for admission, a description of the functional level of the resident; written objectives; orders (as appropriate) for medications, treatments, restorative and rehabilitative services, therapies, diet, activities, social services, and special procedures designed to meet the objectives; plans for continuing care (including provisions for review and necessary modifications of the plan) and discharge; and

* * * * *

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

Effective date: These regulations shall be effective February 1, 1975.

Dated: November 19, 1974.

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

Approved: November 25, 1974.

CASPAR W. WEINBERGER,
Secretary.

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

[FR Doc.74-27938 Filed 11-27-74;8:45 am]

federal register

FRIDAY, NOVEMBER 29, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 231

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

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 the Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1, of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall in accordance with the provisions of the foregoing statutes, constitute the minimum wage payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Maryland	AR–2091
South Carolina	AR–4059
Texas	AR–82

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AQ–4125	June 14, 1974
AR–4015	Aug. 9, 1974
AR–4043	Oct. 4, 1974
California:	
AR–1044, AR–1045	Nov. 8, 1974
Massachusetts:	
AR–3129	Aug. 29, 1974
AR–3130, AR–3131, AR–3132, AR–3134, AR–3135, AR–3136,	
AR–3138	Aug. 30, 1974
Michigan:	
AR–3111	Aug. 16, 1974
AR–3141	Aug. 23, 1974
Mississippi:	
AR–4030	Sept. 6, 1974
Nebraska:	
AR–13	Aug. 16, 1974
AR–59	Oct. 11, 1974
New Jersey:	
AR–2042	Sept. 13, 1974
AR–2044	Sept. 6, 1974
New Mexico:	
AR–34	Oct. 11, 1974
Pennsylvania:	
AR–2029	Aug. 30, 1974
Rhode Island:	
AR–3078, AR–3079, AR–3077	Aug. 2, 1974
Tennessee:	
AR–4035	Sept. 13, 1974
Texas:	
AR–43	Sept. 20, 1974
AR–47	Sept. 27, 1974
Wisconsin:	
AR–3159	Oct. 11, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATIONS DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Illinois:	
AR–3068, AR–3071 (AR–3174)	Aug. 9, 1974
Kansas:	
AP–503 (AR–83)	Aug. 25, 1972
New Jersey:	
AQ–2090 (AR–2087)	Mar. 29, 1974
AQ–2104 (AR–2088)	Apr. 19, 1974
AQ–2096 (AR–2089)	Apr. 12, 1974
AQ–2106 (AR–2090)	Apr. 26, 1974
Pennsylvania:	
AQ–2092 (AR–2092)	Apr. 12, 1974

Signed at Washington, D.C., this 22d day of November 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Maryland
DECISION NO: AR-2091
COUNTIES: Allegany and Garrett
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.92	.35	.70		
Boilermakers	8.65	.60	.70		.02
Bricklayers	8.24		.40		
Carpenters	8.52	.35	.25		.02
Cement Masons	8.67	.35			
Electricians:					
Allegany County	8.85	.30	1%		1%
Garrett County	9.25	.30	1%		1%
Elevator Constructors	8.72	.395	.26	2½%+a&b	.02
Elevator Constructors' Helpers	6.10	.395	.26	2½%+a&b	.02
Elevator Constructors' Helpers (probationary)	4.36				
Ironworkers:					
Structural, Ornamental and Reinforcing	8.67	.50	.50		
Laborers:					
Unskilled, landscape worker	6.61	.40	.50		
Power tool oper., mason & plasterer tender, mortar mixer (by hand), scaffold builder, hod carrier, concrete puddler, rammer & pipelayer	6.74	.40	.50		
Mortar mixer (machine)	6.79	.40	.50		
Blaster-dynamite, wagon drill (air track)	6.92	.40	.50		
Lathers	7.72		.10		.01
Linemen - Allegany County:					
Linemen	8.85	.30	1%		1%
Equipment Operator	8.45	.30	1%		1%
Truck driver, groundmen (experienced)	5.83	.30	1%		1%
Groundman (1st year)	3.54	.30	1%		1%
Linemen - Garrett County:					
Linemen	9.25	.30	1%		1%
Equipment Operator	8.85	.30	1%		1%
Truck driver, groundmen (experienced)	6.23	.30	1%		1%
Groundmen (1st year)	3.94	.30	1%		1%
Marble Masons	8.24		.40		
Millwrights	8.85	.35	.25		.02
Painters:					
Brush, rollers, wall covering hangers	$6.70		.25		
Spray & Sandblasting	7.20		.25		
Piledrivermen	8.80	.35	.25		.02
Plasterers	8.67	.35			
Plumbers & Steamfitters	7.80	.35	.20	.65	.05
Roofers:					
Composition	7.10	.25	.40		
Mopmen - composition	7.35	.25	.40		
Helpers - composition (3 yrs. or less)	5.00	.25	.40		
Helpers - composition (over 3 yrs)	6.40	.25	.40		
Slaters	7.25	.25	.40		
Sheet Metal Workers	8.15		.25		.02
Sprinkler Fitters	9.40	.50	.70		.08
Stone Masons	8.24		.40		
Terrazzo Workers	8.24		.40		
Tile Setters	8.24		.40		

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

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
GROUP 1	$8.40	.50	.50	a	.07
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	8.01	.50	.50	a	.07
GROUP 3	7.69	.50	.50	a	.07
GROUP 4	7.47	.50	.50	a	.07
GROUP 5	7.36	.50	.50	a	.07
GROUP 6	7.04	.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 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 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.)

BUILDING CONSTRUCTION:

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
GROUP 1	$6.76	.35	.40		
GROUP 2	6.90	.35	.40		
GROUP 3	7.08	.35	.40		
GROUP 4	7.26	.35	.40		
GROUP 5	7.48	.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, turnarockers, ross carriers, athey wagons, A-frames, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumpcretes or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

NEW DECISION

STATE: South Carolina COUNTY: See Below*
DECISION NUMBER: AR-4050 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

23-SC-4-C

*Counties: Anderson, Greenville, Oconee, & Pickens

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
Air conditioning mechanic	4.25				
Bricklayers	5.25				
Carpenters	3.65				
Cement masons	4.07				
Drywall finishers	3.75				
Drywall hangers	3.72				
Electricians	4.50				
Glaziers	3.65				
Insulators	5.50				
Ironworkers, structural & ornamental	3.00				
Laborers:					
Laborers	2.37				
Air tool operator	2.50				
Mason tenders	2.75				
Mortar mixers	2.50				
Pipelayers	3.53				
Painters, brush	3.25				
Painters, spray	4.10				
Plumbers & pipefitters	4.17				
Roofers	3.12				
Sheet metal workers	3.40				
Soft floor layers	5.50				
Terrazzo workers	3.25				
Tile setters	4.17				
Truck drivers	3.25				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Air compressor	3.00				
Asphalt Raker	2.50				
Asphalt Paver	2.50				
Backhoe	3.56				
Bulldozer	3.25				
Forklift operator	3.05				
Front end loader	3.25				
Mechanic	3.15				
Motor Grader	2.95				
Pan operator	2.92				
Pump operator	3.50				
Rubber tire roller	3.00				

NEW DECISION

STATE: Texas COUNTY: Harrison
DECISION NO.: AR-82 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.98	.30	.51		.025
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.25		.20		
CARPENTERS	6.00				
CEMENT MASONS	6.00		.20		
ELECTRICIANS:					
Electricians	7.35		1%		1/4%
Cable splicers	7.70		1%		1/4%
GLAZIERS	5.00				
IRONWORKERS	7.65	.30	.35		.04
LABORERS:					
Laborers	3.08				
Mason tenders	3.25				
LATHERS	3.20				
PAINTERS:					
GROUP 1 - Journeymen painters, paperhangers, hand rollers & tools used for cleaning	5.50				
GROUP 2 - Window jack or window sill; Sand tape & floating	5.625				
GROUP 3 - Swing stage; Spray & sand blasting; Sign painting; Steel swing stage, boatswain's chair, brush	6.00				
GROUP 4 - Steam cleaning, buffing, burners and torches	7.25				
GROUP 5 - Steel brush	5.75				
GROUP 6 - Steel swing stage, boatswain's chair, spray & sand-blasting	8.00				
PLASTERERS	7.25		.20		
PLUMBERS & PIPEFITTERS	7.20		.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	6.265	.30	.50		.10
GROUP 2	7.05	.30	.50		.10
GROUP 3	7.45	.30	.50		.10

DECISION NO. AR-82

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cu. ft.; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment
GROUP 3 - Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 feet); Winch trucks; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Fordson type backhoe; Derrick, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile drivers; Mobile concrete mixers over 14 cu. ft.; Bulldozers, loaders, tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressors & 1 pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$3.25				
SHEET METAL WORKERS	7.245	.35	.25		.03
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	6.00				
TILE SETTERS	6.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION #AQ-4125 - Mod. #2
(39 FR 20911 - June 14, 1974)
Tuscaloosa County, Alabama

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians	$8.50	.30	1%		½ of 1%

DECISION #AR-4015 - Mod. #2
(39 FR 28772 - August 9, 1974)
Colbert and Lauderdale Counties, Alabama

Change:					
Bricklayers:					
Bricklayers; Blocklayers; Stonemasons	7.935				
Saw operator	8.185				

DECISION #AR-4043 - Mod. #1
(39 FR 35918 - October 4, 1974)
Jefferson County, Alabama

Change:					
Plumbers; Pipefitters	9.25	.25	.25		.07

DECISION #AR-1044 - Mod. #1
(39 FR 39677 - November 8, 1974)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons					
Imperial County	$ 9.00	.70	.90		.06
Glaziers					
Imperial County	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					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.00	10%	16%	13%	3/4%
Marble Setters, Terrazzo Workers and Tile Setters					
Imperial County	7.76	.55	.75	.60	
Painters					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excl. Western portion)					
Brush; Paint burners	8.23	.64	.44	.60	.04
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	8.73	.64	.44	.60	.04
Brush (swing stage); Spray	8.48	.64	.44	.60	.04
Steeplejack	9.63	.64	.44	.60	.04
Plumbers; Steamfitters					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.24	10%	16%	13%	3/4%
Soft Floor Layers					
Imperial County	8.33	.45	.90	.60	.06
Kern County (Remaining portion)	8.60	.50	.35	.50	.03

DECISION #AR-1045 - Mod. #1
(39 FR 39687 - November 8, 1974)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons Imperial County	$ 9.00	.70	.90		.06
Glaziers Imperial County	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 Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.00	10%	16%	13%	3/4%
Marble Setters, Terrazzo Workers and Tile Setters Imperial County	7.76	.55	.75	.60	
Painters Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excl. Western portion)					
Brush; Painter burners	8.23	.64	.44	.60	.04
Paperhangers; Iron, steel & bridge (swing stage); Sheet rock taper	8.73	.64	.44	.60	.04
Brush (swing stage); Spray	8.48	.64	.44	.60	.04
Steeplejack	9.63	.64	.44	.60	.04
Plumbers; Steamfitters Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.24	10%	16%	13%	3/4%
Soft Floor Layers					
Imperial County	8.33	.45	.90	.60	.06
Kern County (Remaining portion)	8.60	.50	.35	.50	.03

DECISION #AR-3129 - Mod. #3
(39 FR 31798 - August 29, 1974)
Barnstable County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers: Barnstable, Bourne, Falmouth, Mashpee & Sandwich	$ 9.32	.71	.83		
Roofers:					
Roofers, Bettlemen & Waterproofers	8.40	.50	.05		
Roofers' helpers, Class A	7.70	.50	.05		
Sprinkler Fitters	9.63	.50	.70		.08

DECISION #AR-3130 - Mod. #3
(39 FR 31802 - August 30, 1974)
Berkshire County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers	9.50	.44	.45		.01
Plumbers and Steamfitters:					
Becket, Otis, Sandisfield Plumbers	9.29	.45	.75	g	.01
Becket, Otis, Sandisfield, & New Boston: Steamfitters	9.38	.57	.70	.08	.02

FOOTNOTE:
g. July 4th provided worker employed 7 days prior to holiday

DECISION #AR-3131 - Mod. #4
(39 FR 31806 - August 30, 1974)
Bristol County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers: Remainder of County	$ 9.32	.71	.83		
Glaziers: Easton	9.20	.45	.66		.03
Roofers: Remainder of County					
Roofers; Kettlemen	8.40	.50	.05		
Helpers; Class A	7.70	.50	.05		
Add:					
Electricians: Fall River, Freetown, Somerset, Swansea & Westport					

Page _____

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3132 - Mod. #4					
(39 FR 31810 - August 30, 1974)					
Essex County, Massachusetts					
Change:					
Carpenters, Soft floor layers:					
Andover, Lawrence, Methuen,					
N. Andover & W. Andover					
On projects costing over					
$1,500,000	$ 9.13	.60	.50		.02
From 1 million to 1.5 million	8.68	.60	.50		.02
From $500,000 to 1 million	8.22	.60	.50		.02
Fron $200,000 to $500,000	7.30	.60	.50		.02
Up to $200,000	6.85	.60	.50		.02
Glaziers	9.20	.45	.56		.03
DECISION #AR-3134 - Mod. #3					
(39 FR 31819 - August 30, 1974)					
Hampden County, Massachusetts					
Change:					
Asbestos Workers	$ 9.50	.44	.45		.01
Plumbers	9.29	.45	.75	g	.01
DECISION #AR-3135 - Mod. #2					
(39 FR 31823 - August 30, 1974)					
Hampshire County, Massachusetts					
Change:					
Asbestos Workers	9.50	.44	.45		.01
Plumbers & Steamfitters:					
Belchertown, Grandy, Hunting-					
ton, Middlefield, S. Hadley					
& Ware:					
Plumbers	9.29	.45	.75	e	.01
Steamfitters	9.38	.57	.70	.08	.02

FOOTNOTE:
e. Paid holidays - July 4th provided worker is employed 7 days prior to holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3136 - Mod. #4					
(39 FR 31827 - August 30, 1974)					
Middlesex County, Massachusetts					
Change:					
Asbestos workers	$ 9.66	.55	.50		.01
Electricians:					
Bedford, Billerica, Boxboro,					
Burlington, Carlisle, Chelms-					
ford, Dracut, Dunstable,					
Littleton, Lowell, Tewksbury					
Tyngsboro, Westford, & Wilm-					
ington	9.44	.30	1%+.20		.02
Glaziers	9.20	.45	.66		.02
DECISION #AR-3138 - Mod. #4					
(39 FR 31836 - August 30, 1974)					
Plymouth County, Massachusetts					
Change:					
Asbestos Workers:					
Lakeville, Mattapoisett,					
Rochester & Wareham	9.32	.71	.83		
Glaziers:					
Remainder of County	9.20	.45	.56		.02
Roofers:					
Carver, Lakeville, Marion,					
Mattapoisett, Middleboro,					
Rochester & Wareham:					
Roofers; Kettlemen	8.40	.50	.05		
Helpers, Class A	7.70	.50	.05		
DECISION #AR-3111 - Mod. #3					
(39 FR 29814 - August 16, 1974)					
Grand Traverse & Leelanau					
Counties, Michigan					
Change:					
Plumbers	$ 8.87	.40	.40		.06

DECISION #AR-3141 - Mod. #2
(39 FR 30765 - August 23, 1974)
Statewide Michigan

Change:
Sign Installer

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	Zone 1*	Zone 2**				
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)	$ 7.12	6.53	18.00a	17.00a	.15	
Class B: (performs all misc. labor, uses all hand and power tools, and shall operate all other equipment, mobile or otherwise, required for the complete installation of highway and street signs)	6.87	6.28	18.00a	17.00a	.15	

FOOTNOTE:
a. Per week, per employee

*Zone 1: Genesee, Oakland, Macomb, Monroe, Washtenaw and Wayne Counties.
** Zone 2: Remainder of State

DECISION #AR-4030 - Mod. #2
(39 FR 32454 - September 6, 1974)
Hinds County, Mississippi

CHANGE:

	Rates	H & W	Pensions	Vacation	App. Tr.
Roofers	6.20		.10		
Roofers helpers	4.40		.10		
Electricians	7.35		1% + .50		.1%
Cable Splicers	7.60		1% + .50		.1%

DECISION NO. AR-13 - Mod. #4
(39 FR 29884 - August 16, 1974)
Douglas and Sarpy Counties, Nebraska

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Electricians	$10.08	.48	1%+.50		1/4%
Plumbers; Steamfitters	9.76	.35	.55		.10

DECISION NO. AR-59 - Mod. #2
(39 FR 36705 - October 11, 1974)
Douglas, Sarpy, Cass, Washington and that portion of Saunders County east of Highway #109, Nebraska.

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters	$7.53	.35	.30	.40	.05
Piledrivermen	7.655	.35	.30	.40	.05

DECISION #AR-2044 - Mod. #2
(39 FR 32464 - September 6, 1974)
Union County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Bricklayers, Cement Masons, Plasterers & Stone Masons: Hillside Twp.	9.85	.70	.60		.02
Electricians: Plainfield	10.83	4%	1%+.30		.02
Ironworkers: Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
Plumbers: Remainder of County	9.55	7%	8%	12%	1%
Roofers: Scotch Plains, Plainfield, Clark & Rahway:					
Composition, Damp & Waterproofing	10.25	.55	.50		
Slate & Tile	10.375	.55	.50		
Slate & Tile Helpers	9.25	.55	.50		
Soft Floor Layers	9.43	6%	5%	.37	
Sprinkler Fitters	10.53	.50	.70		.07
Terrazzo Workers	8.71	.45+.62	1.19		
Tile Setters	8.20	.55	1.75		
FOOTNOTES:					
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 reglar scheduled work days immediately preceding and following the holiday.					
Add:					
Tile Setters' Helpers	8.01	6%	7%		

DECISION #AR-2042 - Mod. #2
(39 FR 33179 - September 13, 1974)
Passaic County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Electricians	10.45	4%	1%+5%	10%	
Ironworkers: Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
Line Construction:					
Linemen & Equipment Operators	10.45	4%	1%+5%	10%	
Groundmen	7.315	4%	1%+5%	10%	
Cable Splicers	11.40	4%	1%+5%	10%	
Marble Setters	7.80	.78	.94		
Soft Floor Layers	9.43	6%	5%	.37	
Sprinkler Fitters	10.53	.50	.70		.07
Terrazzo Workers	8.71	.45+.62	1.19		
Terrazzo Workers' Machine Operators	7.68	.925	.475		
Tile Setters	8.20	.55	1.75		
FOOTNOTES:					
d. 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.					
Add:					
Tile Setters' Helpers	8.01	6%	7%		

DECISION NO. AR-34 - Mod #3
(39 FR 36762 - October 11, 1974)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
ZONE I					
Glaziers	$5.47	.24			
ZONE III					
Painters					
Zone 3-A	6.04	.24			.01
Zone 3-B	6.455	.24			.01
Zone 3-C	6.185	.24			.01
Zone 3-D	6.465	.24			.01
Zone 3-E	6.89	.24			.01
Zone 3-F	7.14	.24			.01

ision No. AR-2029 - Mod. # 1
9 FR - 31853 - August 30, 1974)
ams, Berks, Bradford, Carbon, Columbia,
nberland, Dauphin, Juniate, Lackawanna,
ncaster, Lebanon, Lehigh, Luzerne,
coming, Monroe, Montour, Northampton,
rthumberland, Perry, Pike, Schuylkill,
yder, Sullivan, Susquehanna, Tioga,
ion, Wayne, Wyoming and York Counties,
nsylvania

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
onworkers:						
umberland & Dauphin Counties, Pennsylvania						
Bridge, Structural, Ornamental & Reinforcing	$9.36	.64	1.06		.05	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3078 - Mod. #3					
(39 FR 29726 - August 2, 1974)					
Newport County, Rhode Island					
Change:					
Bricklayers, Stonemasons (Building)	$ 9.15	.65	.55		.01
Cement Masons (Heavy & Highway & Marine)	7.25	.50	.35		
Electricians:					
Little Compton, Tiverton	8.60	1%	1%+.25	1%	2%
Line Construction:					
Linemen	9.36	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Driver Groundman	7.77				
Painters:					
Remainder of County:					
Brush	8.15	.50	.50		
Spray & Potman	9.15	.50	.50		
Sheet Metal Workers	9.53	.66	.60		.04
Add:					
Electricians:					
Little Compton, Tiverton:					
Residential	5.25	.38	1%+.50		.02
DECISION #AR-3079 - Mod. #3					
(39 FR 28090 - August 2, 1974)					
Washington County, Rhode Island					
Change:					
Bricklayers & Stonemasons: Exeter, Johnston, North Kingstown, Narragansett (including the Pier of Point Judith)	$ 9.15	.65	.55		.01
Line Construction:					
Linemen	9.63	.30	1%	d	
Driver groundman	7.77	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Sheet Metal Workers	9.53	.66	.60		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3077 - Mod. #3					
(39 FR 28083 - August 2, 1974)					
Providence, Kent, and Bristol Counties, Rhode Island					
Change:					
Asbestos Workers	$ 9.32	.71	.83		
Bricklayers; cement masons; plasterers, stonemasons; marble, tile & terrazzo workers:					
Bristol and Kent Counties, & Remainder of Providence County:					
Bricklayers & Stonemasons	9.15	.65	.55		.01
Marble, tile & terrazzo workers	8.85	.55	.45		
Cement masons (Heavy & Highway)	7.25	.50	.35		
Line Construction:					
Linemen	9.36	.30	1%	d	
Driver Groundman	7.77	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operators	8.34	.30	1%	d	
Painters:					
Bristol, Kent & Providence Counties:					
Brush & Roller	8.15	.50	.50		
Spray & Potman	9.15	.50	.50		
Sheet Metal Workers	9.63	.66	.60		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4035 - Mod. #4					
(39 FR 33191 - September 13, 1974)					
Hamilton County, Tennessee					
Change:					
Bricklayers:					
Bricklayers, stonemasons, concrete block layers, tile setters, terrazzo workers & marble setters	$8.30	.30	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-43 - Mod. #3					
(39 FR 34009 - September 20, 1974)					
Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Electricians:					
Zone 3:					
Area A:					
Electricians	$8.53	4%	1%		7/10%
Cable splicers	9.38	4%	1%		7/10%
Area B:					
Electricians	8.78	4%	1%		7/10%
Cable splicers	9.65	4%	1%		7/10%
Area C:					
Electricians	9.03	4%	1%		7/10%
Cable splicers	9.93	4%	1%		7/10%
Sheet metal workers:					
Zone 2	8.105	.45	.30		.055
DECISION #AR-47 - Mod. #3					
(39 FR 35059 - September 27, 1974)					
Lubbock County, Texas					
Change:					
Bricklayers & stonemasons	7.85				
DECISION #AR-3159 - Mod. #1					
(39 FR 36837 - October 11, 1974)					
Kenosha County, Wisconsin					
Change:					
Electricians	$ 9.80	.34	1%	.25	3/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4045 - Mod. #1					
(39 FR 37327 - October 18, 1974)					
Berkeley and Charleston Counties, South Carolina					
Change:					
Electricians	$7.00	.30	1%		½ of 1%

STATE: Illinois COUNTIES: Madison & St. Clair
DECISION NUMBER: AR-3174 DATE: Date of Publication
Supersedes Decisions AR-3068 dated August 9, 1974, in 39 FR 28809 and AR-3071 dated August 9, 1974, in 39 FR 28819.
DESCRIPTION OF WORK: Building (Including Residential), Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.53	.20	.17		
Boilermakers	9.15	.60	1.00		.01
Bricklayers:					
Madison County					
Alton; Wood River & Vicinities					
Bricklayers; Stonemasons; Tile-Terrazzo-Marble Workers	9.60	.30	.50		
Edwardsville; Marine; Highland; Troy	8.63	.30	.50	1.00	
Granite City & Vicinity					
Bricklayers; Stonemasons					
Building	8.75		.50	1.00	.05
Residential	8.50		.50	1.00	.05
St. Clair County					
East St. Louis & Vicinity					
Bricklayers; Marble-Tile-Terrazzo Workers; Stonemasons	8.63	.30	.50	1.00	
Belleville & Vicinity					
Bricklayers; Stonemasons	9.40		.30	1.00	
Carpenters:					
Madison County					
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers					
Building	8.785	.45	.30		
Residential	8.385	.45	.30		
St. Clair County					
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers	8.735	.40	.50		
Cement Masons	9.325	.60	.25		
Electricians:					
Alton & Vicinity in Madison Co. St. Clair Co., & the Remainder of Madison County	10.19	.30	1%	6%	½ of 1%
	9.38	4%	1%+.65	6%	.25%
Elevator Constructors	9.24	.445	.29	2%+a&b	.02
Helpers	70%JR	.445	.29	2%+a&b	.02
Helpers (Prob.)	50%JR				
Ironworkers	8.80	.45	.65		
Laborers: Madison County					
Alton:					
Common Laborer	8.20	.35	.30		.035
Laying Sewer & All Sewer Work	8.30	.35	.30		.035
Well Digging Gunnite Machine & Nozzle Operator on Gunnite; Sandblasting, Rip/Rapping Work	8.45	.35	.30		.035

DECISION NO. AR-3174

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Wood River:					
Common Laborer	$8.35	.35	.50		.035
Laying Sewer & All Sewer Work	8.45	.35	.50		.035
Well digging, Machine & Nozzle Operator on Gunnite	8.60	.35	.50		.035
Granite City, Madison, Venice, Nameoki & Mitchell:					
Common Laborers	8.15	.35	.35		.035
Open Well	8.65	.35	.35		.035
Cutting, Burning & Welding	8.475	.35	.35		.035
Plasterers' & Brickmasons Tenders	8.65	.35	.35		.035
Dynamite & Powdermen	9.675	.35	.35		.035
Dynamite & Powdermen Helpers	8.675	.35	.35		.035
Collinsville:					
Common Laborers	8.65		.20		.035
Burning & Cutting W/Torch (2-Men) Raking & Luting Asphalt & Power Saw	8.90		.20		.035
Mason & Plasterer Tenders	9.15		.20		.035
Dynamite Men	9.95		.20		.035
Edwardsville:					
Common Laborer	8.60		.25		.035
Men Working in Main Sewer Ditch	8.85		.25		.035
Plaster & Mason Tenders	9.10		.25		.035
Dynamite & Powder Men	10.125		.25		.035
Dynamite & Powder Men Helpers	9.125		.25		.035
Glen Carbon					
Common Laborer	7.70		.35		.035
Mason & Plasterer Tenders	8.20		.35		.035
Dynamite Men	9.30		.35		.035
Highland:					
Common Laborers	7.70		.20		.035
Mason & Plasterers Tenders	8.20		.20		.035
Workmen cutting & burning w/torch	8.00		.20		.035
Livingston:					
Common Laborers	7.70		.20		.035
Working on the Bottom of Sewer	8.00		.20		.035
Mason & Plasterer Tenders	8.20		.20		.035
Marine:					
Common Laborer	7.70		.20		.035
Mason & Plasterer Tenders	8.20		.20		.035
Working on the Bottom of Sewer	8.00		.20		.035

DECISION NO. AR-3174

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Troy:					
Common Laborer	$7.70		.20		.035
Mason & Plasterer Tenders	8.20		.20		.035
Working on the Bottom of Sewer	8.00		.20		.035
St. Jacob:					
Common Laborer	7.70		.20		.035
Mason & Plasterer Tenders	8.20		.20		.035
Working in Sewer Trenches	8.00		.20		.035
Laborers: St. Clair County					
East St. Louis & Vicinity					
Laborers	8.15	.35	.35		.035
Bottom Men on Sewer Work	8.41	.35	.35		.035
Dynamite Men	9.675	.35	.35		.035
Hod Carriers:					
Plastering	7.75	.25	.35		.035
Masonry	8.15	.20	.20		.035
Belleville & Vicinity					
Laborers	7.70	.25	.20		.035
Bottom Men on Sewer Work	7.95	.25	.20		.035
Dynamite Men & Powder Men	9.20	.25	.20		.035
Hod Carriers	9.25		.20	1.20	
Plasterers' Tenders	9.25		.20	1.20	
O'Fallon, Mascoutah, Scott AFB, Shiloh & Lebannon & Vicinity					
Laborers	8.65		.20		.035
Bottom Men on Sewer Work	8.90		.20		.035
Brickmason Tenders	9.25		.20		.035
Plasterers' Tenders	9.25		.20		.035
Mortar Mixers	9.25		.20		.035
Freeburg & Vicinity:					
Laborers	7.70		.20		.035
All Sewer Work	8.00		.20		.035
Mason Tenders & Plaster Tenders	8.20		.20		.035
Dynamite Men	9.30		.20		.035
New Athens & Vicinity:					
Laborers	7.45	.25	.20		.035
Bottom Men on Sewer Work	7.70	.25	.20		.035
Mason & Plaster Tenders	7.95	.25	.20		.035
Lathers	8.435			.65	.01
Leadburners	9.25	.35		c	.01

DECISION NO. AR-3174

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Residential; Commercial	$7.85	.35	.15		
Industrial	8.10	.35	.15		
Bridges; Grain Elevators; Water-Radio & TV Towers; Stacks	8.35	.35	.15		
Stages; Boatswain Chairs; Picks; Scaffolds supported by Ropes or Cables; Rollers; Wool or Felt Applicators-Addt'l.-.25 Per Hour					
Rollers; Wool or Felt Applicators on Industrial Work-Addt'l.-.50 Per Hour					
Spray; Sand & Water Blasting; Steam Cleaning-Addt'l.-1.00 Per Hour					
Plasterers	9.725				.01
Plumbers & Steamfitters:					
Alton & Northern Part of Madison County; North of Mitchell	10.25	.41	.82		
Granite City; Southern ½ of Madison County & East St. Louis & Vicinity in St. Clair County	9.25		.75		
Roofers-Composition-Slate-Tile	7.80	.27	.30	.75	.03
Kettlemen	5.60	.27	.30	.75	.03
Sheet Metal Workers	8.18	.20	.25	6%	.01
Sprinkler Fitters	9.40	.50	.70		.08
Welders - receive rate prescribed for craft per 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

FOOTNOTES:

a. Employer contributes 1% of regular hourly rate to vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid holidays: A through F.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.43	.42	.85		.05
GROUP II	8.60	.42	.85		.05
GROUP III	7.95	.42	.85		.05
GROUP IV	7.85	.42	.85		.05
GROUP V	7.60	.42	.85		.05
GROUP VI					
a.	11.58	.42	.85		.05
b.	11.88	.42	.85		.05
c.	9.70	.42	.85		.05
d.	10.20	.42	.85		.05

POWER EQIPMENT OPERATORS

CLASSIFICATIONS

GROUP I: Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile-drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2drum or more (where oiler or fireman is required), hoists-2drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distributor pors., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II: Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III: Firemen and asphalt spreader oilers

GROUP IV: Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V: Oilers

GROUP VI:

a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs. pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

ILL-2-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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:	$7.10	.40	a12.00		
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00		
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00		

FOOTNOTE: a.-Employer contributes $12.00 per week per employee.

STATE: Kansas SUPERSEDEAS DECISION COUNTIES: Douglas, Jefferson, Leavenworth, Miami & Shawnee

DECISION NO: AR-83 DATE: Date of Publication

Supersedes Decision No. AP-503, dated August 25, 1972, in 37 FR 17349

DESCRIPTION OF WORK: Highway Construction

DECISION NO. AR-83

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN:					
ZONE 1	$7.35	.35	.25		.05
ZONE 2	6.95	.35	.25		.05
ZONE 3	8.62	.33	.30	.25	.05
ZONE 4					
Carpenters	8.37	.33	.30	.25	.05
Piledrivermen	8.62	.33	.30	.25	.05

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

ZONE 1 - Douglas & Shawnee Counties (Includes Forbes Air Force Base and within the City of Topeka and the City of Lawrence and with 3 miles of the city limits of these cities)
ZONE 2 - Remainder of Douglas & Shawnee Counties
ZONE 3 - Leavenworth County
ZONE 4 - Miami County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS					
ZONE 1	8.905	.20	.45	.50	.05
ZONE 2	7.15	.35	.25		
ZONE 3	6.85	.35	.25		

AREAS COVERED BY CEMENT MASONS ZONES

ZONE 1 - Leavenworth & Miami Counties
ZONE 2 - Douglas & Shawnee Counties
ZONE 3 - Jefferson County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS					
ZONE 1	9.22	.23	17%+.27	.80	.03
ZONE 2	9.15	.40	17%+.50		.05

AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Leavenworth County (Delaware, High Prairie, Kickapoo & Leavenworth Townships)
ZONE 2 - Douglas, Jefferson, Miami, Shawnee & the remainder of Leavenworth Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS	8.90	.60	.80	1.00	.05
LABORERS:					
GROUP 1					
ZONE 1	5.275	.35	.35		
ZONE 2	5.70	.35	.35		
ZONE 3	5.75	.30	.35		
ZONE 4	4.625	.35	.35		
GROUP 2					
ZONE 1	5.425	.35	.35		
ZONE 2	5.85	.35	.35		
ZONE 3	5.90	.30	.35		
ZONE 4	4.775	.35	.35		
GROUP 3					
ZONE 1	5.525	.35	.35		
ZONE 2	5.95	.35	.35		
ZONE 3	6.00	.30	.35		
ZONE 4	4.875	.35	.35		
GROUP 4					
ZONE 1	5.675	.35	.35		
ZONE 2	6.10	.35	.35		
ZONE 3	6.15	.30	.35		
ZONE 4	5.025	.35	.35		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONTD):					
GROUP 5					
ZONE 1	5.775	.35	.35		
ZONE 2	6.20	.35	.35		
ZONE 3	6.25	.30	.35		
ZONE 4	5.275	.35	.35		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Board mat weavers & cable tiers; georgia buggy (manually operated); mixerman-no skip lift; nailers; salamander tenders; track men; tractor swamper; truck dumper; wire mesh setter; water pump up to 4 inches; & all other general laborers including flagman

GROUP 2 - Air tool operators; cement handlers (bulk); chain saw; georgia buggy (mechanically operated); grade man; hot mastic kettlemen; crusher feeder; joint man; jute man; mason tender; material batch hopper & scale man; mixer man; pier hole man working 10 feet deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane); truck dumper-dry batch; vibrator operator; wagon and churn drill operator

GROUP 3 - Asphalt raker, barco tamper; concrete saw; creosote material- handling & applying; nozzle burner (cutting torch)

GROUP 4 - Conduit pipe; tile & duct line setter; form setter & liner on concrete paving; powderman; sandblasting & gunnite nozzleman; sanitary sewer pipe layer

GROUP 5 - Leadmen or pusher

AREA COVERED BY LABORERS

ZONE 1 - Jefferson County
ZONE 2 - Douglas & Shawnee Counties
ZONE 3 - Leavenworth County
ZONE 4 - Miami County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Lineman	8.71	.35	1% + .15		½%
Heavy equipment operator	8.10	.35	1% + .15		½%
Groundman powderman	6.04	.35	1% + .15		½%
Groundman	5.73	.35	1% + .15		½%
Groundman (1st year)	4.91	.35	1% + .15		½%
ZONE 2					
Lineman	7.70	.35	1%		½%
Cable splicers	8.085	.35	1%		½%
Groundman, over 1 year	4.81	.35	1%		½%
Groundman, 1st year	3.67	.35	1%		½%
Powderman	6.39	.35	1%		½%
Line Truck & Equipment Operators:					
1st year	4.93	.35	1%		½%
2nd year	5.88	.35	1%		½%
Over 2 years* experience	6.39	.35	1%		½%

AREAS COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Leavenworth County
ZONE 2 - Douglas, Jefferson, Miami and Shawnee Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1- Leavenworth County					
GROUP 1	9.25	.50	.75	.75	.10
GROUP 2	9.00	.50	.75	.75	.10
GROUP 3	8.75	.50	.75	.75	.10
GROUP 4	8.00	.50	.75	.75	.10
GROUP 5	9.50	.50	.75	.75	.10
GROUP 6	9.75	.50	.75	.75	.10
GROUP 7	9.25	.50	.75	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP 1 - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boiler-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator-central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader-fork lift; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; scoops in tandem; self-propelled rotary drill (leroy or equal-not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip-form paver(CMI, REX, or EQUAL); throttle man; truck crane; welding machine maintenance operator-2; hoisting engine-2 active drums

GROUP 2 - "A" frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller backfiller operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine-1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 HP

GROUP 3 - Boilers-1; chip spreader (front man); churn drill operator; compressor maintenance operator-1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor-50 HP or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator-1

GROUP 4 - Mechanic's helper; oiler

GROUP 5 - Clamshells, 3 yd. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yd. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd. capacity or over

GROUP 6 - Crane or rigs, over 200 ft. of boom (including jib)

GROUP 7 - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 2 - Douglas and Shawnee Counties					
GROUP 1	7.00	.50	.50	.25	.10
GROUP 2	6.75	.50	.50	.25	.10
GROUP 3	6.50	.50	.50	.25	.10
GROUP 4	6.25	.50	.50	.25	.10
GROUP 5	5.90	.50	.50	.25	.10
GROUP 6	6.00	.50	.50	.25	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 2

GROUP 1 - Master mechanic

GROUP 2 - Asphalt paver & spreader; backhoe; boring machine; blades, all types; clam shell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist-2 active drums; loader, all types; mechanic or welder; mixermobile; multi-unit scraper; piledriver operator; power shovel operator; quad track; scoop operators, all types; sideboom cat-cherry picker; skimmer scoop operator

GROUP 3 - Asphalt plant operator; elevating grader operator; pushcat operator

GROUP 4 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; back filler operator; barber-greene loader; boiler-other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator; distributor operator; finish machine operator-concrete; fireman other than asphalt; flex plane operator; fork lift; form grader operator; greaser; hoist-1 drum; jeep ditching machine; pavement breaker, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening & wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphons & jets; subgrading machine operator; tank car heater operator, combination booster & boilers; towboat operator; vibrating machine operator, not hand

GROUP 5 - Concrete gang saw, self-propelled (con-cut); conveyor operator; harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments

GROUP 6 - Oiler, motor crane

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
ZONE 1 - Leavenworth and Miami Counties					
GROUP 1	7.89	.50	.50	.50	
GROUP 2	8.09	.50	.50	.50	
GROUP 3	8.40	.50	.50	.50	
GROUP 4	8.55	.50	.50	.50	
GROUP 5	7.665	.50	.50	.50	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS ZONE 1

GROUP 1 - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle
GROUP 2 - Material trucks, tandem; two teams, semi-trailers; winch truck-fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, single axle; tank wagon drivers; tandem or semi-trailer; insley wagons; dump trucks, excavation 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment
GROUP 3 - A-frame, lowboy, boom truck drivers
GROUP 4 - Mechanics & welders
GROUP 5 - Mechanics" helpers, oilers & greasers

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
ZONE 2 - Douglas and Shawnee Counties					
GROUP 1	5.30	.35	.35		
GROUP 2	5.40	.35	.35		
GROUP 3	5.55	.35	.35		

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CLASSIFICATION DEFINITIONS

TRUCK DRIVERS ZONE 2

GROUP 1 - Pickups; panel trucks; station wagons; flat beds, dump and batch trucks single axle
GROUP 2 - Tandem trucks; warehousemen or partsmen; mechanic helpers and servicemen
GROUP 3 - Lowboys; semi-trailers; all transit mixer trucks (single or tandem axle); a-frame and winch trucks when used as such; euclid, end and bottom dump; tournarockers; atheys, dumpsters and similar off-road equipment and mechanics on such equipment

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: HUDSON

DECISION NO.: AR-2087 DATE: DATE OF PUBLICATION DECISION NO. AR-2087

Supersedes Decision No. AQ-2090 dated March 29, 1974, in 39 FR 11822.
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			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.202	.5803	.4974		.02
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONEMASONS, PLASTERERS & CEMENT MASONS:					
West of Hackensack River	9.85	.70	.60		.02
Remainder of County:					
Bricklayers & Stonemasons	9.76	.87	.75		
Cement Masons & Plasterers	8.50	1.00	.50		.05
CARPENTERS, MILLWRIGHTS & INSULATORS:					
West of Hackensack River	9.73	6%	6%		.02
Remainder of County	9.05	8%	8%		.02
ELECTRICIANS & CABLE SPLICERS	11.23	3%	1%+5%+.58		1.5%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.10	.395	a+.26	b+c	.015
Helpers	6.83	.395	a+.26	b+c	.015
Probationary Helpers	4.55				
Modernization	8.33	.395	a+.26	b+c	.015
Modernization Helpers	6.25	.395	a+.26	b+c	.015
Repair	7.48	.395	a+.26	b+c	.015
Repair Helpers	5.61	.395	a+.26	b+c	.015
GLAZIERS	8.70	.70	.65	d	.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
LABORERS, BUILDING:					
Kearny, East Newark & Harrison:					
Common Laborers, Air Tool Operators, Masons Tenders, Mortar Mixers, Pipe Layers, Concrete & Clay.	7.20	.40	.45		
Remainder of County:					
Common Laborers, Air Tool Operators, Mason Tenders, Mortar Mixers, Concrete Laborers, Plasterers' Tenders & Hod Carriers.	6.80	.50	.50	.30	
Laborers on structures 176' high or 22 stories from ground level	6.85	.50	.50	.30	
LEAD BURNERS	9.25	.35		e	.01
MARBLE SETTERS	7.80	.78	.94		
MARBLE SETTERS HELPERS	7.33	.74	.88		
PAINTERS:					
Kearny & Harrison:					
Brush	$8.40	.50	.50	.10	
Structural Steel & Tanks under 30'	8.55	.50	.50	.10	
Structural Steel & Tanks 30' & over	9.00	.50	.50	.10	
Bridges, TV, Radio, Water Towers & Stacks	9.00	.50	.50	.10	
Sandblasting, Steam Cleaning	9.00	.50	.50	.10	
Remainder of County:					
Industrial & Commercial	6.75	.70	1.15	.30	
Exterior Scaffold Work	7.25	.70	1.15	.30	
Structural Steel, Tanks, Bridges, Towers, Smoke-stacks, Radio Towers, TV Towers, Flagpoles (steel or wood), & Sandblasting	7.25	.70	1.15	.30	
Hazardous Work	7.25	.70	1.15	.30	
CONTINUOUS PIPE TYPE CABLE:					
Linemen & Cable Splicers	10.23	3%	1%+5%+.58		1.5%
Hole Digging Equipment	10.23	3%	1%+5%+.58		1.5%
PILEDRIVERMEN & DOCK BUILDERS	9.36	.90	1.53	.56	.02
PIPE FITTERS	10.00	.60	.80	1.00	.25
PLUMBERS:					
Bayonne, Hoboken & Jersey City	10.15	.70	.85		.10
Kearny & Harrison	9.525	.40	.90	.85	.10
Remainder of County	9.40	.61	.55	1.00	.02
ROOFERS:					
East of the Hackensack River:					
Composition, Damp & Waterproofing	8.84	7%+5%	1.00+1.20	.63	
West of the Hackensack River:					
Composition, Damp & Waterproofing	10.27	.70	.50		
Slate & Tile	9.05	.30	.20		
Slate & Tile Helpers	7.95	.30	.20		
SHEET METAL WORKERS	9.15	.5175	.4575	.4260	.02
SOFT FLOOR LAYERS	9.43	6%	5%	.37	
SPRINKLER FITTERS	10.53	.50	.70		.07
TERRAZZO WORKERS	8.71	.45+.62	1.19		
TERRAZZO WORKERS'HELPERS	7.43	.925	.475		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS MACHINE OPERATORS	$7.68	.925	.475		
TILE SETTERS	8.20	.55	.65+1.10		
TILE SETTERS HELPERS	8.01	6%	7%		
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; 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 Birthday, 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 service 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.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
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	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salsmander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

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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).

DECISION NO. AR-2087 P. 6 N.J.-5-LAB-5-L

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ABORERS, ASPHALT						
treets:						
Head rakers	$ 7.20	.51	.54	a		
Rakers	7.05	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.80	.51	.54	a		
lant:						
Scale mixer and burner men	7.05	.51	.54	a		
Feeders and dust men	6.80	.51	.54	a		

AID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

OOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (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, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (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 crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, 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 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

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 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), 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 umder 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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
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-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), 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, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete 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 ot 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 maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans 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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NJ-4-PEO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
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	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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NEW JERSEY-2-TD-1-2-3-P

BUILDING, HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	$7.25	1.31½		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	7.15	1.31½		a+b		
Straight three-axle materials: trucks and floats	7.05	1.31½		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	7.00	1.31½		a+b		
Mechanics helpers	6.77	1.31½		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; Good Friday; providing has worked or shaped one day of the calendar week in which the holiday occurs.

b. Employees who have worked or have received pay for 80 days shall receive 48 hours vacation pay; 125 days - 96 hours vacation pay; 145 days - 120 hours vacation pay; an employee with 145 days credit and at least 15 years seniority shall receive 160 hours vacation pay.

STATE: NEW JERSEY COUNTY: MERCER

DECISION NO.: AR-2088 DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2104 dated April 19, 1974, in 39 FR 14168.
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			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.85	.50	.50		.025
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONE MASONS, CEMENT MASONS, PLASTERERS, MARBLE MASONS TERRAZZO WORKERS & TILE SETTERS:					
Princeton Boro. & Princeton Twp.:					
Bricklayers, Plasterers, Stone Masons & Cement Masons	9.50	.50	.70		.03
Marble Masons	7.80	.78	.94		
Terrazzo Workers	8.71	.45+.62	1.19		
Tile Setters	8.20	.55	1.65		
Remainder of County	9.50	.50	.70		.03
CARPENTERS, MILLWRIGHTS & INSULATORS:					
Lawrenceville, Clarkville, Dutch Neck, Grover's Mill, Princeton Jct., Penns Neck, Princeton & Port Mercer	9.73	6%	6%		.02
Remainder of County	9.85	.50	.55		.02
ELECTRICIANS & CABLE SPLICERS	11.35	.43	1%+.40		.10
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	8.70	.70	.65	c	.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing	9.74	.64	1.06	10%	.05
LABORERS, BUILDING					
Princeton, Lawrence & Windsor Twps., & Princeton Boro.:					
Common Laborers, Hod Carriers, Jackhammer Operators, Tampers & Electric Hammer Operators	6.80	.40	.10		
Washington, Hightstown & East Windsor:					
Laborers, Common	7.10	.50	.45		
Jackhammer Operators	7.35	.50	.45		
Remainder of County:					
Laborers, Mortar Mixers, Mason Tenders, Pneumatic Gas, Electric Tool Operators, Power Buggy, Wreckers & Pipe Layers					

DECISION NO. AR-2088

LABORERS, BUILDING: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(Concrete & Clay)	$6.35	.30	.40		
Plasterers' Tenders & Hod Carriers	6.45	.30	.40		
LATHERS	7.75	.25	.25		.02
LEAD BURNERS	9.25	.35		d	.01
MARBLE SETTERS' HELPERS	7.33	.74	.88		
PAINTERS:					
Brush	8.40	.50	.50	.10	
Structural Steel & Tanks under 30'	8.55	.50	.50	.10	
Structural Steel & Tanks 30' & over	9.00	.50	.50	.10	
Bridges, TV, Radio, Water Towers & Stacks	9.00	.50	.50	.10	
Sandblasting, Steam Cleaning	9.00	.50	.50	.10	
PLUMBERS & STEAMFITTERS:					
Trenton Area	10.39	.57	.80		.05
Princeton Area	9.15	.64	.77	1.10	.09
ROOFERS:					
Composition, Waterproofing, Slate & Asphalt Shingle	9.70	.40	.50		
SHEET METAL WORKERS	8.93	.30	.50		.02
SOFT FLOOR LAYERS	9.43	6%	5%	.37	
SPRINKLER FITTERS:					
Town of Trenton	9.70	.30	.50		.02
Remainder of County	10.00	.50	.70		.08

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. AR-2088

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. One week's vacation after one year's work; two weeks vacation after 4 years work; 3 weeks vacation after 15 years work.

d. 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.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
orers:					
asters	$7.40	.50	.75	a	
nishers, rammer, paver & gunnite					
ozzle man and stonecutter	7.10	.50	.75	a	
mberman	7.05	.50	.75	a	
rm setters	7.10	.50	.75	a	
ademan	7.10	.50	.75	a	
wer pipe, laser men, conduit & duct					
ine layers	6.80	.50	.75	a	
gon drill op., & drill masters	6.90	.50	.75	a	
gon drill op. helper & drill masters					
elper, powder carrier, magazine					
ender	6.55	.50	.75	a	
ckhammer, chipping hammer, pavement					
reaker, power buggy, concrete cutter,					
sphalt cutter, sheet hammer & tree					
utter op., & such other power tools used					
or work previously done manually	6.90	.50	.75	a	
gnal man	6.60	.50	.75	a	
apping and coating of all pipe	6.50	.50	.75	a	
mmon laborers, landscape laborers,					
ailroad track man, flagmen, salamander					
tenders, pitmen & dumpmen	6.40	.50	.75	a	
FREE AIR TUNNEL WORK					
asters	8.27	.50	.75	a	
illed men (including miners, drill					
nners, iron men, maintenance men,					
nveyor men, safety miners, riggers,					
lock layers, powder carriers, all other					
killed men)	7.87	.50	.75	a	
ni-skilled men (including miners'					
elpers, chuck tenders, track men,					
ippers, brake men, derail men, cable					
en, hose men, grout men, gravel men,					
orm men, bell or signal men (top or					
ottom), form workers and movers,					
oncrete workers, shaft men, tunnel					
aborers, caulkers' helpers, all					
ther semi-skilled men)	7.71	.50	.75	a	
l others (including powder watchmen,					
hange house attendants, top laborers)	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).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (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, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (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 crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, 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 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

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 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), 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 umder 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			
		H & W	Pensions	Vacation	App. Tr.
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-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), 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, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete 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 ot 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 maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans 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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
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	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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New Jersey 1-TD-1-2-3-G 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	.61½	.69	a + b	
Euclid, International Harversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	7.15	.61½	.69	a + b	
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	7.05	.61½	.69	a + b	
Straight three-axle materials: Truck and floats	7.00	.61½	.69	a + b	
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch trucks, 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,					

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	$7.00	.61½	.69	a + b	
Teamster mechanic	7.00	.61½	.69	a + b	
Mechanic helper	6.77	.61½	.69	a + b	

FOOTNOTES:

a. Employees working or receiving pay for 80 days within a year receive one weeks 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.

STATE: NEW JERSEY COUNTY: MONMOUTH

DECISION NO.: AR-2089 DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2096 dated April 12, 1974, in 39 FR 13478.
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			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Twps., of Allentown, Blansingburg, Brielle, Englishtown, Farmingdale, Freehold, Howell, Manalapan, Masasquan, Millstone, Roosevelt, Sea Girt, South Belmar, Spring Lake, Spring Lake Heights, Upper Freehold, Wall & West Belmar	$9.85	.50	.50		.025
Remainder of County	9.202	.5803	.4974		.02
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS	10.00		.40		
CARPENTERS, MILLWRIGHTS & INSULATORS:					
Carpenters & Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
ELECTRICIANS & CABLE SPLICERS	10.20	.41	1%+.30		.01
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	9.05	.61	.65		.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
LABORERS, BUILDING:					
Twps. of Matawan, Union Beach, Raritan, Keansburg, Highland, Holmdel, Middletown, Fair Haven, Red Bank, Matawan Boro. & Marlboro:					
Common Laborers	7.10	.30			
Jackhammer Operators	7.35	.30			
Remainder of County:					
Common Laborers	7.10	.50	.45		
Jackhammer Operators	7.35	.50	.45		
LEAD BURNERS	9.25	.35		c	.01
LINEMEN & CABLE SPLICERS	10.20	.41	1%+.30		.01
MARBLE SETTERS	7.80	.78	.94		
MARBLE SETTERS' HELPERS	7.33	.74	.88		

DECISION NO. AR-2089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Commercial	$7.80		.45		
Swing Scaffold, Tanks, Stacks, Bridges, Radio Towers, Water Towers, Window Jacks, 3 stories & over, Structural Steel & all Hazardous work	8.40		.45		
PILEDRIVERMEN & DOCK BUILDERS	9.36	.90	1.53	.56	.02
PLUMBERS & STEAMFITTERS:					
Ashbury Park Area	10.45	5%	.75		.05
Red Bank Area	9.56	.41	.60	1.00	.20
ROOFERS:					
Allentown, Arneytown, Hornerstown, Cream Ridge, Imlaystown, New Sharon, Roosevelt, Clarksburg & Perrineville:					
Composition, Waterproofing, Slate & Asphalt Shingle	9.70	.40	.50		
Remainder of County:					
Composition, Damp & Waterproofing	10.25	.55	.50		
Slate & Tile	10.375	.55	.50		
Slate & Tile Helpers	9.25	.55	.50		
SHEET METAL WORKERS	9.49	6%	4%+.10	8%	.02
SOFT FLOOR LAYERS	9.43	6%	5%	.37	
SPRINKLER FITTERS:					
Union Beach, Keyport, Cliffwood, Keansburg, Port Monmouth, Belford, Leonardo, Atlantic Highlands, New Monmouth, Matawan & Middletown	10.53	.50	.70		.07
Remainder of County	10.00	.50	.70		.08
TERRAZZO WORKERS	8.71	.45+.62	1.19		
TERRAZZO WORKERS' HELPERS	7.43	.925	.475		
TERRAZZO WORKERS MACHINE OPERATORS	7.68	.925	.475		
TILE SETTERS	8.20	.55	1.75		
TILE SETTERS' HELPERS	8.01	6%	7%		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. AR-2089

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. 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.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
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	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salsmander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	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).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (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, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (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 crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, 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 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

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 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), 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 umder 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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
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-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), 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, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete 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 ot 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 maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans 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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
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	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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New Jersey 1-TD-1-2-3-G 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	.61½	.69	a + b	
Euclid, International Harversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	7.15	.61½	.69	a + b	
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	7.05	.61½	.69	a + b	
Straight three-axle materials: Truck and floats	7.00	.61½	.69	a + b	
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch trucks, 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,					

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	$7.00	.61½	.69	a + b	
Teamster mechanic	7.00	.61½	.69	a + b	
Mechanic helper	6.77	.61½	.69	a + b	

FOOTNOTES:

a. Employees working or receiving pay for 80 days within a year receive one weeks 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.

STATE: NEW JERSEY COUNTY: OCEAN

DECISION NO.: AR-2090 DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2106 dated April 26, 1974, in 39 FR 14880.
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			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Twps. of Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton & Union	$9.22	.50	.50		
Remainder of County	9.85	.50	.50		.025
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS	10.00		.40		
CARPENTERS, MILLWRIGHTS & INSULATORS:					
Carpenters & Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
ELECTRICIANS & CABLE SPLICERS	10.20	.41	1%+.30		.01
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	9.05	.61	.65		.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing-nearest towns as listed below;					
Atlantic City	10.10	.64	1.06		.05
Perth Amboy	9.62	7%	23%	10%	1%
Trenton	9.74	.64	1.06	10%	.05
LABORERS, BUILDING:					
Lacey, Ocean, Union, Barnegat City, Stafford, Harvey Cedars, Surf City, Eagleswood, Ship Bottom, Beach Arlington, Little Egg Harbor, Beach Haven & Tuckerton Twps.:					
Laborers, Concrete Workers, Mason Tenders & Plasterers' Tenders	6.35	.55	.15		
Nozzle Gun Operators	6.45	.40	.15		
Air Tool Operators & Gunite Men	6.80	.55	.15		
Remainder of County:					
Laborers, Common	7.10	.50	.45		
Jackhammer Operators	7.35	.50	.45		
LEAD BURNERS	9.25	.35		c	.01
LINEMEN & CABLE SPLICERS	10.20	.41	1%+.30		.01

DECISION NO. AR-2090

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Twps. of Ocean, Union, Stafford, Eagleswood & Little Egg Harbor:					
Brush & Roller	8.25	.45	.45		
Paperhanging, Vinyl-wall Covering	8.25	.45	.45		
Structural Steel, Tanks & Flag Poles	9.25	.45	.45		
Spray	9.25	.45	.45		
Sandblasting & Stripping of Lines by Mechanical Machines	9.25	.45	.45		
Remainder of County:					
Commercial	7.80		.45		
Swing Scaffold, Tanks, Stacks, Bridges, Radio Towers, Water Towers, Window Jacks, 3 stories & over, Structural Steel & all Hazardous work	8.40		.45		
PILEDRIVERMEN & DOCK BUILDERS	9.36	.90	1.53	.56	.02
PLUMBERS & STEAMFITTERS:					
Whiting to Keswick Grove to Bargenat Pines to Bargenat Light and all areas south thereof inclusive	10.58	.42	.42		.025
Remainder of County	10.45	5%	.75		.05
ROOFERS:					
County line southward to Cassville, Lakehurt, Whiting, Wheatland and Cedar Bridge inclusive:					
Composition, Damp & Waterproofing	10.25	.55	.50		
Slate & Tile	10.375	.55	.50		
Slate & Tile Helpers	9.25	.55	.50		
Remainder of County:					
Composition, Waterproofing, Slate & Asphalt Shingle	9.70	.40	.50		
SHEET METAL WORKERS	9.49	6%	4%+.10	8%	.02
SOFT FLOOR LAYERS	9.43	6%	5%	.37	
SPRINKLER FITTERS	10.00	.50	.70		.08

DECISION NO. AR-2090

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. 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.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.50	.75	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.50	.75	a	
Timberman	7.05	.50	.75	a	
Form setters	7.10	.50	.75	a	
Trademan	7.10	.50	.75	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.50	.75	a	
Wagon drill op., & drill masters	6.90	.50	.75	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.50	.75	a	
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	6.90	.50	.75	a	
Signal man	6.60	.50	.75	a	
Wrapping and coating of all pipe	6.50	.50	.75	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.50	.75	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	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).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (copilot), 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, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (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 crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, 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 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

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 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), 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 umder 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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
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-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), 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, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete 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 ot 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 maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans 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.

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
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	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	.61½	.69	a + b	
Euclid, International Harversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	7.15	.61½	.69	a + b	
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	7.05	.61½	.69	a + b	
Straight three-axle materials: Truck and floats	7.00	.61½	.69	a + b	
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus; dumpcrete, transit-mixers, agitator mix, half-track, winch trucks, 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,					

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	$7.00	.61½	.69	a + b	
Teamster mechanic	7.00	.61½	.69	a + b	
Mechanic helper	6.77	.61½	.69	a + b	

FOOTNOTES:

a. Employees working or receiving pay for 80 days within a year receive one weeks 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.

STATE: Pennsylvania

Counties: Lackawanna, Susquehanna, Wayne, Wyoming

DECISION NO.: AR-2092

DATE: Date of Publication

Supersedes Decision No. AQ-2092, dated April 12, 1974, in 39 FR 13499

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.00	.50	.35		.01
BOILERMAKERS	10.20	.65	1.00		.01
BRICKLAYERS & STONEMASONS:					
Scranton, Wayne County	9.00	.50	.50		.01
Carbondale	8.85	.30			
Susquehanna & Wyoming Counties	9.15	.35	.50		
CARPENTERS	8.17	.405	.50		.05
CEMENT MASONS:					
Wyoming, Wayne, Susquehanna Counties	8.40	.40	.40		
Scranton	8.40	.40	.40		
Carbondale	8.85	.30			
ELECTRICIANS:					
Lockawanna, Susquehanna and Wayne Counties	8.15	.35	1%+.50	.50	.10
Wyoming County					
East of Susquehanna River	8.15	.35	1%+.50	.50	.10
West of Susquehanna River	9.15	.30	1%+.35		.03
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	8.09	.39	.26	2½%+a+b	.02
Elevator Constructors Helpers	5.66	.39	.26	2½%+a+b	.02
Elevator Constructors Helpers (prob.)	4.045				
GLAZIERS	8.25	.35	.40		
IRONWORKERS:					
Lackawanna, Wayne & Wyoming County					
Structural & Ornamental	9.85	.64	1.06		.10
Reinforcing	9.75	.64	1.06		.10
Susquehanna County	9.00	.41	.43		.04
LABORERS:					
Lackawanna, Wayne, Susquehanna & Northern part of Wyoming County:					
Unskilled and Window Cleaners	6.80	.48	.50		
Semi skilled Laborers: Jackhammer operators, (each man when two required for operation of jackhammer) Vibrator and Buster Men, Wagon Drill and all men handling dynamite. Gas buggies 2" pumps and concrete mixers (up to 2 bags) and all pneumatic tools	6.95	.48	.50		

DECISION NO. AR-2092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd)					
Plaster tenders and Mason tenders and haldling of all material to be used Masons & Scaffold Builders	$ 7.20	.48	.50		
Non-metallic pipe layers and making of joints, clay, terra cotta, ironstone, vitrified concrete handling of burning torches, asphalt or other material	6.95	.48	.50		
Southern part of Wyoming County:					
Unskilled	7.17	.25	.35		
Semi skilled laborers, Pneumatic and other mechanical tool op.; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non-metallic pipelyaer and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches asphalt or other hot material, cement finishers and blasters helpers	7.37	.25	.35		
Plasterers tenders, blaster, wagon drill ops.	7.49	.25	.35		
Mason tenders & scaffold builders	7.57	.25	.35		
LATHERS	8.79		.10		.01
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Lineman, dynamite man	9.04	.20	1%		
Groundman truck driver	6.41	.20	1%		
Groundman	6.15	.20	1%		
MARBLE SETTERS	8.82				
MILLWRIGHTS:					
Lackawanna, Susquehanna & Wayne Counties	8.75	.405	.50		.05
Wyoming County	9.18	.25	.35		.02
PAINTERS:					
Lackawanna, Wayne, Susquehanna and Tunkhannock in Wyoming County					

DECISION NO. AR-2092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: Cont'd)					
Brush	$ 7.10		.60		
Spray	8.60		.60		
Steel	8.10		.60		
Carbondale in Lackawanna					
Brush	7.50				
Steel	7.95				
South Eastern part of Wyoming County					
Brush	5.60		.25		
Steel	6.81		.25		
PILEDRIVERMEN	9.92	1.28	.90	d	.07
PLASTERERS	8.55	.40	.40		
PLUMBERS	8.51	.35	.50		
POWER EQUIPMENT OPERATORS					
GROUP 1	10.19	4.6%	9.5%	a	1.2%
GROUP 2	9.90	4.6%	9.5%	a	1.2%
GROUP 3	9.02	4.6%	9.5%	a	1.2%
GROUP 4	8.25	4.6%	9.5%	a	1.2%
GROUP 5	7.77	4.6%	9.5%	a	1.2%
GROUP 6	6.85	4.6%	9.5%	a	1.2%
GROUP 7	10.44	4.6%	9.5%	a	1.2%
GROUP 7-A	10.69	4.6%	9.5%	a	1.2%
GROUP 7-B	10.94	4.6%	9.5%	a	1.2%

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, dragline, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION CONT'D.:

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreaders, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition & Kettleman	$ 8.21	.42	.47		
Helpers	7.985	.42	.47		
SHEET METAL WORKERS	8.97	.55	.40		.04
SOFT FLOOR LAYERS:					
Lackawanna, Wayne Susquehanna Counties	8.17	.405	.50		.05
Wyoming County	7.79	.25	.35		.02
SPRINKLER FITTERS	9.45	.50	.70		.08
PIPEFITTERS	9.29	.35	.75		.04
TRUCK DRIVERS:					
Class I	6.57				
Class II	6.64				
Class III	7.13				

TRUCK DRIVERS CLASSIFICATION DEFINITION

CLASS I: Helper, stake body truck (single axle), dumpster

CLASS II: Dump trucks, tandem & batch trucks, semi-trailers, agitator mixer trucks, ready mix and dumpcrete type vehicles asphalt distributots, farm tractor when used for transportation, stake body truck (tandem)

CLASS III: Euclid type, off-highway equipment - back or belly dump trucks and doublehitched equipment, straddle (Ross) carrier, low-bed trailers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 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 for vacation pay credit.

b. Paid Holidays: A through F.

c. Paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day.

[FR Doc.74-27733 Filed 11-27-74;8:45 am]

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